

Mayor

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**Council**

Mayor Pro-Tem Tracey Viars

Lynette Burnette

Pat Ferris

Antonio Jones

Trey Sinclair

**City Council Work Session
Meeting Agenda
November 13, 2023 6:30 PM
Council Chambers**

1. Invocation**2. Pledge of Allegiance****3. Call to Order****4. Announcements**

- A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed. Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>
- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record. **Facebook Live is not monitored for public comment.**

5. Presentations**6. Public Comment/Business from the Floor****7. Old Business****8. New Business**

- A. Approval of RESOLUTION authorizing the Mayor to sign an intergovernmental agreement between Cobb County, the Cities of Marietta, Smyrna, Powder

Springs, Austell, Kennesaw and Acworth and Balli Law, LLC for Service Delivery Strategy consulting matters.

9. Committee and Board Reports

10. Public Hearing(s)

- A. Consideration for approval of a variance application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #ZV2023-03.
- B. Approval of ORDINANCE for rezoning application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #RZ2023-04.

11. Consent Agenda

- A. Approval of the October 30, 2023 City Council work session minutes
- B. Approval of the November 6, 2023 City Council meeting minutes.

12. General and Administrative

13. Public Safety

- A. Receipt of the October 2023 Crime Statistics.

14. Information Technology

15. Public Works

- A. Approval of RESOLUTION authorizing the Mayor to sign a proposal with Croy Engineering and Croft & Associates for engineering and architectural services for the Kennesaw Public Safety Facility.

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

- A. Reports, Discussions, and Updates

20. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

22. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

23. Adjourn



Item Report

TO: The Honorable Mayor and City Council

FROM: Jeff Drobney, City Manager

DATE: November 13, 2023

TITLE: Approval of RESOLUTION authorizing the Mayor to sign an intergovernmental agreement between Cobb County, the Cities of Marietta, Smyrna, Powder Springs, Austell, Kennesaw and Acworth and Balli Law, LLC for Service Delivery Strategy consulting matters.

Summary:

Cobb County and the cities within are required to develop and adopt a Service Delivery Strategy agreement in accordance with O.C.G.A. § 36-70-20 through 36-70-28. Balli Law, LLC has extensive experience in the field of government consulting services with significant past experience and involvement with previously adopted Service Delivery Strategy agreements. Kennesaw's contribution to service delivery strategy consulting is \$839.54. This agreement has been reviewed and approved by legal.

Recommendation:

The City Manager recommends approval and Council authorization to have the Mayor execute the agreement as shown in Exhibit A.

Fiscal Impact:

100-1320-52-371000-00000

Attachments:

1. RES OLUTION - SDS
2. Exhibit A

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2023-__, 2023

**RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN
COBB COUNTY, GEORGIA (“COUNTY”) AND THE CITIES OF MARIETTA,
SMYRNA, POWDER SPRINGS, AUSTELL, KENNESAW AND ACWORTH
(COLLECTIVELY, THE “CITIES”) AND BALLI LAW, LLC FOR SERVICE DELIVERY
STRATEGY CONSULTING MATTERS**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB
COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, the COUNTY and the CITIES are required to develop and adopt a Service Delivery Strategy Agreement in accordance with O.C.G.A. §§ 36-70-20 through 36-70-28; and

WHEREAS, BALLI LAW has extensive experience in the field of government consulting services with significant past experience and involvement with previously adopted Service Delivery Strategy Agreements by the COUNTY and the CITIES; and

WHEREAS, the COUNTY and the CITIES and BALLI LAW wish to finalize the terms and conditions of BALLI LAW’s analysis of services, the associated financial arrangements, and subsequent negotiations to finalize an updated Service Delivery Strategy in accordance with the findings and constitutional and statutory options.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the agreement between the County, Cities, and Balli Law, LLC for service delivery strategy consulting matters as shown in Exhibit A.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of November, 2023.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor

INDEPENDENT CONTRACTOR AGREEMENT

This Agreement is made this ____ day of _____, 2023 between COBB COUNTY, GEORGIA (“County”) and THE CITIES OF MARIETTA, SMYRNA, POWDER SPRINGS, AUSTELL, KENNESAW AND ACWORTH (collectively, the “Cities”) and BALLI LAW, LLC, a Georgia limited liability corporation (hereinafter “BALLI LAW”).

Whereas, the COUNTY and the CITIES are required to develop and adopt a Service Delivery Strategy Agreement in accordance with O.C.G.A. §§ 36-70-20 through 36-70-28.

Whereas, BALLI LAW has extensive experience in the field of government consulting services; with significant past experience and involvement with previously adopted Service Delivery Strategy Agreements by the COUNTY and the CITIES.

Whereas, the COUNTY and the CITIES and BALLI LAW wish to finalize the terms and conditions of BALLI LAW’s analysis of services, the associated financial arrangements, and subsequent negotiations to finalize an updated Service Delivery Strategy in accordance with the findings and constitutional and statutory options.

Now, therefore, for Ten (\$10) Dollars and other good and valuable consideration, including the covenants herein contained and the monies to be paid hereunder, the parties agree as follows:

1. Services to be performed by BALLI LAW:

- a) BALLI LAW will use its best efforts to provide its professional services in the area of intergovernmental consulting matters on behalf of the COUNTY and the CITIES (hereinafter, the “Services”).
- b) The Services shall include those itemized in Exhibit “A.”
- c) The Services will be performed in a professional and workmanlike manner.
- d) James Balli and Rob Hosack are considered to be essential to the successful delivery of the Services and will perform the Services on behalf of BALLI LAW.
- e) Disclaimer: Nothing in this Agreement shall be construed to express or imply that BALLI LAW is providing any professional services other than those expressly stated herein.¹

2. Compensation and Expenses:

- a) The COUNTY and the CITIES agrees to pay BALLI LAW \$10,000.00 monthly (\$5,000 from Cobb County and \$5,000 from the collective cities²), such payment to be remitted on the 1st of day of every month. Increases in the monthly fee, if any, to be paid under this Agreement shall be in writing, approved by all Parties, and signed by all Parties and shall constitute an Amendment to this Agreement.
- b) The COUNTY and the CITIES shall reimburse BALLI LAW for all out-of-pocket

¹ BALLI LAW is being retained as consultants, not attorneys at law. If services of a legal professional are needed, BALLI LAW will coordinate such services with the COUNTY and the CITIES.

² Each City’s portion of the \$5,000.00 City total is as follows: Acworth - \$557.39; Austell - \$197.57; Kennesaw - \$839.54; Marietta - \$1,566.44; Powder Springs - \$433.81; and Smyrna – \$1,405.24.

expenses not exceeding \$200.00 per month incurred in connection with the performance of the Services as detailed on the attached Exhibit B. BALLI LAW shall keep accurate and complete expense reports showing all costs and expenses incurred, including original receipts and/or other appropriate documentation acceptable to the COUNTY and the CITIES. BALLI LAW shall seek and obtain pre-authorization from the COUNTY and the CITIES for any out-of-pocket expense exceeding \$200.00 per month. Any out-of-pocket expense incurred by BALLI LAW that is over \$200.00 per month and that is not pre-authorized by the COUNTY and the CITIES may or may not be reimbursed at the discretion of the COUNTY and the CITIES.

3. **Effective Date and Term:** The effective date of this Agreement is November 1, 2023. The term of this Agreement shall be for up to ten months, renewable on a month-to-month basis, upon the written agreement of the Parties. This Agreement may be terminated by the COUNTY and the CITIES for any reason upon thirty (30) days prior written notice to BALLI LAW. This Agreement may also be terminated by BALLI LAW for any reason upon thirty (30) days prior written notice to the COUNTY and the CITIES. In the event of termination by the COUNTY and CITIES, the COUNTY and the CITIES's sole obligation shall be limited to the payment of BALLI LAW for Services rendered through the termination date and all pre-approved expenses and actual expenses incurred by BALLI LAW as of the date of termination. In the event of termination by BALLI LAW, any Materials remaining in the hands of BALLI LAW shall be delivered immediately to the COUNTY and the CITIES.
4. **Independent Contractor:** BALLI LAW agrees and acknowledges that the services hereunder are performed on an independent contractor basis, and that none of BALLI LAW's employees are employees of the COUNTY or the CITIES for any purpose, including, but not limited to, for purposes of Federal, state, or local tax or other laws. No BALLI LAW representative shall hold himself out to be an employee of the COUNTY or the CITIES. BALLI LAW agrees that as an independent contractor, compensation paid hereunder is not subject to withholdings for social security or Federal, state or local income taxes, and BALLI LAW expressly acknowledges full responsibility for reporting of all said compensation and payment of all applicable taxes, including self-employment taxes, arising therefrom. BALLI LAW acknowledges and agrees that where workers compensation coverage is applicable to services performed hereunder, it shall be BALLI LAW's responsibility to provide such coverage. BALLI LAW acknowledges and agrees that BALLI LAW is in no way entitled to participate in any employee benefit plans or programs of the COUNTY or the CITIES. The COUNTY and the CITIES agrees that neither the COUNTY nor the CITIES, nor their agents or representatives, shall have any right to control or direct the details, manners or means by which BALLI LAW accomplishes the results of the BALLI LAW's services as set forth in this Agreement. BALLI LAW shall perform the services under this Agreement at any place of BALLI LAW's choosing and BALLI LAW shall have no obligation to work any particular hours or any particular number of hours during any period of time, to the extent permitted by the nature of the services to be rendered. BALLI LAW has no authority to act, to enter into any contract or to incur any liability on behalf of the COUNTY or the CITIES.

5. **Compliance with Laws.** BALLI LAW agrees that in carrying out its duties and responsibilities under this Agreement, it will neither undertake nor cause, nor permit to be undertaken, any activity which either, (i) is illegal under any laws, decrees, rules, or regulations in effect in any country, or (ii) would have the effect of causing the COUNTY or the CITIES to be in violation of any laws, decrees, rules or regulations in effect in any country.
6. **Communications Strategy.** BALLI LAW and the COUNTY and the CITIES may establish weekly status meetings (virtual or in person) or telephone conferences to discuss the status of potential agreements and developments related to an updated Service Delivery Strategy between the Parties.
7. **Insurance.** BALLI LAW shall procure and maintain in full force and effect for the duration of this Agreement, insurance protecting against claims for injuries to persons or damages to property which may arise from or in connection with performance of the Services hereunder by BALLI LAW, its agents, representatives, or employees. The limits of insurance shall be a minimum of \$1,000,000 in professional liability coverage and \$1,000,000 per occurrence with a \$2,000,000 aggregate. In the event Worker's Compensation coverage is required by law, BALLI LAW shall obtain a minimum of \$1,000,000 per occurrence. Certificates of insurance shall be furnished to the COUNTY and the CITIES prior to execution of this agreement.
8. **Notice:** Notice required or permitted to be given by a Party pursuant to this Agreement must be given in writing and personally delivered, mailed by certified mail, return receipt requested, or sent via email (with written confirmation of receipt) to the other party at the address set forth below such party's signature of this Agreement or at such other address as such party will designate by written notice given in accordance with this Agreement. Any notice complying with this paragraph shall be deemed received upon actual receipt by the addressee. Notice under this Agreement shall be to the following addresses:

Notice to BALLI LAW:

Rob Hosack, Director of Governmental Relations
Balli Law, LLC
800 Battery Avenue, Suite 100
Atlanta, Georgia 30339
rhosack@balli-law.com

James Balli, Managing Partner/Lobbyist
Balli Law, LLC
800 Battery Avenue, Suite 100
Atlanta, Georgia 30339
jballi@balli-law.com

Notice to the COUNTY:

Dr. Jackie McMorris
Cobb County Manager
100 Cherokee Street, Suite 300
Marietta, Georgia 30060
jackie.mcmorris@cobbcounty.org

Notice to the City of Marietta:

Bill Bruton, Jr.
205 Lawrence Street
Marietta, Georgia 30060
bbruton@mariettaga.gov

Notice to the City of Smyrna:

Joe Bennett
2800 King Street
Smyrna, Georgia 30080
jbennett@smyrnaga.gov

Notice to the City of Powder Springs:

Pam Connor
4426 Marietta Street
Powder Springs, Georgia 30127
pconner@cityofpowdersprings.org

Notice to the City of Austell:

Mayor Ollie Clemons Jr.
2716 Broad Street SW
Austell, Georgia 30106
oclemons@austellga.gov

Notice to the City of Kennesaw:

Jeff Drobney
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144
jdrobney@kennesaw-ga.gov

Notice to the City of Acworth:

James Albright
4415 Center Street
Acworth, Georgia 30101
jalbright@acworth.org

9. **Assignability:** The parties agree that this Agreement is binding on all Parties and their successors in interest. The rights, duties, and interests of the Parties under this

Agreement shall not be assignable without the written consent of the other Party.

10. **Law:** This Agreement shall be interpreted and/or construed under the laws of the State of Georgia.
11. **Amendment:** This Agreement may be amended or revised only in writing and signed by all Parties.
12. **Waiver or Breach:** The waiver by either party of a breach or any violation of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or other provisions hereof.
13. **Severability:** In the event any provision of this Agreement is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the Agreement which shall remain in full force and effect and enforceable in accordance with its terms.
14. **Indemnification:** BALLI LAW covenants and agrees to take and assume all responsibility for the Services rendered in connection with this Agreement. BALLI LAW shall bear all losses and damages directly or indirectly resulting to it and/or the COUNTY and the CITIES on account of the performance or character of the Services rendered pursuant to this Agreement. To the fullest extent permitted by law, BALLI LAW shall defend, indemnify and hold harmless the COUNTY and the CITIES and the COUNTY and the CITIES' elected and appointed officials, officers, boards, commissions, employees, representatives, servants, agents, attorneys and volunteers (individually an "Indemnified Party" and collectively "Indemnified Parties") from and against any and all claims, suits, actions, judgments, injuries, damages, losses, costs, expenses and liability of any kind whatsoever, including but not limited to attorney's fees and costs of defense ("Liabilities"), which may arise from or be the result of alleged willful, negligent or tortious conduct arising out of the Services, performance of contracted services, or operations by BALLI LAW, anyone directly or indirectly employed by BALLI LAW or anyone for whose acts BALLI LAW may be liable, regardless of whether or not the negligent act is caused in part by a party indemnified hereunder. This indemnity obligation does not include Liabilities caused by or resulting from the sole negligence of an Indemnified Party. Such obligation shall not be construed to negate, abridge or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this provision.

In any and all claims against an Indemnified Party, by any employee of BALLI LAW, anyone directly or indirectly employed by BALLI LAW or anyone for whose acts BALLI LAW may be liable, the indemnification obligation set forth in this provision shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for BALLI LAW under workers' or workmen's compensation acts, disability benefit acts or other employee benefit acts. This obligation to indemnify, defend, and hold harmless the Indemnified Party(ies) shall survive expiration or termination of this Agreement, provided that the claims are based upon or

arise out of actions or omissions that occurred during the performance of this Agreement.

- 15. Intellectual Property Indemnification:** BALLI LAW shall hold Indemnified Parties harmless from liability of any nature or kind for use of any intellectual property, copyrighted or uncopyrighted composition, secret process, patented or unpatented invention, articles or appliances furnished or used in the performance of this Agreement, for which BALLI LAW is not the patentee, assignee or licensee. This indemnification provision shall supersede any infringement indemnification provision set forth in BALLI LAW's standard form contract, including exhibits, attachments, and appendices thereto. No limitation of liability provision included in the Agreement shall apply to BALLI LAW's indemnification obligations under this section. The provisions of this paragraph shall survive expiration or termination of the Agreement.

If an Infringement Claim occurs, BALLI LAW shall at its expense: (a) procure the right for the COUNTY and the CITIES to continue using the Infringing Product; (b) replace or modify the Infringing Product so that it becomes non-infringing; or (c) grant the COUNTY and the CITIES (i) pro-rated refund of any amounts pre-paid for the Infringing Product (if the Infringing Product is a licensed software or subscription software) or a credit for the infringing Product, less a reasonable charge for depreciation (if the Infringing Product is equipment, including equipment with embedded software).

- 16. Time is of the Essence:** The Parties acknowledge and agree that time is of the essence for the completion of these services.
- 17. Ownership:** All reports, designs, drawings, plans, specifications, schedules, work product, and other materials, including those in electronic form, prepared or in the process of being prepared for the Services to be performed by BALLI LAW ("Materials") shall be the property of the COUNTY and the CITIES, and the COUNTY and the CITIES shall be entitled to full access and copies of all such Materials in the form prescribed by the COUNTY and the CITIES. Any such Materials remaining in the hands of BALLI LAW upon completion or termination of the Services shall be delivered immediately to the COUNTY and the CITIES; provided that BALLI LAW may retain a copy of any deliverables for its records. BALLI LAW assumes all risk of loss, damage or destruction of or to such Materials. If any Materials are lost, damaged or destroyed before final delivery to the COUNTY and the CITIES, BALLI LAW shall replace them at its own expense. Any and all copyrightable subject matter in all Materials is hereby assigned to the COUNTY and the CITIES, and BALLI LAW agrees to execute any additional documents that may be necessary to evidence such assignment.

18. Georgia Security and Immigration Compliance Act:

The Parties agree that compliance with the requirements of O.C.G.A. § 13-10-91 and Rule 300-10-1-.02 of the Rules of the Georgia Department of Labor are conditions of this Agreement for the physical performance of services.

Physical Performance of Services includes any performance of labor or services for a public employer using a bidding process or by contract wherein the labor or services exceed

\$2,499.99.

BALLI LAW further agrees and represents that its compliance with the requirements of O.C.G.A. §13-10-91 and DOL Rule 300-10-1-.02 is attested to on the executed **Exhibit “C-1” Contractor Affidavit and Agreement**, included herein by reference.

BALLI LAW further agrees and represents that:

- a) BALLI LAW shall fully comply with the requirements for completing **Exhibit “C-2” Immigration Compliance Certification** and that such certification shall be received by the COUNTY and the CITIES prior to the commencement of any Services under this Agreement;
- b) The COUNTY and the CITIES reserve the right to dismiss, or require the dismissal of, any contractor for failing to provide the required affidavit or certification and/or for failure to comply with the statutory requirements of O.C.G.A. § 13-10-91 and/or for providing false or misleading information upon the required affidavit(s) or certification(s);
- c) Failure to comply with any of the requirements and procedures of the COUNTY and the CITIES (i.e., failure to timely supply required affidavits or compliance certification documents; failure to utilize federal work authorization procedures; failure to permit or facilitate audits or reviews of records by county or state officials upon request; and/or failure to continue to meet any of the statutory or county obligations during the life of the contract) shall constitute a material breach of the Agreement and shall entitle the COUNTY and the CITIES to dismiss any independent contractor for failing to fully comply with these requirements;
- d) Upon notice of a material breach of these provisions, BALLI LAW shall be entitled to cure the breach within ten (10) days and provide evidence of such cure. Should the breach not be cured, the COUNTY and the CITIES shall be entitled to all available remedies, including termination of the Contract, and any and all damages permissible by law.

IN WITNESS WHEREOF, the parties have executed this Agreement with legal authority to do so:

The COUNTY
100 Cherokee Street, Suite 300
Marietta, Georgia 30060

By: _____
Dr. Jackie McMorris, County Manager

Date: _____

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

By: _____

Date: _____

City of Smyrna
2800 King Street
Smyrna, Georgia 30080

By: _____

Date: _____

City of Powder Springs
4426 Marietta Street
Powder Springs, Georgia 30127

By: _____

Date: _____

City of Austell
2716 Broad Street SW
Austell, Georgia 30106

By: _____

Date: _____

City of Kennesaw
2529 J.O. Stephenson Avenue
Kennesaw, Georgia 30144

By: _____

Date: _____

City of Acworth
4415 Center Street
Acworth, Georgia 30101

By: _____

Date: _____

BALLI LAW, LLC
800 Battery Avenue SE, Suite 100
Atlanta, Georgia 30339

By: _____
James Balli, Managing Partner/Lobbyist

By: _____
Rob Hosack, Director of Governmental Relations

Date: _____

EXHIBIT A

Balli Law is retained to provide Intergovernmental Consulting. “Intergovernmental Consulting” rendered in connection with this Agreement could include, but would not be limited to, the following in furtherance of the COUNTY’s and the CITIES’ objectives:

- Coordinating correspondence, agreements, forms and other documents as may be required for submittal and approval (by the COUNTY and the CITIES) of a legally compliant Service Delivery Strategy to the Georgia Department of Community Affairs by September 30, 2024.
- Facilitating negotiations and dialogues necessary to have a final draft of a legally compliant Service Delivery Strategy provided to the COUNTY and the CITIES no later than August 31, 2024.
- Attending official meetings of the COUNTY and the CITIES when necessary to assist county and municipal staff with presenting materials related to a Service Delivery Strategy.
- Recruiting and coordinating other contract professionals, if necessary, to assist with the delivery of services where appropriate and acceptable to the COUNTY and the CITIES.

This is not an exhaustive or exclusive list of the Intergovernmental Consulting Services that Balli Law may render on the COUNTY’S and the CITIES' behalf in connection with providing Services. This list is meant to describe the types of activities that could constitute Intergovernmental Consulting Services that Balli Law may perform on behalf of the COUNTY’s and the CITIES’ in connection with this Agreement.

EXHIBIT B

Out-of-pocket expenses, e.g. outside copying charges, parking, will be reimbursed at actual cost without mark-up. Mileage for travel on behalf of the COUNTY and the CITIES will be reimbursed at the rate published by IRS annually.

Similarly, the following are expenses which are non-reimbursable and are considered to be absorbed in the monthly fee. These non-reimbursable expenses include:

- Clerical and secretarial services, in-house copying in excess of 10 cents/page, document conversion and facsimile services.
- Fees for legal research services (e.g. Westlaw), copying, printing, or scanning.
- Duplicative consultant time that are not necessary for cost-effective handling of the matter, as support services should be part of the overhead expenses.
- Routine postage. (Consultant is encouraged to utilize email communications with other parties, whenever permissible, and not to duplicate communications.)
- Time spent preparing invoices or addressing questions regarding the same.
- Preparation of any memo of nominal utility.

EXHIBIT "C-1"
CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned Contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is contracting with the COUNTY and the CITIES, has registered with, is authorized to use, and is participating in a federal work authorization program (an electronic verification of work authorization program operated by the U.S. Department of Homeland Security or any equivalent federal work authorization program operated by the U.S. Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA)). The undersigned Contractor further attests that it will continue to use the federal Employment Eligibility Verification (EEV) work authorization program throughout the Contract period.

EEV (E-Verify) Program User ID Number

BY: Authorized Officer or Agent
(Contractor Name)

Contractor Business Name

Printed Name

Date

SWORN AND SUBSCRIBED BEFORE ME ON THIS THE ____ DAY OF _____,
2023.

Notary Public

Commission Expires: _____

Version 09-20-2013

EXHIBIT "C-2"
EMPLOYER IMMIGRATION COMPLIANCE CERTIFICATION

(To be completed by Contractor prior to contract initiation, every six months after commencement of Services, and at any time there is a change in personnel assigned to provide Services.)

I certify to the COUNTY and the CITIES that the following employees will be assigned to provide Intergovernmental Consulting:

<u>James Balli</u>	<u>Rob Hosack</u>	
_____	_____	_____
_____	_____	_____

I further certify to the COUNTY and the CITIES the following:

- The E-Verify program was used to verify the employment eligibility of each of the above-listed employees hired after the effective date of our contract to use the program;
- We have not received a Final Non-confirmation response from E-Verify for any of the employees listed;
- If we receive a Final Non-confirmation response from E-Verify for any of the employees listed above, we will immediately terminate that employee's involvement with the Services;
- I have confirmed that we have an I-9 on file for every employee listed above and that to the best of my knowledge all the I-9s are accurate;
- To the best of my knowledge and belief, all of the employees on the above list are legally authorized to work in the United States;
- If any other employee is assigned to provide these Services, a certification will be provided for said employee prior to the employee commencing work on the Services.

To the best of my knowledge and belief, the above certification is true, accurate and complete.

Sworn to by:

Employer Name and Address:

Signature of Officer

Printed Name/Title

Date

SWORN AND SUBSCRIBED BEFORE ME ON THIS THE ____ DAY OF _____, 2023.

Notary Public

Commission Expires: _____

Version 09-20-2013



Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: November 13, 2023

TITLE: Consideration for approval of a variance application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #ZV2023-03.

Summary:

Applicant Piedmont Residential LLC., requests a variance to encroach into the required 75 foot stream buffer zone in order to provide rear access drives for a proposed new residential development that includes 68 residential units.

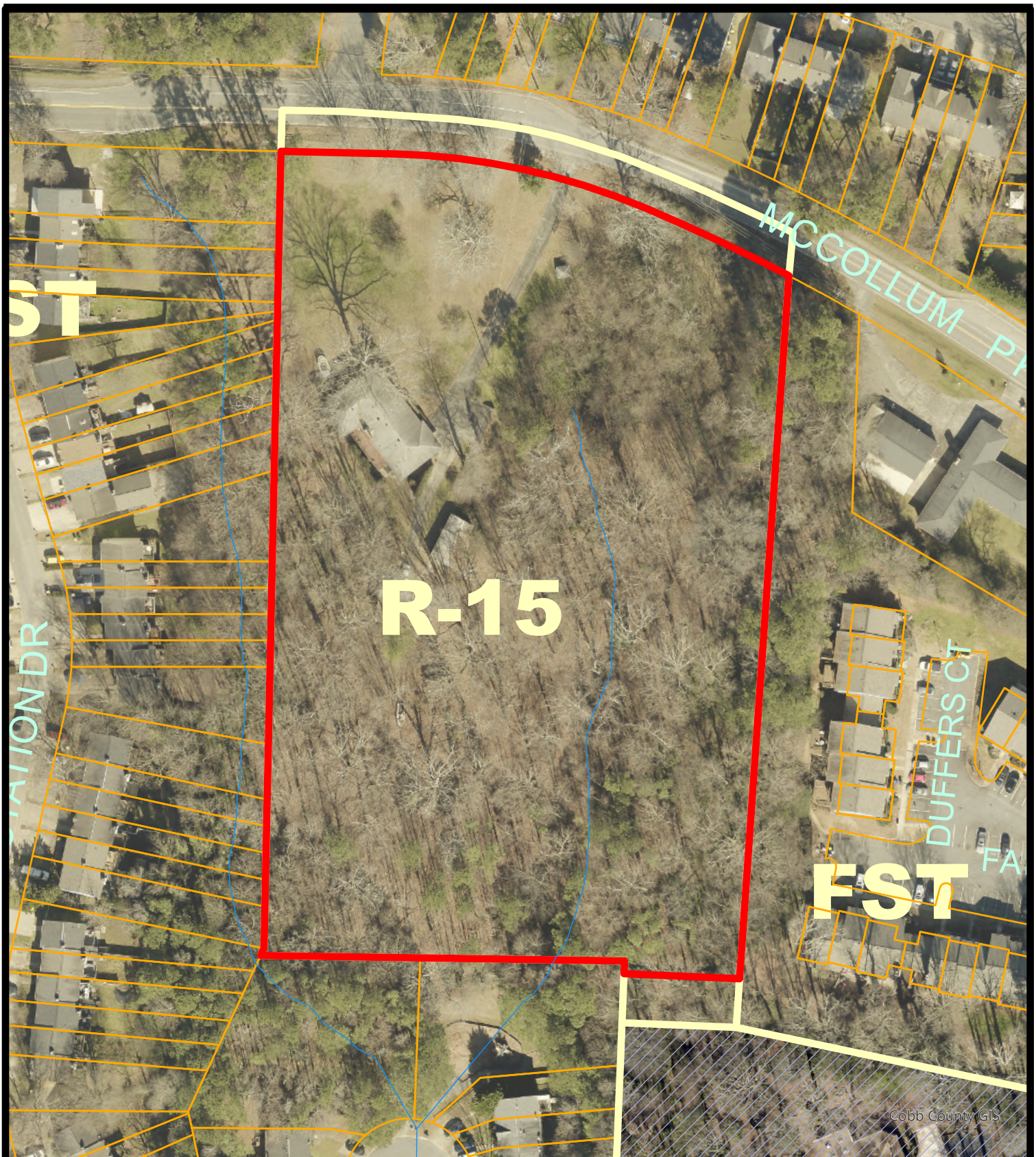
Recommendation:

The Zoning Administrator recommends approval of the variance with outlined conditions.

Fiscal Impact:

Attachments:

1. COMPLETE ZV Application_1651 McCollum_Redacted
2. RZ2023-04_ZV2023-03_Staff Analysis_1651McCollumPkwY
3. 11-1-23 PC Action Minutes



Cobb County GIS

CASE NUMBER	LAND USE OR ZONING			1651 McCollum Pkwy Land Lots 99 & 98, Tax Parcel 001  Subject Property	 Scale: 1" = 100' Print Date: 9/28/2023 RZ2023_000
	FROM	TO			
AV	LU			 CITY OF KENNESAW PLANNING & ZONING DEPT. 770-590-8268 <i>Deirdre Esterling</i> MAJOR <i>Lee Murray</i> CITY CLERK	
AX	RZ 2023-004	R-15	PUD-R		
DX	AV – Administrative Variance	 ZONING			
HBR	AX – Annexation	 KENNESAW CITY LIMITS			
SLUP	HBR – Historic Board Review	 COBB COUNTY			
ZV	LU – Land Use	 LAND LOT			
	RZ – Re-zoning				
	SLUP – Special Land Use				
	ZV – Variance				



Date Received 9/15/23

Staff's Initials NF
VARIANCE APPLICATION*
Required Fee \$375.00

Is this property located within the Kennesaw Historic District (yes) _____ (no) ✓

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.
(Applicant or agent must be present at all public hearings)

Date of Consultation 8/22/2023 Staff's Initials _____

PURPOSE OF VARIANCE REQUEST 1) Removal of 75' stream buffer; 2) building height for 32 total units
3) 3' distance between buildings

LAND USE PROPERTY ADDRESS 1651 McCollum Pkwy.

Land Lot 20 Tax Parcel 20009900010 Lot Size ±5.1 acres Current Zoning R-15

APPLICANT Piedmont Residential, LLC

APPLICANT EMAIL [REDACTED]

Applicant address 285 Parkway 575, Woodstock, GA 30188

(Home#) [REDACTED] (Work#) _____ (Cell#) _____

Applicant Signature See attached signature pages

Signed, sealed and delivered in presence of: _____
Notary _____ Date _____

REPRESENTATIVE Parks F. Huff

(Fax #) _____ (Work#) [REDACTED] (Cell#) _____

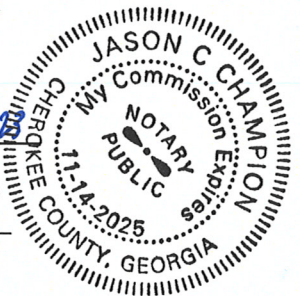
Representative Signature [Signature]

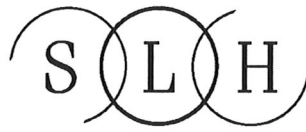
Signed, sealed and delivered in presence of: _____
Notary [Signature] Date 9/15/23
Linda S. Ross and Brenda R. Durham, Co-Executors of the Estate of Daisy Belle Ross

TITLEHOLDER: _____ **Telephone:** _____

Signature: see attached signature pages **Address:** _____

Signed, sealed and delivered in presence of: _____
Notary _____ Date _____





GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

September 15, 2023

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

Re: Applications of Piedmont Residential, LLC to Rezone (with concurrent
Variances) a 5.13 ± acre parcel from R-15 to PUD-R; Land Lots 98 and 99, 20th
District, 2nd Section

APPLICANT'S LETTER OF INTENT

Dear Darryl:

Piedmont Residential, LLC proposes a new neighborhood on McCollum Parkway close to its intersection with Cherokee Street. The single-family neighborhood features a combination of sixty-eight attached and detached homes on 5.13 acres. The applicant proposes to rezone the property to PUD-R. The proposal is consistent with the development in the area and consistent with the city's Comprehensive Land Use Plan.

The design of the community was heavily influenced by multiple meetings with the city's professional planning and zoning staff. Key features of the proposed neighborhood include the following:

1. The homes that are adjacent to McCollum Parkway are all rear entry single family homes. These homes will be access via a rear alley so there is an attractive streetscape facing McCollum Parkway.
2. The homes along the west side of the property are accessed via a rear alley that runs along the stream buffer. This rear alley allows the garages to be below grade with the front of the attached homes facing the internal private street.
3. The other homes are paired units that are attached at the rear and accessed via driveways off of a private alley.



VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
August 2, 2021
Page 2

4. Parking includes two car garages for all units, guest parking spaces and parking spaces in driveways. The entire site will have a total of 245 parking spaces to ensure there is sufficient parking.
5. The community is located on an arterial road, close to its intersection with Cherokee Street making the community easily accessible to downtown Kennesaw, Kennesaw State University and Interstate 75. This access makes the neighborhood accessible to jobs, shopping and entertainment.

Piedmont looks forward to providing additional details about the proposed neighborhood during the zoning process. The applicant has a history of building quality communities in Kennesaw and is receptive to input and feedback from the city staff, Planning Commission and Mayor and Council. In the interim, please do not hesitate to contact me should you have any questions or need any additional information or documentation.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in blue ink, appearing to read 'Parks F. Huff', with a long horizontal flourish extending to the right.

Parks F. Huff

A solid black rectangular redaction box covering the contact information.

PFH/jcc
Attachments

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

October 27, 2023

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 2

245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, Conditions and Restrictions ("CCRs") to be made applicable to the Property, which shall include, among other components, a restriction on the total number of units that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 3

5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
 - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
 - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
 - a) The ultimate location and configuration of on-site detention and water quality.¹
 - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

¹ The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1st. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP



Joel L. Larkin

PFH/jcc

Attachment



State Waters & Wetland Delineation Report



**McCullum Parkway
1651 McCullum Parkway
Kennesaw, Georgia 30144
May 19, 2023**

**Prepared for:
Sydney Connaughton
Piedmont Residential**



May 19, 2023

Ms. Sydney Connaughton
Piedmont Residential

RE: State Water & Wetland Report
McCollum Parkway
1651 McCollum Parkway
Kennesaw, Georgia 30144

Dear Ms. Connaughton,

Please find attached our State Water and Wetland Delineation Report for the McCollum Parkway site located in Kennesaw, Cobb County, Georgia. State waters were determined in accordance with the *Georgia Environmental Protection Division "Field Guidance for Determining the Presence of State Waters that Require a Buffer"* and the *North Carolina Division of Water Quality "Stream Identification Method"* guidance document. Wetlands were determined following the *Corps of Engineers Wetlands Delineation Manual* (1987) and the *Eastern Mountains and Piedmont Regional Supplement* (2012). No state waters requiring the mandated state stream buffer were located on the site, however one state water was found running parallel approximately 15 feet off the western property line. No area of wetlands was noted at the site.

We appreciate the opportunity to work with you. If you have any concerns, please contact us.

Sincerely,

Kim Metcalf

Kim Metcalf
Partner

Introduction

Riverbend Environmental Inc. was retained by Piedmont Residential to conduct a State Water and Wetland Determination/Delineation to determine the on-site extent of regulated state waters and jurisdictional wetlands for the McCollum Parkway site located in Kennesaw, Cobb County, Georgia. All site work was conducted on May 9, 2023, by Riverbend Environmental Inc. staff.

Riverbend Environmental Inc. conducted a comprehensive field investigation to evaluate the project site for potential state waters and jurisdictional wetlands. The evaluation included assessment of plant communities, soil conditions, and visible indicators of wetland hydrology. Features were field delineated and their limits were flagged within the project boundaries. State waters were determined in accordance with the *Georgia Environmental Protection Division (GA EPD) "Field Guidance for Determining the Presence of State Waters that Require a Buffer"* and the *North Carolina Division of Water Quality "Stream Identification Method"* guidance document. Wetlands were determined in accordance with the *Corps of Engineers Wetlands Delineation Manual* (1987) and the *Eastern Mountains and Piedmont Regional Supplement* (2012).

Although proper methodology was followed, no State Waters and Wetland Determination/Delineation can completely ensure that site conditions will not change. The report prepared must be considered in its entirety and Riverbend Environmental Inc. makes or implies no warranty or guarantee regarding the site. In addition, GPS locations are approximations and the field flags must be properly surveyed for an accurate determination of feature locations. Finally, the Local Issuing Authority (LIA) has the final determination for any state waters. If no LIA is associated with the site, the GA EPD is the final authority. USACOE has the final determination for Waters of the U.S. jurisdictional features.

Site Description

The site understudy is the McCollum Parkway located in Kennesaw, Cobb County, Georgia. The site is composed of 1 parcel of land and is found at N 34.039811 and W 84.599251. The parcel is 5.11 acres and has the Tax ID 20009900010. The site is located at approximately 1651 McCollum Parkway, Kennesaw, Georgia. See site and parcel maps.

The soils of the piedmont region are commonly a red color due to the intense weathering of feldspar-rich igneous and metamorphic rocks. The soils in the piedmont area tend to be sandy loams to clay loams (3). For the McCollum Parkway property, the main soils are listed as Madison Loam. The groundwater in the area is found in openings such as joints and fractures in the bedrock and the groundwater movement in this area is similar to that of surface water (1). The average yearly rainfall for this area is 53.0" (3).

The site understudy is located in gently rolling hills with an overall slope to the south. See the topographic map.

Presently, the McCollum Parkway property under evaluation is a residential property with a mixture of grassy lawns and wooded areas. See the aerial photo of the site.

Results

Site reconnaissance was conducted on May 9, 2023. Weather conditions were clear and significant rainfall had not occurred within 48 hours prior to the site investigation. After investigating the site, it was confirmed that there are no state waters and wetlands noted on the property. However, a creek flows offsite running parallel to the property line. The buffers from that feature will impact the site under investigation.

Feature #	Label	Description of origin, the direction of flow, and terminus.
1	Off Site SW	This feature appears approximately 15 to 25 ft off the western property line and flows south running parallel to the property.

Feature Locations



Approximate locations of features – need field confirmation by the survey team to finalize locations.

Photos



Photo 1- General condition of wooded areas.



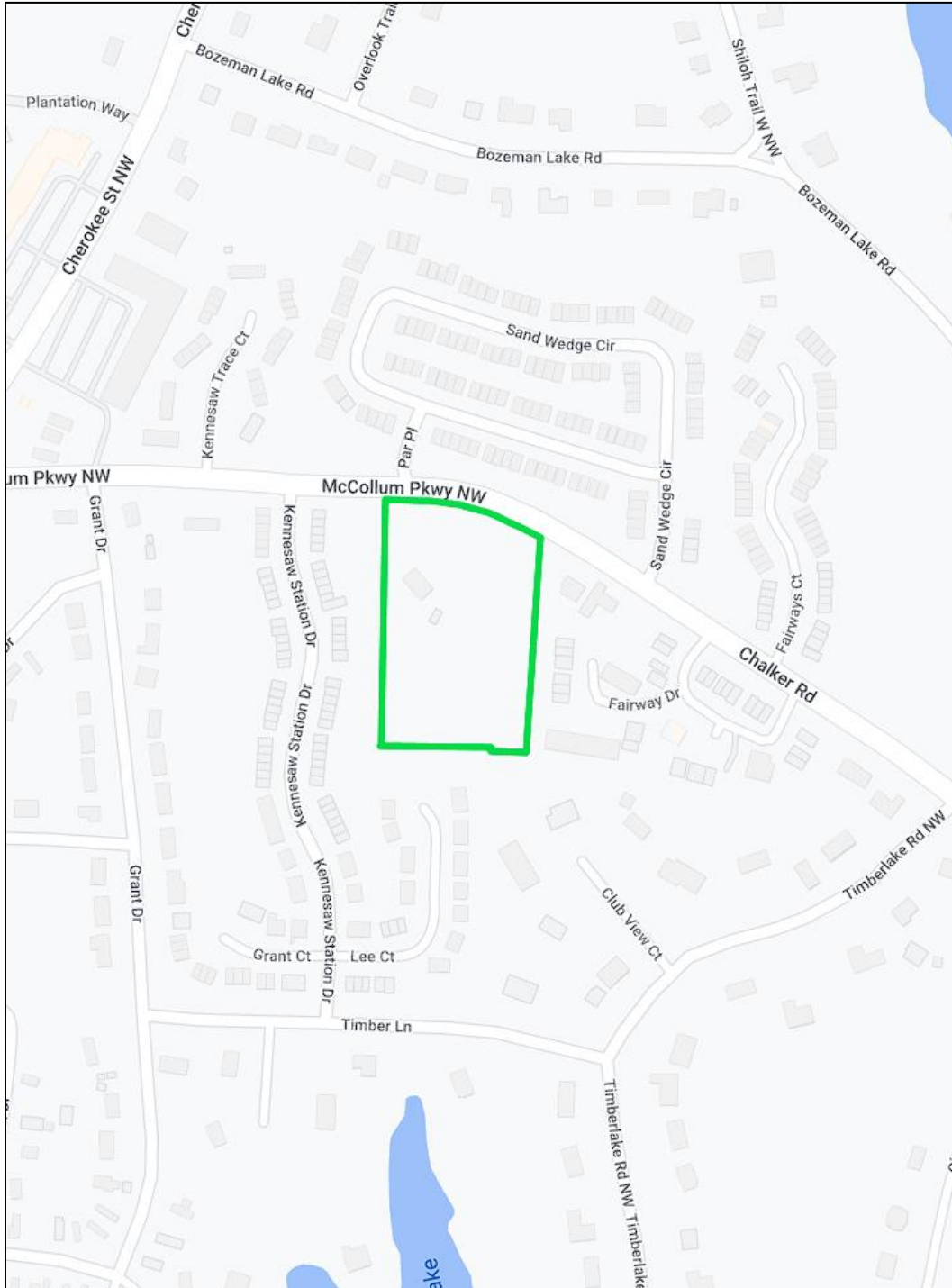
Photo 2 - General condition of wooded areas.

