

**MINUTES OF PLANNING COMMISSION MEETING
CITY OF KENNESAW
Council Chambers
February 7, 2024
6:30 PM**

1. Call to Order / Roll Call

The meeting was called to order by Commissioner Jackson at 6:30 p.m.

Roll Call: Commissioner Jackson, Commissioner Ragus, Commissioner Bodenhamer, Commissioner Vande Zande, Commissioner Greenall and Commissioner Trim

Absent: Commissioner Patterson

Staff Present: Darryl Simmons (Planning & Zoning Administrator), Chanelle Campbell (Assistant Zoning Administrator & City Planner) and Natalie Faustine (Community Development Administrative Assistant)

Speakers: Marzia Minns (Applicant) and John Powell (3410 Jiles Rd)

2. Election of Officers

Mr. Darryl Simmons explained the officer election process and described the two positions up for election: Chairman and Vice Chairman.

Mr. Simmons opened the floor for nominations for Chairman.

Commissioner Vande Zande nominated Commissioner Phillip Jackson as Chair.

Mr. Simmons asked if there were any other nominations. Hearing none, Mr. Simmons closed the floor for nominations for Chairman.

Vote taken. Commissioner Phillip Jackson was elected as Chairman by a majority of votes.

Mr. Simmons opened the floor for nominations for Vice Chairman.

Commissioner Greenall nominated Commissioner Trey Bodenhamer as Vice Chair.

Mr. Simmons asked if there were any other nominations. Hearing none, Mr. Simmons closed the floor for nominations for Vice Chairman.

Vote taken. Commissioner Trey Bodenhamer was elected as Vice Chairman by a majority of votes.

3. 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/. 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 February 19, 2024.

4. Approval of the Meeting Minutes

- A. Approval of Meeting Minutes from December 6, 2023.

Chairman Jackson called for a motion to approve the meeting minutes from December 6, 2023, as submitted.

Motion by Commissioner Bodenhamer to approve

Seconded by Commissioner Greenall

Vote taken, motion unanimously approved 5-0. Motion carried.

5. New Business

Mr. Simmons formally welcomed the newest Planning Commission member, Mr. Robert Trim. He then introduced Chanelle Campbell, the new Assistant Zoning Administrator and City Planner.

- A. **LU2023-03** - Consideration for approval of a land use permit request located at 2358 Whispering Drive as submitted by applicant Marzia Minns. Said request is for obtaining a home occupation business license for baking pastries. Property is zoned RM-8 (Multi-Family Residential), consists of 0.05 +/- acres and lies in land lot 128 tax parcel 335.

Ms. Chanelle Campbell welcomed the Commissioners and introduced herself before she introduced the first agenda item. The first agenda item was a land use permit application submitted by property owner Marzia Minns for her home at 2358 Whispering Drive NW. At the time of this meeting, the property was zoned RM-8. Ms. Campbell explained that Ms. Minns would like to obtain a City of Kennesaw business license and a food cottage license through the Georgia Department of Agriculture to bake and package pastries in her kitchen to be sold at local farmer's markets. The equipment included standard kitchen appliances, such as an electronic mixer and kitchen utensils. The requested use was very low in commercial intensity and would be contained within an enclosed building. It should not cause a nuisance to the neighboring properties, as

there would be no signage or external display of the business. Staff received correspondence from the Whispering Lakes Homeowners Association approving the proposed business.

Staff recommended approval with the following conditions:

1. This land use permit is valid for 2-years starting from the date of final approval.
2. The land use permit is limited to, exclusive for and only valid for the current applicant and the life of this particular business and use, and it is not transferrable. Any changes would require additional review and approval.
3. There shall be no clients, customers or employees at this location. Nor shall there be any evidence of a home-based business visible from the right-of-way including no signs and no more than one commercial vehicle (with a manufacturer's towing and/or carry capacity rating of less than one and one-half tons) dedicated to this business.

This application was duly advertised in the Marietta Daily Journal on January 19 and a public notice sign was placed on the property.

Chairman Jackson asked the applicant if she would like to make any additional comments. Ms. Minns politely declined.

Chairman Jackson opened the floor to public comment. Upon no response, he closed the floor to public comment and opened the floor to comment by Commissioners. Upon no response, he closed the floor to comment by Commissioners.

Chairman Jackson called for a motion regarding the land use permit application with staff conditions as outlined in the staff analysis.

Motion by Commissioner Greenall to approve conditions as outlined by staff.

Seconded by Commissioner Bodenhamer.