Conclusions

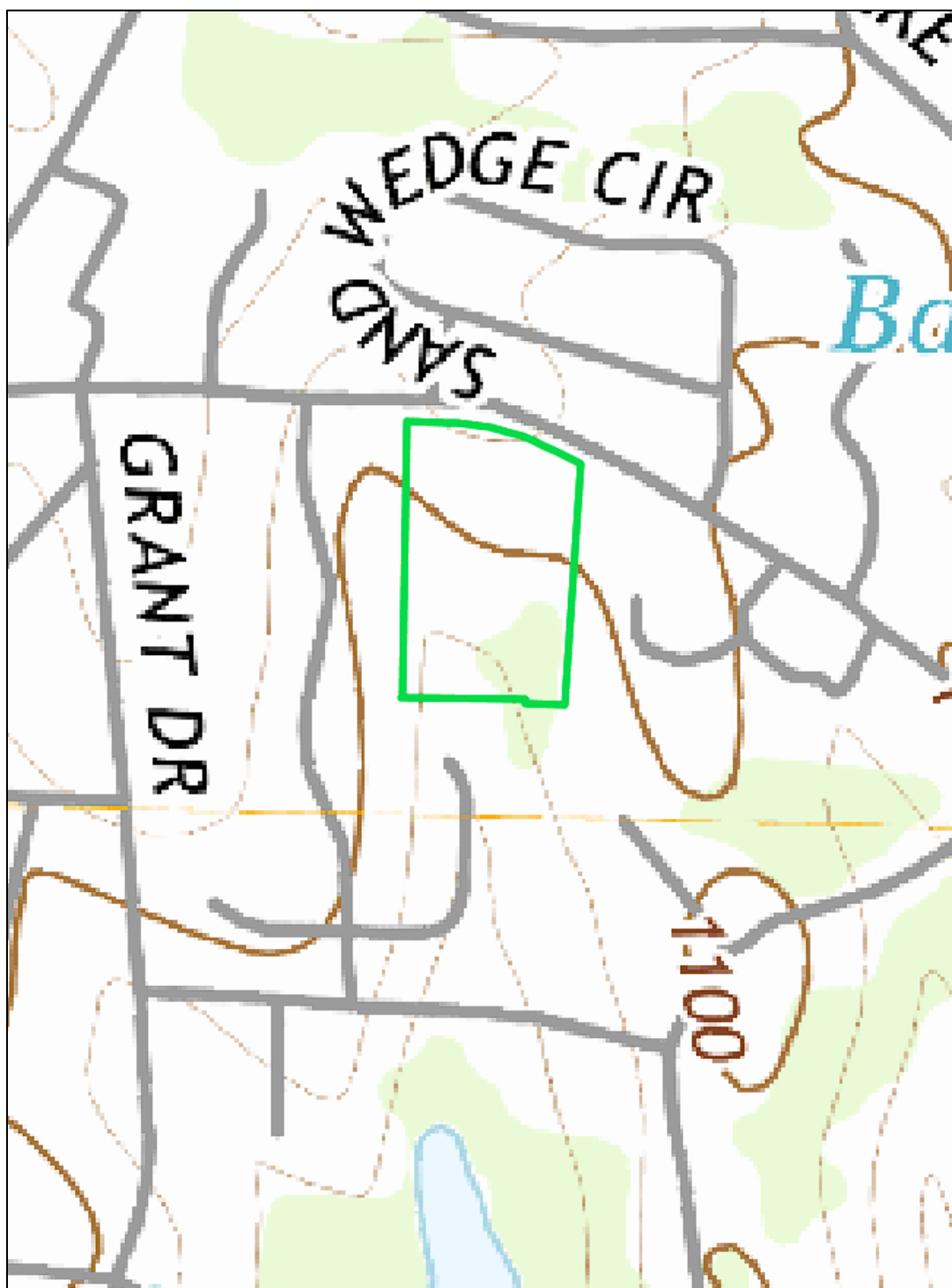
After a thorough investigation of the site, it was determined no state waters are present on the property and no areas of wetlands were observed during the evaluation. Please note that the off-site feature will have a buffer extending into the subject site.

State buffer variances will be required for non-exempt activities in the state-mandated 25' warm water buffer areas. USACOE permitting may be required for any impacts to streambed or wetlands. Please contact Riverbend Environmental Inc. for assistance.

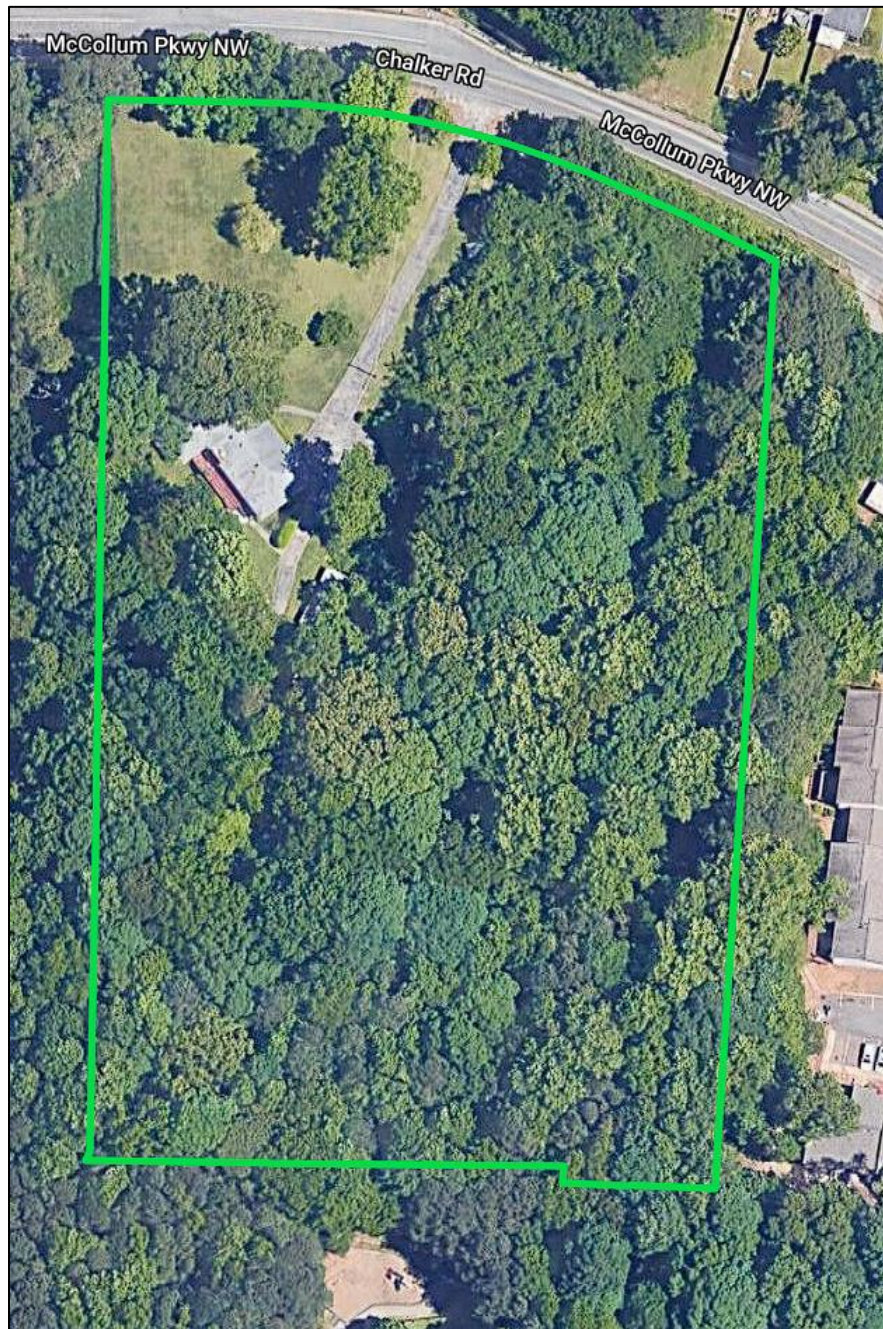
Site Map



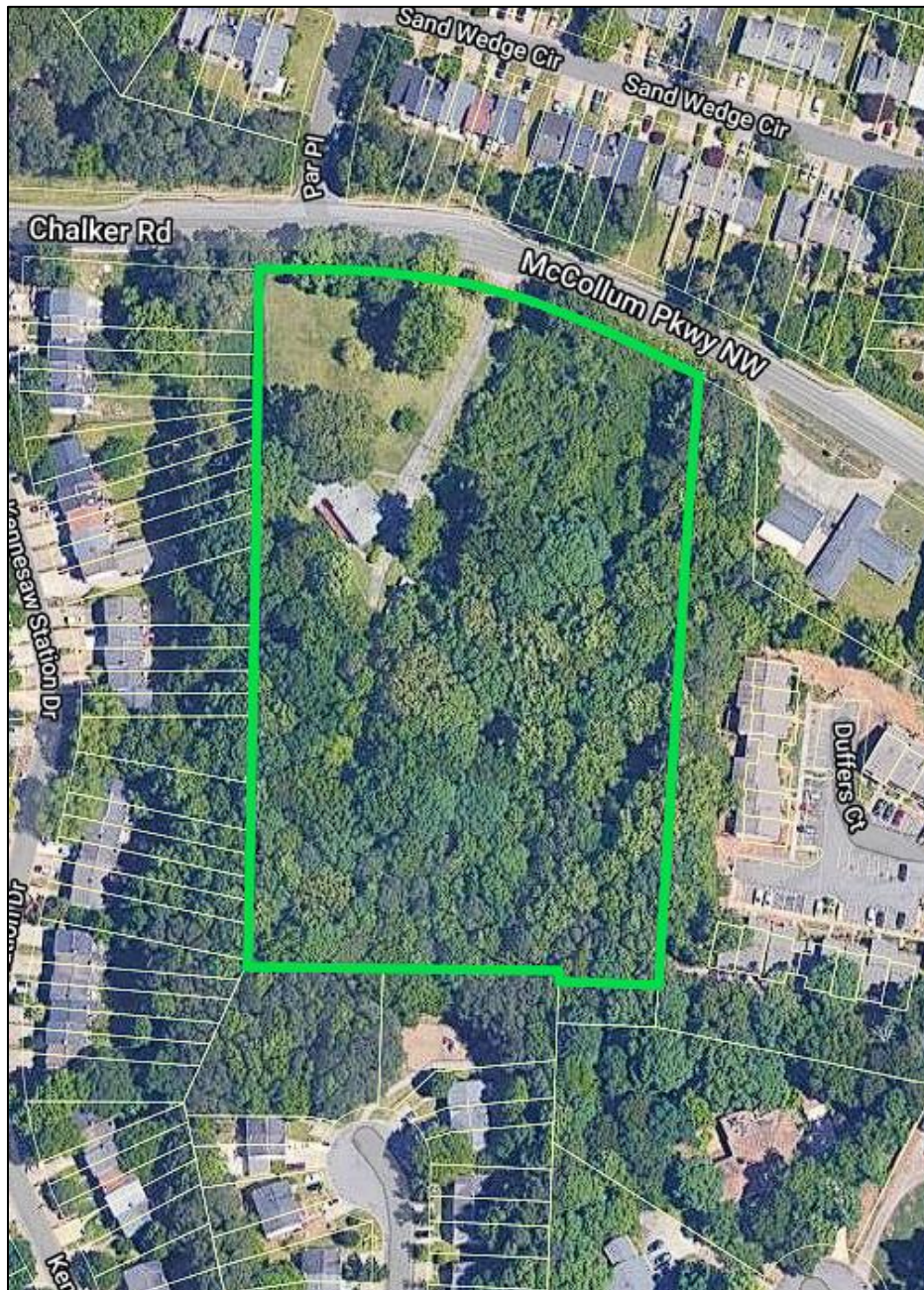
Topography Map



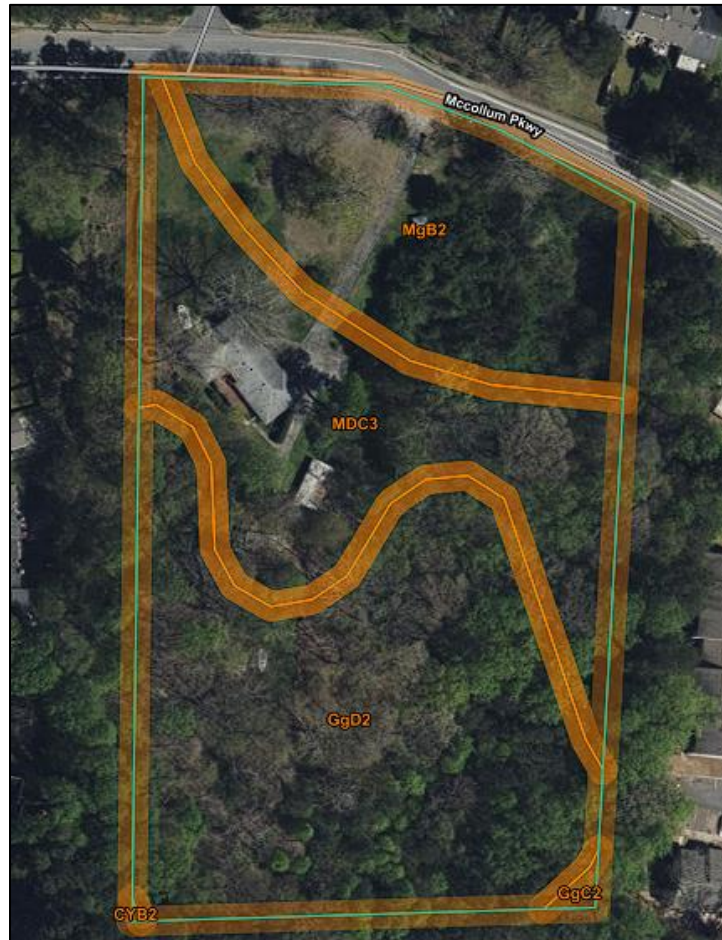
Aerial photograph of the site



Parcel Map



Soils Map



Soils Table

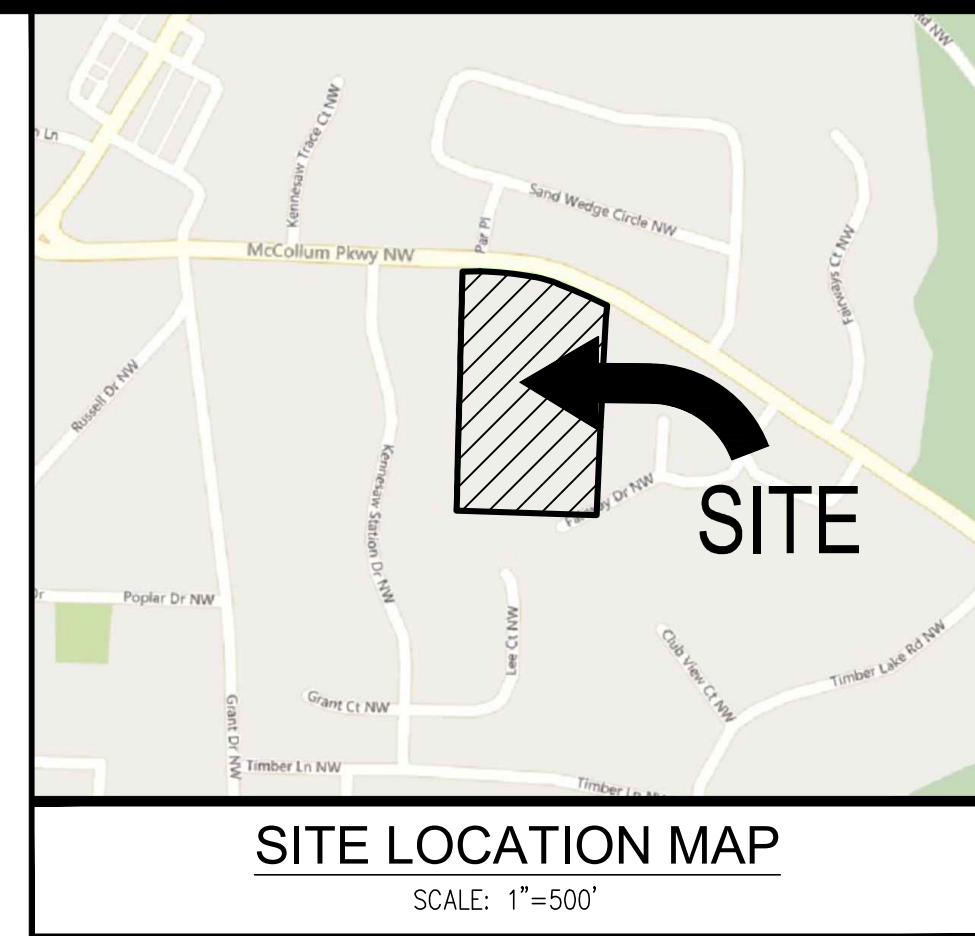
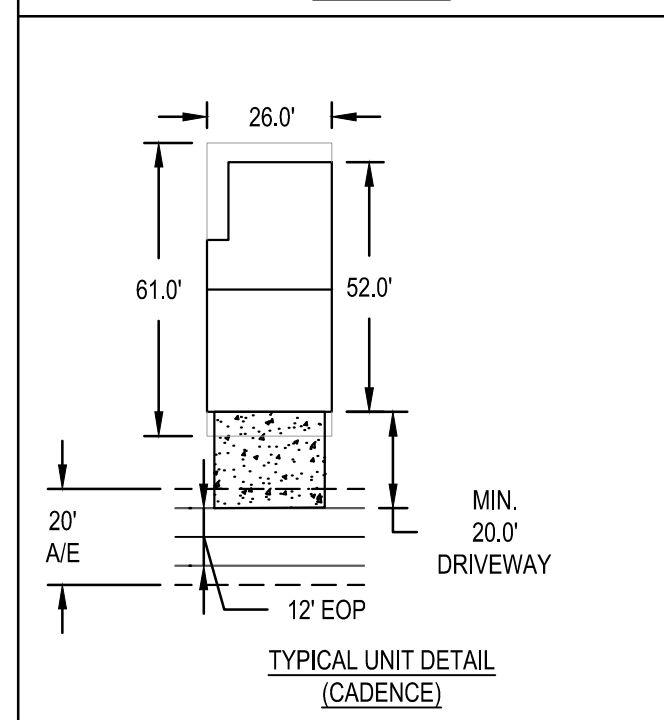
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
CYB2	Cecil sandy loam, 2 to 6 percent slopes, moderately eroded	0.0	0.0%
GgC2	Gwinnett loam, 6 to 10 percent slopes, eroded	0.0	0.3%
GgD2	Gwinnett loam, 10 to 15 percent slopes, eroded	2.4	44.5%
MDC3	Madison clay loam, 6 to 10 percent slopes, severely eroded	1.6	30.1%
MgB2	Madison sandy loam, 2 to 6 percent slopes, moderately eroded	1.3	25.0%
Totals for Area of Interest		5.3	100.0%

Weather Information for the Previous Week

Date	Rain (inches)
05/2/2023	0
05/3/2023	0
05/4/2023	0
05/5/2023	0.01
05/6/2023	0
05/7/2023	0
05/8/2023	0.03

National Wetland Inventory Map



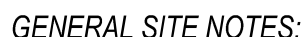


- GENERAL SITE NOTES:**
1. TOTAL AREA = 5.13 ACRES
 - 1.1. OPEN SPACE AREA = 1.60 ACRES (=31%)
 2. TOTAL NUMBER OF PROPOSED UNITS = 68
 3. DENSITY = 13.26 DU/AC.
 4. OWNER: PIEDMONT RESIDENTIAL, LLC
285 PARKWAY 575
WOODSTOCK, GA
30188
 5. 24-HOUR CONTACT:
RYAN BOBBITT
404-483-8555
 6. ZONING = PUD-R
 7. MINIMUM LOT SIZE = NONE
 8. BUILDING SETBACKS:
 - 8.1. FRONT = 0'
 - 8.2. SIDE = 0'
 - 8.3. REAR = 0'
 - 8.4. MINIMUM 3' BETWEEN BUILDINGS
 9. ALL PROPOSED ROADS ARE PRIVATE
 10. NO GATE SHALL BE ALLOWED AT ENTRANCE
 11. PARKING PROVIDED:
 - 11.1. TOTAL PARKING: 245 SPACES
 - 11.2. GARAGE: 108 SPACES
 - 11.3. DRIVEWAY: 108 SPACES
 - 11.4. RESIDENT-ONLY ON-STREET PARKING: 14 SPACES
 - 11.5. GUEST PARKING: 14 SPACES
 - 11.6. HANDICAP PARKING: 1 SPACE
 12. PEDESTRIAN TRAIL TO THE SOUTH SHALL BE PROVIDED.
 13. STREET PARKING IS PROPOSED FOR THIS DEVELOPMENT.
 14. ALL ON-SITE WETLANDS AND BUFFERED STATE WATERS LOCATED ON OR WITHIN 200 LINEAR FEET OF THE PROJECT SITE HAVE BEEN DELINEATED.
 15. NO CLEARING/DEMOL SHALL OCCUR UNTIL EROSION CONTROL PHASE I PERIMETER BMP'S ARE INSTALLED AND APPROVED.
 16. NO CONSTRUCTION EQUIPMENT SHALL BE PARKED IN RIGHT-OF-WAY AND WILL BE STORED WITHIN THE JOB SITE.
 17. NOTIFY COUNTY INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE.
 18. MINIMUM DRIVEWAY LENGTH IS 20' FROM BACK-OF-CURB OR BACK-OF-SIDEWALK.
 19. RIGHT-TURN LANE LENGTH IS 100' AND TAPER LENGTH IS 50'.

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DESIGNED BY:			EV		
DRAWN BY:			DS		
REVIEWED BY:			CJW		
© 2020					
					
COA: PEF007149 EXP: 06/30/2024 245 TOWNPARK DRIVE, SUITE 470 KENNESAW, GEORGIA 30144 WWW.BGEINC.COM DIRECT: 470-765-0885					
PIEDMONT RESIDENTIAL, LLC 286 PARKWAY 57S WOODSTOCK, GA 30189 ---					
MCCOLLUM PKWKY PRELIMINARY ENGINEERING CITY OF KENNESAW, GA COBB COUNTY PLANNING AND SECTION LL 98 AND 99, CUBBERLEY TRAIL, AND SECTION ZONED R-15					
CONCEPT ZONING PLAN					
SEAL					
NOT ISSUED FOR CONSTRUCTION					
FILE NUMBER: 11629-00					
DATE: 10.25.23					
C3.0					



MCCOLLUM PKWY
(VARIABLE R/W) - PUBLIC



- [illegible]

CONCEPT ZONING PLAN

SEAL

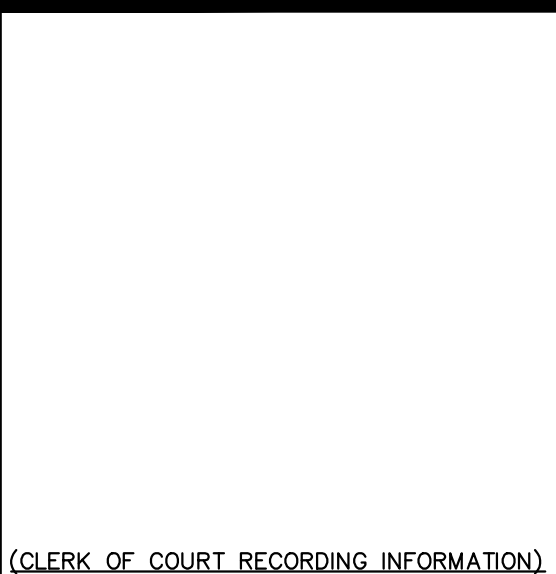
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CONSTRUCTION

FILE NUMBER
11629-00

DATE: 10.31.2023

C3.0

G:\GAI\Projects\Piedmont_ Residential\11629-00-McCollum_Pkwy\SV\01_Cases\11629-McCollum_Pkwy\Main.dwg Layout: BGE Survey Titleblock 24-36 Plotted: 6/8/2023 2:26:30 PM



(CLERK OF COURT RECORDING INFORMATION)

GENERAL NOTES

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S9 ROBOTIC TOTAL STATION, TRIMBLE R 12 GPS RECEIVER, AND TRIMBLE TSC7 DATA COLLECTOR. FIELD WORK WAS COMPLETED ON MAY 17, 2023.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSON OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

ALL EASEMENTS AND RIGHTS OF WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE ARE SHOWN HEREON; OTHERS MAY EXIST OF WHICH THE SURVEYOR HAS NO KNOWLEDGE AND OF WHICH THERE IS NO OBSERVABLE EVIDENCE. STATE, COUNTY, AND LOCAL BUFFERS AND SETBACKS MIGHT EXIST ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.

THERE WAS NO OBSERVABLE EVIDENCE OF HUMAN BURIALS OR CEMETERIES ON SUBJECT PROPERTY AT THE TIME OF THE FIELD SURVEY.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER THIS AREA IS 13067C0036H AND THE DATE OF SAID MAP IS OCTOBER 5, 2018. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY TRIMBLE VRS NOW. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

THE UNDERGROUND UTILITIES WERE MARKED AND ARE SHOWN HEREON BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
154 GRANT ROAD
FAYETTEVILLE, GEORGIA 30215

PROPERTY IN TITLE COMMITMENT NO. 22-0490 IS ONE IN THE SAME AS THE SURVEYED PROPERTY.

PROPERTY ADDRESS:
1651 MCCOLLUM PARKWAY
KENNESAW, GA 30144

THE SITE IS ZONED R-15 (SINGLE-FAMILY RESIDENTIAL DISTRICT - 15,000 SQ. FT. LOT SIZE) AS SHOWN THE CITY OF KENNESAW ZONING RECORDS.

SETBACKS:
FRONT YARD(ARTERIAL & COLLECTOR)- 40'
FRONT YARD(LOCAL)- 35'
SIDE YARD- 10'
REAR YARD- 30'

ACCESS STATEMENT:
AT THE DATE OF THIS SURVEY, THE SUBJECT PROPERTY HAD ACCESS TO AND FROM A DULY DEDICATED PUBLIC RIGHT-OF-WAY, OF MCCOLLUM PARKWAY. THE SURVEYOR MAKES NO CERTIFICATION AS TO WHETHER OR NOT THESE ACCESS POINTS HAVE BEEN APPROVED OR PERMITTED BY JURISDICTIONAL AUTHORITIES.

ALTA CERTIFICATION TABLE "A" NOTES

Item 14 - The site is located at the intersection of McCollum Parkway and Per Place.
Item 16 - No evidence of current earth moving work, building construction, or building additions was observed at the date of the survey.
Item 17 - No evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

SURVEY REFERENCES

- 1: ASSENT OF EXECUTRIX TO DEVISE BY DAISY BELLE ROSS, AS EXECUTRIX OF JAMES Melford ROSS, DECEASED, DATED 12/16/1986, FILED 12/17/1986, AND RECORDED IN DEED BOOK/PAGE 4252/25.
- 2: WETLAND DELINEATION REPORT PREPARED BY RIVERBEND ENVIRONMENTAL, DATED MAY 19, 2023.

TITLE EXCEPTIONS - SCHEDULE B, PART II

TITLE EXCEPTIONS ARE PER A TITLE COMMENT NUMBER 22-0490 PREPARED BY ATTORNEY CERTIFIED LAND TITLE, L.L.C., WITH AN EFFECTIVE DATE OF APRIL 7, 2023, WITH RESPECT TO THE PROPERTY SURVEYED DESCRIBED IN "EXHIBIT A", AND THE EXCEPTIONS LISTED IN "SCHEDULE B, PART II".

NO SPECIAL EXCEPTIONS PROVIDED IN TITLE REPORT.

SURVEYOR CERTIFICATION (GEORGIA)

This plot is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Jason S. Morrow
Georgia Professional
Land Surveyor #3455 LICENSE NO. LSF_001348

SURVEYOR CERTIFICATION (ALTA/NSPS)

To Piedmont Residential, LLC, A Georgia limited liability company and Attorney Certified Land Title, LLC;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 8, 11(a), 11(b), 13, 16 and 17 of Table A thereof. The field work was completed on May 17, 2023.

Date of Plat: June 1, 2023

Jason S. Morrow
Georgia Professional
Land Surveyor #3455 LICENSE NO. LSF_001348

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 43,873, AND AN ANGULAR ERROR OF 92" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS METHOD. A TRIMBLE S-9 TOTAL STATION AND TRIMBLE TSC7 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

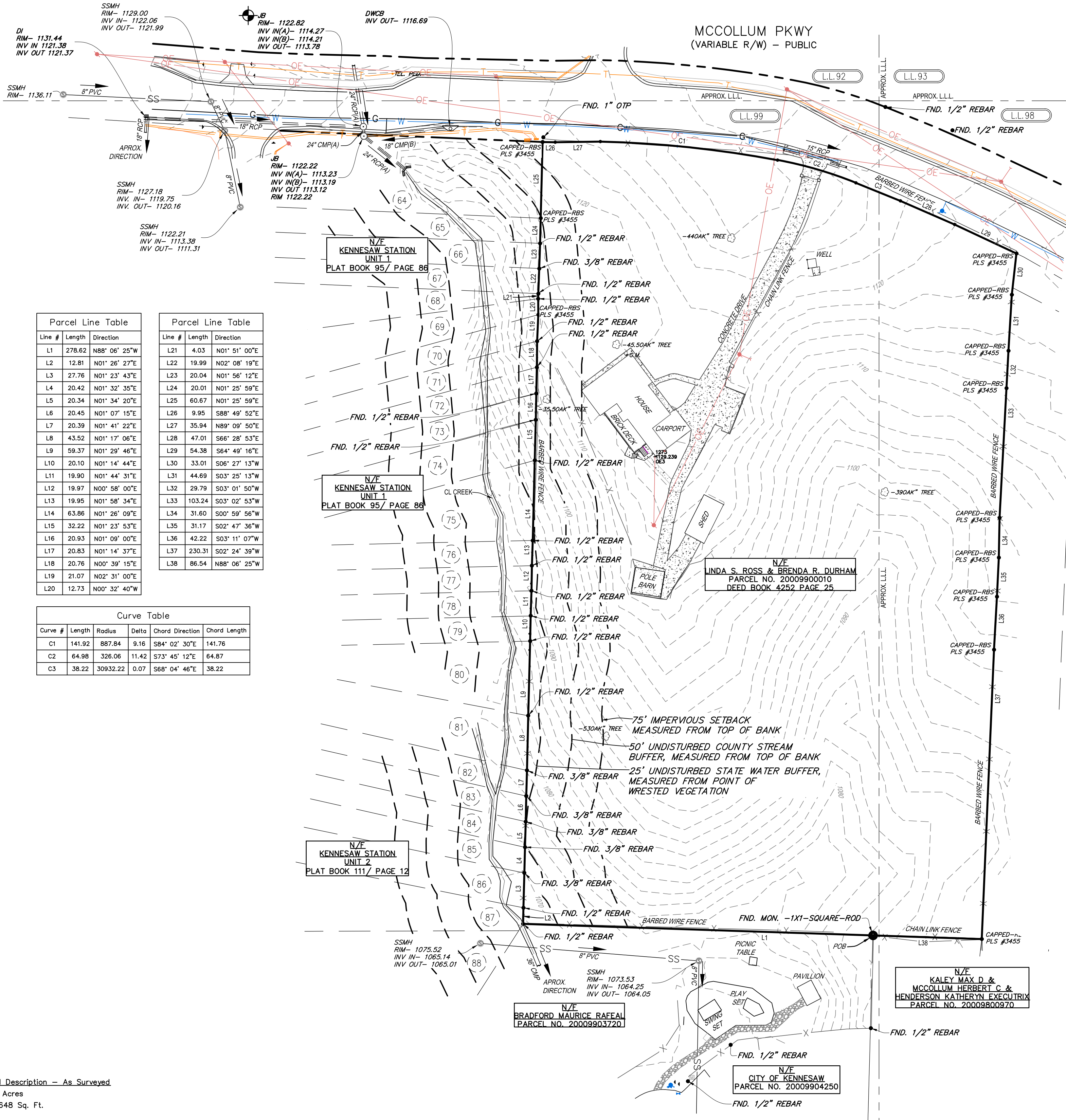
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 39,234 FEET.

Legal Description - As Surveyed

5.13 Acres
223,648 Sq. Ft.

All that tract or parcel of land lying and being in Land Lots 98 and 99 of the 20th District and 2nd Section of Cobb County, Georgia, and being more particularly described as follows:

Beginning at a 1" square road found at the intersection of the northeasterly corner of the property now or formerly owned by the City of Kennesaw and the and the northwesterly corner of the property now or formerly owned by Max D. Kaley, Herbert C. McCollum and Kathryn Henderson, Executrix on the southerly line of the described property; Thence, N 88° 06' 25" W, 278.62 feet to a 1/2" rebar found; Thence, N 01° 26' 27" E, 12.81 feet to a 1/2" rebar found; Thence, N 01° 23' 43" E, 27.76 feet to a 3/8" rebar found; Thence, N 01° 32' 35" E, 20.42 feet to a 3/8" rebar found; Thence, N 01° 34' 20" E, 20.34 feet to a 3/8" rebar found; Thence, N 01° 07' 15" E, 20.45 feet to a 3/8" rebar found; Thence, N 01° 41' 22" E, 20.39 feet to a 3/8" rebar found; Thence, N 01° 17' 06" E, 43.52 feet to a 1/2" rebar found; Thence, N 01° 29' 46" E, 59.37 feet to a 1/2" rebar found; Thence, N 01° 14' 44" E, 20.10 feet to a 1/2" rebar found; Thence, N 01° 44' 31" E, 19.90 feet to a 1/2" rebar found; Thence, N 00° 58' 00" E, 19.97 feet to a 1/2" rebar found; Thence, N 01° 58' 34" E, 19.95 feet to a 1/2" rebar found; Thence, N 01° 26' 09" E, 63.86 feet to a 1/2" rebar found; Thence, N 01° 23' 53" E, 32.22 feet to a 1/2" rebar found; Thence, N 01° 09' 00" E, 20.93 feet to a 1/2" rebar found; Thence, N 01° 14' 37" E, 20.83 feet to a 1/2" rebar found; Thence, N 00° 39' 15" E, 20.76 feet to a 1/2" rebar found; Thence, N 02° 31' 00" E, 21.07 feet to a capped 1/2" rebar set; Thence, N 00° 32' 40" W, 12.73 feet to a 1/2" rebar found; Thence, N 01° 51' 00" E, 4.03 feet to a 1/2" rebar found; Thence, N 02° 08' 19" E, 19.99 feet to a 3/8" rebar found; Thence, N 01° 56' 12" E, 20.04 feet to a 1/2" rebar found; Thence, N 01° 25' 59" E, 20.01 feet to a capped 1/2" rebar set; Thence, N 01° 25' 59" E, 60.67 feet to a capped 1/2" rebar set on the right-of-way of McCollum Road (Variable R/W); Thence, continuing along said right-of-way, S 88° 49' 52" E, 9.95 feet to a point; Thence, N 89° 09' 50" E, 35.94 feet to a point; Thence, along a curve turning to the right, having a radius of 887.84 feet, an arc distance of 141.92, and a chord bearing S 84° 02' 30" E for 141.76 feet to a point; Thence, along a curve turning to the right, having a radius of 326.06 feet, an arc distance of 64.98, and a chord bearing S 73° 45' 12" E for 64.87 feet to a point; Thence, along a curve turning to the left, having a radius of 30932.22 feet, an arc distance of 38.22, and a chord bearing S 68° 04' 46" E for 38.22 feet to a point; Thence, S 66° 28' 53" E, 47.01 feet to a point; Thence, S 64° 49' 16" E, 54.38 feet to a capped 1/2" rebar set; Thence, leaving said right-of-way, S 06° 27' 13" W, 33.01 feet to a capped 1/2" rebar set; Thence, S 03° 25' 13" W, 44.69 feet to a capped 1/2" rebar set; Thence, S 03° 01' 50" W, 29.79 feet to a capped 1/2" rebar set; Thence, S 03° 02' 53" W, 103.24 feet to a capped 1/2" rebar set; Thence, S 00° 59' 56" W, 31.60 feet to a capped 1/2" rebar set; Thence, S 02° 47' 36" W, 31.17 feet to a capped 1/2" rebar set; Thence, S 03° 11' 07" W, 42.22 feet to a point; Thence, S 02° 24' 39" W, 230.31 feet to a capped 1/2" rebar set; Thence, N 88° 06' 25" W, 86.54 feet to a 1" square rod, said rod being the TRUE POINT OF BEGINNING.



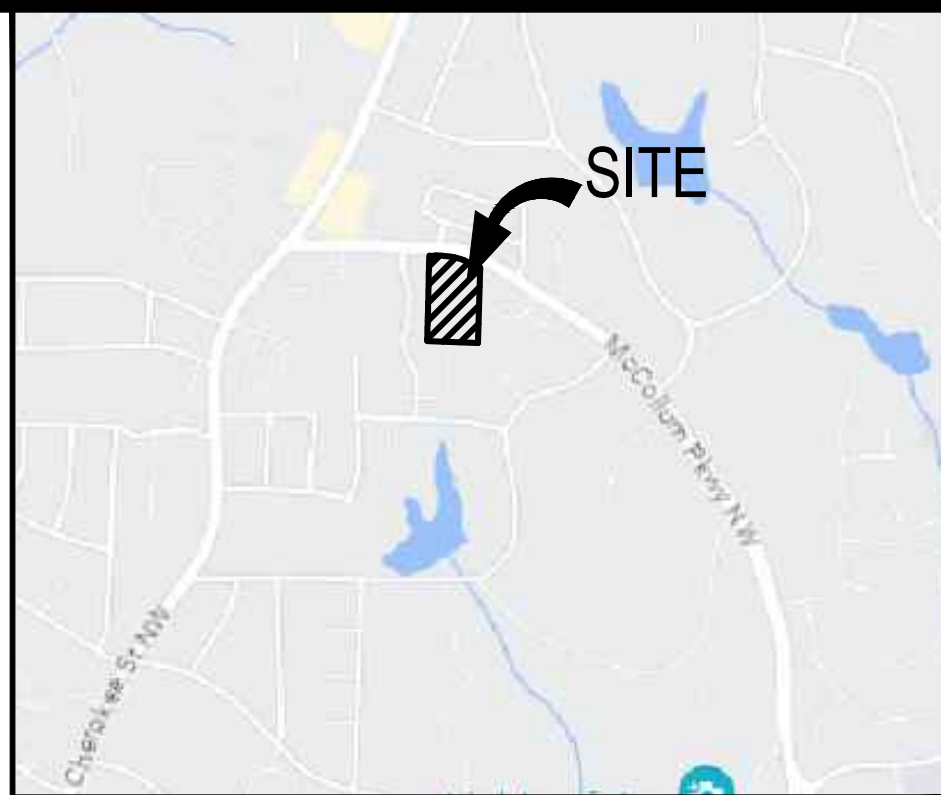
N/E
PINETREE COUNTY
CLUB CONDOMINIUM
PARCEL NO. 2000990010
CONDO PLAT BOOK 2/ PAGE 98

N/E
KALEY, MAX D &
MCCOLLUM HERBERT C &
HENDERSON KATHRYN EXECUTRIX
PARCEL NO. 20009800970

N/E
BRADFORD MAURICE RAEAL
PARCEL NO. 20009903720

N/E
CITY OF KENNESAW
PARCEL NO. 20009904250

SITE LOCATION MAP



ABBREVIATIONS LEGEND

AE	ACCESS EASEMENT
APL	ABOVE GROUND PIPELINE
BFP	BACK FLOW PREVENTER
BM	BENCHMARK
BP	BRICK PAVERS
BSL	BUILDING SETBACK LINE
CI	CURB INLET
CL	CENTERLINE
CMF	CONCRETE MONUMENT FOUND
CO	CLEANOUT
CTP	CRIMPED TOP PIPE
DI	DROP INLET
DWCB	DOUBLE WING CATCH BASIN
ELEC	ELECTRIC
FDC	FIRE DEPARTMENT CONNECTION
FES	FLARED END SECTION
FH	FIRE HYDRANT
FND	FOUND
GM	GAS METER
GV	GAS VALVE
HW	HEADWALL
JB	JUNCTION BOX
MON	MONUMENT
OCS	OUTLET CONTROL STRUCTURE
OTR	OPEN TOP PIPE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
R/W	RIGHT-OF-WAY
SS	SANITARY
SSMH	SANITARY SEWER MANHOLE
STRM	STORM
SWCB	SINGLE WING CATCH BASIN
YI	YARD INLET
CMP	CORRUGATED METAL PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE

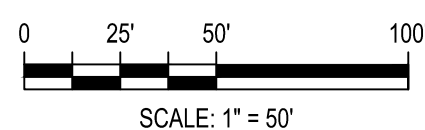
LINE TYPE LEGEND

---	PROPERTY LINE
---	LAND LOT LINE
— — —	GUARD RAIL
—x—x—	OVERHEAD POWER
—x—x—	UNDERGROUND ELECTRIC
—f—f—	FIBER OPTIC
—s—s—	SANITARY SEWER
==	STORM
—v—v—	WATER LINE
—g—g—	GAS LINE
—x—x—x—x—	FENCE LINE
—t—t—	TELEPHONE LINE
---	EASEMENT LINE

SYMBOL LEGEND

+	BENCHMARK
⊙	EXISTING LOT NUMBER
⊙	FIRE HYDRANT
⊙	GRATE INLET
⊙	GREASE TRAP
⊙	GAS METER
⊙	GAS VALVE
⊙	HANDICAP PAVEMENT MARKING
⊙	POWER POLE
⊙	WATER METER
⊙	WATER METER VAULT
⊙	WATER VALVE

BENCHMARK: JUNCTION BOX
ELEVATION = 1122.82'
STORM SEWER JUNCTION BOX LOCATED IN THE RIGHT-OF-WAY OF MCCOLLUM PARKWAY



ALTANSAPS LAND
TITLE &
TOPOGRAPHICAL
SURVEY
PREPARED FOR
PIEDMONT RESIDENTIAL, LLC &
ATTORNEY CERTIFIED LAND TITLE, LLC

1651 MCCOLLUM
PARKWAY
LOCATED IN LAND LOTS 98 & 99,
20TH DISTRICT
CITY OF KENNESAW
COBB COUNTY, GEORGIA

FILE NUMBER:
11629-00
DATE: 06/06/2023

FIELDWORK BY: TK

DRAWN BY: JSO

REVIEWED BY: JSM

245 TOWNPARK DRIVE, SUITE 470
KENNESAW, GA 30144
WWW.BGECOM.COM
DIRECT: 404-950-3205
©2023

DESCRIPTION

DATE

REV



Cadence Street View



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence A



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence D



McCollum Pkwy
Kennesaw, GA



Kennesaw Street View



McCollum Pkwy
Kennesaw, GA





Kennesaw C



Kennesaw D



McCollum Pkwy
Kennesaw, GA



McCollum Pkwy

Street view on McCollum Pkwy



Dog Park









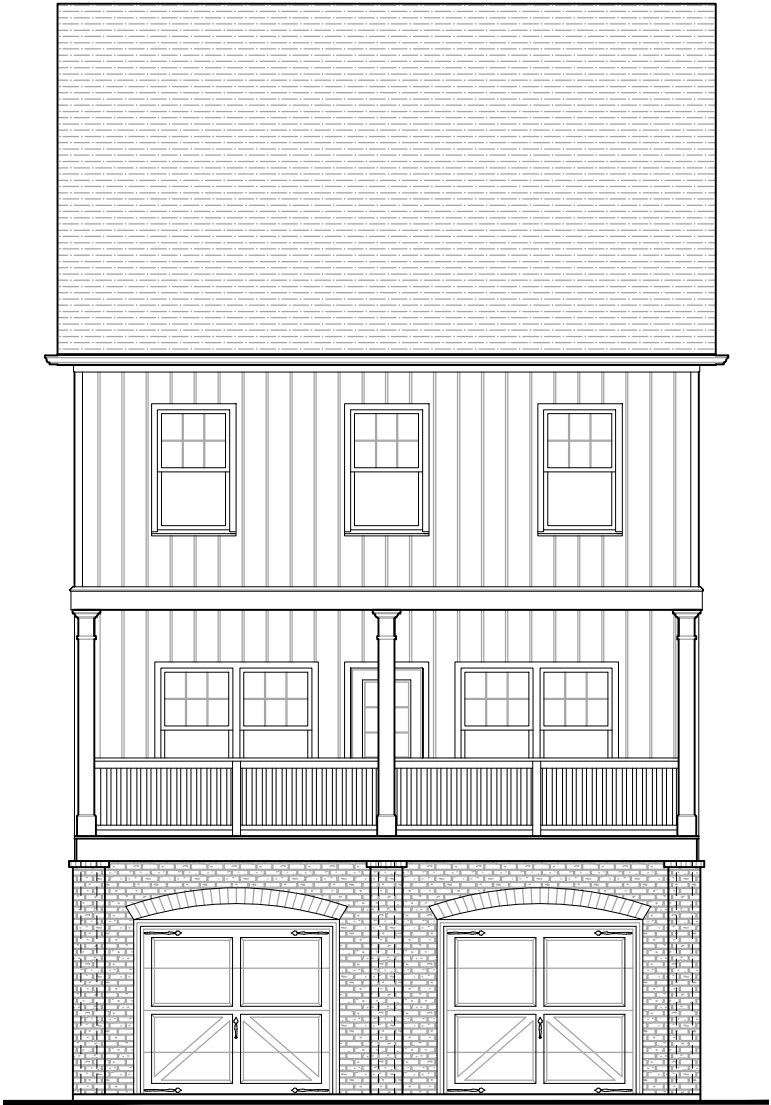




Elevation A Front & Rear



Elevation B Front & Rear

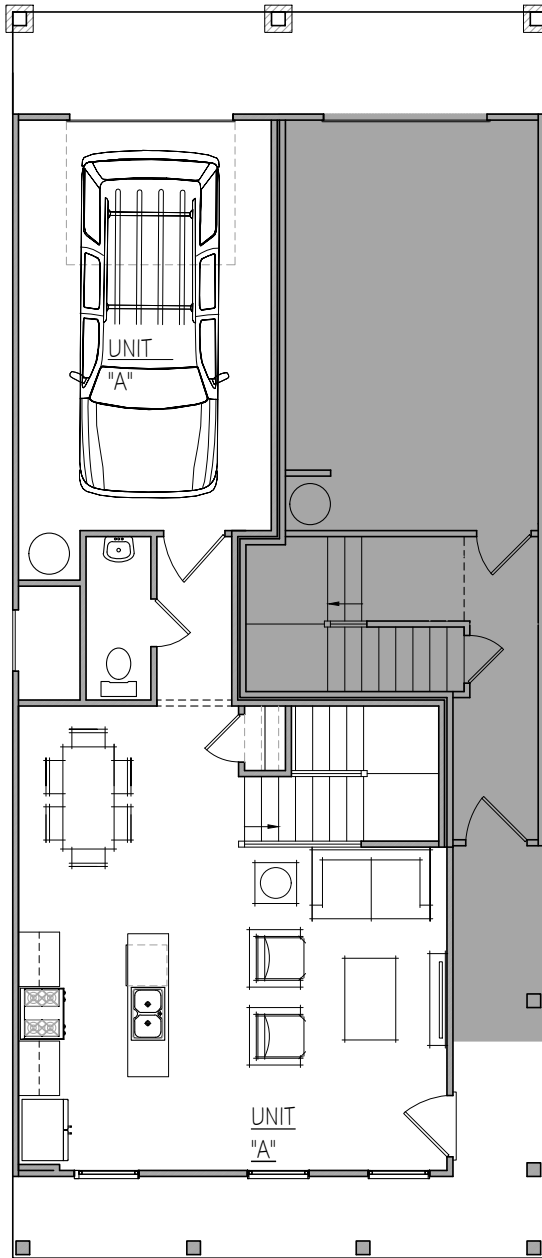


Elevation C Front & Rear

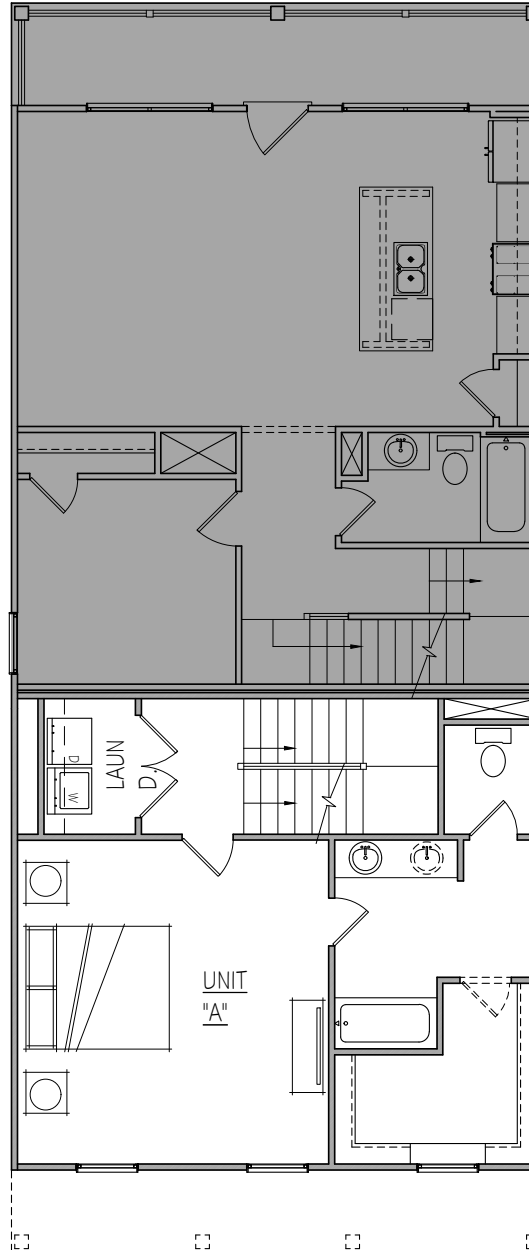


Elevation D Front & Rear

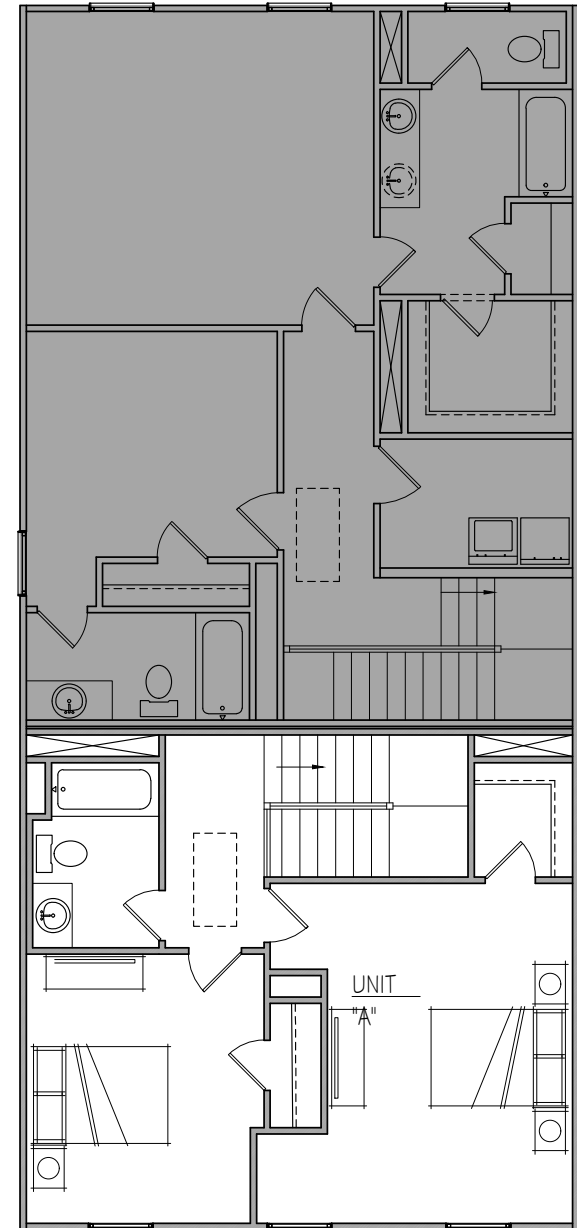




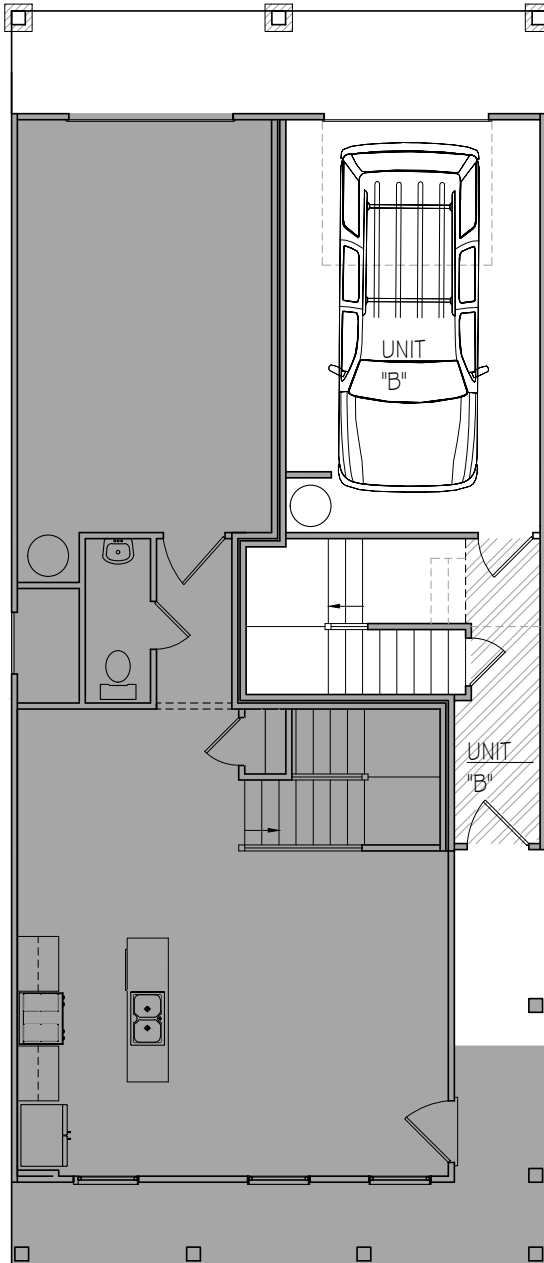
MAIN FLOOR



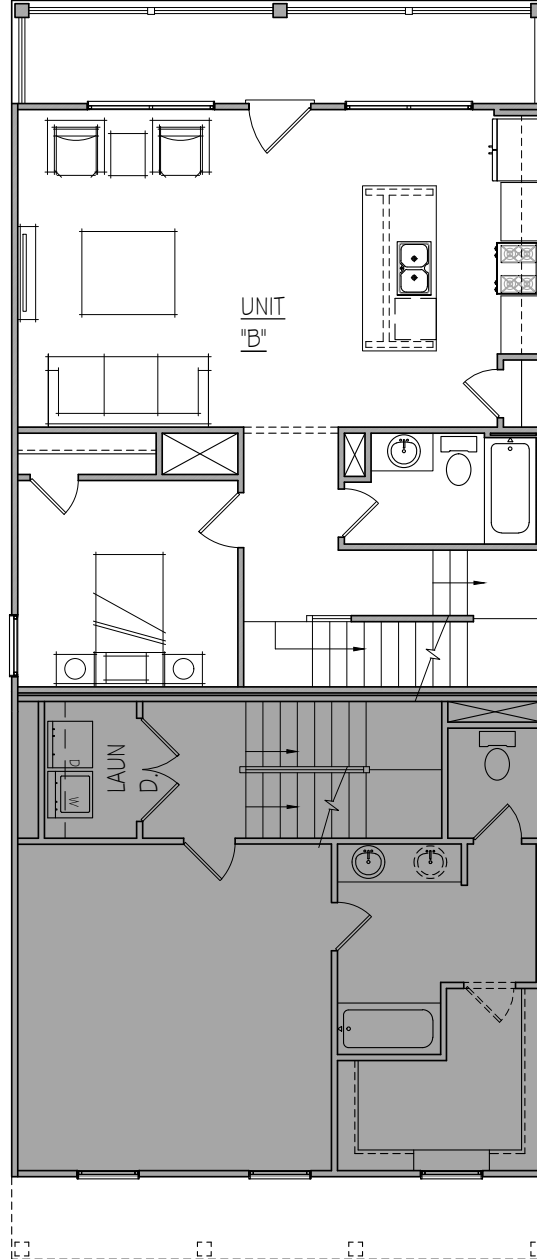
SECOND FLOOR



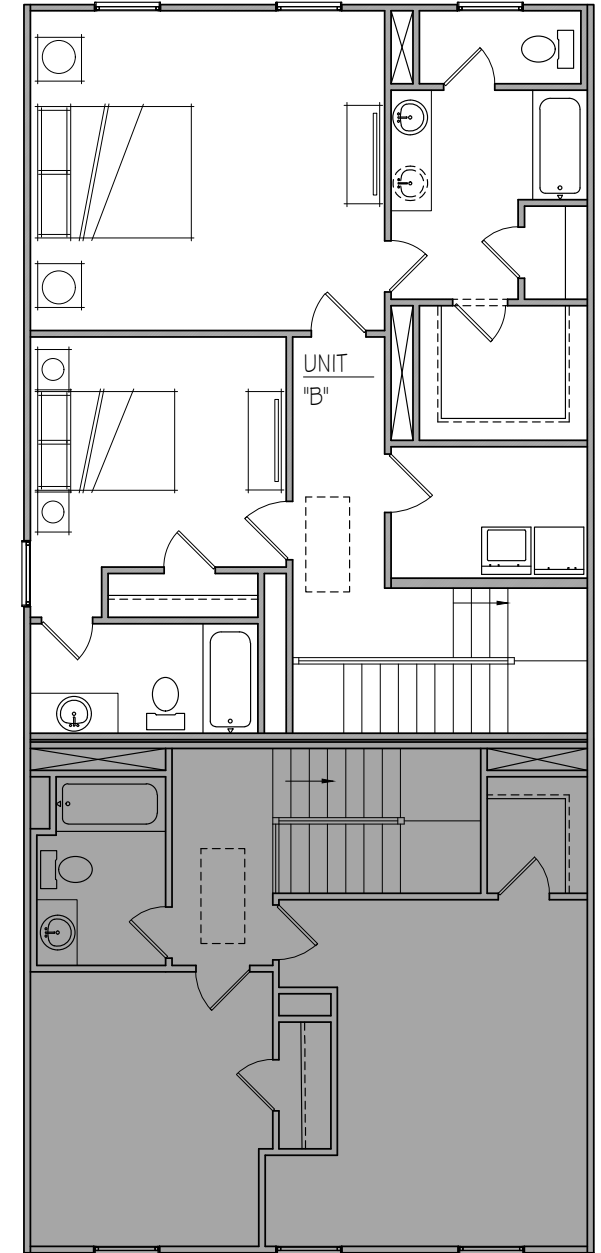
THIRD FLOOR



MAIN FLOOR



SECOND FLOOR



THIRD FLOOR

Piedmont Residential, LLC

Section 1909, Part 4 Standards for Decisions - Variances

1. There is extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
 - a. The property is relatively narrow with a stream that runs adjacent to the property and a stream buffer that runs north and south along the length of the western property line. The applicant seeks to reduce the 75-foot stream buffer by 25 feet in the area depicted on the site plan.
 - b. The topography is steep, and the applicant has created a community with rear loaded lots making units 33-64 4 stories with a drive under two-car garage as the first floor.
 - c. Piedmont proposes a neighborhood with three-foot separation between homes throughout the neighborhood. This has been done in similar communities in Kennesaw.
2. The application of this chapter to this particular piece of property would create practical difficulty or unnecessary hardship.
 - a. The city desires rear loaded product along the street which requires a back alley which intrudes into the last 25 feet of the stream buffer.
 - b. The additional story is used to pick up the grades with the steep topography.
 - c. The three-foot separation allows a reasonable development on a narrow property with steep topography and a stream buffer running the entire western edge.
3. Such conditions are peculiar to the particular piece of property involved.
 - a. The property is unique with an offsite stream creating a buffer on the subject property. need for the variances.
 - b. The topography is steep, and the narrowness of the property makes the grade differential hard to handle without extra height for first floor garages.
 - c. The three-foot separation allows for grade differentials to be handled better than an attached town home product.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.
 - a. The proposed variances will not be a detriment to the public good or impair the intent of the ordinance. The end result will be homes accessed via a rear alley which is attractive.
 - b. The goal is to create an attractive community and the variances help achieve that by having homes face the road with a rear alley, homes with a first floor garage to pick up sloping grades and by having detached homes with three feet of separation rather than attached product.

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING

1.

My name is JD España Jr. I am the officer who is delegated the responsibility for authenticating records of ***Piedmont Residential, LLC***. ("the Applicant Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Application for Rezoning ("Application") regarding certain real property located in the City of Kennesaw, Cobb County, Georgia.

2.

In accordance with the Requirements for completing a City of Kennesaw Application, I hereby attest on behalf of the Applicant Company that I have reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Applicant Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Applicant Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Applicant Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Application and the filing of the Application on behalf of the Applicant Company by the officer or other representative of the Applicant Company has been duly authorized by the Applicant Company.

Piedmont Residential LLC

By: _____

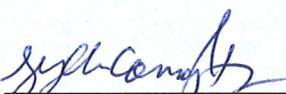
Print Name JD Espana Jr.

Date 8/10/23

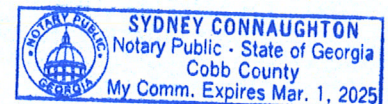
Its: President

Title

NOTARY SEAL


Signature of Notary Public

8/10/23
Date





CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

Regarding the above statement, please answer "Yes" or "No": No

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 10 day of August, 2023

Applicant Signature:

[Signature]
Piedmont Residential, LLC

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

Regarding the above statement, please answer "Yes" or "No": No.

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

I certify that the foregoing information is true and correct, this 15th day of September, 2023

Applicant Signature:

Parks F. Huff, Attorney for the Applicant

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



Community Development
Planning & Zoning Department
2529 J. O. Stephenson Ave.
Kennesaw, GA 30144

PLEASE TAKE NOTICE

That the undersigned has applied to the Planning Commission and Mayor and Council of the City of KENNESAW for the following:

1. Rezone the property from Single family Residential (R-15) to Planned Urban Development – Residential (PUD-R)
2. Amend zoning conditions for removal of 75' stream buffer, building height for 32 units, and 3' distance between buildings

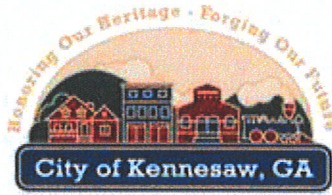
The property referred to is located at: **1651 McCollum Pkwy Kennesaw, GA 30144**

and is within a 200 foot radius of your property. It is described as Land Lot **099** 20th District, 2nd Section, Tax Parcel **001** in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on **November 1, 2023 at 6:30 p.m.** and the Mayor and Council on **November 20, 2023 at 6:30 p.m.** in the City Hall Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. You may appear in person or by attorney and may present any objections, which you may have to the granting of this request. All documents relating to this application are enclosed for your review. The applicant, by order of the Planning Commission, Mayor and Council, sends this notice to you.

Dated_____

Applicant_____



Community Development
Planning & Zoning Department
2529 J. O. Stephenson
Kennesaw, GA 30144

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200-feet will be mailed out on or before October 13, 2023 in accordance with the application requirements.

9/15/2023

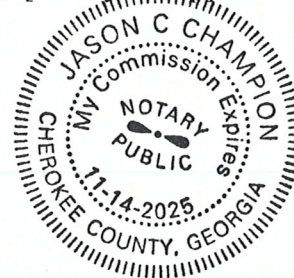
Date

Parks F. Huff, Attorney for the Applicant

Sworn and subscribed before me this 15th day of September 2023

Notary Public Signature

[Notary Stamp]



*Return Deed to
K. M. L. Chalkley at
Suite 404
188 Anderson St.
Marietta, GA 30060*

STATE OF GEORGIA

COUNTY OF COBB

ASSENT OF EXECUTRIX TO DEVISE

WHEREAS, JAMES MELFORD ROSS died a resident of Cobb County, Georgia on the 10th day of March, 1985, leaving a will which has been probated in solemn form in said County at the March Term of the Probate Court thereof; and

WHEREAS, under the terms of said will the following described property was devised to DAISY BELLE ROSS:

All that tract or parcel of land lying and being in Land Lots 98 and 99 of the 20th District and 2nd Section of Cobb county, Georgia, and more particularly described as follows:

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

\$87.40

Cobb County, Georgia

Real Estate Transfer Tax

Paid

87.40

Date

12-17-86

Jay C. Stephenson
Clerk of Superior Court

and

WHEREAS, the undersigned duly qualified as Executrix of the Estate of the said James Melford Ross and is now administering the estate under the terms of said will; and it has been determined that all debts and claims against the estate have been fully paid.

NOW, THEREFORE, the undersigned, as Executrix of the will of the said JAMES MELFORD ROSS, hereby assents to the devise of said property under the terms of said will, so that full fee-simple title thereto is vested in the same DAISY BELLE ROSS as provided in said will.

WITNESS my hand and seal, this 16 day of December, 1986.

Daisy Belle Ross
Daisy Belle Ross, as Executrix Aforesaid

Signed, sealed and delivered
in the presence of:

Lancey O. Brown
Witness

Kenneth M. [Signature]
Notary Public
Notary Public, Cobb County, Georgia
My Commission Expires Aug. 6, 1990

Executed on: 12-16-86



COBB SUPERIOR COURT CLERK

Jay C. Stephenson

86 DEC 17 NO 54

FILED AND RECORDED



Printed: 9/13/2023

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
DAISY B ROSS

ROSS DAISY BELLE

Payment Date: 8/30/2022

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2022	20009900010	10/15/2022	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,037.58	\$0.00



Scan this code with your
mobile phone to view
this bill!



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2022 Property Tax Bill

Parcel ID	Tax District		Bill #	
20009900010	3/3-BOND - KENNESAW CITY		228360	
Property Owner/Location/Description			Fair Market Value	Taxable Value
ROSS DAISY BELLE 1651 MCCOLLUM PKWY			377,940	151,176
Levies	Taxable Value	-	Exemptions	= Net Assessment X Tax Rate = Net Tax
CITY OF KENNESAW	151176		151,176	0 8.0000000000 \$0.00
BOND	151176		151,176	0 1.5000000000 \$0.00
Exemptions:				
223 - Age 65 GA Net Inc				
223 - Age 65 GA Net Inc				
223 - Age 65 GA Net Inc				
223 - Age 65 GA Net Inc				
>Per House Bill 960 calculation, interest will accrue at .875%. Penalty will accrue at 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due (House Bill 960).				
>Payments can be made online at www.municipalonlinepayments.com/kennesawga , in person, by mail or via our dropbox. Tax bills are mailed annually on October 1, with a due date of December 1.				
>Any questions concerning ownership changes or change of address should be directed to Cobb County Tax Commissioner's Office. For all other questions or concerns regarding this statement, give us a call at 770-429-4542.				
			Current Year Tax	\$0.00
			Interest	\$0.00
			Penalty	\$0.00
			Other Fees	\$0.00
			Payments Received	\$0.00
			Other Amounts Due	\$0.00
			Total Due	\$0.00
			Due Date	12/01/2022



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20009900010
Amount Due: \$0.00
Bill#: 228360
Due Date: 12/01/2022

AMOUNT PAID

ROSS DAISY BELLE
144 FOUR SEASONS BLVD
DALLAS, GA 30132

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

ATTACHMENT TO APPLICATION FOR REZONING

Titleholder:

Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia

PIN: 20009900010

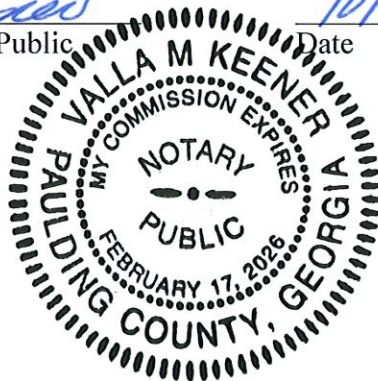
PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Brenda R. Durham 10/11/23
Signature of Owner Date

*Brenda R. Durham, Individually and as Co-Executor
under the Last Will and Testament of Daisy B. Ross,
a/k/a Daisy Belle Ross, Deceased of Paulding
County, Georgia*

[Signature] 10/11/23
Signature of Notary Public Date
(Notary Seal)



ATTACHMENT TO APPLICATION FOR REZONING

Titleholder:

Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia

PIN: 20009900010

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Linda S. Ross 10-2-2023
Signature of Owner Date

*Linda S. Ross, Individually and as Co-Executor
under the Last Will and Testament of Daisy B. Ross,
a/k/a Daisy Belle Ross, Deceased of Paulding
County, Georgia*

Sydney Connaughton
Signature of Notary Public

10/2/2023
Date

(Notary Seal)



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 98 and 99 of the 20th District and 2nd Section of Cobb county, Georgia, and more particularly described as follows:

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

Less and except approximately .05 acres north of Chalker Road, conveyed to Georgia Marietta Co., by James M. Ross by Warranty Deed dated June 25, 1973 and recorded in Deed Book 1446, Page 96 of the Cobb County Records.

FURTHER LESS AND EXCEPT: Any portion of the above-described property lying within the dedicated right-of-way of McCollum Parkway formerly known as Chalker Road.

ADDENDUM TO APPLICATION FOR VARIANCE

CONSTITUTIONAL CHALLENGE

COMES NOW the Applicant, Piedmont Residential, LLC (hereinafter referred to as the "Applicant") and asserts the following:

1.

By Application for Variance, the Applicant has applied for Variances as to requirements of the City of Kennesaw Zoning Ordinance (hereinafter the "Ordinance") which impose certain requirements as same apply to the property more particularly set forth in said Application (hereinafter referred to as the "Subject Property").

2.

The Applicant states that a literal interpretation and enforcement of Ordinance provisions creates a hardship.

3.

Enforcement of Ordinance requirements concerning the Subject Property creates an unnecessary and unreasonable hardship with no resulting substantial benefit to the public good.

4.

The Variances sought by the Applicant concerning the Subject Property will not impair the purpose, spirit and intent of the Ordinance and stand to alleviate any and all non-compliance of the foregoing requirements while causing no substantial detriment to the public good.

5.

Applicable Ordinance provisions concerning the required Variances are unconstitutional as applied to the Subject Property in that same deprive the Applicant of property under and pursuant to Article I, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of property without due process violates the constitutional prohibition against the taking of private property without just compensation.

6.

Applicable Ordinance provisions, as applied to the Subject Property, violate the Applicant's right to the unfettered use and development of the Subject Property in conformity with the existing Ordinance in that the Ordinance creates an unreasonable hardship totally unrelated to public health, safety, morality, or general welfare and is therefore confiscatory and void. Further, same is unconstitutional in that it is arbitrary, unreasonable and injurious resulting in relatively little gain or benefit to the public while at the same time inflicting serious injury and loss upon the Applicant.

7.

The Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with Applications for Variances also violate Article I, Section I, Paragraphs I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the

issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

This 15th day of September, 2023.

SAMS, LARKIN & HUFF, LLP

By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010

Directions to City Hall from the Subject Property

1651 McCollum Pkwy NW

Kennesaw, GA 30144



Head west on Chalker Rd/McCollum Pkwy NW toward Par Pl



0.3 mi



Turn left onto Cherokee St NW



459 ft



Continue straight to stay on Cherokee St NW



1.4 mi



Turn left onto S Main St



266 ft



Turn right onto Watts Dr

Destination will be on the right



420 ft

2529 J.O. Stephenson Ave

Kennesaw, GA 30144

MDJ-7907
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning/variance request submitted by Piedmont Residential, LLC. Said request is to rezone a parcel located at 1651 McCollum Parkway (20009900010) from Single-Family Residential (R-15) to Planned Urban Development Residential District (PUD-R) and consists of 5.1 +/- acres. Said request is also to vary from section 46-423 to reduce the 75 stream buffer. Property lies in Land Lot 099 & 098 tax parcel 001 of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on November 1, 2023 at 6:30 P.M. and the Mayor and Council will hold a public hearing on November 20, 2023 at 6:30 P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.

10:13,20-2023

**CITY OF KENNESAW
LAND USE NOTICE**

APPLICATION # **RZ2023-04 / ZV2023-03**
Rezonning from R-15 (single family residential) to PUD-R (Planned Urban Development-Residential) and zoning variance for 75' stream buffer for the construction of a residential townhome community.

PURPOSE

DATE OF PUBLIC MEETING: **11/1/2023** TIME: **6:30PM**

DATE OF PUBLIC MEETING: **11/20/2023** TIME: **6:30PM**

PLACE: **CITY HALL KENNESAW, GA**

Due to the priority for public health and safety, the City of Kennesaw will implement a public meeting protocol / system for community participation in compliance to social distancing protocol. For specific public meeting guidelines and access to all application information please visit our website

HTTP://WWW.KENNESAW-GA.GOV

FOR FURTHER INFORMATION PLEASE CALL :
PLANNING AND ZONING DEPARTMENT 770-590-8268

10.17.2023 09:06

MAYOR

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**COUNCIL**

Mayor Pro Tem Tracey Viars

Lynette Burnette

Pat Ferris

Antonio Jones

Trey Sinclair

October 4, 2023

Pamela Mabry, County Clerk
Cobb County
100 Cherokee Street, #355
Marietta, Georgia 30090-9679

Subject: City of Kennesaw Zoning Applications (Case #RZ2023-04, ZV2023-03)
1651 McCollum Pkwy Kennesaw, GA 30144 – Parcel ID 20009900010

Dear Ms. Mabry,

Attached, please find a zoning applications submitted by the Piedmont Residential, LLC to petition for rezoning and variance requests for the above subject property. Because this case is within a half-mile from unincorporated Cobb County, this letter and enclosed application are being provided in accordance with the House Bill 489 Intergovernmental Agreement.

These cases are set to go before the Kennesaw Planning Commission on Wednesday, November 1, 2023 at 6:30 p.m. for public hearing and Mayor and Council on Monday, November 20, 2023 at 6:30 p.m. for public hearing as well.

Thank you for your attention. Should you have any questions, you may call me at 770-590-8268 or send an e-mail to dsimmons@kennesaw-ga.gov.

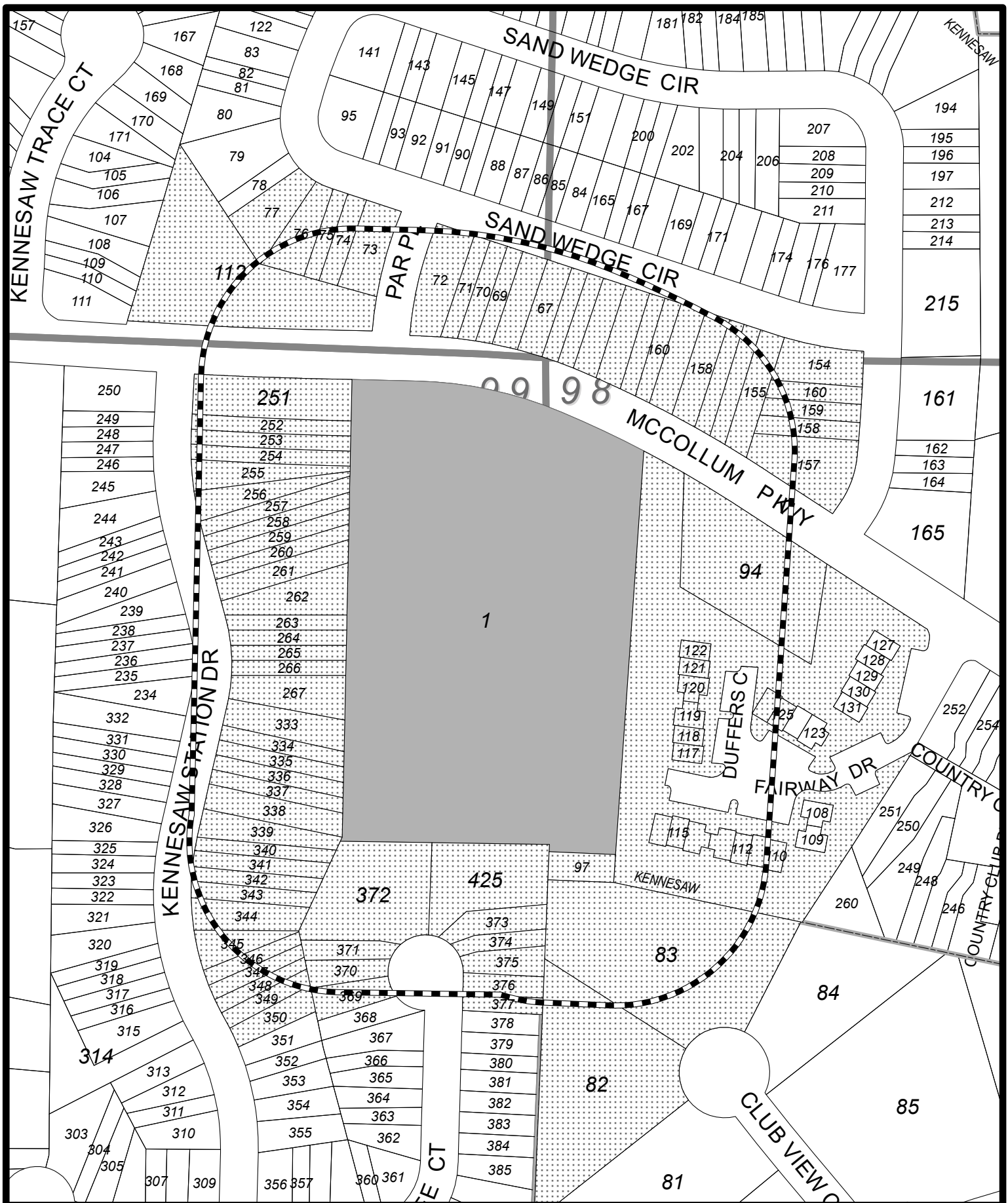
Sincerely,

Darryl Simmons

Darryl Simmons
Planning and Zoning Administrator

Enclosure: Zoning Application

cc: Jessica Guinn, AICP, Community Development Agency Director (Via E-mail)
Dr. Jackie McMorris, Cobb County Manager (Via E-mail)
Phillip Westbrook, Senior Planner, Cobb County Community Development (Via E-mail)
Donald Wells, Intergovernmental Coordinator/Planner III, Cobb County Community Dev. (Via E-mail)
Dr. Jeff Drobney, City Manager, City of Kennesaw (Via E-mail)
Natalie Faustine, Community Development Administrative Assistant, City of Kennesaw (Via E-mail)



-  Subject Parcel
-  200' Radius
-  Properties Notified

1651 McCollum Pkwy
Land Lot 20,
Tax Parcel 001

RZ2023-004
200' PROPERTY NOTIFICATION



CITY OF KENNESAW
 PLANNING & ZONING DEPT.
 770-590-8268

Derek Eastering
 MANOR
Lee Murray
 CITY CLERK

Date: 9/19/2023

RZ2023-000



1" = 167'

Tax Parcel - 20009904250

KENNESAW CITY OF
2539 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20009902510

ILKOV SAMUIL LYUBOMIROV & ANDREA
3590 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009801170

DASWANI ARUN DASWANI MAMTA
270 17TH 3607
ATLANTA GA 30363

Tax Parcel - 20009902630

TRAN NGAN
145 CARLEE LN
FINDLAY OH 45840

Tax Parcel - 20009902520

SOHANI MUIZZ
1123 SADLERS WAY
MARIETTA GA 30068

Tax Parcel - 20009801180

PRABHU DEEPALAXMI
620 STONESTILE TRCE
SUWANEE GA 30024

Tax Parcel - 20009903350

ROGERS VINCE M
3552 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009802730

PINETREE COUNTRY CLUB CONDOMINIUM
ASSOCIATION INC
PO BOX 2484
KENNESAW GA 30156

Tax Parcel - 20009801200

MIDWAY EXCHANGE BORROWER 8 LLC
PO BOX 4090
SCOTTSDALE AZ 85261

Tax Parcel - 20009801100

UNIVERSAL PROPERTY INVESTMENTS LLC
1120 BRECKENRIDGE LN
ALPHARETTA GA 30005

Tax Parcel - 20009900010

ROSS DAISY BELLE
144 FOUR SEASONS BLVD
DALLAS GA 30132

Tax Parcel - 20009801210

ROLNIK CONSTANCE
P O BOX 801372
ACWORTH GA 30101

Tax Parcel - 20009903490

GOVAHI KASHANI SHAHRIAR
3524 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009200680

SURRENCY DAVID J & CAREY N
3561 PINE BRANCHES CT
ACWORTH GA 30102

Tax Parcel - 20009801220

ROLNIK CONSTANCE
P O BOX 801372
ACWORTH GA 30101

Tax Parcel - 20009200700

ASHMAN RONALD & ASHMAN MATTHEW
3040 SHALLOWFORD PARK MANOR
ROSWELL GA 30075

Tax Parcel - 20009200690

FAMILY NEST INVESTMENTS LLC
2080 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009801250

EDWARDS WILLIAM H
P O BOX 2286
KENNESAW GA 30156

Tax Parcel - 20009902610

MYERS CARLENE
3570 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009200710

CHIEFTAIN ATLANTA LP
17 NE 4TH ST
FORT LAUDERDALE FL 33301

Tax Parcel - 20009801260

ABRAHA LETERFUAEL
18 FAIRWAY DR
KENNESAW GA 30144-0000

Tax Parcel - 20009902650

VALLIAPPAN GAYATHRI
2020 BROOK MEADOW DR
ALPHARETTA GA 30005

Tax Parcel - 20009200720

SHI XI
23 TANGLEWOOD HOLLOW RD
SADDLE RIVER NJ 07458

Tax Parcel - 20009801570

ROWEDDER KAY F
1000 SANDWEDGE CIR
KENNESAW GA 30144-2065

Tax Parcel - 20009902660

VELARDI MICHAEL D
3560 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009801190

GRANT GRACIELA M
5 DUFFERS CT
KENNESAW GA 30144-0000

Tax Parcel - 20009200660

REZ LLC
3449 SHERIDAN CHASE
MARIETTA GA 30067

Tax Parcel - 20009902670

SHAH JYOTI
1013 TRAVELERS TRL NW
KENNESAW GA 30144

Tax Parcel - 20009801160

GRACE REALTY OF GEORGIA LLC
25 HARRIS DR
MARIETTA GA 30067

Tax Parcel - 20009200670

MCCLUER SHU HUA & WARREN J
5005 MELANIE CT NW
ACWORTH GA 30102

Tax Parcel - 20009903450

SHAH JYOTI
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009903500

3522 KENNESAW STATION HOUSING LLC
4707 MAPLE BRK SE
MARIETTA GA 30067

Tax Parcel - 20009902550

WOOD BRITTANY
3582 KENNESAW STATION DR
KENNESAW GA 30152

Tax Parcel - 20009903460

FU JUNMEI
4092 AMBERLY CT
KENNESAW GA 30144

Tax Parcel - 20009903700

MAAROUF BASSEM R
3479 LEE COURT
KENNESAW GA 30144

Tax Parcel - 20009902560

FARIAS MICHELLE A
645 N WILLOW AVE APT C
LA PUENTE CA 91746

Tax Parcel - 20009903470

PK HOUSING LLC
4707 MAPLE BRK SE
MARIETTA GA 30067

Tax Parcel - 20009903710

BROOMFIELD MELISSA
3481 LEE CT
KENNESAW GA 30144

Tax Parcel - 20009301590

WHITE JOLEAH M
1090 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903480

VAN DYKE LEIGHTON A & GREYSON W
3526 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009903720

BRADFORD MAURICE RAFEAL
3483 LEE CT
KENNESAW GA 30144-0000

Tax Parcel - 20009301600

ANGELI JAYSON M
3093 ADDIE POND WAY
MARIETTA GA 30064

Tax Parcel - 20009801110

HANNIGAN DONALD E HANNIGAN ROSE
45 S VALLEY RD
SAG HARBOR NY 11963

Tax Parcel - 20009903730

BARTHELUS ALYAH & VERTINI
3504 LEE CT NW
KENNESAW GA 30144

Tax Parcel - 20009301610

SANDWEDGE LLC
1705 AMBERWOOD POINTE
WOODSTOCK GA 30189

Tax Parcel - 20009801120

RAGOZZINO PHILIP A
9 FAIRWAY DR
KENNESAW GA 30144-0000

Tax Parcel - 20009903390

GADISETTI SRINIVASA R
3544 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009201120

KENNESAW CITY OF
2539 PARK DR
KENNESAW GA 30144

Tax Parcel - 20009801130

11 FAIRWAY DRIVE LAND TRUST
1025 ROSE CREEK DR STE 620-131
WOODSTOCK GA 30189

Tax Parcel - 20009801580

TOTH DANIEL & VOROSMARTY DORA
220 BLAIRSHIRE CLOSE
ROSWELL GA 30075

Tax Parcel - 20009801590

LECHER NOEL L & LAURA E
1020 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009801140

GRACE REALTY OF GEORGIA LLC
25 HARRIS DR
MARIETTA GA 30067

Tax Parcel - 20009301580

HARRISON KARL D
1080 SAND WEDGE CIR NW
KENNESAW GA 30144-2099

Tax Parcel - 20009801600

BEATTY KURT N
4976 MILLWOOD DR
CANTON GA 30114

Tax Parcel - 20009801150

ERVIN STEPHEN D & BORG ERIC
1709 LATOUR DR
MARIETTA GA 30066

Tax Parcel - 20009902530

ATLANTA REALTY PROS LLC
3449 SHERIDAN CHASE SE
MARIETTA GA 30067

Tax Parcel - 20009903360

SMITH MICHELLE D & RODNEY W
3550 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009903690

GRACE REALTY OF GEORGIA LLC
25 HARRIS DR
MARIETTA GA 30067

Tax Parcel - 20009902540

CRAMER JEFFREY E
3584 KENNESAW STATION DR
KENNESAW GA 30144-0000

Tax Parcel - 20009903370

LEARY BRIAN QUINN
3548 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009903380

SFR ACQUISITIONS 3 LLC
120 S RIVERSIDE PLZ STE 2000
CHICAGO IL 60606

Tax Parcel - 20009301640

KIM JEAN & CHUNG ALEXANDER EUNKWON
2040 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903740

RAY SANDRA E & HERMAN E
3293 HIGH SHOALS RD
DALLAS GA 30132

Tax Parcel - 20009800940

MOTES MORRIS JOHN % DWIGHT D MOTES
EXECUTOR
6405 VICKSBURG CT
ACWORTH GA 30101

Tax Parcel - 20009301540

WILLIAMS GREG
3154 N DRUID HILLS RD
DECATUR GA 30033

Tax Parcel - 20009903750

ANDESHMAND SAYEED A & SUHAIL MOHAMED
SHIHAAM
125 CYPRESS LOOP
HAYWARD CA 94544

Tax Parcel - 20009903400

3542 KENNESAW STATION HOUSING LLC
4707 MAPLE BRK SE
MARIETTA GA 30067

Tax Parcel - 20009301550

CARROZZA RICHARD PAUL
1050 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903760

CARPENTER ROBERT
3498 LEE CT
KENNESAW GA 30144

Tax Parcel - 20009301620

HAWES WILLIAM H & BEVERLY G HAWES
2117 SUMMERCHASE DR
WOODSTOCK GA 30189-6173

Tax Parcel - 20009301560

STRICKLAND RACHEL STURDIVANT
1060 SAND WEDGE CIR NW
KENNESAW GA 30144-2060

Tax Parcel - 20009903770

SHAH JIGISHA P & PREMAL K
4528 LASHLEY CT
MARIETTA GA 30068

Tax Parcel - 20009902570

GIRAGE KARA ELIZABETH
3578 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009301570

MORALES RICHARD
1070 SAND WEDGE CIR NW
KENNESAW GA 30144

Tax Parcel - 20009800970

KALEY MAX D & MCCOLLUM HERBERT C &
HENDERSON KATHERYN EXECUTRIX
1554 LANCASTER DR
MARIETTA GA 30066-5916

Tax Parcel - 20009902640

ISHAKON PROPERTIES LLC
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009200730

HARRINGTON SUSAN
3020 SANDWEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903410

ONYANCHIA MOMANYI B & CHERONO
CHRISTINE
3540 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009902580

MIRZAI AJMAL & BAIRD ALEXANDRA
5311 GOLDEN CANARY LN
AUSTIN TX 78723

Tax Parcel - 20009200740

JAYCO PROPERTIES LLC
P O BOX 613
HOLLY SPRINGS GA 30142

Tax Parcel - 20009903420

THE HOUSE OF WALKER TRUST
4632 LIBERTY SQUARE DR
ACWORTH GA 30101

Tax Parcel - 20009902590

SAROCH RAMESH & KAMALJIT
3574 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009200750

HELIOPOLIS DEVELOPMENT COMPANY LLC
2275 MARIETTA BLVD SUITE 275-392
ATLANTA GA 30318

Tax Parcel - 20009903430

3536 KENNESAW STATION DRIVE LAND TRUST
FREEPORT TITLE & GUARANTY INC TRUSTEE
2550 SANDY PLAINS RD STE 225-315
MARIETTA GA 30066

Tax Parcel - 20009902600

RINAMAN RAINIKKA
3572 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009200760

ROGERS CLINTON A
194 FIELDS RD
KINGSTON GA 30145

Tax Parcel - 20009903440

ISHAKON PROPERTIES LLC
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009301630

DIEP KENT BAO & HANG LINH LE
5355 HAVERFORD MILL COVE
LILBURN GA 30047

Tax Parcel - 20009200770

ZHAO JUAN
360 SUMTER DR
MARIETTA GA 30066

Tax Parcel - 20009903330

ISHAKON PROPERTIES LLC
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009903340

.....
NAUSTDAL FREDRIK TAMM
3970 PAPER MILL RD
MARIETTA GA 30067

Tax Parcel - 20009902620

.....
FU JUN MEI
4092 AMBERLY CT
KENNESAW GA 30144

ZONING ADMINISTRATOR
DARRYL SIMMONS



MAYOR AND COUNCIL
NOVEMBER 20, 2023

PLANNING COMMISSION
NOVEMBER 1, 2023

LEGAL ADVERTISEMENTS
OCTOBER 20, 2023

PUBLIC NOTICE SIGN
OCTOBER 17, 2023

APPLICATION SUBMITTED
SEPTEMBER 15, 2023

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

CONTACT US

OFFICE: (770) 590-8268
WEBSITE: www.kennesaw-ga.gov
EMAIL: zoningdept@kennesaw-ga.gov

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

Property Addresses

1651 McCollum Parkway

Applicant

Piedmont Residential

Representative

Parks F. Huff

Property Owner

Daisy Belle Ross

Current Zoning

R-15 (Single-Family - 15 Units/Acre)

Current Future Land Use Category

Residential High (RH)

Project Request: Rezone for construction of a residential townhome community, variance from stream buffer.



Street view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: Yes

Historic District: No

Cemetery: No **Floodplain:** No **Stream:** No

Parcel ID #: 20009900010

Land Lot #: 98 and 99 **Tax Parcel #:** 001

Land Area: 5.13 +/- acres or 223,462.8 SQFT

Existing Building Total SQFT: 2,209 SQFT

Proposed Building SQFT: N/A

Proposed Streets: N/A

RECOMMENDATION

Staff Recommendation

Approval with conditions

Planning Commission Recommendation

To be determined on November 1, 2023

Please see page 16 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: McCollum Parkway

Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

South: No Street

Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

East: Fairway Drive NW

Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

West: Kennesaw Station Drive NW

Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

Please see pages 2 for zoning map.

GOOGLE EARTH AERIAL VIEW

ZONING CASE #: RZ2023-04/ZV2023-03



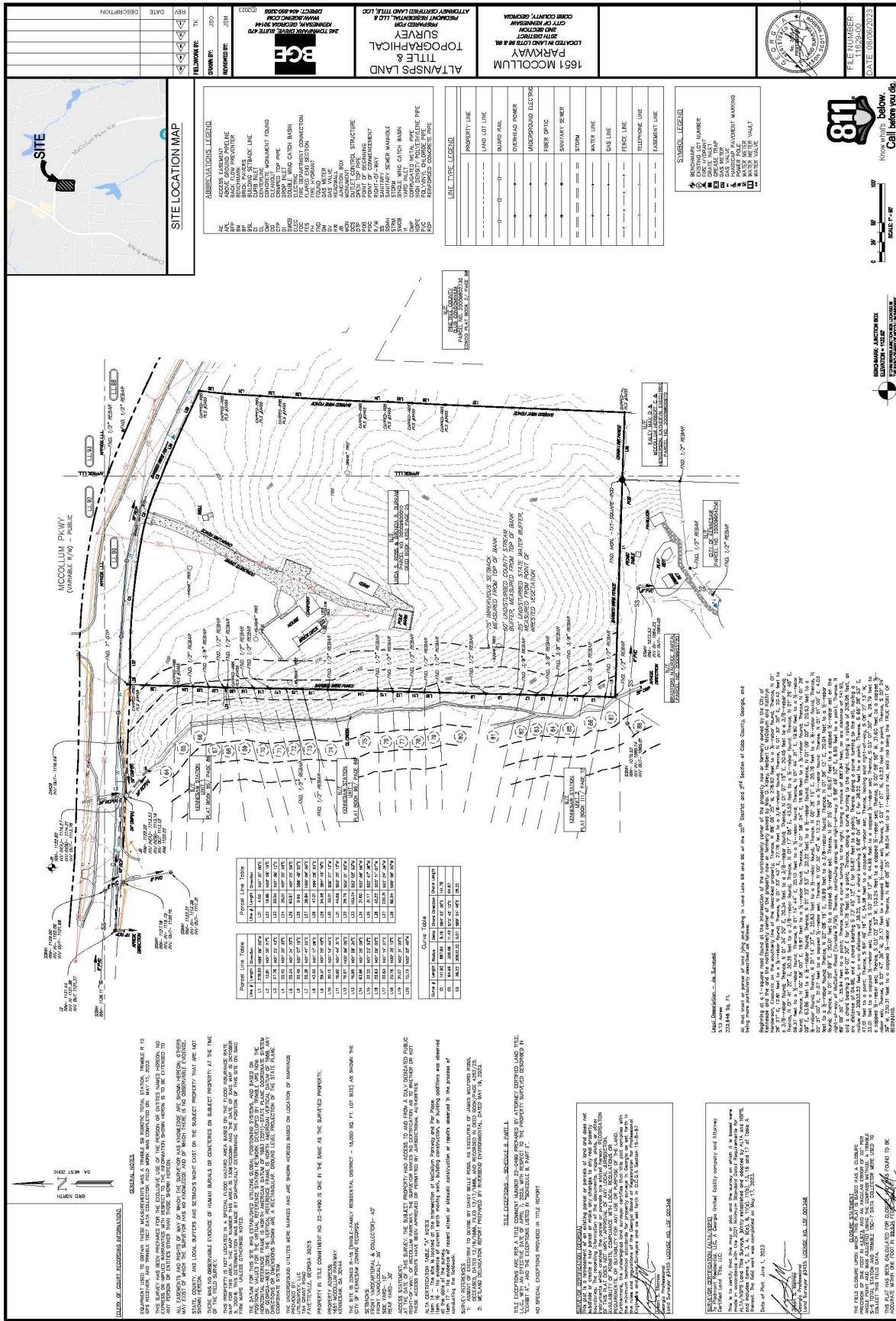
 = Approximate project location

Honoring Our Heritage - Forging Our Future



PROPOSED SITE PLAN

ZONING CASE #: RZ2023-04/ZV2023-03



PROPOSED RENDERING (PAGE 1 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Cadence Street View



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 2 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



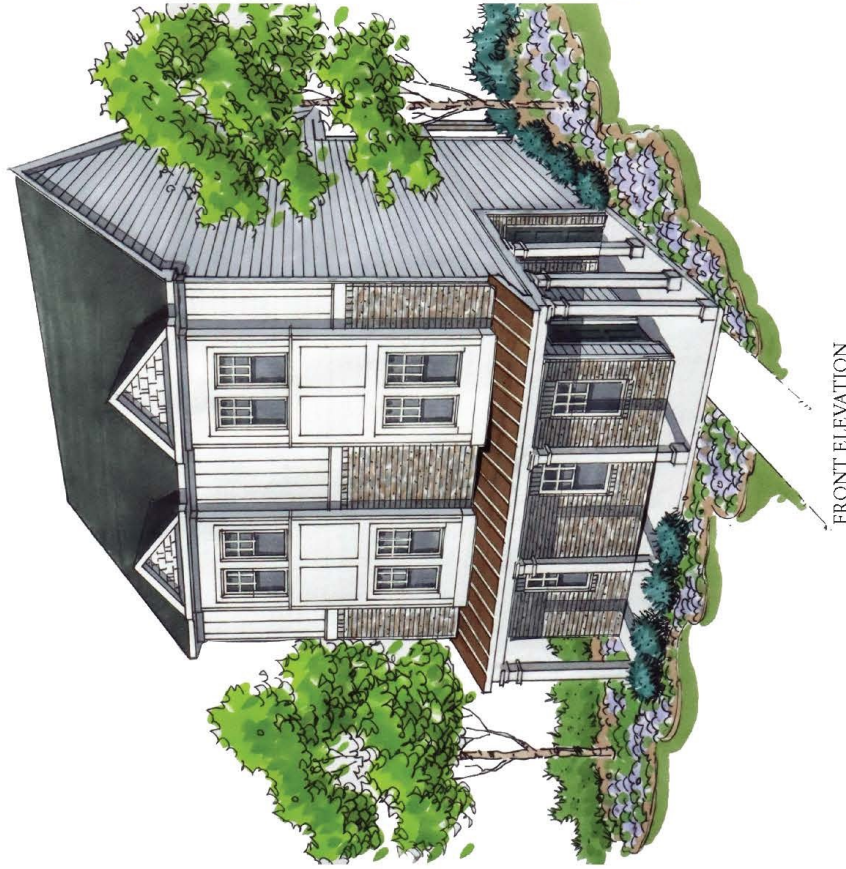
Cadence A



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 3 OF 12)

ZONING CASE #: RZ2023-01 & AX2023-01



FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 4 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 5 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

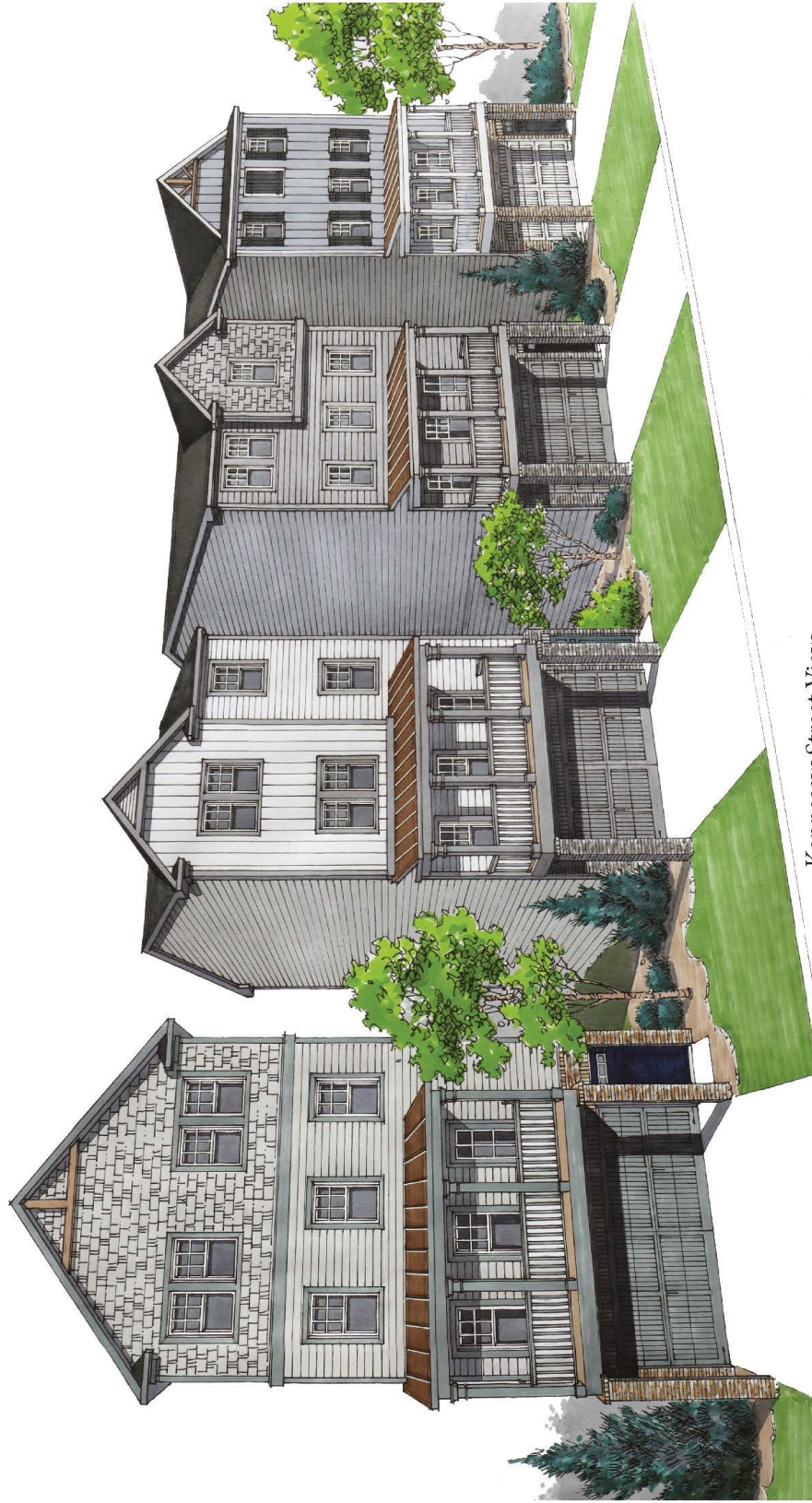
Cadence D



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 6 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



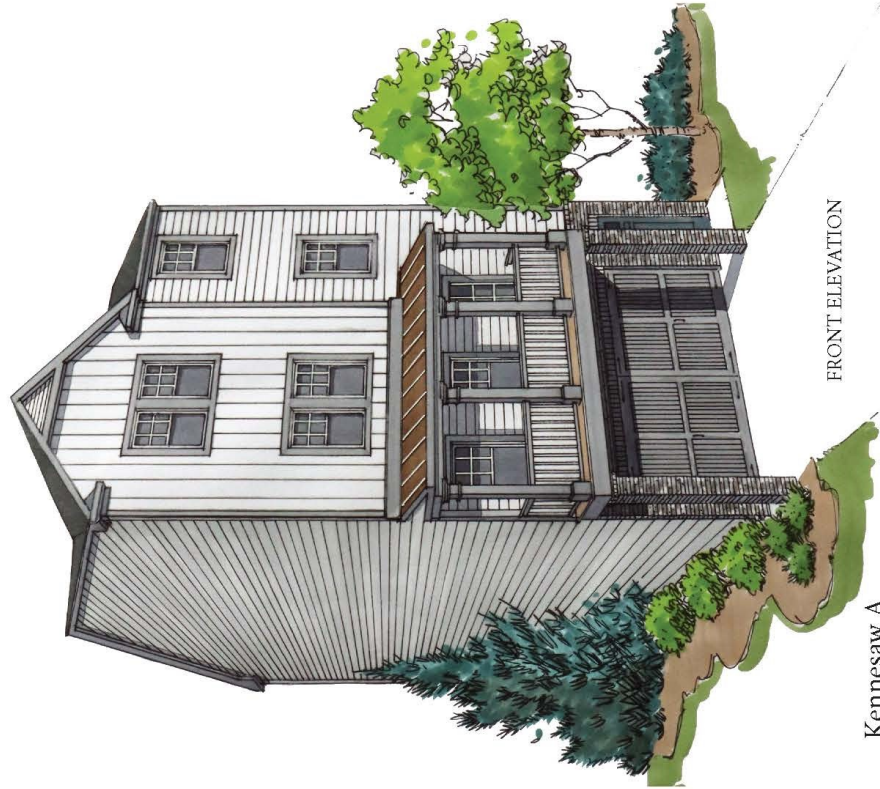
Kennesaw Street View



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 7 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Kennesaw A

FRONT ELEVATION



Kennesaw B

FRONT ELEVATION



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 8 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 9 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy

Street view on McCollum Pkwy



PROPOSED RENDERING (PAGE 10 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Dog Park



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 11 OF)

ZONING CASE #: RZ2023-04/ZV2023-03



PROPOSED RENDERING (PAGE 12 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

DESCRIPTION OF ZONING REQUEST: REZONING AND ZONING VARIANCE

This is a rezoning and variance request for the development of a residential townhome community.

PROJECT INTENT

The applicant is requesting to rezone the property to PUD-R to build a single-family neighborhood with 68 attached and detached homes on 5.13 acres.

Pre-Application Meeting

Application Submitted
September 15, 2023

Fees Paid
\$750.00

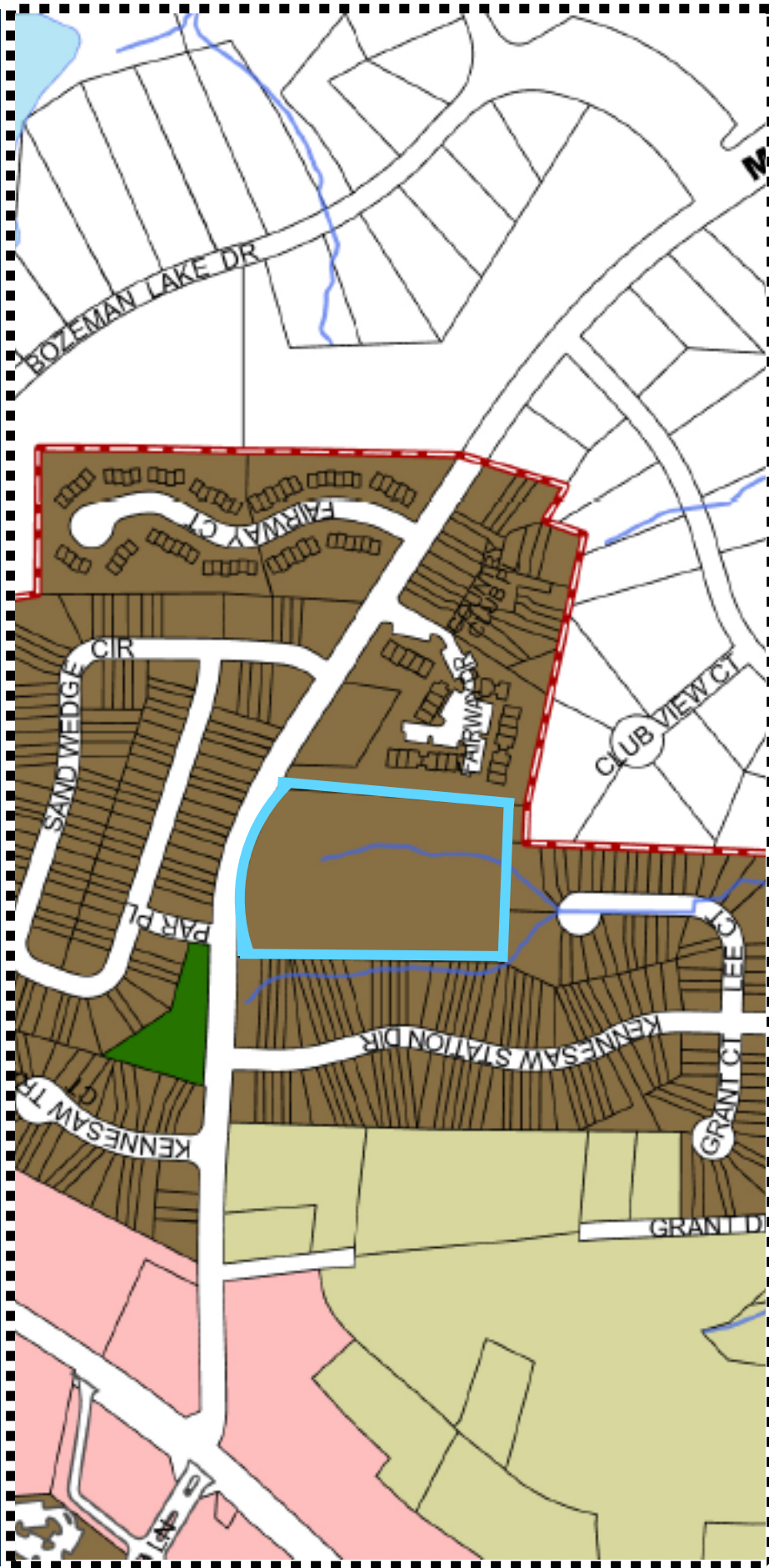
Certified Letters Mailed
October 13, 2023

GOOGLE STREET VIEW OF THE RESIDENCE



FUTURE LAND USE MAP

ZONING CASE #: RZ2023-04/ZV2023-03



Future Land Use

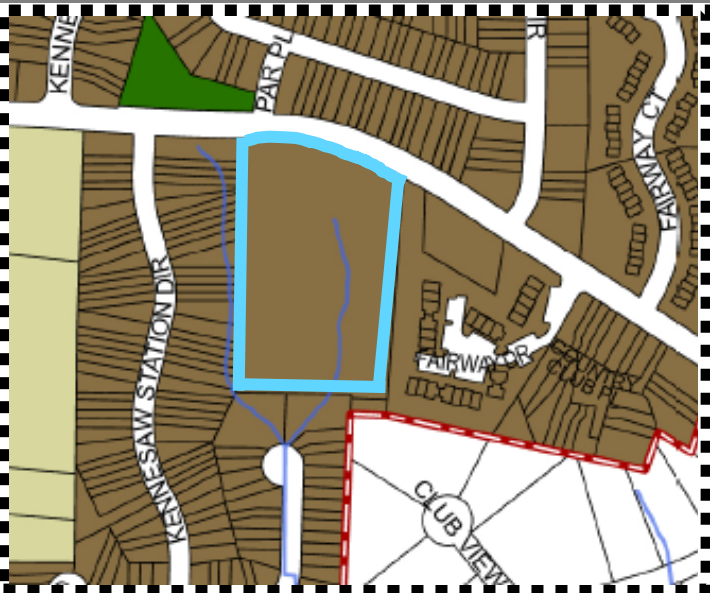
	NAC - Neighborhood Activity Center		I - Industrial		RH - Residential High		Acworth City Limits
	CAC - Community Activity Center		PI - Public Service/Institutional		PUD - Planned Unit Development		Kennesaw City Limits
	DAC - Downtown Activity Center		PRC - Park/Recreation/Conservation		TCU - Transportation Communication Utilities		Kennesaw Mtn Natl Battlefield
	RAC - Regional Activity Center		RL - Residential Low/Medium		Kennesaw City Limits		Land Lots
							Marietta City Limits

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

2022 COMPREHENSIVE PLAN UPDATE



LEGEND

- RH - Residential High
- RL - Residential Low/Medium
- PRC - Park/Recreation/Conservation
- NAC - Neighborhood Activity Center
- CAC - Community Activity Center

The Future Land Use Map is a general guide for the character of development within the City. A description of the identified category is provided below. New development should be monitored for its impact on water quality within the City and region.

As a built-out city, any new growth within the City of Kennesaw will be redevelopment. Currently, within the city, 86% of the city's parcels are residential which is a challenge for any new development. The Future Land Use Map is a general guide for character of development within the city.

FUTURE LAND USE CATEGORY

RH - Residential High

These are areas of residential land uses within the City. This may be single-family or multi-family housing. New development should reflect the character of the surrounding development.

Recommendations:

- Density: 4-16 units per acre
- Internal amenities
- Walkable; Connectivity to adjacent parcels
- Conservation of natural resources
- Percentage of housing dedicated to being affordable

COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-04/ZV2023-03

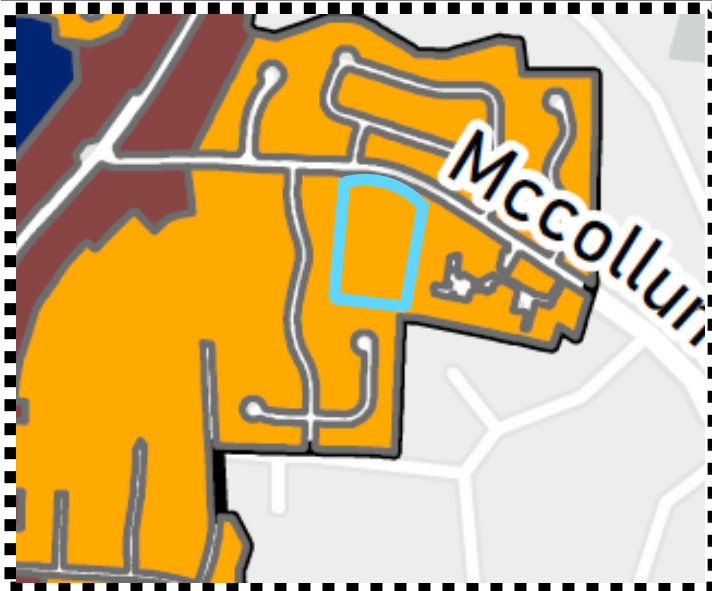


- | | | |
|--|--|--|
|  Barrett and Old 41 |  Historic Central Business District |  Moon Station Industrial Corridor |
|  Campus Living |  In-Town Living |  North Cherokee |
|  Cherokee Street Commercial Corridor |  Jiles and Baker |  Ridenour |
|  Cobb International Industrial Corridor |  Kennesaw Due West |  Swift-Cantrell |
|  Cobb Parkway Commercial Corridor |  Kennesaw Marketplace |  West Pine Mountain |
|  East Pine Mountain Revitalization |  McCollum Industrial Corridor | |

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

COMPREHENSIVE PLAN - AREAS



LEGEND

-  North Cherokee
-  Campus Living
-  Cherokee Street Commercial Corridor

COMPATIBLE FUTURE LAND USE

- Neighborhood Activity Center (NAC)
- Park/Recreation/Conservation (PRC)
- Planned Unit Development (PUD)
- Residential High (RH)
- Residential Low/Medium (RL)

In addition to the established Future Land Use Map, the City would like to further define an appropriate development atmosphere to ensure compatible and unified development within specified areas of the City.

Furthermore, please refer to the Policy Matrix which should be used for new development within each of the described areas.

NORTH CHEROKEE

The North Cherokee area is a residential area consisting of multi-tenured, low-to-medium density housing options ranging from single-family detached homes and manufactured housing to duplexes and even high density townhome developments. This area is located along the Cherokee Street corridor from Ben King Road/Twelve Oak Circle and north to Bozeman Lake Road. This area is unique in that it borders a well-defined commercial corridor along Cherokee Street that is as diverse in character and tenure as the neighborhoods themselves.

TRANSPORTATION DATA

Honoring Our Heritage ... Forging Our Future 23
Page 114 of 249

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

ENVIRONMENTAL

Floodplain:

- ☐ Yes
☒ No
☐ Not Verified

Wetlands:

- ☐ Yes
☒ No
☐ Not Verified

Drainage Basin:

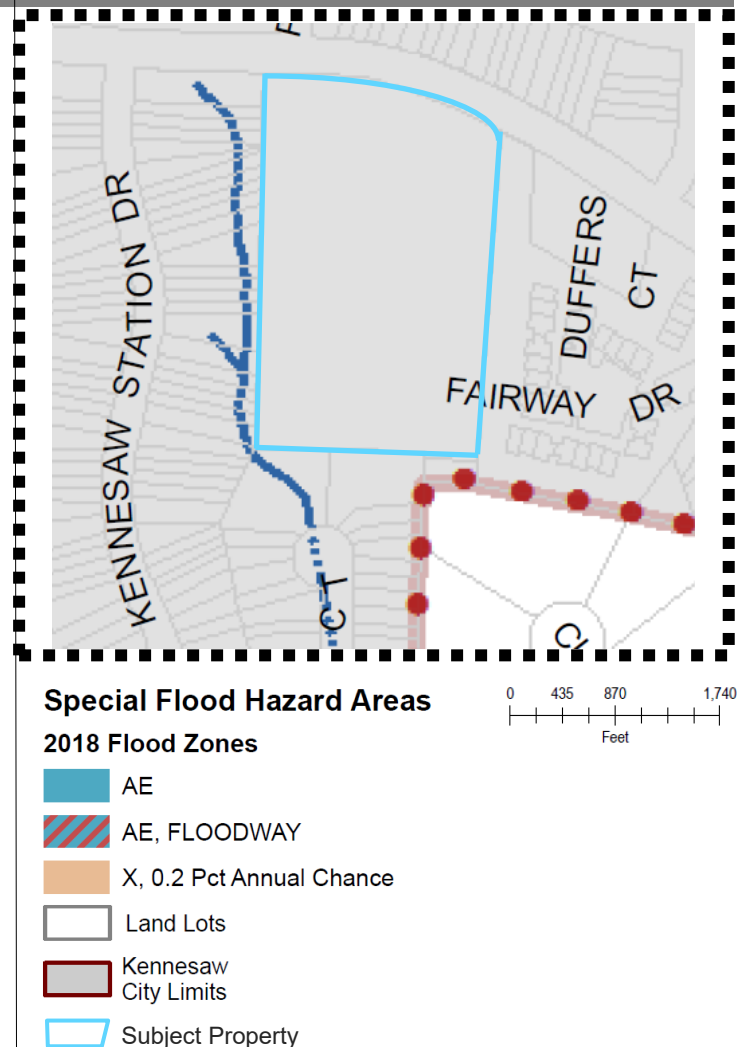
- ☒ None
☐ FEMA 100-year floodplain area
☐ Flood Damage Prevention Ordinance¹
☐ Project subject to Cobb County Damage Prevention Requirements
☐ Dam Breach Zone (Upstream)²
☐ Owner/Developer is responsible for obtaining any required wetland permits from the United States Army Corps of Engineers

Streams and Creeks:

- ☐ Metropolitan River Protection Area³
☐ Chattahoochee River Corridor Tributary Area⁴
☐ Georgia Erosion-Sediment Control Law and County Ordinance⁵
☐ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
☒ City Stream Buffer Required
☐ No Stream Buffer Required

Public Works Comments: N/A

FEMA FLOOD ZONE MAP



ADDITIONAL COMMENTS REGARDING PROJECT:

- Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be resolved in the plan review process.
- Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.
- Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

1. Designated flood hazard
 2. Need to keep residential buildings out of hazard.
 3. Within 2000-feet of the Chattahoochee River. ARC review 35-foot undisturbed buffer each side of waterway.
 4. Cobb County review (___-feet undisturbed buffer on each side)
 5. State of Georgia and Cobb County review.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

October 27, 2023

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
October 27, 2021
Page 2

245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, Conditions and Restrictions ("CCRs") to be made applicable to the Property, which shall include, among other components, a restriction on the total number of units that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
October 27, 2021
Page 3

5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
 - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
 - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
 - a) The ultimate location and configuration of on-site detention and water quality.¹
 - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

¹ The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1st. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP

Joel L. Larkin

PFH/jcc
Attachment

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

PLANNING AND ZONING

Site Visit:

☐ Yes
☒ No

Staff Member:

Name: N/A
Date of Visit: N/A

Land Use Recommendation:**Historic Preservation:**

Not in a historic district

Cemetery Preservation:

No cemeteries on site

Required Parking: minimum of 2 parking spaces per unit plus .35/per unit for guest parking

DENSITY ANALYSIS

COMMERCIAL: None proposed

RESIDENTIAL: 13.26 DU/AC

Proposed Parking: 68 units will require 160 parking spaces with guest parking. Tenant parking equals 136 spaces. Guest spaces for development equals 24 spaces. However there is specifically 14 lots that will not have a garage and will depend on on street parking so that applicant will be designing site plan to accommodate 2 spaces for these 14 units as well as ample guest parking
*additional parking spaces can be provided

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL WITH CONDITIONS**

The Zoning Administrator, Darryl Simmons, recommends **approval with conditions** of case #RZ2023-04 and ZV2023-03.

Conditions:

1. Staff recommends the incorporation of all eleven conditions as specified in the attorney letter dated October 27, 2023 prepared by Sams Larkin & Huff, LLP.
2. Staff recommends the variance to encroach into the required stream buffer area for the purpose of providing rear access drive for town home units .

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

1. The request for rezoning is compatible with the adopted comprehensive plan for this portion of McCollum Parkway. This development contains a unique housing configuration that will allow a specific number of residential units to be affordable or obtainable. This meets one of the City of Kennesaw's long range goals for the citizens regarding promotion of accessible housing for purchase.
2. The configuration of the townhome units required easier secondary access to the rear units and the variance approval to encroach into the stream buffer area will accomplish the goal of meeting the criteria for easier drive access specific to this site.

PLANNING COMMISSION RECOMMENDATION:

To be determined on November 1, 2023.

MAYOR AND COUNCIL DECISION:

To be determined on November 13, 2023.

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
November 1, 2023
6:30 PM**

1. Call to Order / Roll Call

Meeting called to order by Chairman Bergwall at 6:46 p.m.

Roll Call: Commissioner Greenall, Commissioner Jackson, Commissioner Vande Zande

Absent: Commissioner Patterson, Commissioner Bodenhamer, Commissioner Ragus

Staff present: James Friedrich (Assistant to the City Manager, representing the Zoning Administrator) and Natalie Faustine (Community Development Administrative Assistant)

Speakers: Michael Miller & Parks Huff (Applicant)

2. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology, allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link: [www.Facebook.com/City of Kennesaw/](https://www.facebook.com/CityofKennesaw/). However, comments made on Facebook Live will not be visible by City staff. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on November 20, 2023.

3. Approval of the Meeting Minutes

- A. Meeting Minutes from October 4, 2023

Motion by Commissioner Greenall to Approve. Seconded by Commissioner Jackson.

Vote taken, motion unanimously approved 3-0.

4. New Business

- A. Consideration for approval of a variance application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #ZV2023-04.

Motion by Commissioner Greenall to Approve. Seconded by Commissioner Jackson.

Vote taken, 1 in favor (Vande Zande) 2 opposed (Greenall, Jackson). Motion denied.

- B. Consideration for approval of a rezoning application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #RZ2023-03

Motion by Commissioner Jackson to Approve. Seconded by Commissioner Vande Zande.

Vote taken, motion unanimously approved 3-0.

5. Staff Comment

6. Adjourn

Motion to adjourn by Commissioner Greenall, second by Commissioner Vande Zande.

Meeting adjourned at 7:37 p.m.



Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: November 13, 2023

TITLE: Approval of ORDINANCE for rezoning application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #RZ2023-04.

Summary:

Consideration to approve a rezoning request to change the zoning from Single-Family Residential (R-15) to Planned Urban Development - Residential (PUD-R) as submitted by Piedmont Residential, LLC. The property lies in land lots 99 and 98, tax parcel 001, and consists of 5.1+/- acres.

Recommendation:

The Zoning Administrator recommends to approve the rezoning.

Fiscal Impact:

Attachments:

1. ORDINANCE - 1651 McCollum Pkwy
2. COMPLETE RZ Application_1651 McCollum_REDACTED
3. RZ2023-04_ZV2023-03_Staff Analysis_1651McCollumPkwy
4. 11-1-23 PC Action Minutes

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. 2023

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE
CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT
DESIGNATION FROM CITY SINGLE-FAMILY RESIDENTIAL (R-15) TO CITY
PLANNED UNIT DEVELOPMENT - RESIDENTIAL (PUD-R) FOR THE PROPERTY
LOCATED AT 1651 MCCOLLUM PARKWAY**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW,
COBB COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, Piedmont Residential, LLC made an application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from **CITY SINGLE-FAMILY RESIDENTIAL (R-15) to CITY PLANNED UNIT DEVELOPMENT – RESIDENTIAL (PUD-R)**; for property located at 1651 McCollum Parkway, identified as 20th District, Land Lot 99 and 98 Tax Parcel 001 containing +/- 5.13 acres (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on October 20, 2023 of a public hearing before the Kennesaw Planning Commission held on November 1, 2023 and the Mayor and Council on November 20, 2023; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal at a meeting held November 1, 2023 ; and

WHEREAS, the Mayor and Council held a public hearing to consider this proposal at a meeting held November 20, 2023; and

WHEREAS, the Mayor and Council have determined that the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS.**

SECTION 1. The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from **CITY SINGLE-FAMILY RESIDENTIAL (R-15) to PLANNED UNIT DEVELOPMENT – RESIDENTIAL (PUD-R)** for the following described property:

1651 McCollum Parkway
Legal Description

EXHIBIT “A”

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 98 AND 99 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY SIDE OF CHALKER ROAD 54 FEET SOUTH AS MEASURED ALONG THE WEST LINE OF LAND LOT 98 FROM THE NORTHWEST CORNER OF LANDLOT 98; RUNNING THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY SIDE OF SAID ROAD 90 FEET TO G. W. CHALKER ESTATE; THENCE WEST ALONG THE NORTH LINE OF SAID DAVIS PROPERTY 279 FEET; LINE OF LAND LOT 99; THENCE EAST ALONG THE NORTH LINE OF LAND LOT 99, A DISTANCE OF 279 FEET TO THE NORTHWEST CORNER OF LAND LOT 98, A DISTANCE OF 54 FEET TO THE POINT OF BEGINNING, BEING IMPROVED PROPERTY HAVING A HOUSE LOCATED THEREON.

LESS AND EXCEPT APPROXIMATELY .05 ACRES NORTH OF CHALKER ROAD, CONVEYED TO GEORGIA MARIETTA CO., BY JAMES M. ROSS BY WARRANTY DEED DATED JUNE 25, 1973 AND RECORDED IN DEED BOOK 1445, PAGE 96 OF THE COBB COUNTY RECORDS.

FURTHER AND LESS EXCEPT: ANY PORTION OF THE ABOVE-DESCRIBED PROPERTY LYING WITHIN THE DEDICATED RIGHT-OF-WAY OF MCCOLLUM PARKWAY FORMERLY KNOWN AS CHALKER ROAD.

PROPERTY ALSO KNOWN AS 1651 MCCOLLUM PARKWAY KENNESAW, GEORGIA 30144

TAX PARCEL ID: 20009900010

SECTION 2. BE IT FURTHER ORDAINED THAT the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from **CITY SINGLE-FAMILY RESIDENTIAL (R-15)** to **PLANNED UNIT DEVELOPMENT – RESIDENTIAL (PUD-R)** +/- 5.13 acres with stipulations below as listed in a letter prepared by the law firm Sams, Larkin & Huff, LLP dated October 27, 2023:

ZONING CONDITIONS

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith, as referenced in the site plan prepared by BGE, Inc for Piedmont Residential, LLC dated October 31, 2023. The front, sides, and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other Cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29,

and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the “Attainable Units”) in order to make them more affordable for policemen, teachers, fireman, and/or first time homebuyers.

3. Applicant shall create a mandatory Homeowners Association (“HOA”) and prepare and file a Declaration of Covenants, Conditions and Restrictions (“CCRs”) to be made applicable to the Property, which shall include, among other components, a restriction on the total number of units that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting, and strategically located guest parking spaces within the proposed residential community.
5. The Community’s entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation (“DOT”), including the following:
 - a. The installation of sidewalk, curb and gutter along the Subject Property’s frontage on McCollum Parkway
 - b. The installation of a deceleration lane with taper at the Subject Property’s point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property’s boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw’s Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
 - a. The ultimate location and configuration of on-site detention and water quality
 - b. Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal’s Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

SECTION 3. BE IT FURTHER ORDAINED THAT it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is

declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

SECTION 4. BE IT FURTHER ORDAINED THAT this Ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

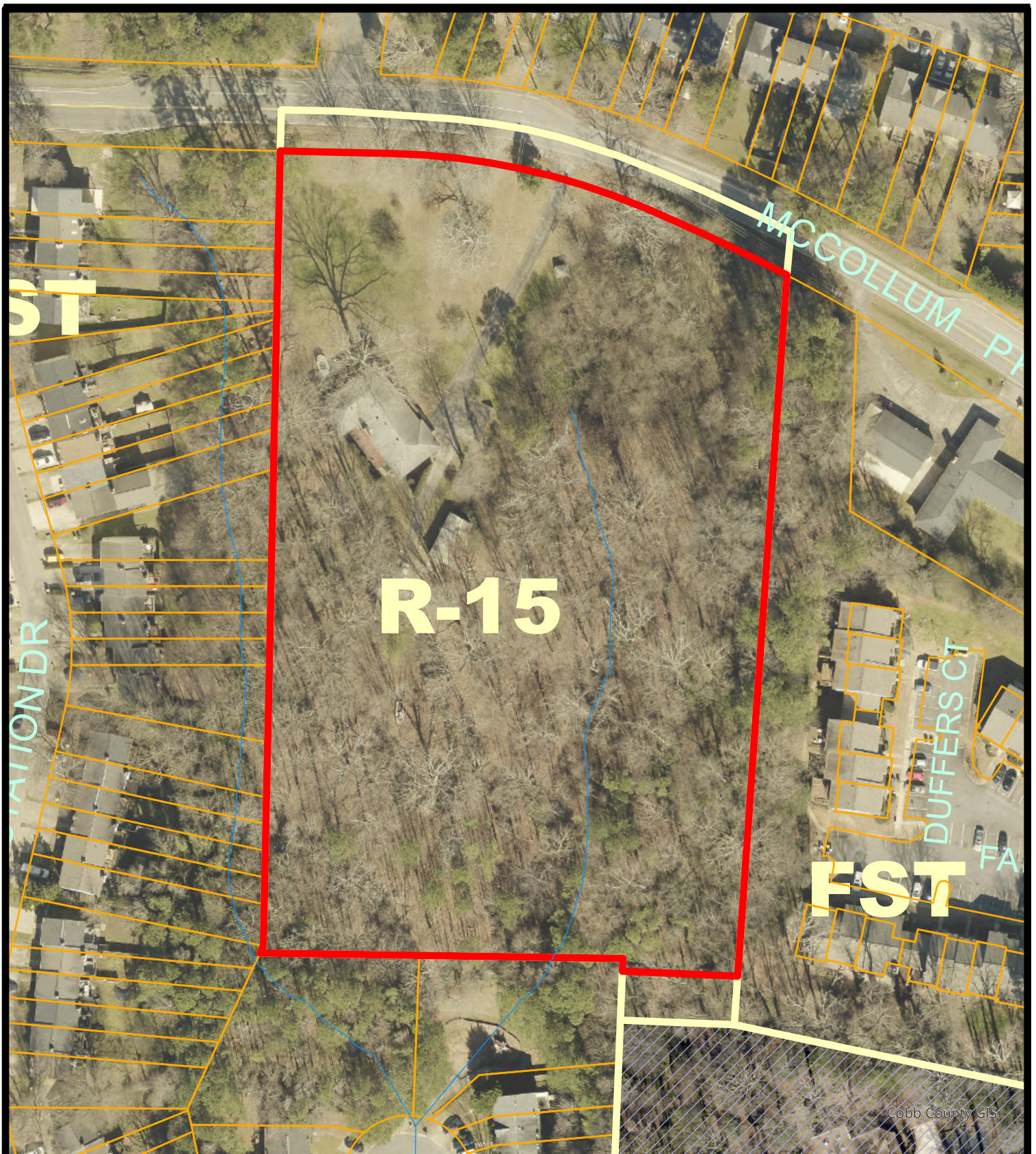
PASSED AND ADOPTED by the Kennesaw City Council on this 20th day of November, 2023.

ATTEST:

CITY OF KENNESAW:

Lea Alvarez, City Clerk

Derek Easterling, Mayor



Cobb County GIS

CASE NUMBER	LAND USE OR ZONING			1651 McCollum Pkwy Land Lots 99 & 98, Tax Parcel 001  Subject Property	 Scale: 1" = 100' Print Date: 9/28/2023 RZ2023_000
	FROM	TO			
AV	LU			 CITY OF KENNESAW PLANNING & ZONING DEPT. 770-590-8268 <i>Bonds Eversley</i> MAYOR <i>Lee Murray</i> CITY CLERK	
AX	RZ 2023-004	R-15	PUD-R		
DX	AV – Administrative Variance	 ZONING			
HBR	AX – Annexation	 KENNESAW CITY LIMITS			
SLUP	HBR – Historic Board Review	 COBB COUNTY			
ZV	LU – Land Use	 LAND LOT			
	RZ – Re-zoning				
	SLUP – Special Land Use				
	ZV – Variance				



REZONING APPLICATION

Required Fee \$375.00

Date Received 9/15/23
Staff's Initials NF

Is this property located within the Kennesaw Historic District (yes) _____ (no) ✓ ?

A MINIMUM OF ONE CONSULTATION WITH PLANNING AND ZONING ADMINISTRATOR AND STAFF PRIOR TO THE SUBMISSION OF THE REQUESTED APPLICATION IS MANDATORY.

Date of Consultation 08/22/2023 Staff's Initials _____

REZONING PROPERTY ADDRESS 1651 McCollum Pkwy.

Land Lot 20 Tax Parcel 20009900010 Lot Size ±5.1 acres

Resident Population _____ Housing Units 68 Other Buildings _____

Present Zoning R-15 To: PUD-R

For the purpose of: construction of a residential townhome community

APPLICANT NAME Piedmont Residential, LLC

APPLICANT EMAIL _____

Applicant Address 285 Parkway 575, Woodstock, GA 30188

(Phone #) _____

Applicant Signature See accompanying documents Date _____

Signed, sealed and delivered in presence of: _____
Notary _____ Date _____

REPRESENTATIVE Parks F. Huff, Attorney for the Applicant

(Fax #) _____ (Work#) _____ (Cell#) _____

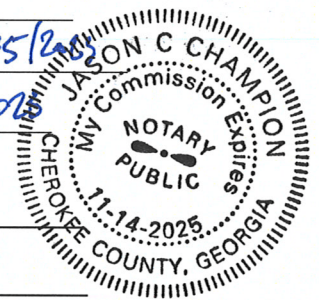
Representative Signature [Signature] Date 9/15/2023

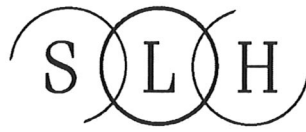
Signed, sealed and delivered in presence of: _____
Notary [Signature] Date 9/15/2023

Linda S. Ross and Brenda R. Durham, Co-Executors of
TITLEHOLDER: the Estate of Daisy Belle Ross (Phone #) _____

Signature: See accompanying signature pages Address _____

Signed, sealed and delivered in presence of: _____
Notary _____ Date _____





GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

September 15, 2023

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

Re: Applications of Piedmont Residential, LLC to Rezone (with concurrent
Variances) a 5.13 ± acre parcel from R-15 to PUD-R; Land Lots 98 and 99, 20th
District, 2nd Section

APPLICANT'S LETTER OF INTENT

Dear Darryl:

Piedmont Residential, LLC proposes a new neighborhood on McCollum Parkway close to its intersection with Cherokee Street. The single-family neighborhood features a combination of sixty-eight attached and detached homes on 5.13 acres. The applicant proposes to rezone the property to PUD-R. The proposal is consistent with the development in the area and consistent with the city's Comprehensive Land Use Plan.

The design of the community was heavily influenced by multiple meetings with the city's professional planning and zoning staff. Key features of the proposed neighborhood include the following:

1. The homes that are adjacent to McCollum Parkway are all rear entry single family homes. These homes will be access via a rear alley so there is an attractive streetscape facing McCollum Parkway.
2. The homes along the west side of the property are accessed via a rear alley that runs along the stream buffer. This rear alley allows the garages to be below grade with the front of the attached homes facing the internal private street.
3. The other homes are paired units that are attached at the rear and accessed via driveways off of a private alley.



VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
August 2, 2021
Page 2

4. Parking includes two car garages for all units, guest parking spaces and parking spaces in driveways. The entire site will have a total of 245 parking spaces to ensure there is sufficient parking.
5. The community is located on an arterial road, close to its intersection with Cherokee Street making the community easily accessible to downtown Kennesaw, Kennesaw State University and Interstate 75. This access makes the neighborhood accessible to jobs, shopping and entertainment.

Piedmont looks forward to providing additional details about the proposed neighborhood during the zoning process. The applicant has a history of building quality communities in Kennesaw and is receptive to input and feedback from the city staff, Planning Commission and Mayor and Council. In the interim, please do not hesitate to contact me should you have any questions or need any additional information or documentation.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in blue ink, appearing to read "Parks F. Huff", with a long horizontal flourish extending to the right.

Parks F. Huff

A solid black rectangular redaction box covering the contact information below the signature.

PFH/jcc
Attachments

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

October 27, 2023

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 2

245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, Conditions and Restrictions ("CCRs") to be made applicable to the Property, which shall include, among other components, a restriction on the total number of units that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 3

5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
 - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
 - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
 - a) The ultimate location and configuration of on-site detention and water quality.¹
 - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

¹ The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1st. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP



Joel L. Larkin

PFH/jcc

Attachment

[illegible]

GENERAL SITE NOTES:

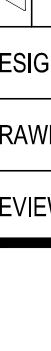
1. TOTAL AREA = 5.13 ACRES
- 1.1. OPEN SPACE AREA = 1.60 ACRES (=31%)
2. TOTAL NUMBER OF PROPOSED UNITS = 68 UNITS
3. DENSITY = 13.26 DU/AC.
4. OWNER: PIEDMONT RESIDENTIAL, LLC
285 PARKWAY 575
WOODSTOCK, GA
30188
5. 24-HOUR CONTACT:
RYAN BOBBITT
404-483-8555
6. ZONING = PUD-R
7. MINIMUM LOT SIZE = NONE
8. BUILDING SETBACKS:
 - 8.1. FRONT = 0'
 - 8.2. SIDE = 0'
 - 8.3. REAR = 0'
9. ALL MINIMUM 3' BETWEEN BUILDINGS
10. ALL PROPOSED ROADS ARE PRIVATE
11. NO GATE SHALL BE ALLOWED AT ENTRANCE
12. PARKING PROVIDED:
 - 11.1. TOTAL PARKING: 245 SPACES
 - 11.2. GARAGE: 108 SPACES
 - 11.3. DRIVEWAY: 108 SPACES
 - 11.4. RESIDENT-ONLY ON-STREET PARKING: 14 SPACES
 - 11.5. GUEST PARKING: 14 SPACES
 - 11.6. HANDICAP PARKING: 1 SPACE
13. PEDESTRIAN ACCESS TO PUBLIC PARK TO THE SOUTH SHALL BE PROVIDED.
14. STREET PARKING IS PROPOSED FOR THIS DEVELOPMENT.
15. ON-SITE WETLANDS AND BUFFERED STATE WATERS LOCATED ON OR WITHIN 200 LINEAL FEET OF THE PROJECT SITE HAVE BEEN DELINEATED.
16. NO CLEARING/DEMOLITION SHALL OCCUR UNTIL EROSION CONTROL PHASE PERIMETER BMP'S ARE INSTALLED AND APPROVED.
17. NO CONSTRUCTION EQUIPMENT SHALL BE PARKED IN RIGHT-OF-WAY AND WILL BE STORED WITHIN THE JOB SITE.
18. ALL INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE
19. MINIMUM DRIVEWAY LENGTH IS 20' FROM BACK-OF-CURB OR BACK-OF-SIDEWALK.
20. RIGHT-TURN LANE LENGTH IS 100' AND TAPER LENGTH IS 50'.

[illegible]



FLOOD CERTIFICATION
SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.IT IS LOCATED IN ZONE "N/A" AS DEFINED BY HUD F.I.R.M. COMMUNITY PANEL NUMBER 130055, MAP NUMBER 13067C0036H WITH AN EFFECTIVE DATE OF OCTOBER 05, 2018.

- GENERAL SITE NOTES:**
1. TOTAL AREA = 5.13 ACRES
 - 1.1. OPEN SPACE AREA = 1.60 ACRES (≈31%)
 2. TOTAL NUMBER OF PROPOSED UNITS = 68 UNITS
 3. DENSITY = 13.26 DU/AC.
 4. OWNER: PIEDMONT RESIDENTIAL, LLC
285 PARKWAY 575
WOODSTOCK, GA
30188
 5. 24-HOUR CONTACT:
RYAN BOBBITT
404-483-8555
 6. ZONING = PUD-R
 7. MINIMUM LOT SIZE = NONE
 8. BUILDING SETBACKS:
 - 8.1. FRONT = 0'
 - 8.2. SIDE = 0'
 - 8.3. REAR = 0'
 - 8.4. MINIMUM 3' BETWEEN BUILDINGS
 9. ALL PROPOSED ROADS ARE PRIVATE
 10. NO GATE SHALL BE ALLOWED AT ENTRANCE
 11. TOTAL PARKING: 269 SPACES
 - 11.1. GARAGE: 108 SPACES
 - 11.2. DRIVEWAY: 108 SPACES
 - 11.3. RESIDENT-ONLY ON-STREET PARKING: 28 SPACES
 - 11.4. GUEST PARKING: 24 SPACES
 - 11.5. HANDICAP PARKING: 1 SPACE
 12. PEDESTRIAN ACCESS TO PUBLIC PARK TO THE SOUTH SHALL BE PROVIDED.
 13. STREET PARKING IS PROPOSED FOR THIS DEVELOPMENT.
 14. ALL ON-SITE WETLANDS AND BUFFERED STATE WATERS LOCATED ON OR WITHIN 200 LINEAR FEET OF THE PROJECT SITE HAVE BEEN DELINEATED.
 15. NO CLEARING/DEMO SHALL OCCUR UNTIL EROSION CONTROL PHASE I PERIMETER BMPs ARE INSTALLED AND APPROVED.
 16. ALL CONSTRUCTION EQUIPMENT SHALL BE PARKED IN RIGHT-OF-WAY OR WILL BE STORED WITHIN THE JOB SITE.
 17. NOTIFY COUNTY INSPECTOR 24 HOURS PRIOR TO ANY WORK ON SITE.
 18. MINIMUM DRIVEWAY LENGTH IS 20' FROM BACK-OF-CURB OR BACK-OF-SIDEWALK.
 19. RIGHT-TURN LANE LENGTH IS 100' AND TAPER LENGTH IS 50'.

 NOT ISSUED FOR CONSTRUCTION FILE NUMBER: 11629-00 DATE: 10.31.2023 C3.0	CONCEPT ZONING PLAN	MCCOLLUM PKWY PRELIMINARY ENGINEERING CITY OF KENNESAW, GA COBB COUNTY LL 98 AND 99, 20TH DISTRICT, 2ND SECTION ZONED: R-15	PIEDMONT RESIDENTIAL, LLC 285 PARKWAY 525 WOODSTOCK, GA 30168 *****	 245 TOWNPARK DRIVE, SUITE 470 KENNESAW, GEORGIA 30144 WWW.BGEINC.COM DIRECT: 470-705-9885 COA: PEF007149 EXP: 06/30/2024	DESIGNED BY: EV DRAWN BY: DS REVIEWED BY: C.JW DESIGNED BY:  DRAWN BY:  REVIEWED BY: 	DESIGNED BY:  DRAWN BY:  REVIEWED BY:  DESIGNED BY:  DRAWN BY:  REVIEWED BY: 	DESIGNED BY:  DRAWN BY:  REVIEWED BY:  DESIGNED BY:  DRAWN BY:  REVIEWED BY: 	DESIGNED BY:  DRAWN BY:  REVIEWED BY:  DESIGNED BY:  DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY: DRAWN BY: REVIEWED BY: DESIGNED BY: DRAWN BY: REVIEWED BY:	DESIGNED BY:
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Cadence Street View



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence A



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy
Kennesaw, GA



FRONT ELEVATION



REAR ELEVATION

Cadence D



McCollum Pkwy
Kennesaw, GA



Kennesaw Street View



McCollum Pkwy
Kennesaw, GA



Kennesaw A



Kennesaw B



McCollum Pkwy
Kennesaw, GA



Kennesaw C



Kennesaw D



McCollum Pkwy

Street view on McCollum Pkwy



Dog Park









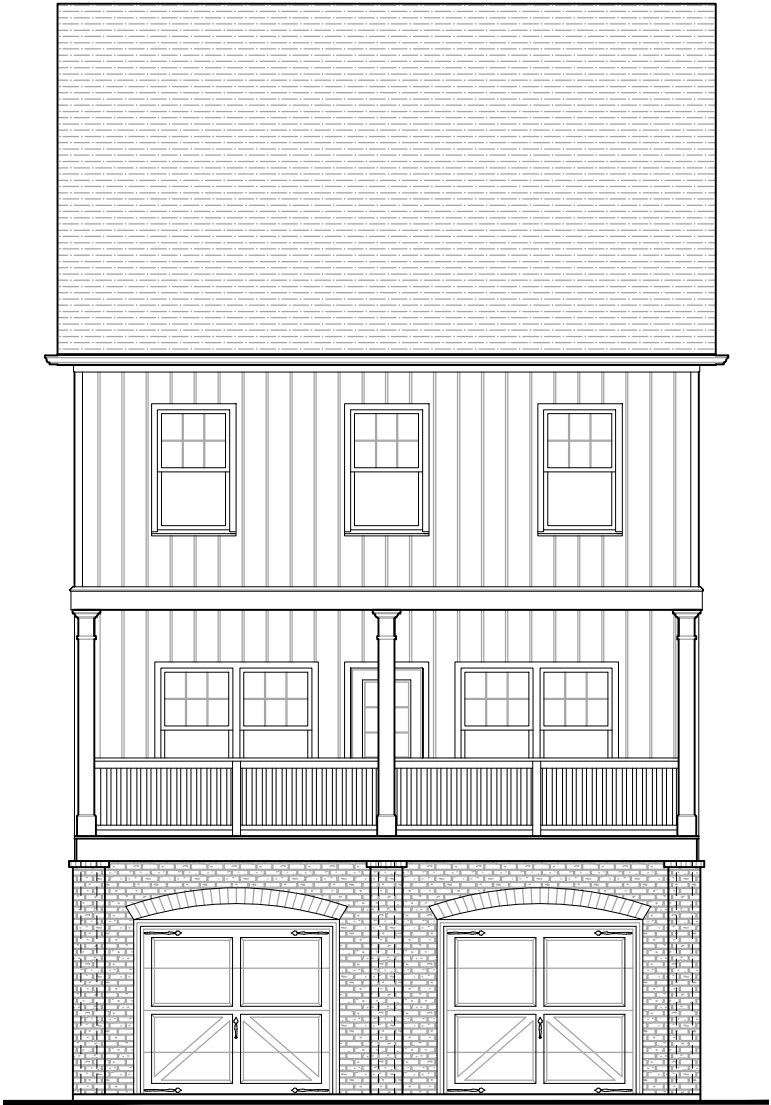




Elevation A Front & Rear



Elevation B Front & Rear

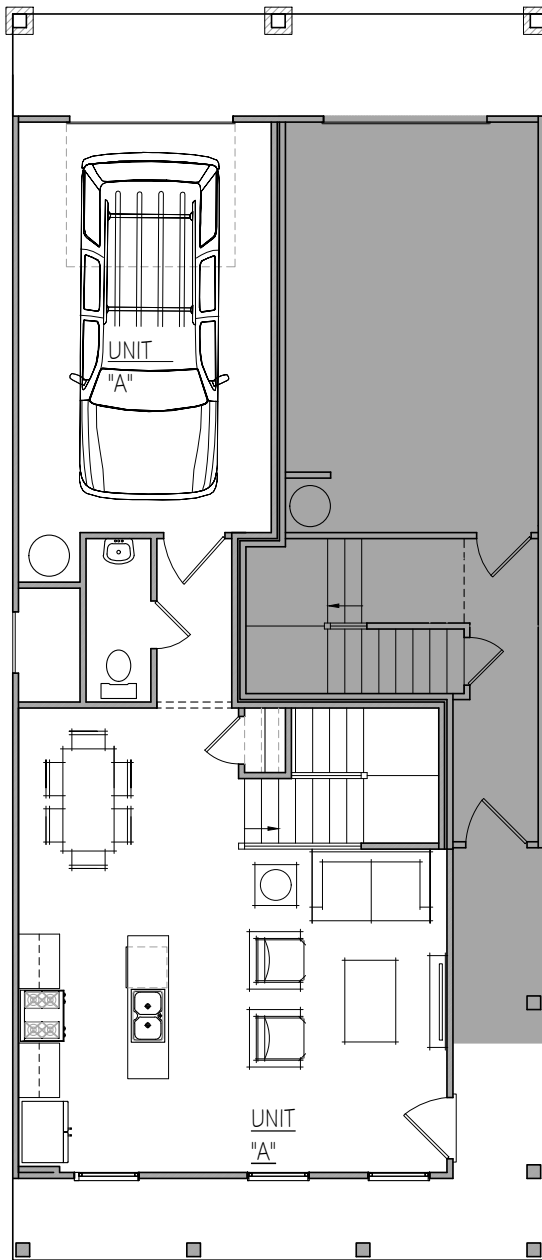


Elevation C Front & Rear

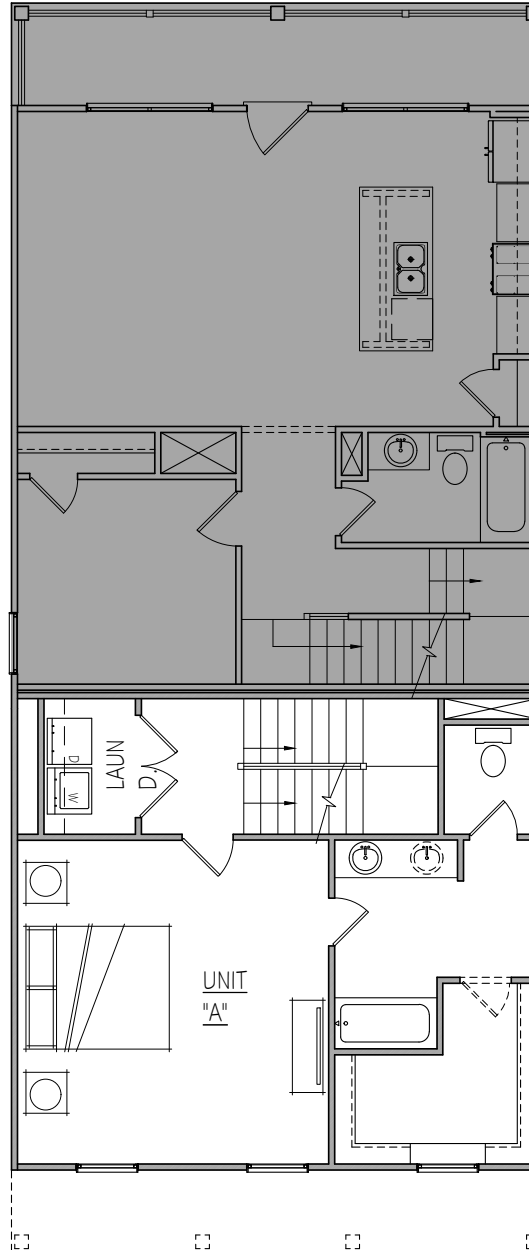


Elevation D Front & Rear

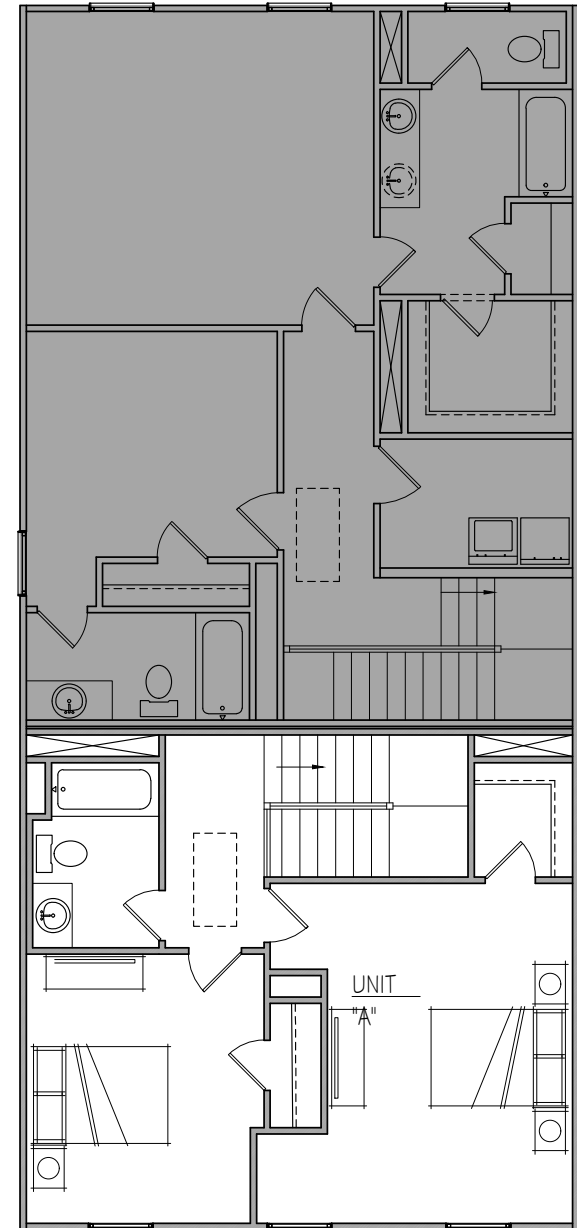




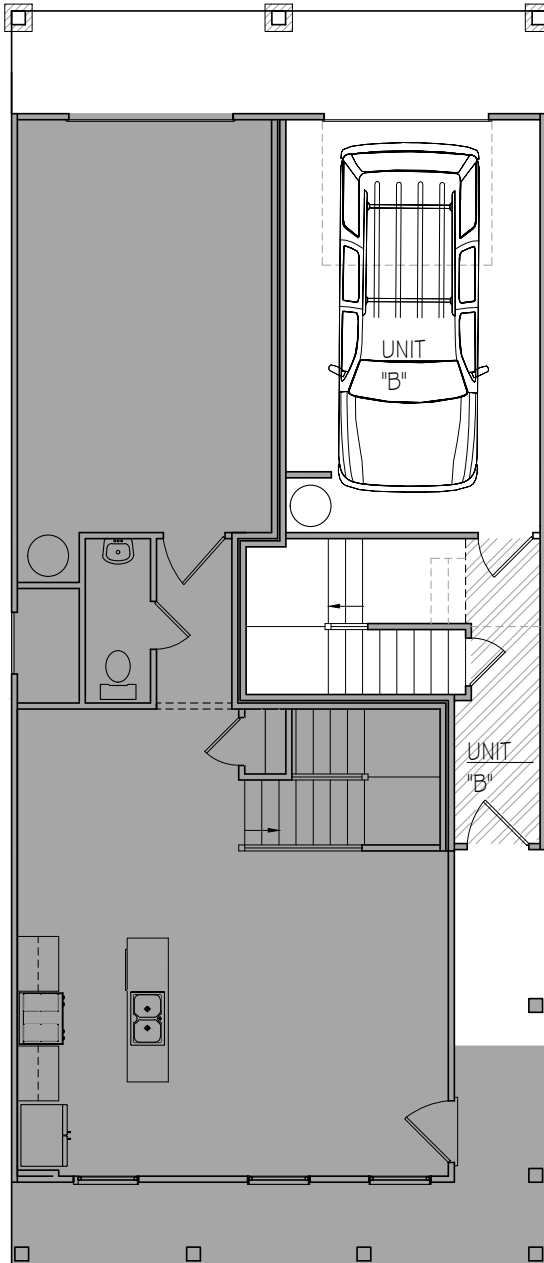
MAIN FLOOR



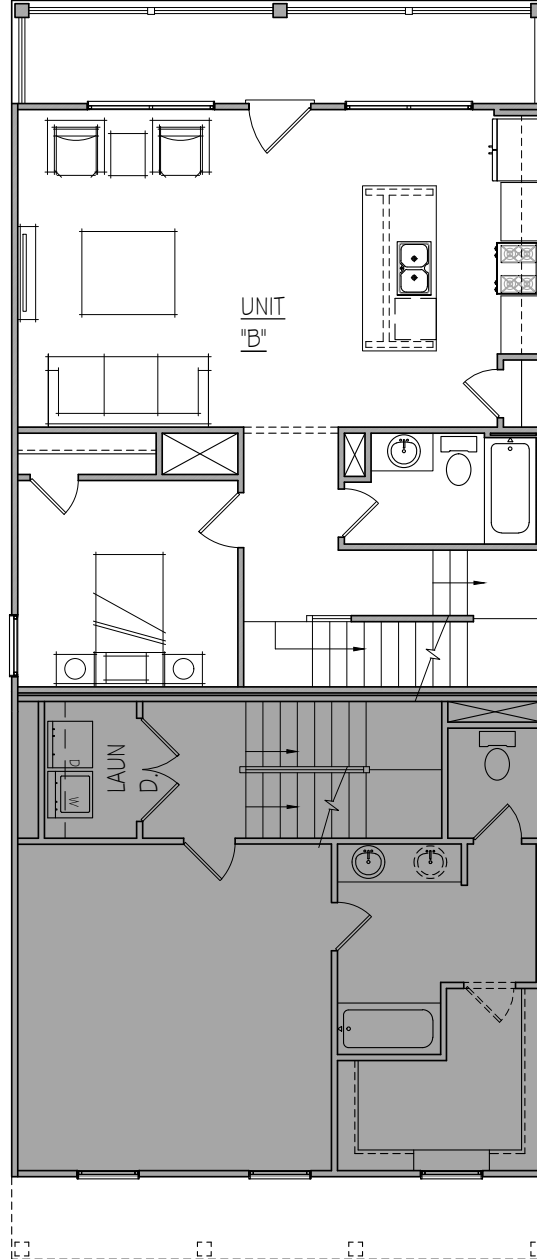
SECOND FLOOR



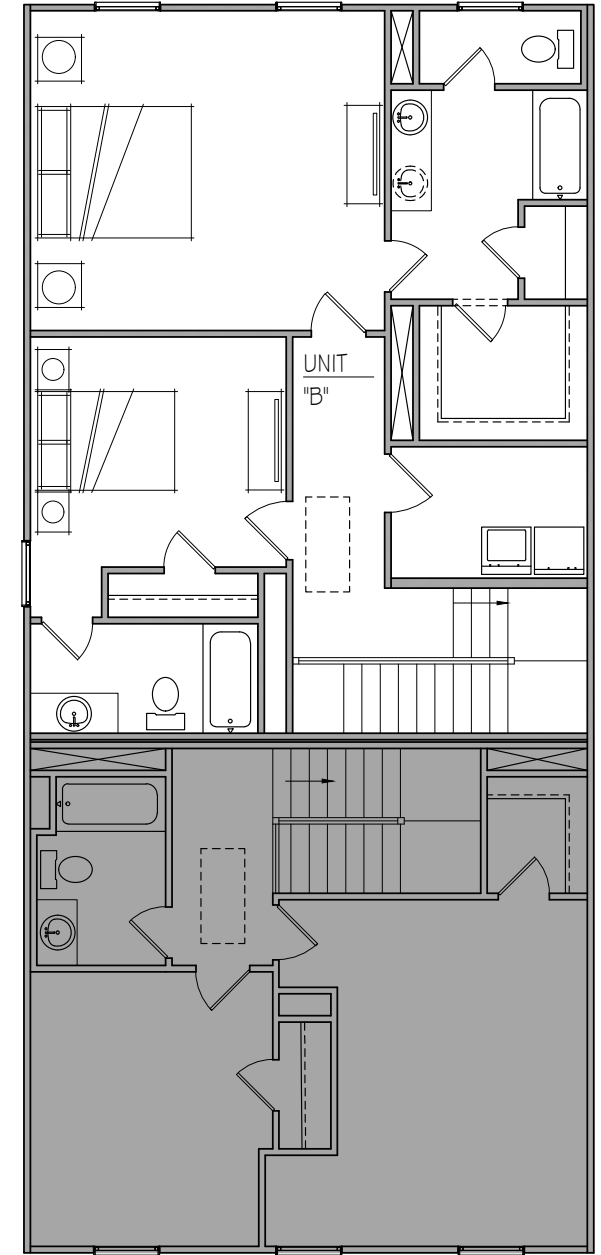
THIRD FLOOR



MAIN FLOOR



SECOND FLOOR



THIRD FLOOR

Piedmont Residential, LLC
Section 1908 Standards for Decisions

(1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?

The proposed amendment will be consistent and compatible with the City's land use and development, plans, goals and objective.

2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?

The new neighborhood is located on an arterial road close to another arterial road with quick access to jobs, shopping and jobs.

(3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?

The proposed amendment will have no relationship to safety from fire and other dangers.

(4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?

The proposed amendment will have no influence on the public health and general welfare of the city.

(5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?

The proposed rezoning will have no influence on the adequate provisions for light or air.

(6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?

The proposed amendment will have no influence on the overcrowding of land.

(7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city?

The proposed neighborhood has appropriate density with higher density being developed closer to Cherokee Street and this density being a transition to lower density on McCollum Parkway.

(8) Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?

The proposed amendment will not impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities .

(9) Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?

The Applicant's proposal will be compatible with environmental conditions in light of surrounding developments and would not diminish the value, use and enjoyment of surrounding properties.

(10) Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?

The proposed neighborhood will have minimal expenditures of public funds that will be more than offset by the tax base created by the new community.

(11) Would the proposed amendment tend to promote, diminish or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?

The proposed neighborhood will be an attractive neighborhood with the homes fronting on McCollum Parkway creating an attractive streetscape.

(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?

The neighborhood will only have a positive impact on surrounding properties because the new neighborhood will be priced higher per sq. ft.

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING

1.

My name is JD España Jr. I am the officer who is delegated the responsibility for authenticating records of ***Piedmont Residential, LLC***. ("the Applicant Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Application for Rezoning ("Application") regarding certain real property located in the City of Kennesaw, Cobb County, Georgia.

2.

In accordance with the Requirements for completing a City of Kennesaw Application, I hereby attest on behalf of the Applicant Company that I have reviewed the Application and related documents which are being filed simultaneously therewith on behalf of the Applicant to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Application is in fact the seal of the Applicant Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Applicant Company who executed the Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Application on behalf of the Applicant Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Application and the filing of the Application on behalf of the Applicant Company by the officer or other representative of the Applicant Company has been duly authorized by the Applicant Company.

Piedmont Residential LLC

By: _____

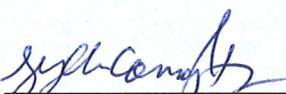
Print Name JD Espana Jr.

Date 8/10/23

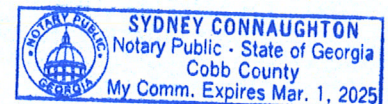
Its: President

Title

NOTARY SEAL


Signature of Notary Public

8/10/23
Date





CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

Regarding the above statement, please answer "Yes" or "No": No.

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:

The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

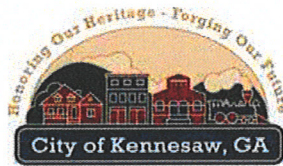
I certify that the foregoing information is true and correct, this 15th day of September, 20 23

Applicant Signature:

Parks F. Huff, Attorney for the Applicant

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

Each applicant must complete a separate form

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Mayor and Council or Planning Commission who will consider the application?

Regarding the above statement, please answer "Yes" or "No": No

If "Yes," the applicant and the attorney representing the applicant must file a disclosure report with the Mayor and Council of the City of Kennesaw within ten (10) days after this application is first filed.

Please supply the following information that will be considered as the required disclosure:
The name of the member(s) of the Mayor and Council or Planning Commission to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Mayor and Council or Planning Commission during the two (2) years immediately preceding the filing of this application:

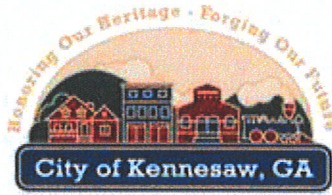
I certify that the foregoing information is true and correct, this 10 day of August, 2023

Applicant Signature:

[Signature]
Piedmont Residential, LLC

¹ If the answer to any of the above is "Yes," then the member of the Mayor and Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council of the City of Kennesaw, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

² Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.



Community Development
Planning & Zoning Department
2529 J. O. Stephenson
Kennesaw, GA 30144

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200-feet will be mailed out on or before October 13, 2023 in accordance with the application requirements.

9/15/2023

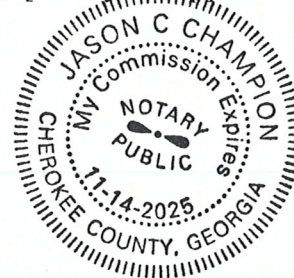
Date

Parks F. Huff, Attorney for the Applicant

Sworn and subscribed before me this 15th day of September 2023

Notary Public Signature

[Notary Stamp]



*Return Deed to
K. M. L. Chalkley at
Suite 404
188 Anderson St.
Marietta, Ga 30060*

STATE OF GEORGIA

COUNTY OF COBB

ASSENT OF EXECUTRIX TO DEVISE

WHEREAS, JAMES MELFORD ROSS died a resident of Cobb County, Georgia on the 10th day of March, 1985, leaving a will which has been probated in solemn form in said County at the March Term of the Probate Court thereof; and

WHEREAS, under the terms of said will the following described property was devised to DAISY BELLE ROSS:

All that tract or parcel of land lying and being in Land Lots 98 and 99 of the 20th District and 2nd Section of Cobb county, Georgia, and more particularly described as follows:

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

\$87.40

Cobb County, Georgia

Real Estate Transfer Tax

Paid

87.40

Date

12-17-86

Jay C. Stephenson
Clerk of Superior Court

and

WHEREAS, the undersigned duly qualified as Executrix of the Estate of the said James Melford Ross and is now administering the estate under the terms of said will; and it has been determined that all debts and claims against the estate have been fully paid.

NOW, THEREFORE, the undersigned, as Executrix of the will of the said JAMES MELFORD ROSS, hereby assents to the devise of said property under the terms of said will, so that full fee-simple title thereto is vested in the same DAISY BELLE ROSS as provided in said will.

WITNESS my hand and seal, this 16 day of December, 1986.

Daisy Belle Ross
Daisy Belle Ross, as Executrix Aforesaid

Signed, sealed and delivered
in the presence of:

Lancey O. Brown
Witness

Kenneth M. [Signature]
Notary Public
Notary Public, Cobb County, Georgia
My Commission Expires Aug. 6, 1990

Executed on: 12-16-86



COBB SUPERIOR COURT CLERK

Jay C. Stephenson

86 DEC 17 NO 54

FILED AND RECORDED



Printed: 9/13/2023

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
DAISY B ROSS

ROSS DAISY BELLE

Payment Date: 8/30/2022

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2022	20009900010	10/15/2022	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$1,037.58	\$0.00	



Scan this code with your
mobile phone to view
this bill!



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780
(770) 429-4542

2022 Property Tax Bill

Parcel ID	Tax District		Bill #	
20009900010	3/3-BOND - KENNESAW CITY		228360	
Property Owner/Location/Description			Fair Market Value	Taxable Value
ROSS DAISY BELLE 1651 MCCOLLUM PKWY			377,940	151,176
Levies	Taxable Value	-	Exemptions	= Net Assessment X Tax Rate = Net Tax
CITY OF KENNESAW	151176		151,176	0 8.0000000000 \$0.00
BOND	151176		151,176	0 1.5000000000 \$0.00



City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

Please make check or Money Order Payable to :
City of Kennesaw Property Tax Division and
include the Parcel ID on your check.

For your convenience, you may pay by check,
money order, Discover, Mastercard, AMEX,
VISA.
3% fee and \$3.50 per transaction fee added to
debit/credit card payments. \$1.25 fee per
ECheck transaction paid online.

Parcel ID: 20009900010
Amount Due: \$0.00
Bill#: 228360
Due Date: 12/01/2022

AMOUNT PAID

ROSS DAISY BELLE
144 FOUR SEASONS BLVD
DALLAS, GA 30132

City of Kennesaw
PROPERTY TAX DIVISION
2529 J. O. STEPHENSON AVE
KENNESAW, GA 30144-2780

ATTACHMENT TO APPLICATION FOR REZONING

Titleholder:

Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia

PIN: 20009900010

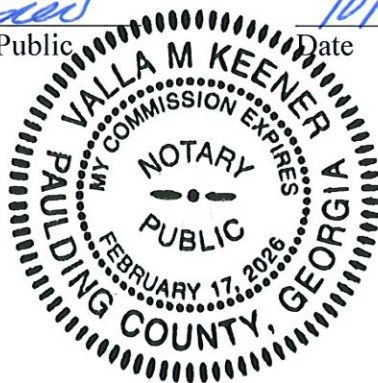
PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Brenda R. Durham 10/1/23
Signature of Owner Date

*Brenda R. Durham, Individually and as Co-Executor
under the Last Will and Testament of Daisy B. Ross,
a/k/a Daisy Belle Ross, Deceased of Paulding
County, Georgia*

[Signature] 10/1/23
Signature of Notary Public Date
(Notary Seal)



ATTACHMENT TO APPLICATION FOR REZONING

Titleholder:

Linda S. Ross and Brenda R. Durham, Individually and as Co-Executors under the Last Will and Testament of Daisy B. Ross, a/k/a Daisy Belle Ross, Deceased of Paulding County, Georgia

PIN: 20009900010

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Linda S. Ross 10-2-2023
Signature of Owner Date

*Linda S. Ross, Individually and as Co-Executor
under the Last Will and Testament of Daisy B. Ross,
a/k/a Daisy Belle Ross, Deceased of Paulding
County, Georgia*

Sydney Connaughton
Signature of Notary Public

10/2/2023
Date

(Notary Seal)



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 98 and 99 of the 20th District and 2nd Section of Cobb county, Georgia, and more particularly described as follows:

BEGINNING at a point on the southwesterly side of Chalker Road 54 feet south as measured along the west line of Land Lot 98 from the northwest corner of Land Lot 98; running thence southeasterly along the southwesterly side of said road 90 feet to G. W. Chalker Estate; thence south along the west line of said Chalker property 576 feet; thence west along the north line of said Chalker property 90 feet to the west line of Land Lot 98 and to the property of G.R. Davis; continuing west along the north line of said Davis property 279 feet; thence north along the east line of said Davis property 663 feet to the north line of Land Lot 99; thence east along the north line of Land Lot 99, a distance of 279 feet to the northwest corner of Land Lot 98; thence south along the west line of Land Lot 98, a distance of 54 feet to the point of beginning, being improved property having a house located thereon.

Less and except approximately .05 acres north of Chalker Road, conveyed to Georgia Marietta Co., by James M. Ross by Warranty Deed dated June 25, 1973 and recorded in Deed Book 1446, Page 96 of the Cobb County Records.

FURTHER LESS AND EXCEPT: Any portion of the above-described property lying within the dedicated right-of-way of McCollum Parkway formerly known as Chalker Road.

ADDENDUM TO APPLICATION FOR VARIANCE

CONSTITUTIONAL CHALLENGE

COMES NOW the Applicant, Piedmont Residential, LLC (hereinafter referred to as the "Applicant") and asserts the following:

1.

By Application for Variance, the Applicant has applied for Variances as to requirements of the City of Kennesaw Zoning Ordinance (hereinafter the "Ordinance") which impose certain requirements as same apply to the property more particularly set forth in said Application (hereinafter referred to as the "Subject Property").

2.

The Applicant states that a literal interpretation and enforcement of Ordinance provisions creates a hardship.

3.

Enforcement of Ordinance requirements concerning the Subject Property creates an unnecessary and unreasonable hardship with no resulting substantial benefit to the public good.

4.

The Variances sought by the Applicant concerning the Subject Property will not impair the purpose, spirit and intent of the Ordinance and stand to alleviate any and all non-compliance of the foregoing requirements while causing no substantial detriment to the public good.

5.

Applicable Ordinance provisions concerning the required Variances are unconstitutional as applied to the Subject Property in that same deprive the Applicant of property under and pursuant to Article I, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of property without due process violates the constitutional prohibition against the taking of private property without just compensation.

6.

Applicable Ordinance provisions, as applied to the Subject Property, violate the Applicant's right to the unfettered use and development of the Subject Property in conformity with the existing Ordinance in that the Ordinance creates an unreasonable hardship totally unrelated to public health, safety, morality, or general welfare and is therefore confiscatory and void. Further, same is unconstitutional in that it is arbitrary, unreasonable and injurious resulting in relatively little gain or benefit to the public while at the same time inflicting serious injury and loss upon the Applicant.

7.

The Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with Applications for Variances also violate Article I, Section I, Paragraphs I, II and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the

issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

This 15th day of September, 2023.

SAMS, LARKIN & HUFF, LLP

By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010

Directions to City Hall from the Subject Property

1651 McCollum Pkwy NW

Kennesaw, GA 30144



Head west on Chalker Rd/McCollum Pkwy NW toward Par Pl



0.3 mi



Turn left onto Cherokee St NW



459 ft



Continue straight to stay on Cherokee St NW



1.4 mi



Turn left onto S Main St



266 ft



Turn right onto Watts Dr

Destination will be on the right



420 ft

2529 J.O. Stephenson Ave

Kennesaw, GA 30144

MDJ-7907
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning/variance request submitted by Piedmont Residential, LLC. Said request is to rezone a parcel located at 1651 McCollum Parkway (20009900010) from Single-Family Residential (R-15) to Planned Urban Development Residential District (PUD-R) and consists of 5.1 +/- acres. Said request is also to vary from section 46-423 to reduce the 75 stream buffer. Property lies in Land Lot 099 & 098 tax parcel 001 of the 20th District, 2nd Section, Cobb County Georgia.

Said meetings shall be held before the Planning Commission on November 1, 2023 at 6:30 P.M. and the Mayor and Council will hold a public hearing on November 20, 2023 at 6:30 P.M. Both meetings are to be held at 2529 J. O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person and you can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>

Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.

10:13,20-2023

**CITY OF KENNESAW
LAND USE NOTICE**
APPLICATION # **RZ2023-04 / ZV2023-03**
Rezonning from R-15 (single family residential) to PUD-R (Planned Urban Development-Residential) and zoning variance for 75' stream buffer for the construction of a residential townhome community.
PURPOSE
DATE OF PUBLIC MEETING: **11/1/2023** TIME: **6:30PM**
DATE OF PUBLIC MEETING: **11/20/2023** TIME: **6:30PM**
PLACE: **CITY HALL KENNESAW, GA**
Due to the priority for public health and safety, the City of Kennesaw will implement a public meeting protocol / system for community participation in compliance to social distancing protocol. For specific public meeting guidelines and access to all application information please visit our website
HTTP://WWW.KENNESAW-GA.GOV
FOR FURTHER INFORMATION PLEASE CALL :
PLANNING AND ZONING DEPARTMENT 770-590-8268

10.17.2023 09:06

MAYOR

Derek Easterling

City Manager

Jeff Drobney, ICMA-CM

City Clerk

Lea Alvarez, CMC

**COUNCIL**

Mayor Pro Tem Tracey Viars

Lynette Burnette

Pat Ferris

Antonio Jones

Trey Sinclair

October 4, 2023

Pamela Mabry, County Clerk
Cobb County
100 Cherokee Street, #355
Marietta, Georgia 30090-9679

Subject: City of Kennesaw Zoning Applications (Case #RZ2023-04, ZV2023-03)
1651 McCollum Pkwy Kennesaw, GA 30144 – Parcel ID 20009900010

Dear Ms. Mabry,

Attached, please find a zoning applications submitted by the Piedmont Residential, LLC to petition for rezoning and variance requests for the above subject property. Because this case is within a half-mile from unincorporated Cobb County, this letter and enclosed application are being provided in accordance with the House Bill 489 Intergovernmental Agreement.

These cases are set to go before the Kennesaw Planning Commission on Wednesday, November 1, 2023 at 6:30 p.m. for public hearing and Mayor and Council on Monday, November 20, 2023 at 6:30 p.m. for public hearing as well.

Thank you for your attention. Should you have any questions, you may call me at 770-590-8268 or send an e-mail to dsimmons@kennesaw-ga.gov.

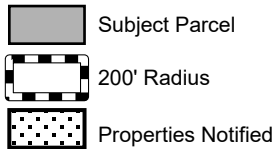
Sincerely,

Darryl Simmons

Darryl Simmons
Planning and Zoning Administrator

Enclosure: Zoning Application

cc: Jessica Guinn, AICP, Community Development Agency Director (Via E-mail)
Dr. Jackie McMorris, Cobb County Manager (Via E-mail)
Phillip Westbrook, Senior Planner, Cobb County Community Development (Via E-mail)
Donald Wells, Intergovernmental Coordinator/Planner III, Cobb County Community Dev. (Via E-mail)
Dr. Jeff Drobney, City Manager, City of Kennesaw (Via E-mail)
Natalie Faustine, Community Development Administrative Assistant, City of Kennesaw (Via E-mail)



RZ2023-004
200' PROPERTY NOTIFICATION



Derek Easterling
MAYOR

Lea Alvarez
CITY CLERK



Tax Parcel - 20009904250

KENNESAW CITY OF
2539 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20009902510

ILKOV SAMUIL LYUBOMIROV & ANDREA
3590 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009801170

DASWANI ARUN DASWANI MAMTA
270 17TH 3607
ATLANTA GA 30363

Tax Parcel - 20009902630

TRAN NGAN
145 CARLEE LN
FINDLAY OH 45840

Tax Parcel - 20009902520

SOHANI MUIZZ
1123 SADLERS WAY
MARIETTA GA 30068

Tax Parcel - 20009801180

PRABHU DEEPALAXMI
620 STONESTILE TRCE
SUWANEE GA 30024

Tax Parcel - 20009903350

ROGERS VINCE M
3552 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009802730

PINETREE COUNTRY CLUB CONDOMINIUM
ASSOCIATION INC
PO BOX 2484
KENNESAW GA 30156

Tax Parcel - 20009801200

MIDWAY EXCHANGE BORROWER 8 LLC
PO BOX 4090
SCOTTSDALE AZ 85261

Tax Parcel - 20009801100

UNIVERSAL PROPERTY INVESTMENTS LLC
1120 BRECKENRIDGE LN
ALPHARETTA GA 30005

Tax Parcel - 20009900010

ROSS DAISY BELLE
144 FOUR SEASONS BLVD
DALLAS GA 30132

Tax Parcel - 20009801210

ROLNIK CONSTANCE
P O BOX 801372
ACWORTH GA 30101

Tax Parcel - 20009903490

GOVAHI KASHANI SHAHRIAR
3524 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009200680

SURRENCY DAVID J & CAREY N
3561 PINE BRANCHES CT
ACWORTH GA 30102

Tax Parcel - 20009801220

ROLNIK CONSTANCE
P O BOX 801372
ACWORTH GA 30101

Tax Parcel - 20009200700

ASHMAN RONALD & ASHMAN MATTHEW
3040 SHALLOWFORD PARK MANOR
ROSWELL GA 30075

Tax Parcel - 20009200690

FAMILY NEST INVESTMENTS LLC
2080 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009801250

EDWARDS WILLIAM H
P O BOX 2286
KENNESAW GA 30156

Tax Parcel - 20009902610

MYERS CARLENE
3570 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009200710

CHIEFTAIN ATLANTA LP
17 NE 4TH ST
FORT LAUDERDALE FL 33301

Tax Parcel - 20009801260

ABRAHA LETERFUAEL
18 FAIRWAY DR
KENNESAW GA 30144-0000

Tax Parcel - 20009902650

VALLIAPPAN GAYATHRI
2020 BROOK MEADOW DR
ALPHARETTA GA 30005

Tax Parcel - 20009200720

SHI XI
23 TANGLEWOOD HOLLOW RD
SADDLE RIVER NJ 07458

Tax Parcel - 20009801570

ROWEDDER KAY F
1000 SANDWEDGE CIR
KENNESAW GA 30144-2065

Tax Parcel - 20009902660

VELARDI MICHAEL D
3560 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009801190

GRANT GRACIELA M
5 DUFFERS CT
KENNESAW GA 30144-0000

Tax Parcel - 20009200660

REZ LLC
3449 SHERIDAN CHASE
MARIETTA GA 30067

Tax Parcel - 20009902670

SHAH JYOTI
1013 TRAVELERS TRL NW
KENNESAW GA 30144

Tax Parcel - 20009801160

GRACE REALTY OF GEORGIA LLC
25 HARRIS DR
MARIETTA GA 30067

Tax Parcel - 20009200670

MCCLUER SHU HUA & WARREN J
5005 MELANIE CT NW
ACWORTH GA 30102

Tax Parcel - 20009903450

SHAH JYOTI
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009903500

3522 KENNESAW STATION HOUSING LLC
4707 MAPLE BRK SE
MARIETTA GA 30067

Tax Parcel - 20009902550

WOOD BRITTANY
3582 KENNESAW STATION DR
KENNESAW GA 30152

Tax Parcel - 20009903460

FU JUNMEI
4092 AMBERLY CT
KENNESAW GA 30144

Tax Parcel - 20009903700

MAAROUF BASSEM R
3479 LEE COURT
KENNESAW GA 30144

Tax Parcel - 20009902560

FARIAS MICHELLE A
645 N WILLOW AVE APT C
LA PUENTE CA 91746

Tax Parcel - 20009903470

PK HOUSING LLC
4707 MAPLE BRK SE
MARIETTA GA 30067

Tax Parcel - 20009903710

BROOMFIELD MELISSA
3481 LEE CT
KENNESAW GA 30144

Tax Parcel - 20009301590

WHITE JOLEAH M
1090 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903480

VAN DYKE LEIGHTON A & GREYSON W
3526 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009903720

BRADFORD MAURICE RAFEAL
3483 LEE CT
KENNESAW GA 30144-0000

Tax Parcel - 20009301600

ANGELI JAYSON M
3093 ADDIE POND WAY
MARIETTA GA 30064

Tax Parcel - 20009801110

HANNIGAN DONALD E HANNIGAN ROSE
45 S VALLEY RD
SAG HARBOR NY 11963

Tax Parcel - 20009903730

BARTHELUS ALYAH & VERTINI
3504 LEE CT NW
KENNESAW GA 30144

Tax Parcel - 20009301610

SANDWEDGE LLC
1705 AMBERWOOD POINTE
WOODSTOCK GA 30189

Tax Parcel - 20009801120

RAGOZZINO PHILIP A
9 FAIRWAY DR
KENNESAW GA 30144-0000

Tax Parcel - 20009903390

GADISETTI SRINIVASA R
3544 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009201120

KENNESAW CITY OF
2539 PARK DR
KENNESAW GA 30144

Tax Parcel - 20009801130

11 FAIRWAY DRIVE LAND TRUST
1025 ROSE CREEK DR STE 620-131
WOODSTOCK GA 30189

Tax Parcel - 20009801580

TOTH DANIEL & VOROSMARTY DORA
220 BLAIRSHIRE CLOSE
ROSWELL GA 30075

Tax Parcel - 20009801590

LECHER NOEL L & LAURA E
1020 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009801140

GRACE REALTY OF GEORGIA LLC
25 HARRIS DR
MARIETTA GA 30067

Tax Parcel - 20009301580

HARRISON KARL D
1080 SAND WEDGE CIR NW
KENNESAW GA 30144-2099

Tax Parcel - 20009801600

BEATTY KURT N
4976 MILLWOOD DR
CANTON GA 30114

Tax Parcel - 20009801150

ERVIN STEPHEN D & BORG ERIC
1709 LATOUR DR
MARIETTA GA 30066

Tax Parcel - 20009902530

ATLANTA REALTY PROS LLC
3449 SHERIDAN CHASE SE
MARIETTA GA 30067

Tax Parcel - 20009903360

SMITH MICHELLE D & RODNEY W
3550 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009903690

GRACE REALTY OF GEORGIA LLC
25 HARRIS DR
MARIETTA GA 30067

Tax Parcel - 20009902540

CRAMER JEFFREY E
3584 KENNESAW STATION DR
KENNESAW GA 30144-0000

Tax Parcel - 20009903370

LEARY BRIAN QUINN
3548 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009903380

SFR ACQUISITIONS 3 LLC
120 S RIVERSIDE PLZ STE 2000
CHICAGO IL 60606

Tax Parcel - 20009301640

KIM JEAN & CHUNG ALEXANDER EUNKWON
2040 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903740

RAY SANDRA E & HERMAN E
3293 HIGH SHOALS RD
DALLAS GA 30132

Tax Parcel - 20009800940

MOTES MORRIS JOHN % DWIGHT D MOTES
EXECUTOR
6405 VICKSBURG CT
ACWORTH GA 30101

Tax Parcel - 20009301540

WILLIAMS GREG
3154 N DRUID HILLS RD
DECATUR GA 30033

Tax Parcel - 20009903750

ANDESHMAND SAYEED A & SUHAIL MOHAMED
SHIHAAM
125 CYPRESS LOOP
HAYWARD CA 94544

Tax Parcel - 20009903400

3542 KENNESAW STATION HOUSING LLC
4707 MAPLE BRK SE
MARIETTA GA 30067

Tax Parcel - 20009301550

CARROZZA RICHARD PAUL
1050 SAND WEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903760

CARPENTER ROBERT
3498 LEE CT
KENNESAW GA 30144

Tax Parcel - 20009301620

HAWES WILLIAM H & BEVERLY G HAWES
2117 SUMMERCHASE DR
WOODSTOCK GA 30189-6173

Tax Parcel - 20009301560

STRICKLAND RACHEL STURDIVANT
1060 SAND WEDGE CIR NW
KENNESAW GA 30144-2060

Tax Parcel - 20009903770

SHAH JIGISHA P & PREMAL K
4528 LASHLEY CT
MARIETTA GA 30068

Tax Parcel - 20009902570

GIRAGE KARA ELIZABETH
3578 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009301570

MORALES RICHARD
1070 SAND WEDGE CIR NW
KENNESAW GA 30144

Tax Parcel - 20009800970

KALEY MAX D & MCCOLLUM HERBERT C &
HENDERSON KATHERYN EXECUTRIX
1554 LANCASTER DR
MARIETTA GA 30066-5916

Tax Parcel - 20009902640

ISHAKON PROPERTIES LLC
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009200730

HARRINGTON SUSAN
3020 SANDWEDGE CIR
KENNESAW GA 30144

Tax Parcel - 20009903410

ONYANCHIA MOMANYI B & CHERONO
CHRISTINE
3540 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009902580

MIRZAI AJMAL & BAIRD ALEXANDRA
5311 GOLDEN CANARY LN
AUSTIN TX 78723

Tax Parcel - 20009200740

JAYCO PROPERTIES LLC
P O BOX 613
HOLLY SPRINGS GA 30142

Tax Parcel - 20009903420

THE HOUSE OF WALKER TRUST
4632 LIBERTY SQUARE DR
ACWORTH GA 30101

Tax Parcel - 20009902590

SAROCH RAMESH & KAMALJIT
3574 KENNESAW STATION DR
KENNESAW GA 30144

Tax Parcel - 20009200750

HELIOPOLIS DEVELOPMENT COMPANY LLC
2275 MARIETTA BLVD SUITE 275-392
ATLANTA GA 30318

Tax Parcel - 20009903430

3536 KENNESAW STATION DRIVE LAND TRUST
FREEPORT TITLE & GUARANTY INC TRUSTEE
2550 SANDY PLAINS RD STE 225-315
MARIETTA GA 30066

Tax Parcel - 20009902600

RINAMAN RAINIKKA
3572 KENNESAW STATION DR NW
KENNESAW GA 30144

Tax Parcel - 20009200760

ROGERS CLINTON A
194 FIELDS RD
KINGSTON GA 30145

Tax Parcel - 20009903440

ISHAKON PROPERTIES LLC
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009301630

DIEP KENT BAO & HANG LINH LE
5355 HAVERFORD MILL COVE
LILBURN GA 30047

Tax Parcel - 20009200770

ZHAO JUAN
360 SUMTER DR
MARIETTA GA 30066

Tax Parcel - 20009903330

ISHAKON PROPERTIES LLC
3162 BAYONET CT
MARIETTA GA 30068

Tax Parcel - 20009903340

.....
NAUSTDAL FREDRIK TAMM
3970 PAPER MILL RD
MARIETTA GA 30067

Tax Parcel - 20009902620

.....
FU JUN MEI
4092 AMBERLY CT
KENNESAW GA 30144



COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

CONTACT US

OFFICE: (770) 590-8268

WEBSITE: www.kennesaw-ga.gov

EMAIL: zoningdept@kennesaw-ga.gov

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

Property Addresses

1651 McCollum Parkway

Applicant

Piedmont Residential

Representative

Parks F. Huff

Property Owner

Daisy Belle Ross

Current Zoning

R-15 (Single-Family - 15 Units/Acre)

Current Future Land Use Category

Residential High (RH)

Project Request: Rezone for construction of a residential townhome community, variance from stream buffer.



Street view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: Yes

Historic District: No

Cemetery: No Floodplain: No Stream: No

Parcel ID #: 20009900010

Land Lot #: 98 and 99 Tax Parcel #: 001

Land Area: 5.13 +/- acres or 223,462.8 SQFT

Existing Building Total SQFT: 2,209 SQFT

Proposed Building SQFT: N/A

Proposed Streets: N/A

RECOMMENDATION

Staff Recommendation

Approval with conditions

Planning Commission Recommendation

To be determined on November 1, 2023

Please see page 16 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: McCollum Parkway

Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

South: No Street

Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

East: Fairway Drive NW

Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

West: Kennesaw Station Drive NW

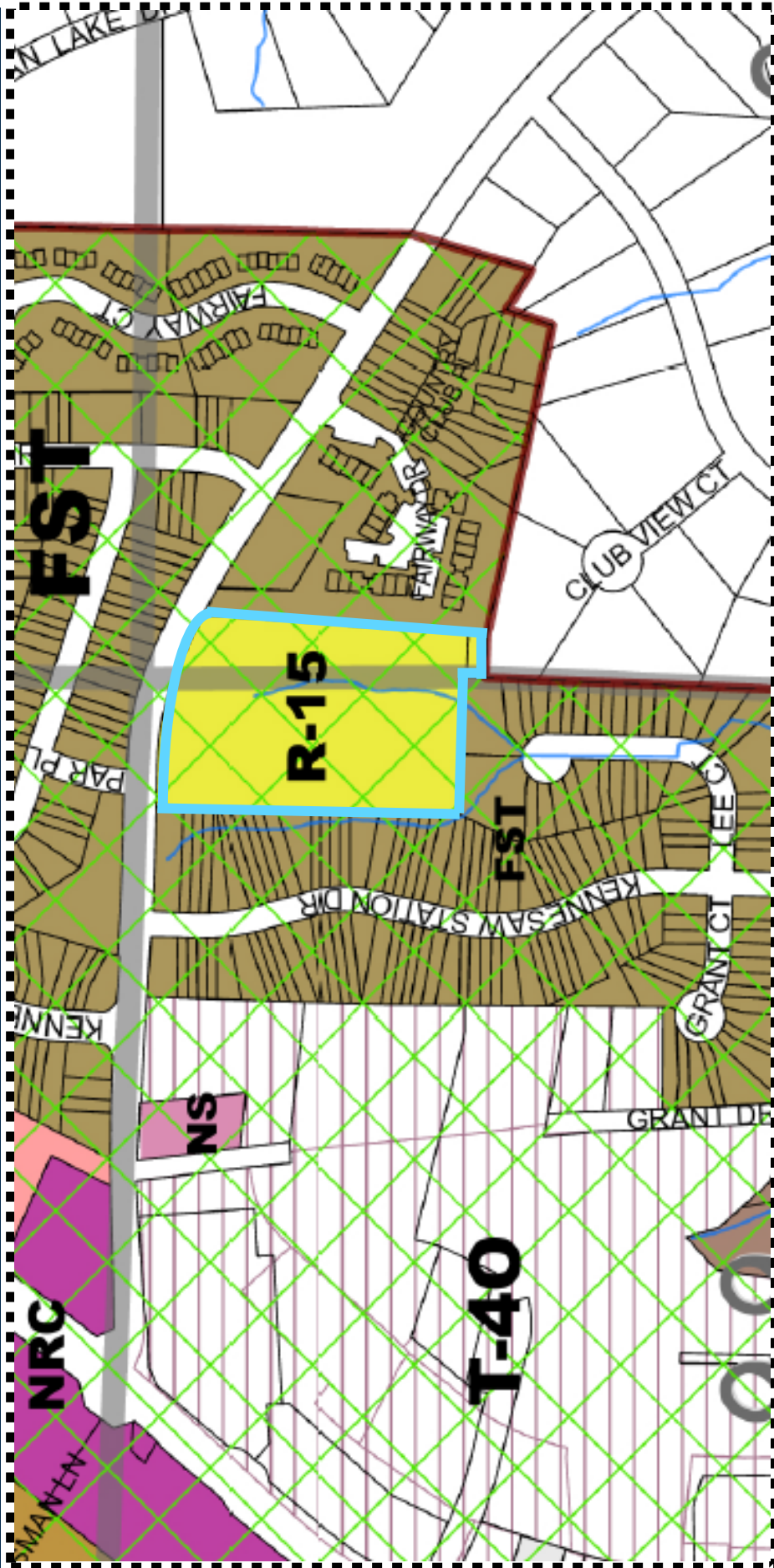
Zoning: FST (Fee Simple Townhome District)

Future Land Use: Residential High (RH)

Please see pages 2 for zoning map.

ZONING MAP

ZONING CASE #: RZ2023-04/ZV2023-03



Zoning Districts

	CBD		HGB
	CRC		HI
	FST		LI
	GC		MHP
	NRC		NS

Zoning Districts

	OI		RA-5
	PBSh		RA-6
	PSC		RM-8
	PUD-R		RM-12
	PVC		RM-16
	R-10		UVC

Zoning Overlays

	Airport Hazard District		Historic Districts
	Historic Preservation Village		Senior Living

	Acworth City Limits		Kennesaw City Limits
	Kennesaw Mtn Nat'l Battlefield		Land Lots
	Marietta City Limits		

GOOGLE EARTH AERIAL VIEW

ZONING CASE #: RZ2023-04/ZV2023-03



 = Approximate project location

[illegible]

[illegible]

PROPOSED RENDERING (PAGE 1 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Cadence Street View



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 2 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Cadence A



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 3 OF 12)

ZONING CASE #: RZ2023-01 & AX2023-01



FRONT ELEVATION



REAR ELEVATION

Cadence B



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 4 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

Cadence C



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 5 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



FRONT ELEVATION



REAR ELEVATION

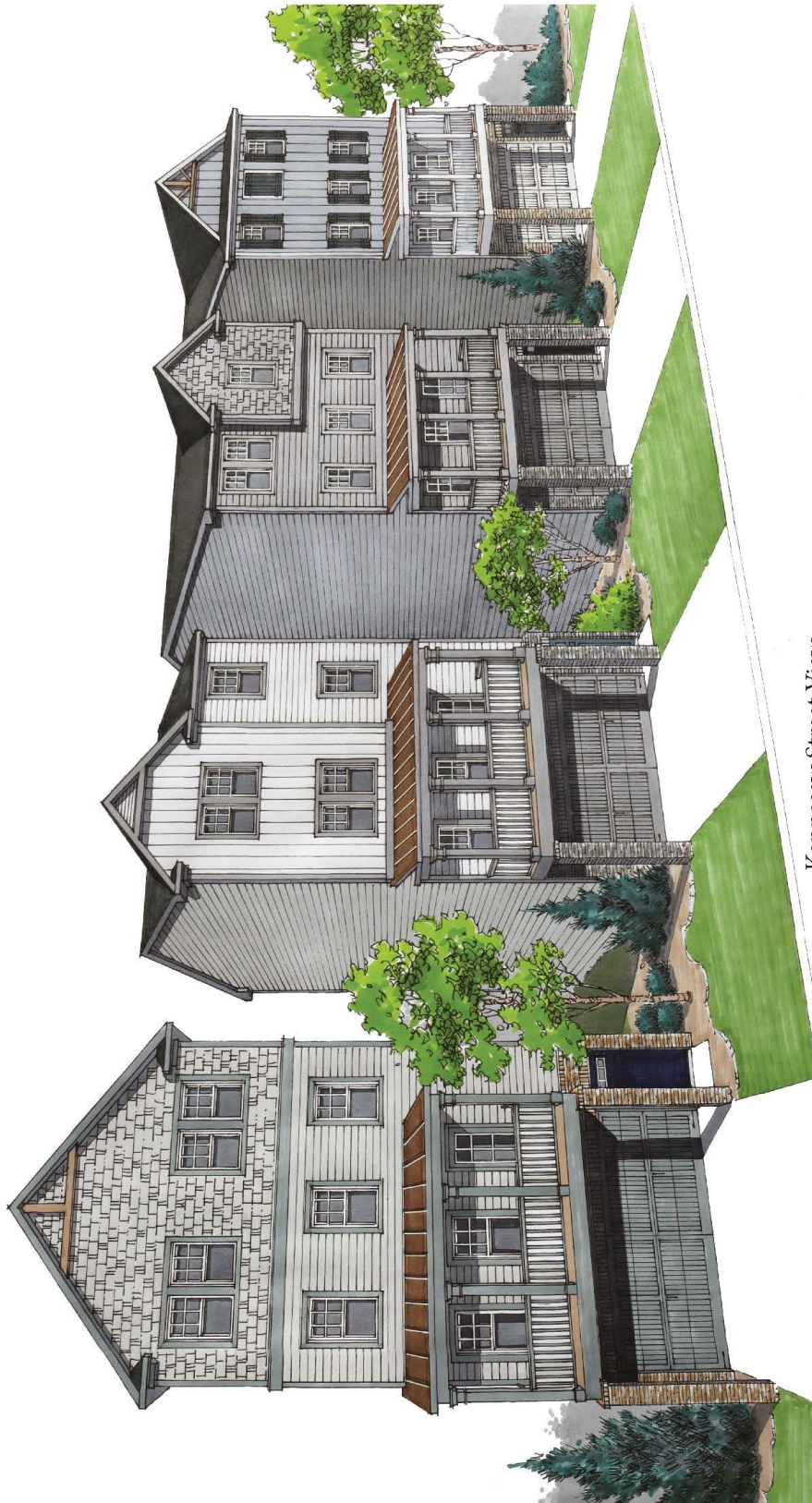
Cadence D



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 6 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



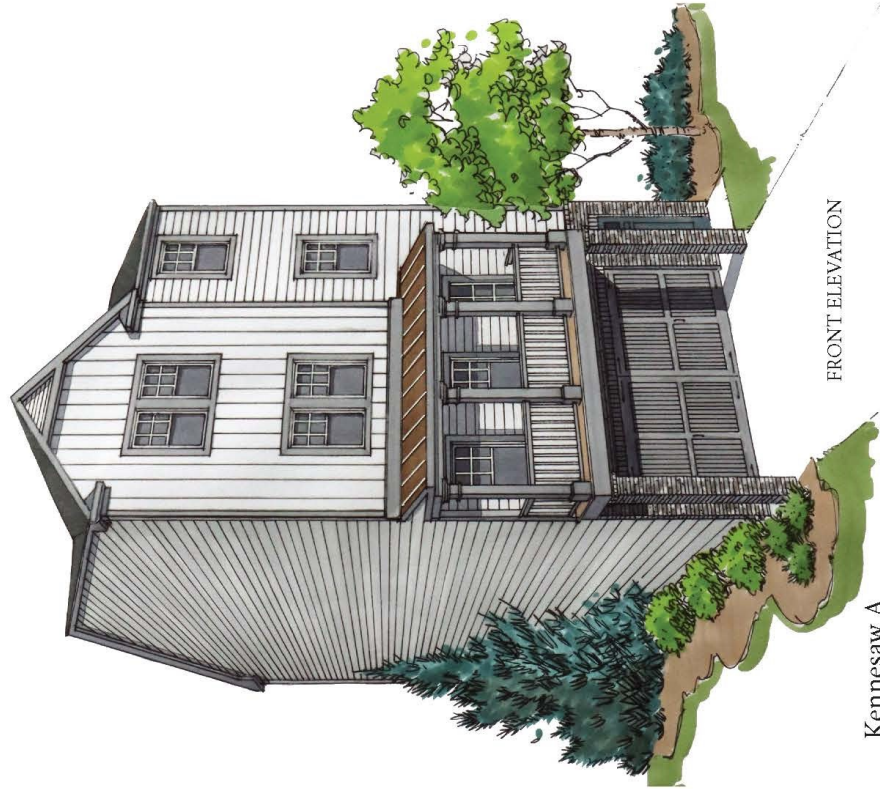
Kennesaw Street View



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 7 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Kennesaw A

FRONT ELEVATION



Kennesaw B

FRONT ELEVATION



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 8 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 9 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



McCollum Pkwy

Street view on McCollum Pkwy



PROPOSED RENDERING (PAGE 10 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



Dog Park



McCollum Pkwy
Kennesaw, GA

PROPOSED RENDERING (PAGE 11 OF)

ZONING CASE #: RZ2023-04/ZV2023-03



PROPOSED RENDERING (PAGE 12 OF 12)

ZONING CASE #: RZ2023-04/ZV2023-03



STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

DESCRIPTION OF ZONING REQUEST: REZONING AND ZONING VARIANCE

This is a rezoning and variance request for the development of a residential townhome community.

PROJECT INTENT

The applicant is requesting to rezone the property to PUD-R to build a single-family neighborhood with 68 attached and detached homes on 5.13 acres.

Pre-Application Meeting

Application Submitted

September 15, 2023

Fees Paid

\$750.00

Certified Letters Mailed

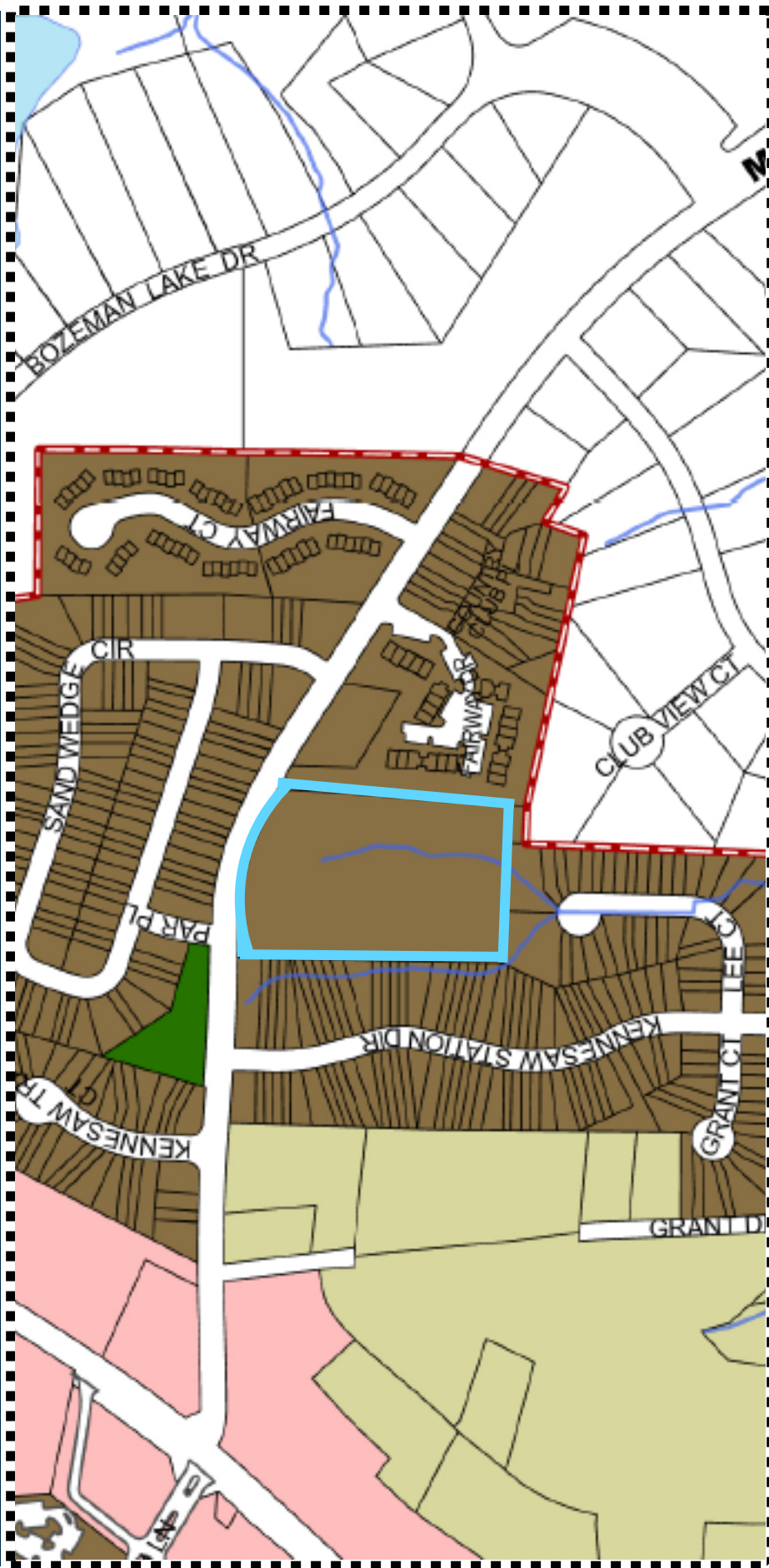
October 13, 2023

GOOGLE STREET VIEW OF THE RESIDENCE



FUTURE LAND USE MAP

ZONING CASE #: RZ2023-04/ZV2023-03



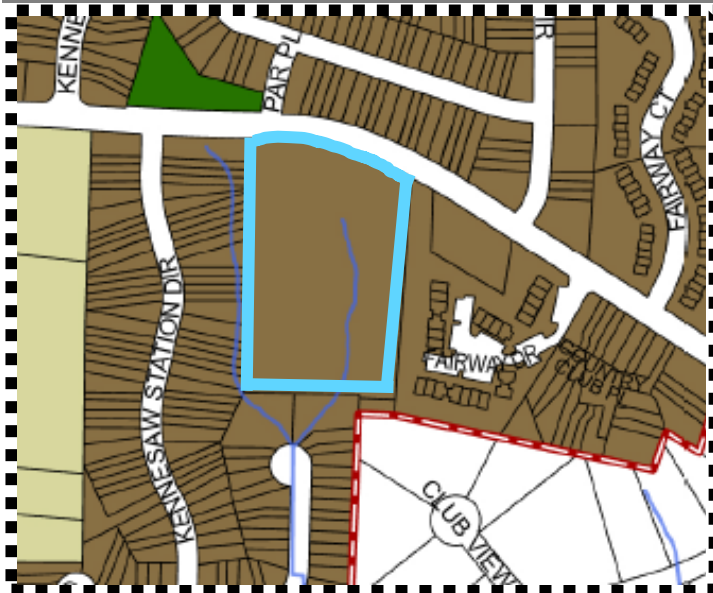
Future Land Use

	NAC - Neighborhood Activity Center		I - Industrial		RH - Residential High		Acworth City Limits
	CAC - Community Activity Center		PI - Public Service/Institutional		PUD - Planned Unit Development		Kennesaw City Limits
	DAC - Downtown Activity Center		PRC - Park/Recreation/Conservation		TCU - Transportation Communication Utilities		Kennesaw Mtn Natl Battlefield
	RAC - Regional Activity Center		RL - Residential Low/Medium		Kennesaw City Limits		Land Lots
							Marietta City Limits

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

2022 COMPREHENSIVE PLAN UPDATE



LEGEND

	RH - Residential High
	RL - Residential Low/Medium
	PRC - Park/Recreation/Conservation
	NAC - Neighborhood Activity Center
	CAC - Community Activity Center

The Future Land Use Map is a general guide for the character of development within the City. A description of the identified category is provided below. New development should be monitored for its impact on water quality within the City and region.

As a built-out city, any new growth within the City of Kennesaw will be redevelopment. Currently, within the city, 86% of the city's parcels are residential which is a challenge for any new development. The Future Land Use Map is a general guide for character of development within the city.

FUTURE LAND USE CATEGORY

RH - Residential High

These are areas of residential land uses within the City. This may be single-family or multi-family housing. New development should reflect the character of the surrounding development.

Recommendations:

- Density: 4-16 units per acre
- Internal amenities
- Walkable; Connectivity to adjacent parcels
- Conservation of natural resources
- Percentage of housing dedicated to being affordable

COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-04/ZV2023-03

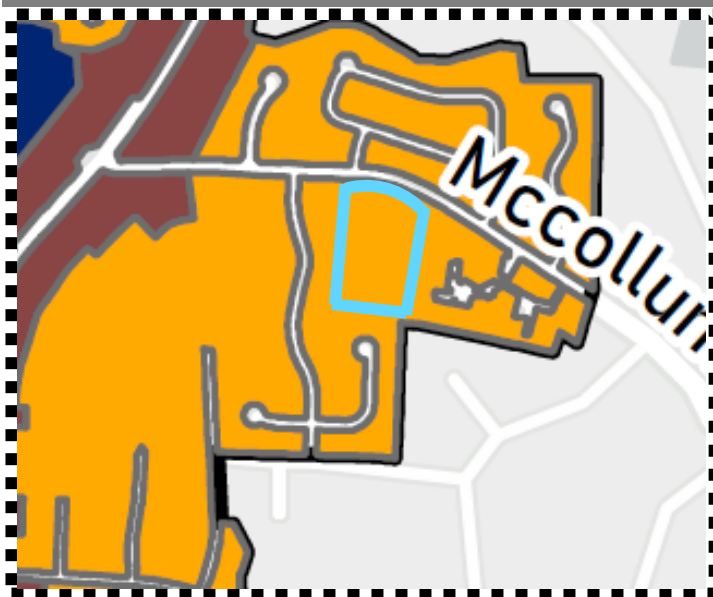


- | | | |
|--|--|--|
|  Barrett and Old 41 |  Historic Central Business District |  Moon Station Industrial Corridor |
|  Campus Living |  In-Town Living |  North Cherokee |
|  Cherokee Street Commercial Corridor |  Jiles and Baker |  Ridenour |
|  Cobb International Industrial Corridor |  Kennesaw Due West |  Swift-Cantrell |
|  Cobb Parkway Commercial Corridor |  Kennesaw Marketplace |  West Pine Mountain |
|  East Pine Mountain Revitalization |  McCollum Industrial Corridor | |

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

COMPREHENSIVE PLAN - AREAS



LEGEND

-  North Cherokee
-  Campus Living
-  Cherokee Street Commercial Corridor

COMPATIBLE FUTURE LAND USE

- Neighborhood Activity Center (NAC)
- Park/Recreation/Conservation (PRC)
- Planned Unit Development (PUD)
- Residential High (RH)
- Residential Low/Medium (RL)

In addition to the established Future Land Use Map, the City would like to further define an appropriate development atmosphere to ensure compatible and unified development within specified areas of the City.

Furthermore, please refer to the Policy Matrix which should be used for new development within each of the described areas.

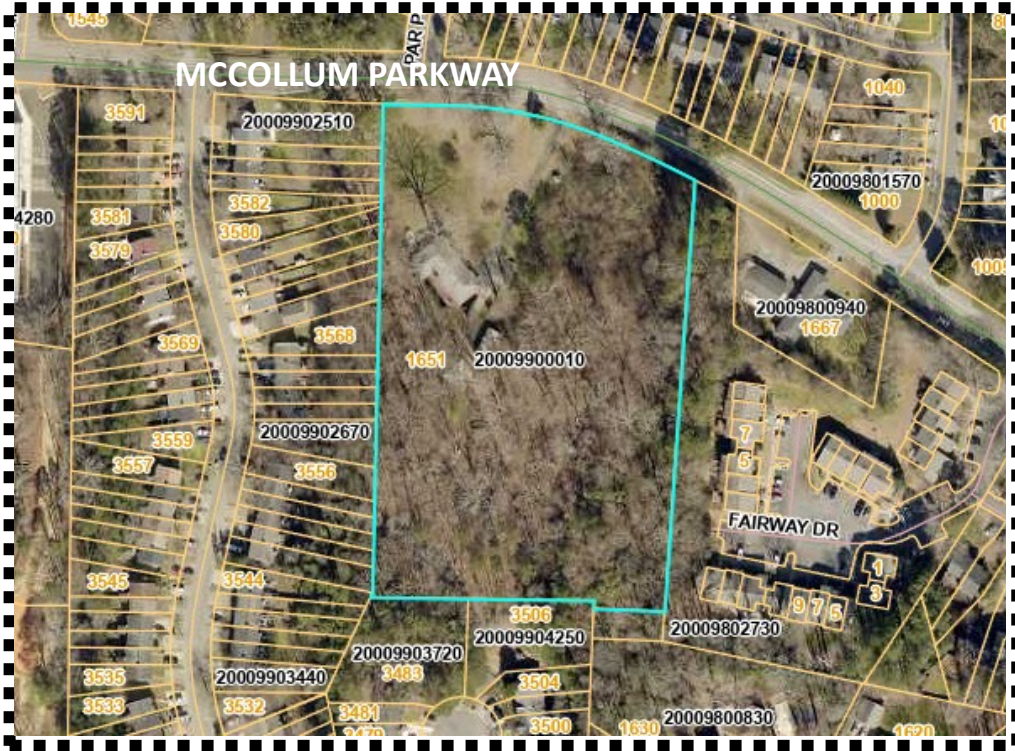
NORTH CHEROKEE

The North Cherokee area is a residential area consisting of multi-tenured, low-to-medium density housing options ranging from single-family detached homes and manufactured housing to duplexes and even high density townhome developments. This area is located along the Cherokee Street corridor from Ben King Road/Twelve Oak Circle and north to Bozeman Lake Road. This area is unique in that it borders a well-defined commercial corridor along Cherokee Street that is as diverse in character and tenure as the neighborhoods themselves.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1
Roadway Name McCollum Parkway	
Roadway Classification	
Speed Limit	
Jurisdictional Control	
Minimum Right-of-Way Requirement	
ROAD #2	AERIAL OF ROAD #2
Roadway Name N/A	
Roadway Classification N/A	
Speed Limit N/A	
Jurisdictional Control N/A	
Minimum Right-of-Way Requirement N/A	

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

ENVIRONMENTAL

Floodplain:

- ☐ Yes
☒ No
☐ Not Verified

Wetlands:

- ☐ Yes
☒ No
☐ Not Verified

Drainage Basin:

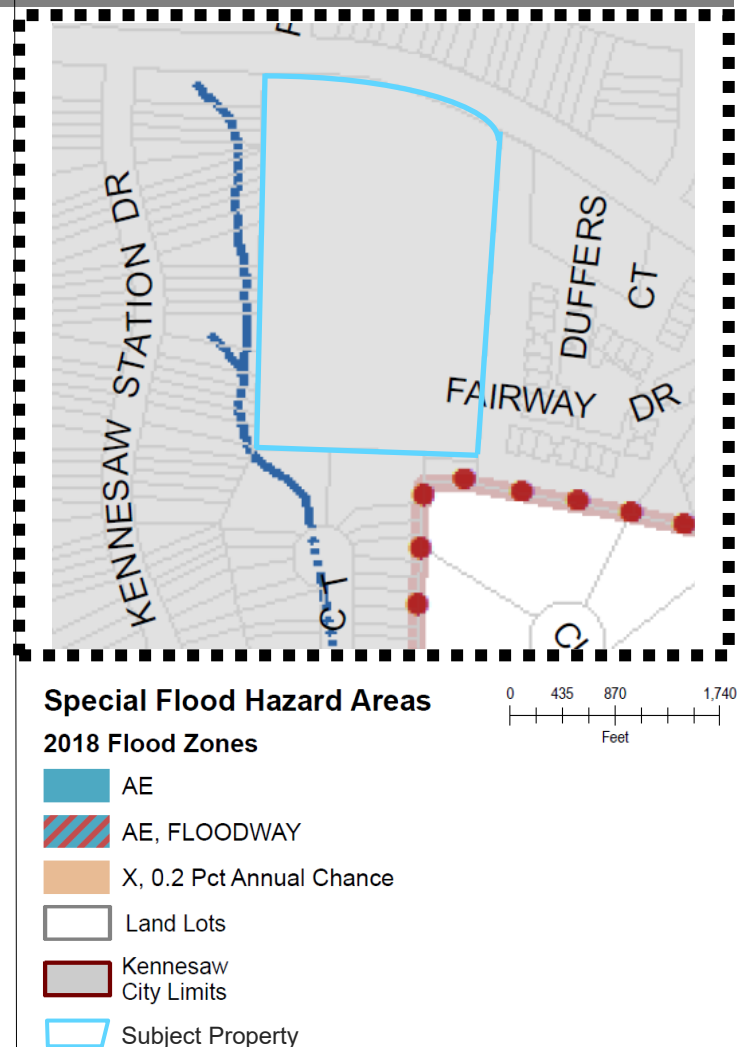
- ☒ None
☐ FEMA 100-year floodplain area
☐ Flood Damage Prevention Ordinance¹
☐ Project subject to Cobb County Damage Prevention Requirements
☐ Dam Breach Zone (Upstream)²
☐ Owner/Developer is responsible for obtaining any required wetland permits from the United States Army Corps of Engineers

Streams and Creeks:

- ☐ Metropolitan River Protection Area³
☐ Chattahoochee River Corridor Tributary Area⁴
☐ Georgia Erosion-Sediment Control Law and County Ordinance⁵
☐ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
☒ City Stream Buffer Required
☐ No Stream Buffer Required

Public Works Comments: N/A

FEMA FLOOD ZONE MAP



ADDITIONAL COMMENTS REGARDING PROJECT:

- Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be resolved in the plan review process.
- Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains and obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.
- Applicant will be responsible to meet all City of Kennesaw Development & Zoning Ordinance Standards, State, County and applicable Federal regulations as part of the plan review approval process. All conceptual representations submitted with the application and acted on by Mayor and Council does not relieve applicant and property owners from meeting all development standards.

1. Designated flood hazard
 2. Need to keep residential buildings out of hazard.
 3. Within 2000-feet of the Chattahoochee River. ARC review 35-foot undisturbed buffer each side of waterway.
 4. Cobb County review (___-feet undisturbed buffer on each side)
 5. State of Georgia and Cobb County review.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

October 27, 2023

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144

Re: Application of Piedmont Residential to rezone (with concurrent variances) 5.13± acres; property is located at 1651 McCollum Parkway

Dear Darryl:

As you know, we represent the Applicant, Piedmont Residential, with respect to the above-referenced application. The property is presently scheduled to be heard by Kennesaw's Planning Commission on November 1, 2023 with a final vote by the Mayor and Council on November 20, 2023.

The subject property comprises 5.13± acres located at 1651 McCollum Parkway. It is situated between the Kennesaw Station Townhome Community and the Pinetree Country Club Condominium neighborhood. The property is presently zoned R-15 and the Applicant seeks to rezone the property to PUD-R, as depicted on the attached revised site plan. The Applicant's requested stream buffer variance is also depicted on the site plan.

As you know, the Applicant proposes to develop 68 fee simple homes. Unlike many similar communities, the Applicant proposes a variety in its unit mix. The 8 units on the northern portion of the subject property (depicted as 1-4 and 65-68 on the site plan) facing McCollum Parkway will be detached single-family homes with rear-entry garages, each having an approximate square footage of 2,000 square feet. The buildings on the west side of the subject property (units 5-32) are back to back townhomes with a 3' separation between buildings. Each of these units is approximately 1,700 square feet. Finally, the remaining units (41-64) are back to back townhomes with approximately 1,500 square feet. Again, there is a 3' separation between these buildings.

The project is designed to be marketed to both first-time homebuyers who are seeking affordable fee-simple homes as well to buyers with higher incomes who will be attracted to the homes with higher-end features. Fourteen (14) units (the "Attainable Units") are specifically designed to target first-time home buyers.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
October 27, 2021
Page 2

245 total parking spaces are included on the plan. The 14 Attainable Units are to be served by on-street parking. The remainder of the units will have garages with additional parking on their driveways. There are also 14 guest parking spaces and 1 handicap parking space.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

The Applicant proposes that the following stipulations and conditions be made applicable to the requested rezoning and variance. These stipulations and conditions replace and supersede in full any and all prior stipulations and conditions in whatsoever form that have been previously proposed or which are currently in place concerning the Subject Property.

1. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which has been submitted to your office and as depicted in the imagery submitted concurrently herewith. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone and other cementous components including Hardiplank and Hardiplank shake and similar products.
2. The fourteen units on the western portion of the development facing the street and identified as units numbered 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29, and 32 on the site plan that was submitted to the City will be offered and sold with no garages and on-street parking and with other features that allow the Applicant to offer them at a lower price than the balance of the units (the "Attainable Units") in order to make them more affordable for policemen, teachers, fireman and/or first time homebuyers.
3. Applicant shall create a mandatory Homeowners Association ("HOA") and prepare and file a Declaration of Covenants, Conditions and Restrictions ("CCRs") to be made applicable to the Property, which shall include, among other components, a restriction on the total number of units that may be rented at any one time to no more than 10% of the total number of units.
4. Among other things, the Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, including landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator
City of Kennesaw
October 27, 2021
Page 3

5. The Community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the homes.
6. Applicant shall submit a Landscape Plan prior to or concurrently with the Plan Review Process.
7. Compliance with recommendations from the Department of Transportation ("DOT"), including the following:
 - a) The installation of sidewalk, curb and gutter along the Subject Property's frontage on McCollum Parkway.
 - b) The installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on McCollum Parkway.
8. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
9. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
10. Subject to recommendations from the City of Kennesaw's Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
 - a) The ultimate location and configuration of on-site detention and water quality.¹
 - b) Ongoing upkeep and maintenance to the stormwater management/water quality facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.

¹ The Applicant is seeking a variance for stream buffer encroachment for the west side of the Subject Property as depicted on the site plan.

STAFF ANALYSIS REPORT



ZONING CASE #: RZ2023-04/ZV2023-03

SAMS LARKIN & HUFF, LLP STIPULATION LETTER

SAMS LARKIN & HUFF, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

October 27, 2021

Page 4

Please do not hesitate to contact me should you or the City's Staff, Planning Commission Members or the Mayor, City Council and the City Manager require any further information or documentation prior to the Planning Commission's Zoning Hearing of Wednesday, November 1st. With kind regards, I am

Sincerely,

SAMS LARKIN & HUFF, LLP

Joel L. Larkin

PFH/jcc
Attachment

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-04/ZV2023-03

PLANNING AND ZONING

Site Visit:

☐ Yes
☒ No

Staff Member:

Name: N/A
Date of Visit: N/A

Land Use Recommendation:**Historic Preservation:**

Not in a historic district

Cemetery Preservation:

No cemeteries on site

Required Parking: minimum of 2 parking spaces per unit plus .35/per unit for guest parking

DENSITY ANALYSIS

COMMERCIAL: None proposed

RESIDENTIAL: 13.26 DU/AC

Proposed Parking: 68 units will require 160 parking spaces with guest parking. Tenant parking equals 136 spaces. Guest spaces for development equals 24 spaces. However there is specifically 14 lots that will not have a garage and will depend on on street parking so that applicant will be designing site plan to accommodate 2 spaces for these 14 units as well as ample guest parking
*additional parking spaces can be provided

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL WITH CONDITIONS**

The Zoning Administrator, Darryl Simmons, recommends **approval with conditions** of case #RZ2023-04 and ZV2023-03.

Conditions:

1. Staff recommends the incorporation of all eleven conditions as specified in the attorney letter dated October 27, 2023 prepared by Sams Larkin & Huff, LLP.
2. Staff recommends the variance to encroach into the required stream buffer area for the purpose of providing rear access drive for town home units .

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

1. The request for rezoning is compatible with the adopted comprehensive plan for this portion of McCollum Parkway. This development contains a unique housing configuration that will allow a specific number of residential units to be affordable or obtainable. This meets one of the City of Kennesaw's long range goals for the citizens regarding promotion of accessible housing for purchase.
2. The configuration of the townhome units required easier secondary access to the rear units and the variance approval to encroach into the stream buffer area will accomplish the goal of meeting the criteria for easier drive access specific to this site.

PLANNING COMMISSION RECOMMENDATION:

To be determined on November 1, 2023.

MAYOR AND COUNCIL DECISION:

To be determined on November 13, 2023.

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
November 1, 2023
6:30 PM**

1. Call to Order / Roll Call

Meeting called to order by Chairman Bergwall at 6:46 p.m.

Roll Call: Commissioner Greenall, Commissioner Jackson, Commissioner Vande Zande

Absent: Commissioner Patterson, Commissioner Bodenhamer, Commissioner Ragus

Staff present: James Friedrich (Assistant to the City Manager, representing the Zoning Administrator) and Natalie Faustine (Community Development Administrative Assistant)

Speakers: Michael Miller & Parks Huff (Applicant)

2. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology, allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link: [www.Facebook.com/City of Kennesaw/](https://www.facebook.com/CityofKennesaw/). However, comments made on Facebook Live will not be visible by City staff. If you would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 p.m. the night of the regular meeting. Your comment will be read aloud or grouped into categories for the record. All interested parties may attend the meeting in person with limited seating available at the City Hall Council Chambers and the Ben Robertson Community Center, if needed. Please note that the Planning Commission serves as an advisory board that makes recommendations to the Mayor and Council unless otherwise noted.
- B. Pending zoning applications may be viewed on an interactive map via the Planning & Zoning webpage or using the following link: <https://arcg.is/1q1ubX0>.
- C. New business items on this agenda will be heard by the Mayor and Council on November 20, 2023.

3. Approval of the Meeting Minutes

- A. Meeting Minutes from October 4, 2023

Motion by Commissioner Greenall to Approve. Seconded by Commissioner Jackson.

Vote taken, motion unanimously approved 3-0.

4. New Business

- A. Consideration for approval of a variance application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #ZV2023-04.

Motion by Commissioner Greenall to Approve. Seconded by Commissioner Jackson.

Vote taken, 1 in favor (Vande Zande) 2 opposed (Greenall, Jackson). Motion denied.

- B. Consideration for approval of a rezoning application submitted by Piedmont Residential, LLC for the property located at 1651 McCollum Parkway (20009900010). Case #RZ2023-03

Motion by Commissioner Jackson to Approve. Seconded by Commissioner Vande Zande.

Vote taken, motion unanimously approved 3-0.

5. Staff Comment

6. Adjourn

Motion to adjourn by Commissioner Greenall, second by Commissioner Vande Zande.

Meeting adjourned at 7:37 p.m.



Item Report

TO: The Honorable Mayor and City Council
FROM:
DATE: November 13, 2023
TITLE: Approval of the October 30, 2023 City Council work session minutes

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 10-30-23 City Council Work Session Minutes - DRAFT

**MINUTES OF CITY COUNCIL WORK SESSION MEETING
CITY OF KENNESAW
Council Chambers
October 30, 2023
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Tracey Viars Councilmember Lynette Burnette Councilmember Pat Ferris Councilmember Antonio Jones Councilmember Trey Sinclair City Clerk Lea Alvarez City Manager Jeff Drobney City Attorney Randall Bentley, Sr.
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1. Invocation

2. Pledge of Allegiance

3. Call to Order

Mayor Easterling called the meeting to order at 6:30 p.m.

4. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed. Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>
- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record. **Facebook Live is not monitored for public comment.**

5. Presentations

- A. Kennesaw 101: Citizens Government Academy Graduation, Class of 2023.

At the regular meeting on Monday, November 6, 2023, Assistant to the City Manager, James Friedrich, will present to the Mayor and City Council the Kennesaw 101: Citizens Government Academy Class of 2023.

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

9. Committee and Board Reports

- A. UPDATE: Cemetery Preservation Commission from Chair Lewis Bramlett at the November 6, 2023 regular meeting.

At the regular meeting on November 6, 2023, Cemetery Preservation Commission Chair Lewis Bramlett will provide the Mayor and City Council with an update on all that has been accomplished this year in the Kennesaw City Cemetery.

10. Public Hearing(s)

- A. Approval of ORDINANCE to amend Chapter 30, "Cemeteries," of the Code of Ordinances.

City Clerk Lea Alvarez presented an ordinance to amend Chapter 30, "Cemeteries," of the Code of Ordinances. Ms. Alvarez mentioned that most of this chapter has not been updated since 1986. The proposed amendments set out to provide greater detail regarding rules and regulations for lot owners and clearer guidance for staff regarding their various responsibilities. The public hearing was advertised in the Marietta Daily Journal on October 27, 2023 and will be published again on November 3, 2023. Ms. Alvarez stated Legal had reviewed the ordinance, and that she recommended approval.

Councilmember Jones had several questions regarding some of the provisions within the proposed ordinance. His first concern was regarding Section 30-3 (g), "Noise or disorderly conduct." Councilmember Jones did not want to jeopardize our police officers by enforcing an ordinance so vague. He requested Legal add reference to law to clarify the section. He also requested language be added to Section 30-3 (h), "Food or beverages prohibited," to allow the use of alcoholic beverages, such as wine, for religious purposes.

Regarding Section 30-4 (a), "Care Reserved," Councilmember Jones asked to include within the provision that if the city does any work upon a gravesite, that staff will attempt to contact next of kin, if possible. He asked if Section 30-4 (f), "Fences, railings, walls, enclosures prohibited," would apply to what is already present in the cemetery. Ms. Alvarez stated existing enclosures will have to be grandfathered in; however, it must be prohibited because it is extremely difficult to maintain and care for the cemetery with them in place. Furthermore, if the enclosures are not placed within the lot lines like they are supposed to be, they can create spacing issues.

Councilmember Jones also asked about Section 30-4 (i) and 30-4 (l) to which Councilmember Ferris and Mayor Easterling explained why those two provisions needed to remain as written.

- B. Approval of ORDINANCE to amend Chapter 2, "Administration," Article 1. "In General," Section 2-3, "Records," of the Code of Ordinances.

City Clerk Lea Alvarez presented an ordinance to amend Chapter 2, "Administration," Article 1., "In General," Section 2-3, "Records" of the Code of Ordinances. Ms. Alvarez stated this change was to better align with industry standards and to create a more efficient process for the public. Currently, all open records requests are filtered through the City Clerk's office. However, the amendment will allow the Kennesaw Police Department and the Kennesaw/Acworth 911 Department to handle their own requests instead. The City Clerk will continue to handle open records requests that are City Hall related. The public hearing was advertised in the Marietta Daily Journal on October 27, 2023 and will be advertised again on November 3, 2023. Legal has reviewed the ordinance and the City Clerk recommended approval.

Mayor Pro Tem Viars clarified the process and asked if the public is now supposed to call the Kennesaw Police Department for any related requests. Ms. Alvarez responded yes, but the city provides an electronic open records request process as well. There will now be three separate request forms on the public portal: police records, 911 records, and City Hall records. Staff is also working to make them dynamic forms, so when an individual starts typing "police" on the City Hall form, a message will pop up telling them to make the request on the police records form.

Councilmember Jones asked questions related to the three-business day requirement. Ms. Alvarez reiterated that state law as it relates to open records is remaining the same, staff is only changing the submittal process.

- C. Approval of ORDINANCE to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations," of the Code of Ordinances to enact a local amendment to the Georgia State Minimum Standard Plumbing Code.

City Manager Jeff Drobney presented an ordinance to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations" of the Code of Ordinances, to enact a local amendment to the Georgia State Minimum Standard Plumbing code. Dr. Drobney stated this ordinance is an administrative update that is being required of us from the Metropolitan North Georgia Water Planning District for all cities within Metro Atlanta. Ultimately, the city does not have a lot of choice in adopting the amendments. The city points back to the state code for all standard codes: building, mechanical, plumbing, and electrical. Though we do not codify them, we point back to the state code, so as the state updates the code, it is easier for the city to stay up to date as well. However, the Metropolitan North Georgia Water Planning District is requiring the city to add some language to amend that state code and have written the language they want us to adopt. It ultimately goes back to water conservation issues. Legal has reviewed the ordinance.

11. Consent Agenda

- A. Approval of the October 9, 2023 City Council work session minutes.

- B. Approval of the October 9, 2023 City Council executive session minutes.
- C. Approval of the October 16, 2023 City Council regular meeting minutes.

12. General and Administrative

- A. Consideration for approval of an Alcohol Retail Package License for Beer, Wine, Liquor, and Sunday Sales for The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Hwy Ste 110 Kennesaw, GA 30152. Applicant: Cedric Jackson and Jason Norris.

Business License Manager LaMaya Edmonds presented an alcohol retail package license for beer, wine, liquor, and Sunday sales for The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Highway, Suite 110. Ms. Edmonds shared that all signs had been posted and the application was properly advertised and on file along with a background check in the Business License office. There is an existing license at this location, so the application is for a name and ownership change. The applicants will be present at the regular meeting. The Finance Department recommended approval.

Councilmember Jones noticed one of the applicants received a DUI in 2021. He asked if it would keep the applicant from getting his license. Ms. Edmonds responded it does not. The city's code allows for two alcohol or drug related violations within five years before it triggers an issue with their application.

13. Public Safety

14. Information Technology

- A. DISCUSSION ONLY: Microsoft Office 365 transition as approved in the FY24 Budget.

IT Director Robert Mayes presented an update on the Microsoft Office 365 transition as approved in the Fiscal Year 2024 budget.

Councilmember Jones stated he uses Microsoft Office 365 at work. He asked if we have any safeguards in place because he knows his medical practice has been hacked before. Mr. Mayes shared the department purchased a Microsoft GCC tenant, which meets the security criteria for government organizations. The city is leveraging that license versus the standard, commercial license, which ends up not being as secure.

15. Public Works

- A. Consideration to Authorize Purchase of Vehicles Approved in the FY24 Budget.

Public Works Director Ricky Stewart requested authorization to purchase vehicles approved in the Fiscal Year 2024 budget. By a state contract, staff is capable of buying four vehicles through Hardy Family Ford. The first vehicle is a 2024 Ford Transit 350 van for Parks and Recreation at a cost of \$55,524.85. The second vehicle is a 2024 Ford F-450 truck at a cost of \$70,804.00. Further, there is a 2024 Explorer 4X2 at a

cost of \$39,899.00 for Building Services and a 2024 Explorer 4X4 at a cost of \$43,509.70 for Public Works. The total cost for the vehicles is \$209,737.55. The cumulative budget was \$213,642, so the city is under budget for the purchase of the four vehicles.

After receiving confirmation from Council, Mayor Easterling suggested moving the item to the Consent Agenda.

B. DISCUSSION ONLY: Results of the Main Street Speed Study.

Public Works Director Ricky Stewart did a speed study on the north and southbound lanes on Main Street in front of Revival as well as a study on the north and southbound lanes on Main Street in front of Kennesaw First Baptist Church for a week. Mr. Stewart shared that there were some high speeds during the studies. He presented two graphs (See Exhibit A), which show speeds by the hour and in five mile per hour speed segments.

To begin, the northbound lane in front of Revival saw higher minimum speeds overnight. The maximum speed over the entire study time was between the hours of 6:00 p.m. and 7:00 p.m., which was 50 miles per hour. If you look by segment, there was only one vehicle that was traveling between 50 and 55 miles per hour. That reading could possibly be errors in the tubes being tripped, either by a vehicle pulling a trailer or an emergency vehicle. The majority of the traffic traveled between 25 and 30 miles per hour. When it comes down to true percentages, 86.6% of all traffic was doing 30 miles per hour or less. This percentage is comprised of 37,000 vehicles. Mr. Stewart shared that, yes, there are some vehicles that travel above the 25 miles per hour speed limit, but when it comes down to the averages, it is hard to say that there is truly a speeding problem.

Mayor Pro Tem Viars invited Mr. Stewart to come sit on her deck at the Revival. There is a speeding problem.

Mr. Stewart continued by explaining the average speed captured was 28.66 miles per hour over the week it was studied. Mr. Stewart said there are some cars that are speeding along Main Street. There are not but a couple of hours throughout the day that there isn't a vehicle that exceeds 40 miles per hour at some point.

Mayor Pro Tem Viars asked if staff could track the speeds through the sign that flashes along Main Street. Mr. Stewart responded that while there are some tracking capabilities within the device, it is not certified.

Looking at the data, the southbound lane in front of Revival is much the same as the northbound lane. Mr. Stewart explained that when it comes to overall speeds, there are fewer hours within the 24 that we saw evidence of speeds greater than 40 miles per hour. The large majority of cars drive 20 to 25 miles per hour or 25 to 30 miles per hour. Further, the average speed was 28 miles per hour. There were 35,000 going southbound during the speed study. The maximum speed was 48.1 miles per hour. The

85th percentile was 27.7 miles per hour. Cumulatively, as a whole, a majority of the traffic followed the speed limit.

Public Works also studied the north and southbound lanes in front of the Kennesaw Baptist Church.

Councilmember Jones said regarding the southbound lane in front of Revival, there were 240 vehicles driving 35 to 40 miles per hour. It only takes one car to kill someone. He asked Mr. Stewart what can we do to fix the situation? Mr. Stewart said if the Council is asking what his recommendation is, he doesn't believe there is as much of a "speeding" problem as there is a "clear, unobstructed view of pedestrians" problem. What he meant by that is, the two areas in which they receive the most complaints as far as vehicles and pedestrians are the crosswalk at Park Drive and the crosswalk in front of Revival. In his opinion, both of these crosswalks should not exist. Any mid-block crosswalk is trouble waiting to happen. Vehicles are always looking for pedestrians crossing at traffic signals, not mid-block where you have on-street parking. He also said the trees we have planted cause a lot of obstructions. His solution would be to put the pedestrians where they need to cross.

Councilmember Jones asked about liability regarding rubberized speed bumps. Mr. Stewart stated Public Works has a departmental policy prohibiting the installation of speed bumps on any street for various reasons. The first reason is that speed bumps only slow you down when you cross them. A lot of times you speed up when you cross the speed bump to recover the time that you just lost. Secondly, speed bumps change road characteristics as far as drainage is concerned. The final significant problem is that if a street has a number of speed bumps, and the next street over does not, traffic is going to start collecting along the roads that do not have speed bumps.

Councilmember Sinclair chimed in by saying since this conversation is about pedestrian safety, and we want this to be a walkable city, if one of the recommendations is to eliminate mid-block cross walks, he wondered if that was something we can look into further.

Councilmember Jones said he likes the crosswalk in front of Revival. He would like to see hanging signs with lights to get the attention of those driving. The City of Milton has them and he likes the way Milton did it.

Mayor Easterling responded that the more signs you put up, the more you obstruct the view. He does not think you can regulate people to do the right thing. The Sardis Street extension project will help. If we do anything, it is time for us to move up our other options for getting the traffic around us.

Councilmember Ferris is in favor of anything Public Works can come up with to make this issue better.

C. Approval of RESOLUTION authorizing the Mayor and Council to approve an

additional \$35,151 for final repairs to complete the restoration of the Kennesaw Depot Building as part of the Depot Park Master Plan.

Building Facilities Director Robbie Balenger presented a resolution authorizing the Mayor and Council to approve an additional \$35,151 for final repairs to complete the restoration of the Kennesaw Depot Building as part of the Depot Park Master Plan. He stated this expenditure would be to finish the project. When the Depot was in the air, professionals realized we needed to replace the electrical and bring the building up to code.

Councilmember Ferris asked if the other subsystems were in good condition. Mr. Balenger responded yes. The plumbing was able to be tied back in to the County line. The HVAC system was scheduled to be replaced through the 2022 Facilities SPLOST, which was already a part of the plan. Also, the roof was in good shape and any rotten siding has been removed.

After receiving confirmation from Council, Mayor Easterling suggested moving the item to the Consent Agenda.

16. Recreation and Culture

17. Community Development

A. Amendment to approved Public Art Exhibit #PA 2023-02

Public Works Director Ricky Stewart presented an amendment to the approved Public Art Exhibit #PA 2023-02. Mr. Stewart and Mr. Simmons visited the site previously approved for the Bell Tower art installation. However, upon review, staff decided there was not a safe way to get the installation into Commemorative Park because of the trees and power lines. When Mr. Stewart and Mr. Simmons walked down Main Street to find an alternate location, staff determined the best site was the park area beside Main Street and BurgerFi. There is already a bench and a concrete pad. It would be easier to install the art in this new location, which puts the bell tower in a much more visible spot.

Mayor Easterling likes the new location better and would like it better if staff got rid of the Crepe Myrtles as well.

Mayor Pro Tem Viars and Councilmember Ferris think the proposed location is a much better space.

Mr. Stewart stated the installation would not be up for this Veterans Day.

After receiving confirmation from Council, Mayor Easterling suggested moving the item to the Consent Agenda.

18. Public Comment/Business from the Floor

19. City Manager's Report

A. Reports, Discussions, and Updates

Dr. Drobney mentioned the plant material in the medians coming from Cobb Parkway into downtown was lost last December due to the freeze. Staff is putting together a new landscape plan and are getting prices. When the plan is finalized, it will be brought before the Mayor and Council.

1. House Bill 489 Update

Dr. Drobney provided an update on House Bill 489. House Bill 489 is a service delivery strategy agreement that has to be in place and is mandated by the state. Our agreement expires with Cobb County at the end of October 2024. City managers and mayors have met religiously and have not gotten very far. Dr. Drobney pointed out this agreement is going to be one of the most important items he will have to deal with and bring back to the Council in early 2024. The cities and county will have to get this agreement to the Department of Community Affairs by June to give them time to review and bring it back to the Councils of the municipalities for adoption by the end of October 2024.

Dr. Drobney mentioned the county hired a consultant unbeknownst to the cities, which brought back a study that stated there is no double taxation. The study ultimately concluded the county doesn't owe the cities anything. In response, the cities have come together to bring on a consultant that they can all support. Currently, the cities have agreed on Balli Law, which is, more specifically, James Balli and Rob Hosack. Rob Hosack played a role in the original negotiations back in 1997. The cities received a contract back from them last week. At most, it would be a 10-month agreement. The cost would be \$10,000 a month. \$5,000 to the county and the rest would be split by the cities.

The cities calculated what they believe were the amounts that were double taxed back through the city. They used a formula through the Georgia Municipal Association and a formula used through the Mercer study that was agreed upon at the time by both the cities and the county in 2004. The numbers come back much higher, but it is a starting point. Dr. Drobney hopes to bring forward a contract for consideration in two weeks with Balli Law.

Councilmember Ferris asked if Mableton was included in this agreement. Dr. Drobney stated they are not participating in his agreement. However, the mayor of Mableton has been to a few of the meetings to observe. We may have to come back in two years to revisit Mableton's involvement.

20. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

21. Council Reports & Discussions

22. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

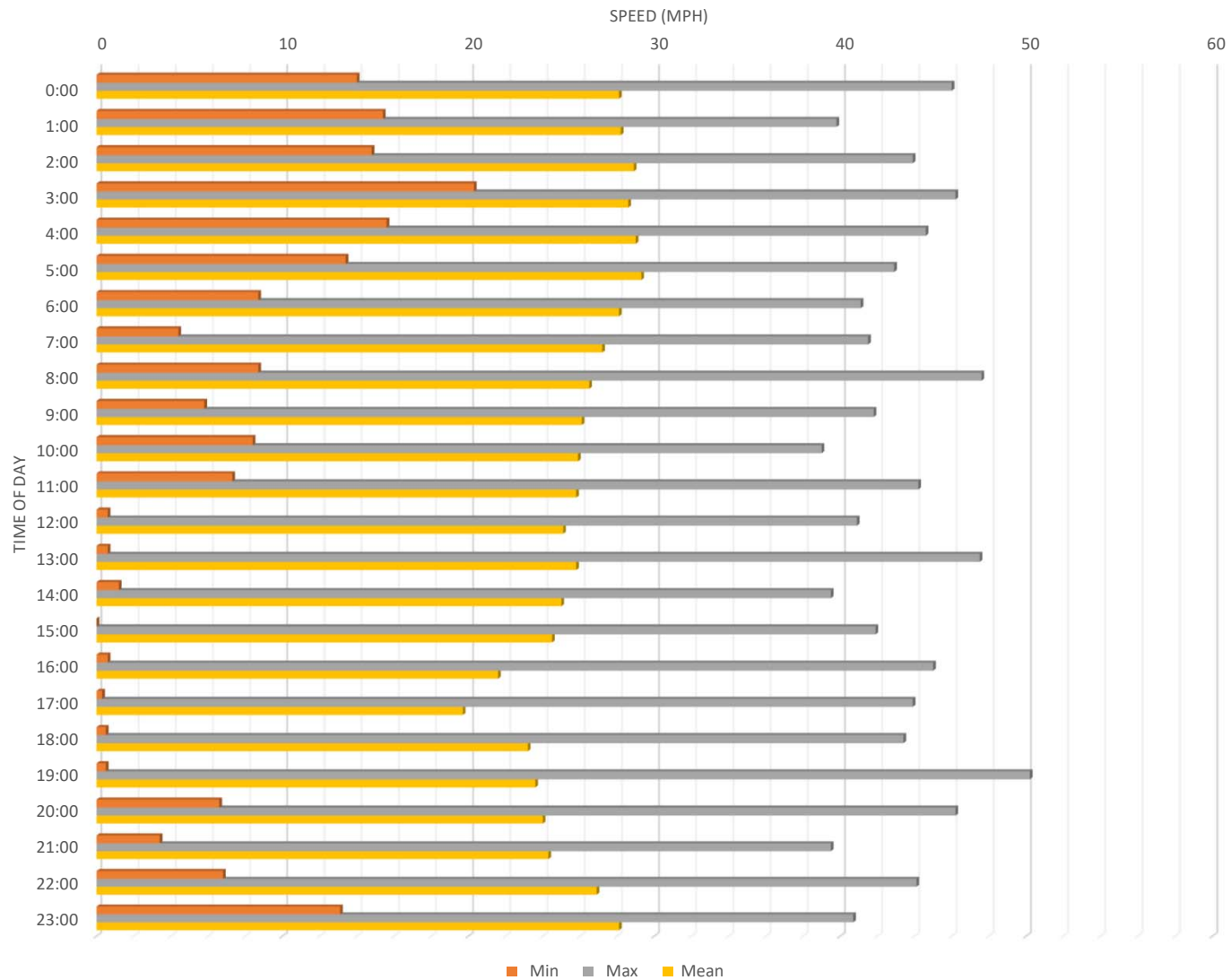
23. Adjourn

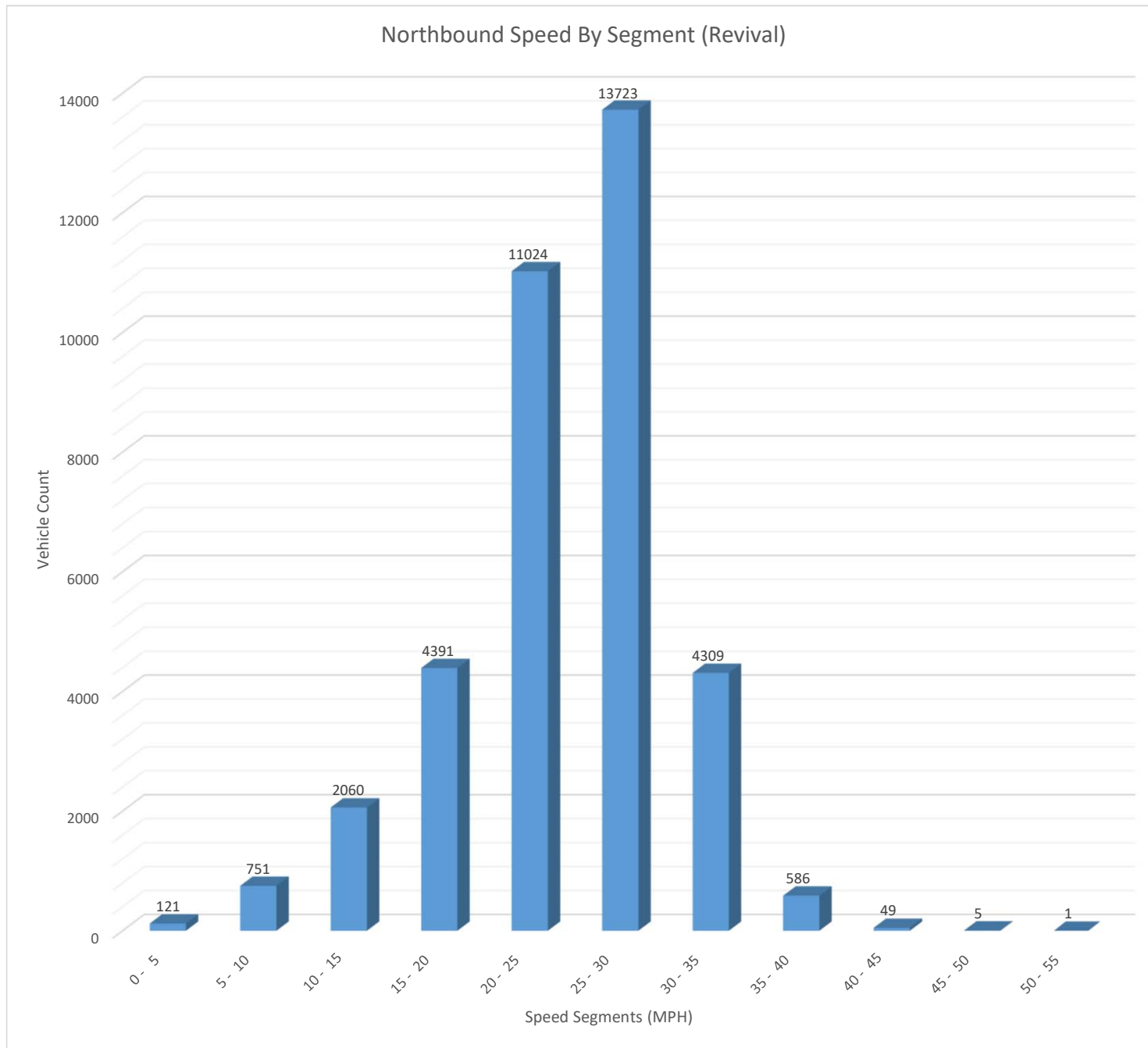
Mayor Easterling adjourned the meeting at 7:40 p.m. The regular meeting will be held on Monday, November 6, 2023 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk

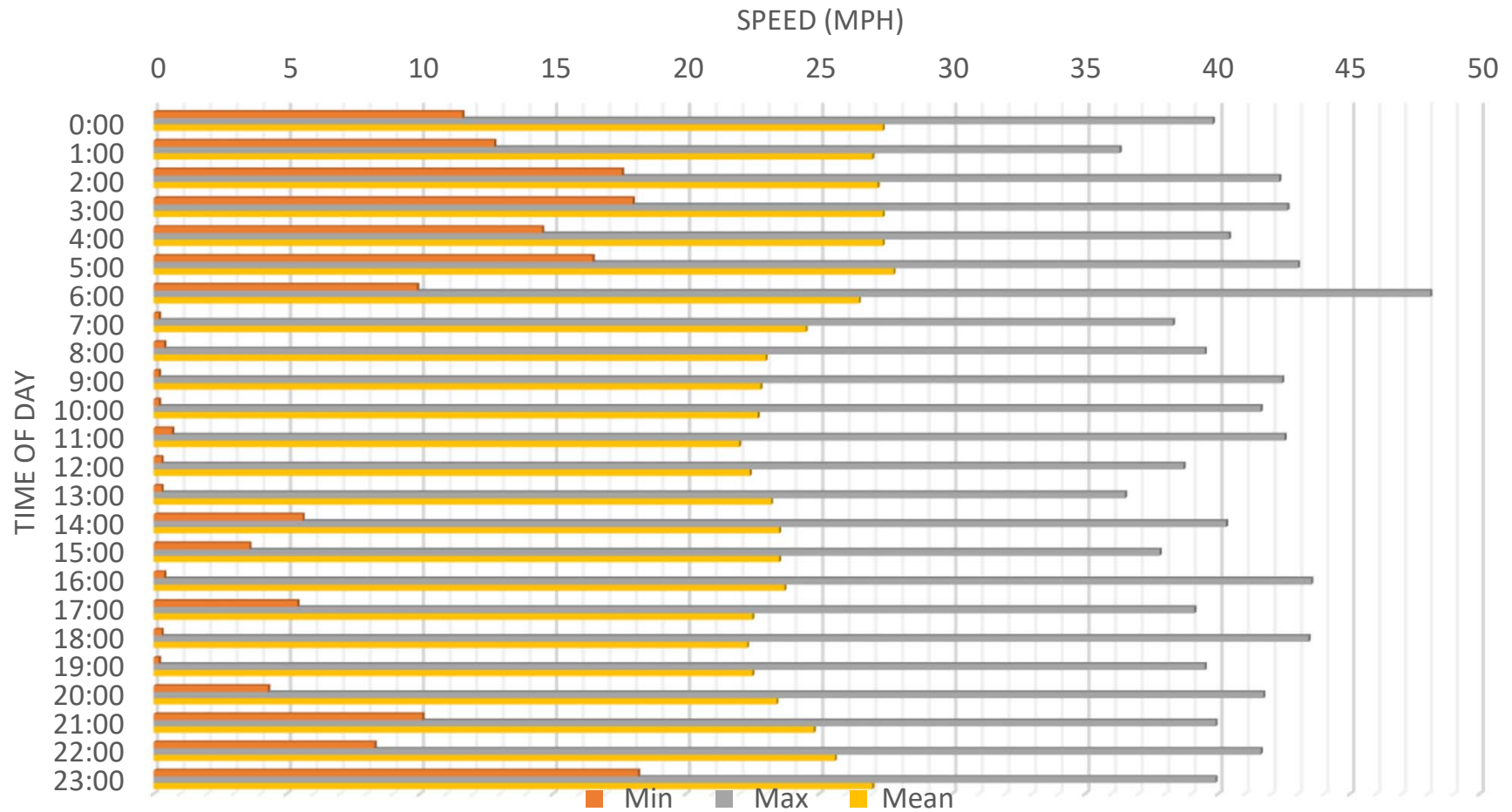
DRAFT

Northbound Speed By Time (Revival)

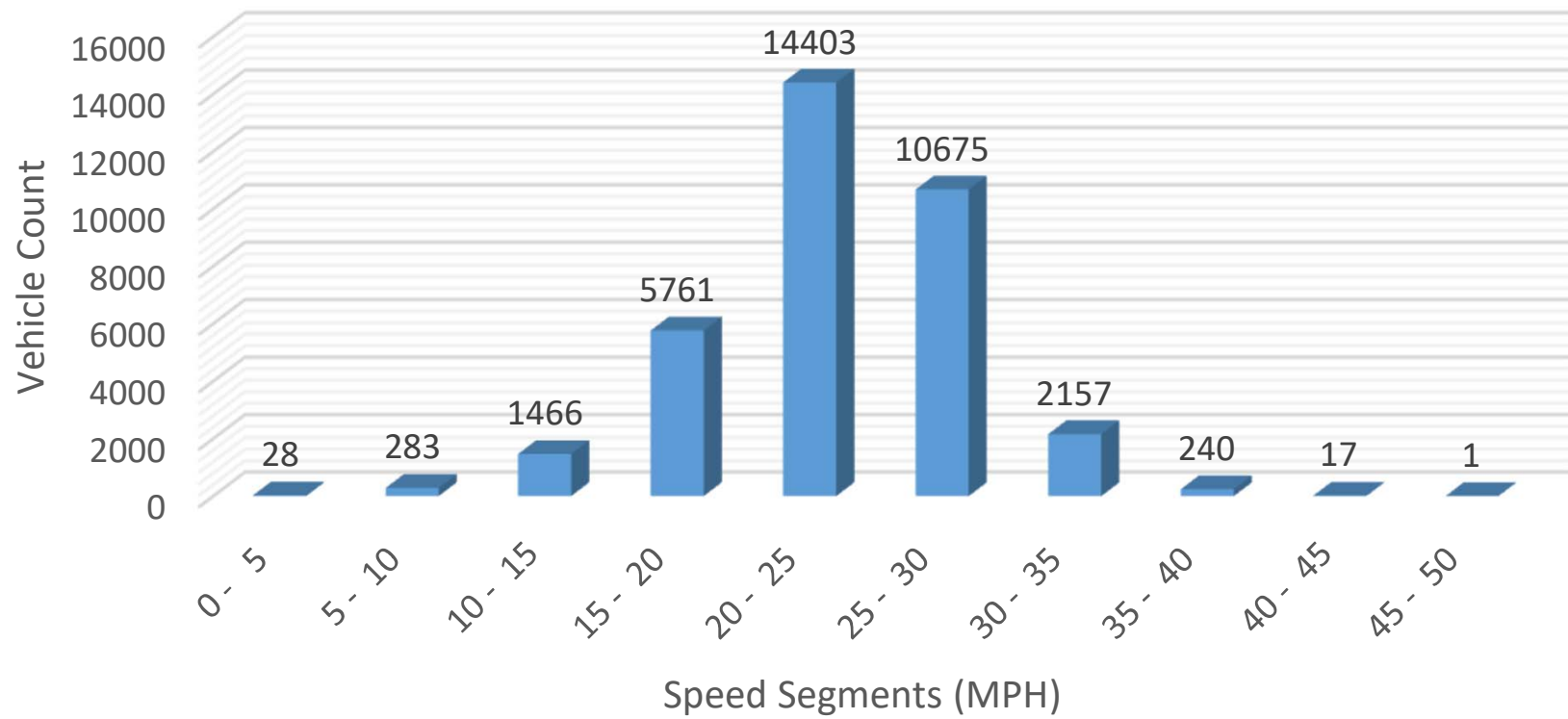




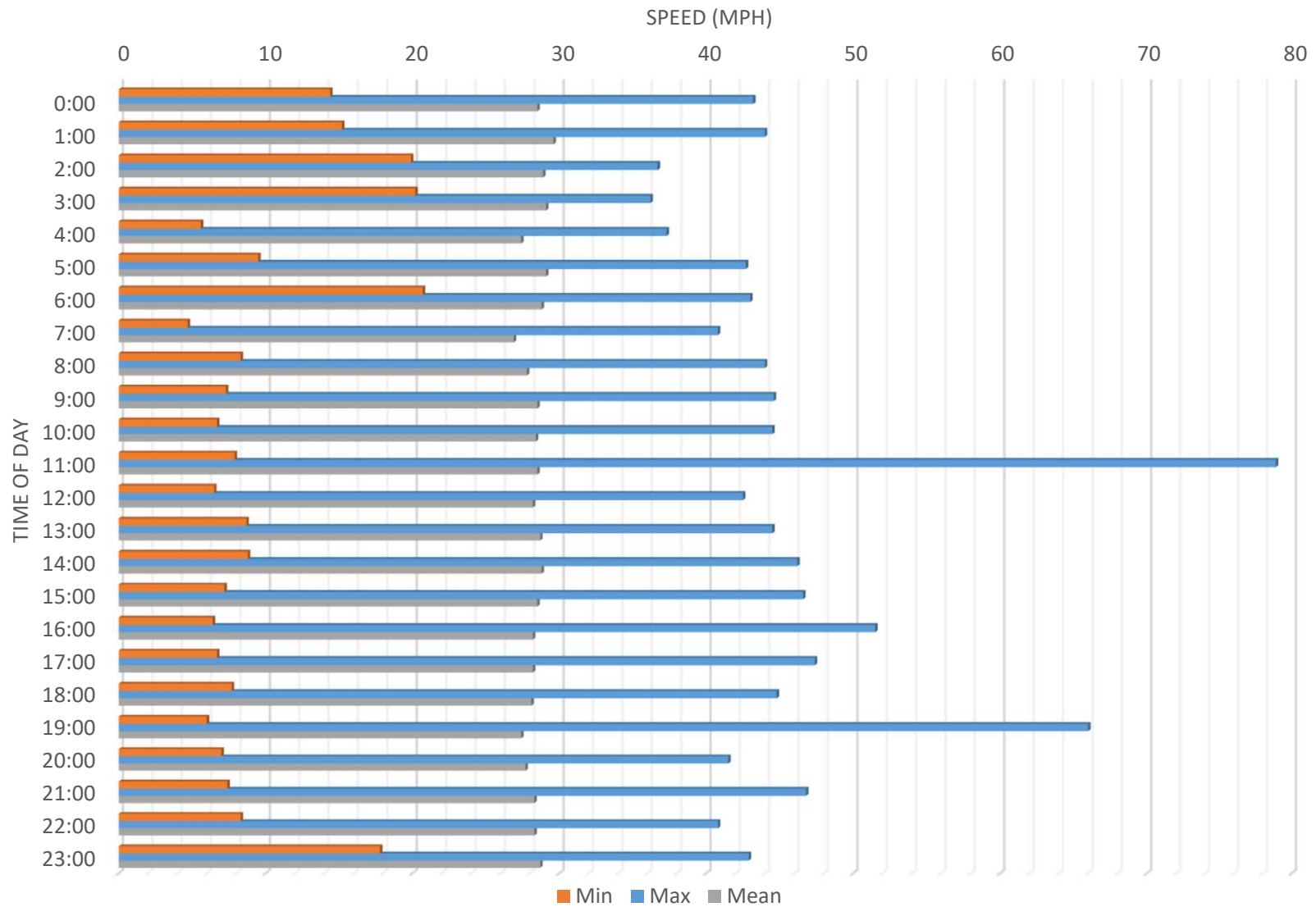
Southbound Speed By Time (Revival)



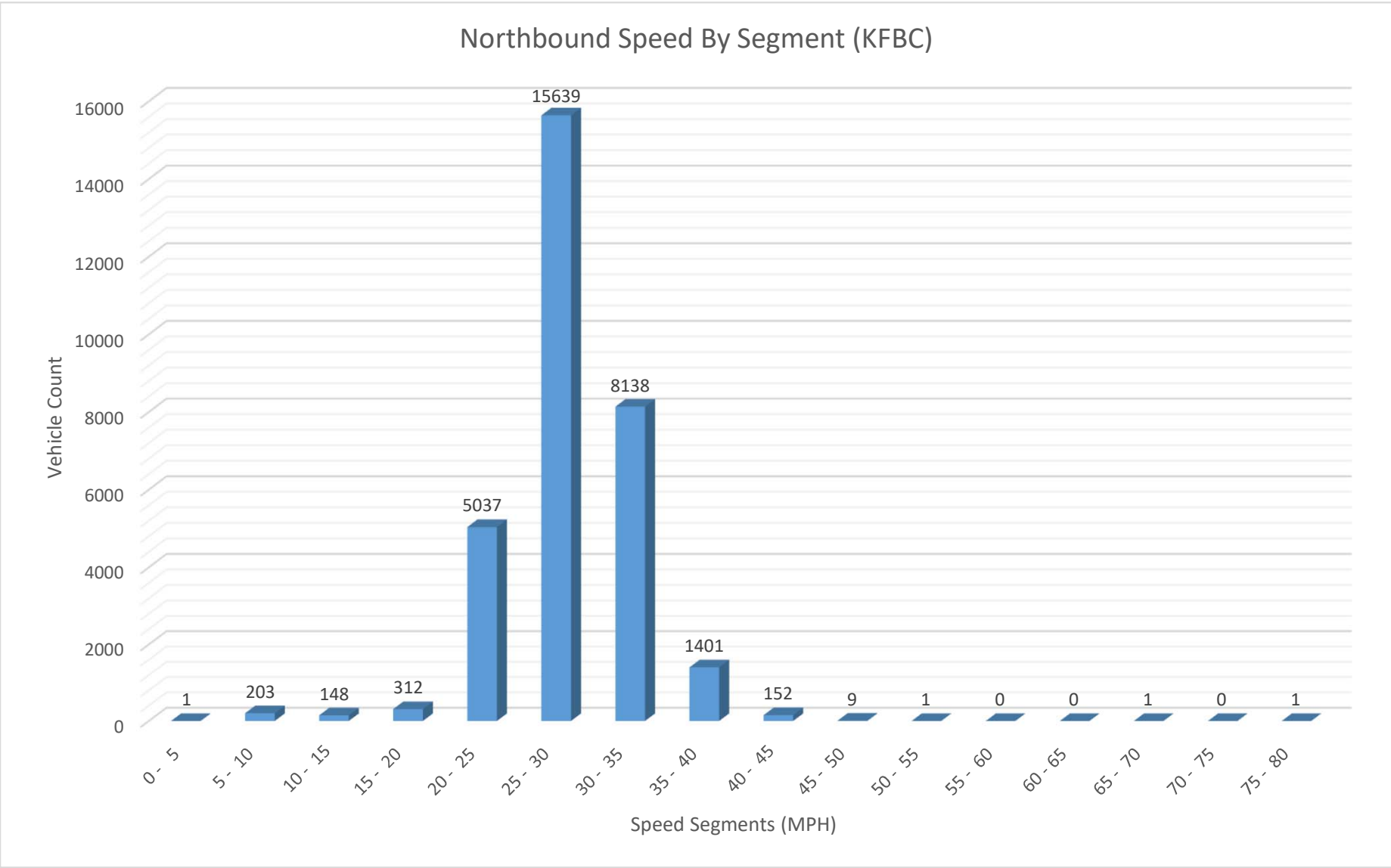
Southbound Speed By Segment (Revival)



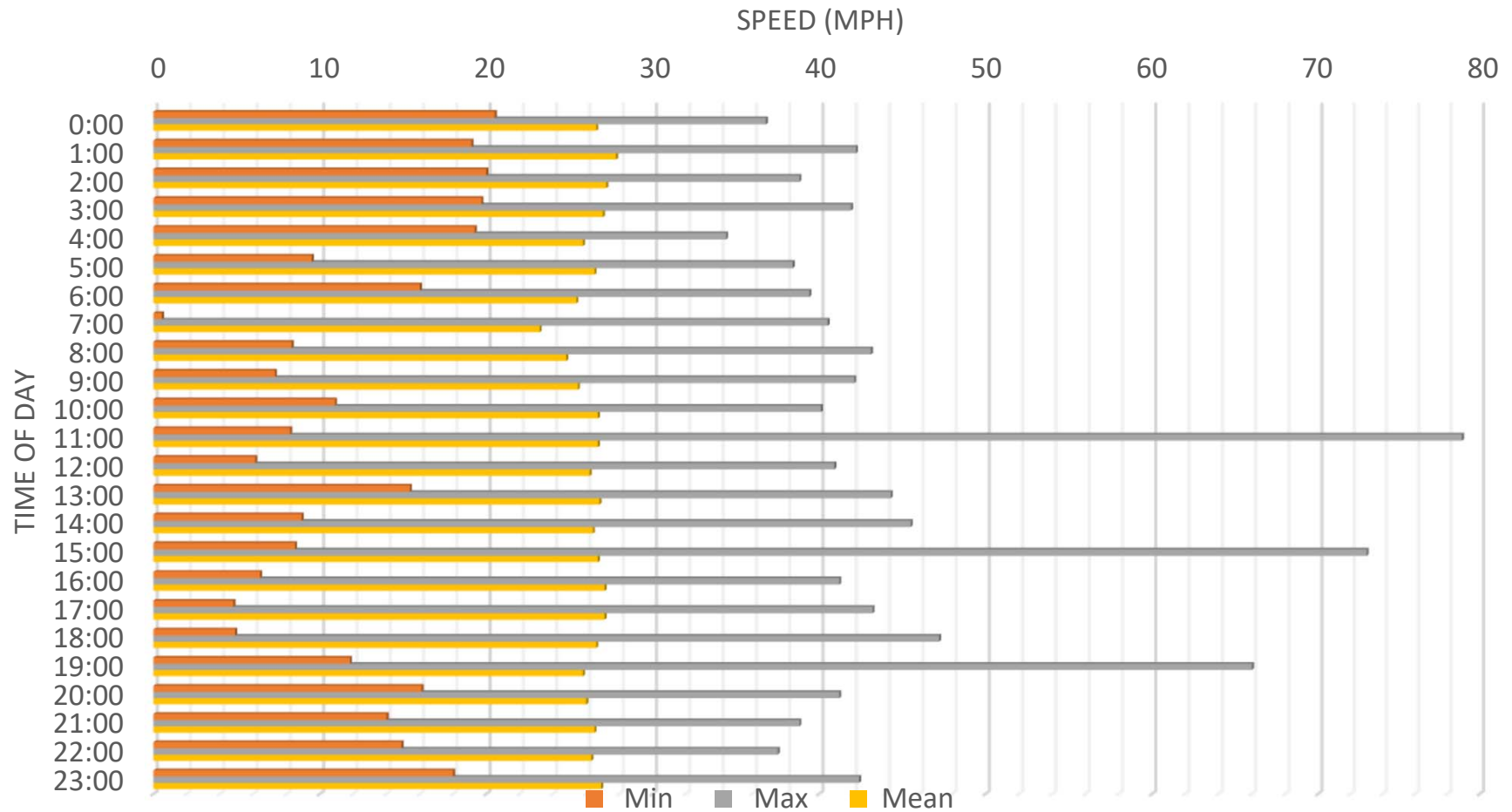
Northbound Speed By Time (KFBC)



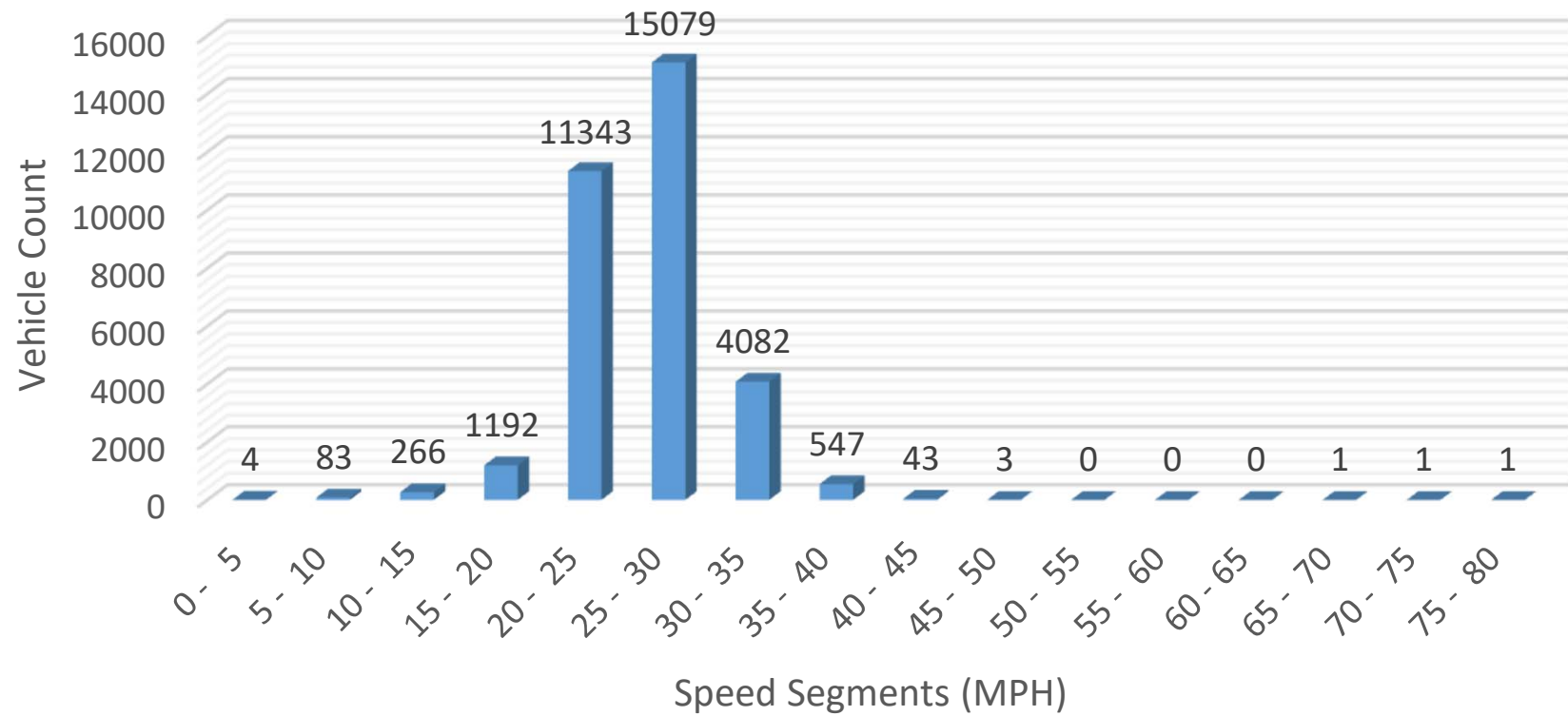
Northbound Speed By Segment (KFBC)



Southbound Speed By Time (KFBC)



Southbound Speed By Segment (KFBC)





Item Report

TO: The Honorable Mayor and City Council
FROM:
DATE: November 13, 2023
TITLE: Approval of the November 6, 2023 City Council meeting minutes.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 11-06-23 Action Minutes

**ACTION MINUTES OF CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
November 6, 2023
6:30 PM**

Present	Mayor Derek Easterling Mayor Pro Tem Tracey Viars Councilmember Lynette Burnette Councilmember Pat Ferris Councilmember Antonio Jones Councilmember Trey Sinclair City Clerk Lea Alvarez City Manager Jeff Drobney City Attorney Randall Bentley, Sr.
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1. Invocation

2. Pledge of Allegiance

3. Call to Order

4. Announcements

- A. This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. You may also attend in person with limited seating available at both the Council Chambers and the Ben Robertson Community Center, if needed. Mayor and Council will be conducting their meeting via real-time telephonic technology using Zoom Meeting and Facebook Live. You can access the meeting via the following link: <https://www.facebook.com/CityofKennesaw/>
- B. If you are not able to attend a meeting in-person and would like to provide public comment on a specific agenda item, you can email kennesawcouncil@kennesaw-ga.gov no later than 6:00 PM the night of the regular meeting. Your comments on a specific agenda item will be read aloud or grouped into categories for the record. **Facebook Live is not monitored for public comment.**

5. Presentations

- A. Kennesaw 101: Citizens Government Academy Graduation, Class of 2023.

6. Public Comment/Business from the Floor

7. Old Business

8. New Business

9. Committee and Board Reports

- A. UPDATE: Cemetery Preservation Commission from Chair Lewis Bramlett at the November 6, 2023 regular meeting.

10. Public Hearing(s)

- A. Approval of ORDINANCE to amend Chapter 30, "Cemeteries," of the Code of Ordinances.

Motion by Councilmember Ferris to approve **ORDINANCE NO. 2023-18, 2023** to amend Chapter 30, "Cemeteries," of the Code of Ordinances, as presented. Seconded by Councilmember Mayor Pro Tem Viars.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

- B. Approval of ORDINANCE to amend Chapter 2, "Administration," Article 1. "In General," Section 2-3, "Records," of the Code of Ordinances.

Motion by Mayor Pro Tem Viars to approve **ORDINANCE NO. 2023-19, 2023** to amend Chapter 2, "Administration," Article 1. "In General," Section 2-3, "Records," of the Code of Ordinances, as presented. Seconded by Councilmember Burnette.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

- C. Approval of ORDINANCE to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations," of the Code of Ordinances to enact a local amendment to the Georgia State Minimum Standard Plumbing Code.

Motion by Councilmember Jones to approve **ORDINANCE NO. 2023-20, 2023** to amend Article II, "Recognition and Adoption of Standard Codes," of Chapter 18, "Buildings and Building Regulations," of the Code of Ordinances to enact a local amendment to the Georgia State Minimum Standard Plumbing Code, as presented. Seconded by Councilmember Burnette.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

11. Consent Agenda

- A. Approval of the October 9, 2023 City Council work session minutes.
- B. Approval of the October 9, 2023 City Council executive session minutes.
- C. Approval of the October 16, 2023 City Council regular meeting minutes.
- D. Consideration to Authorize Purchase of Vehicles Approved in the FY24 Budget.

- E. Approval of **RESOLUTION NO. 2023-47, 2023** authorizing the Mayor and Council to approve an additional \$35,151 for final repairs to complete the restoration of the Kennesaw Depot Building as part of the Depot Park Master Plan.

- F. Amendment to approved Public Art Exhibit #PA 2023-02

Motion by Mayor Pro Tem Viars to approve the Consent Agenda engross. Seconded by Councilmember Jones.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

12. General and Administrative

- A. Consideration for approval of an Alcohol Retail Package License for Beer, Wine, Liquor, and Sunday Sales for The Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Hwy Ste 110 Kennesaw, GA 30152. Applicant: Cedric Jackson and Jason Norris.

Motion by Councilmember Jones to approve an alcohol retail package license for beer, wine, liquor, and Sunday Sales for the Jack C. Phoenix Corp d/b/a Monte Cristo located at 1635 Old 41 Highway, Suite 110, as presented. Seconded by Councilmember Burnette.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

13. Public Safety

14. Information Technology

15. Public Works

16. Recreation and Culture

17. Community Development

18. Public Comment/Business from the Floor

19. City Manager's Report

- A. Reports, Discussions, and Updates

20. Mayor's Report

- A. Mayor and Council (re)appointments to Boards and Commissions. This item is for (re)appointments made by the Mayor to any Board, Committee, Authority, or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve boards and commissions, as deemed necessary.

Motion by Councilmember Jones to ratify the appointment of Tavares Chambless to the

License Review Board with a term ending December 2023. Seconded by Mayor Pro Tem Viars.

Vote taken, motion approved 4-0 (Councilmember Sinclair absent). Motion passed.

21. Council Reports & Discussions

22. Executive Session

Pursuant to the provisions of O.C.G.A 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney; and/or personnel matters; and/or real estate matters.

23. Adjourn

Mayor Easterling adjourned the meeting at 7:23 p.m. The next regularly scheduled meeting will be held Monday, November 13, 2023 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

Lea Alvarez, City Clerk



Item Report

TO: The Honorable Mayor and City Council
FROM: Bill Westenberger, Chief of Police
DATE: November 13, 2023
TITLE: Receipt of the October 2023 Crime Statistics.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2023 October Crime Statistics (M+C)



October 2023 Crime Statistics

Summary

October 2023 Group A Offenses (127) increased by 13% compared to October 2022 (112). A vast majority of the crimes reported in October 2023 were Assault Offenses (36). This trend is also present in the data collected for crimes reported in October 2022. Assault Offenses account for approximately 28% (36) of the crimes that have occurred within our jurisdiction in October 2023. Out of the 633 traffic stops in October 2023, (938) resulted in Citations and 40% (279) Warnings. There were a total of 91 Adult Arrests that took place during the month, which is a 40% increase from October 2022 (65).

There were 1,078 traffic accidents YTD, 153 of which were classified as Hit and Run. Of the 1,078 accidents 6 had injuries, and 5 involved a pedestrian. YTD 2022 total accidents (1,145) are up compared to 1,078 YTD 2023.

Crimes	October 2023	October 2022	YTD (01/01/2023) – (10/31/2023)	YTD (01/01/2022) – (10/31/2022)
Assault Offenses	36	32	321	270
Motor Vehicle Theft	0	2	13	22
Burglary	3	3	26	24
Homicide	0	0	0	0
Larceny	25	23	224	245
Sex Offenses	3	2	19	23
Robbery	1	0	9	4
Total	68	62	612	588

	October 2023	October 2022	YTD (01/01/2023) – (10/31/2023)	YTD (01/01/2022) – (10/31/2022)
Dispatched Calls for Service	467 (-470)	937	5,800 (-2,556)	8,356
Self-Initiated Activity	865 (+89)	776	10,076 (-700)	9,376
Traffic Citations	938 (+115)	823	10,258 (+1,549)	8,709
Traffic Warnings*	279 (-157)	436	2,587 (-1,564)	4,151
Arrests*	91 (+27)	64	912 (+109)	803

*Warnings do not include verbal warnings

*Arrest statistics does not include juveniles

Bill Westenberger
Chief of Police



Kennesaw Police Department
2539 J. O. Stephenson Ave., Kennesaw, GA, 30144
911 Call Center: (770) 422-2505
Criminal Investigations Division: (770) 429-4533



Bayleigh Brown
Crime/ Intelligence
Analyst



Item Report

TO: The Honorable Mayor and City Council

FROM: Robbie Balenger, Building & Facilities Director

DATE: November 13, 2023

TITLE: Approval of RESOLUTION authorizing the Mayor to sign a proposal with Croy Engineering and Croft & Associates for engineering and architectural services for the Kennesaw Public Safety Facility.

Summary:

As part of the 2022 voter approved SPLOST, the City of Kennesaw will construct a new public safety facility located at 3080 Moon Station Road. Based on the previously approved schematic design, the Kennesaw Public Safety Facility will be two-stories with approximately 25,000 square feet. This next phase of design services will have a total proposed cost of \$1,046,410. The scope for engineering and architectural services will include:

1. Construction Manager at Risk (CMaR) Selection
2. Land Surveying and Geo-Tech Testing
3. Design Development
4. Construction Documents
5. C/A and Bidding Services/Program Management

Recommendation:

The Building and Facilities Director and City Manager recommend approval for Council to authorize the Mayor to execute the proposal as shown in Exhibit A.

Fiscal Impact:

SPLOST 2022 Public Safety Facility: 310-4228-54-150700-00000

Attachments:

1. RESOLUTION - Croy and Croft Design Services Proposal Public Safety Facility
2. Exhibit A

**CITY OF KENNESAW
GEORGIA**

RESOLUTION NO. 2023-__, 2023

**RESOLUTION TO APPROVE A PROPOSAL WITH CROY ENGINEERING AND
CROFT & ASSOCIATES FOR ENGINEERING AND ARCHITECTURAL SERVICES
FOR THE KENNESAW PUBLIC SAFETY FACILITY**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB
COUNTY, GEORGIA, AS FOLLOWS:**

WHEREAS, Croy Engineering facilitated the submission of programming and schematic design services for the Kennesaw Public Safety Facility from Croft & Associates as stated in Resolution 2023-30, 2023; and

WHEREAS, based on the previously approved schematic design the Kennesaw Public Safety Facility will be two-stories with approximately 25,000 square feet; and

WHEREAS, Croy Engineering and Croft & Associates will provide engineering and architectural services for the next phase of the design process outlined in Exhibit A and totaling \$1,046,410.

NOW, THEREFORE, BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the proposal with Croy Engineering and Croft & Associates for engineering and architectural services as shown in Exhibit A.

PASSED AND ADOPTED by the Kennesaw City Council on this __ day of November, 2023.

ATTEST:

CITY OF KENNESAW

Lea Alvarez, City Clerk

Derek Easterling, Mayor



October 25, 2023

Mr. Robbie Balenger
Building and Facilities Manager
City of Kennesaw
2753 Watts Drive
Kennesaw, GA 30144

**RE: Kennesaw Public Safety Facility
Proposal for Engineering and Architectural Services
[CROY Project Number: 1260.063]**

Mr. Balenger:

CROY is pleased to submit this Proposal for Engineering and Architectural Design Services for the City of Kennesaw's new Public Safety Facility. Based on the approved Schematic Design, we understand that the City of Kennesaw intends to construct a new facility for the Kennesaw Police Department. The new building will be two-stories and approximately 25,000 square feet in area. The building will be a conventional-steel frame structure with a low-slope membrane roof. The foundation will be shallow spread footings.

Scope of Services

Task 1: Construction Manager at Risk (CMaR) Selection

The CROY Design team will assist the City throughout the CMaR selection process. This task will include preparing document/s necessary to solicit the submittal of the CMaR, assisting the City in reviewing the CMaR submissions, ranking the candidate firms, assisting the City with preparation for CMaR interviews, and participating in the interview and selection process.

Croft Budget: \$3,800

CROY Budget: \$4,350

CMaR Selection Budget: \$8,150

Task 2: Land Surveying and Geo-Tech Testing

The CROY Design Team will perform a topographic survey of a portion of Moon Station Road along the frontage of the property, an as-built survey of the new parking lot in the rear of the building, and the existing lower materials storage area in the Southeast portion of the property. The survey database will be provided in GA Plane Coordinates. The topographic survey will be prepared with 2-foot contour intervals. A deliverable will be created as a Civil 3D drawing to include a 3D surface.

After underground utilities are located, soil test borings will include standard penetration testing performed in accordance with ASTM D1586 at select depth intervals extending to a depth of 30 feet in the building footprint to 15 feet in new parking areas. Test boring records will be prepared providing standard penetration resistances, detailed soil descriptions, and groundwater conditions. Significant soil strata will be delineated, and partially weathered rock or auger refusal will be identified where encountered. We will present evaluations and recommendations to the design team regarding anticipated excavation conditions, groundwater elevations and their effect on the proposed construction, foundation design recommendations, remedial measures necessary to manage soft or loose soils if they are encountered, and any other recommendations or evaluations to be gleaned from the results of the test borings.

CROY Survey Budget: \$7,590

Geo-Tech Testing Budget: \$7,200

Land Surveying/Geo-Tech Budget: \$14,790

Task 3: Design Development

The Design Development phase consists of further development of the design documents in accordance with the approved Schematic Design. The Design Team will organize one (1) project kick-off meeting, conduct one (1) preliminary site visit, review survey data, perform fire-flow review, and assess Geotech report/s. The Design Team will produce drawings that include an initial site, grading, and utility plan, floor plans, roof plan, building section, major interior elevations, exterior elevations, finishes and typical wall sections. The overall structural system as well as the mechanical, electrical, low voltage, and plumbing systems will be defined in drawing and narrative form. The Design Development drawings/package shall be submitted to the City for review, comment, and approval.

Croft Budget: \$401,300

CROY Budget: \$22,165

Design Development Budget: \$423,465

Task 4: Construction Documents

The approved Design Development drawings will be the basis for the Construction Documents. In general, the Design Team will prepare Construction Documents in sufficient detail for permitting with the Authorities Having Jurisdiction and for construction of the new building. The completed Construction Documents will be used to verify and finalize the project budget.

Design services that will be performed for this phase will include Architecture, Interior Design, Civil Engineering, Landscape Architecture, Irrigation Design, Civil Site Construction Documents suitable for obtaining a Land Disturbance Permit, Structural Engineering, and Mechanical/Plumbing/Electrical Engineering. Additionally, the Design Team will provide permitting services sufficient for obtaining all necessary Civil and Building permits.

Croft Budget: \$340,400

CROY Budget: \$63,375

Construction Documents Budget: \$403,775

Task 5: C/A and Bidding Services / Program Management

Services to be provided during construction include twenty four (24) site visits (total) to observe construction progress, Owner/Architect/Contractor (OAC) meetings, twenty four (24) visits by the architect and two (2) by the Structural Engineer; two (2) by the Electrical and Mechanical Engineers; one (1) pre-construction meeting, shop drawing review, QA/QC, submittal review, responses/clarifications to contractor requests for information (RFI), contract services, punch list preparation (Construction Administration also includes preparation of a punch list at substantial completion and a final punch list walk-thru with the Contractor and City). Additionally, services to be provided during construction administration include the completion of a 7-Day BMP inspection and an as-built stormwater management certification from a Level 2 Certified Erosion Control Design Professional.

Croft Budget: \$128,700

CROY Budget: \$67,530

C/A and Bidding Services Program Management Budget: \$196,230

Architectural: \$874,200

Civil: \$172,210

TOTAL Project Budget: \$1,046,410

Design Assumptions and Exclusions

- The stated total budget for this project is \$12,000,000.
- All site utilities are presumed to be adequate for building requirements without a need for supplemental systems.
- Design services will include incorporation of minor revisions that arise during the design process but will not include major changes to the project layout or scope. Revisions made after approval of the Schematic Design documents by the owner will be additional services.
- Fire protection sprinkler design services are limited to criteria specifications only, with actual hydraulic calculations and system design documents by the sprinkler contractor.
- Back-up/Emergency generator design is included as a part of this proposal.
- Construction Administration services (shop drawing, submittals review, and site visits) are included as a part of this proposal as outlined above.
- Owner/Architect/Contractor (OAC) meetings are included during the Construction Administration phase and coincide with site visits. Estimated duration of construction is 12 months with bi-weekly OAC meetings.
- Program Management site-visits and/or meetings/presentations are included within this proposal.
- Site lighting design will be provided by Utility Company.
- Landscape Architecture and irrigation design is included within this proposal.
- Offsite infrastructure or utility design and permitting are not required.
- Traffic engineering services are not anticipated or required.
- Environmental Services are not anticipated or required.
- Retaining wall design is not anticipated. Should a site retaining wall be required, an additional service fee estimate for structural design will be provided.
- Special inspection and testing for structural components are included. Should any additional special third-party testing be required an additional fee estimate will be provided. Managing special inspections is not included as a part of this proposal. Special Inspector/Testing Firm will manage and provide reports to the Owner, Contractor, Architect, and local authority if required. Contractor is required to correct deficiencies based on the reports. Final certification letter, "Final report of Special Inspections Acceptance", to the building official, verifying completed inspections and compliance to design is not anticipated and is not included as a part of this proposal.
- An initial Geo-Tech report of existing soil conditions will be completed to determine soil type, condition, and bearing capacity for design purposes. Additional Geo-Tech services required during construction are not anticipated or included in this proposal.
- Full time construction inspection will not be needed for this project.
- Construction cost estimating will be provided by CMaR.
- 3D renderings and/or animations are not required.
- Exterior signage (monument sign) design is included as part of this proposal.
- Waterproofing consultant services are not anticipated or part of this proposal.
- Value Engineering will be provided by CMaR during the Design Process.
- Energy Management System design is not required or included as a part of this proposal.

- Energy compliance forms are not required or included as a part of this proposal. If required, time spent will be invoiced as a reimbursable.
- Design of fire or domestic water booster pumps or water storage tanks are not anticipated or included as a part of this proposal.
- Life cycle cost analysis or energy cost analysis are not required or included as a part of this proposal.
- Permit set(s) will be sent to authorities having jurisdiction. No permitting fees are included as part of this proposal.
- Preparation of Record Drawings (As-builts) is not included as a part of this proposal. Record Drawings are the responsibility of the general contractor.
- If services provided by this proposal have not been completed within Eighteen (18) months of the date of this proposal, through no fault of the Design Team, extension of the Design Team's services beyond that time shall be compensated as Additional Services.
- Reimbursable expenses are included in the Professional Fee.



Invoicing

This work will be completed as an hourly not to exceed fee project. Invoicing will be progressive and will be submitted monthly for work completed to date less previous payments.

This proposal incorporates, as if fully set forth herein, the terms and conditions of the Professional Services Agreement for Engineering Services dated February 27, 2013, between Croy Engineering, LLC and the City of Kennesaw. If this proposal is acceptable to you, please sign below indicating your approval and return (1) signed copy for our files. This letter of agreement will serve as Croy Engineering's Notice to Proceed.

Thank you for this opportunity to submit this proposal. If you have any questions, please contact me at (770) 971-5407.

Respectfully,

Roy Acree
Program Manager

cc: Project File
Marty Hughes – City of Kennesaw
Wayne McGary – Croy Engineering
Jim Croft – Croft and Associates

APPROVED

City of Kennesaw

Signed _____

Name _____

Title _____

Date _____