Vote taken, motion unanimously approved 5-0. Motion carried.

- B. **MISC2024-01** - Consideration for approval of a text amendment request as submitted by the City of Kennesaw. Said request is to amend the Unified Development Code, Appendix A, "Unified Development Code" Section 2.01.03.06 of said chapter regarding the regulation for the R-10 single-family residential district as submitted by the City of Kennesaw.

Mr. Simmons explained that this proposed text amendment was triggered by a variance application heard in 2023 in the Woodland Acres subdivision. The development consists of 289 parcels. In 2023, the property owner of a vacant lot on Pine Drive wished to build a house. Upon inspection by staff, it was discovered that the vacant lot was zoned R-15, which requires a minimum of 15,000 square feet. The vacant lot was smaller than 15,000 square feet, so staff advised the property owner to apply for a variance approved by the Planning Commission and the Mayor and City Council.

Throughout this process, there were questions regarding how this lot size standard

affects not only this lot but all the lots in Woodland Acres. Staff went through an extensive review of the minutes going back to the 1990s and discovered that in 1994, the city allowed the subdivision to be developed under the R-10 standards, which require a minimum lot size of 10,000 square feet. From 1994 to 1996, a comprehensive amendment to the zoning ordinance made a distinction between the existing R-10 standards and the new R-15 standards. At that time, there was a failure to amend the zoning map and to recognize the use of the lots previously developed under the R-10 standards. The neighborhood was designated R-15, although built to R-10 standards.

The Planning and Zoning staff collaborated with the city's legal team to correct that error. It was determined that a text amendment noting Woodland Acres as a non-conforming area would be appropriate. Mr. Simmons explained that it is essential for the ordinance to identify Woodland Acres as non-conforming because, as the code currently reads, if someone in Woodland Acres has their home damaged or destroyed by a natural disaster, they will be asked to come before the Planning Commission and Mayor and Council for variances. Referring to the graph and map in the packet, Mr. Simmons explains that of the 289 lots, only 53 conform, and the average lot size is 13,737.4 square feet. The City of Kennesaw intends to protect the property owners and ensure they are not burdened with having to repeatedly get variances to improve or build on their property. Mr. Simmons turned the floor over to the Commissioners.

Commissioner Bodenhamer asked if there is a copy of the text amendment available for presentation, and it was pulled up on the projector screen. Mr. Simmons briefly discussed the changes that would be made and asked if there are any additional questions.

Chairman Jackson opened the floor for public comment.

Mr. John Howe (3410 Jiles Rd) asked if the neighborhood could just be rezoned to the original designation and if this text amendment would limit the homeowners' ability to build on their lot without being required to apply for variances. Mr. Simmons responds that the neighborhood was originally zoned R-15, even though it was built to R-10 standards.

Chairman Jackson asked if there were any additional comments.

Commissioner Bodenhamer asked if this text amendment would affect other lots within the City, as the language in the code was not specific for that neighborhood. Mr. Simmons responded that the proposed code amendment was updated that morning to state that the amendment is specific to the Woodland Acres subdivision. Commissioner Bodenhamer also asked why the City wants to amend the code instead of rezoning the neighborhood to R-10. Mr. Simmons responded that rezoning 236 parcels could be burdensome, and staff plans to examine other neighborhoods in the city to determine whether there are any other areas under the same circumstance.

Chairman Jackson called for a motion regarding the proposed Unified Development Code text amendment.

Motion by Commissioner Vande Zande to approve with the condition that vocabulary is added to the code to specify the neighborhood this amendment will apply to.

Seconded by Commissioner Bodenhamer.

Vote taken, motion unanimously approved 5-0. Motion carried.

C. **MISC2024-02** - Consideration for approval to adopt the 2024 Official Zoning Map for the City of Kennesaw.

Ms. Campbell explained that adopting an official zoning map for the city happens annually to reflect any approved rezoning, annexation, or code amendments since the last adoption. The changes to be reflected on the 2024 map include eight rezonings, one annexation, and the identification of the Woodland Acres subdivision. Ms. Campbell briefly reviewed some significant zoning changes from 2023 to 2024. Staff advertised this case in the Marietta Daily Journal on January 26th and February 2nd. Staff recommended approval of the 2024 zoning map as presented.

Chairman Jackson thanked Ms. Campbell and asked if the Commissioners had any questions. Commissioner Bodenhamer asked which group of rezonings 0 Ellison Lakes was part of, and Mr. Simmons responded that it was more of an amendment to the master plan than a rezoning. However, it followed the same procedure as rezonings.

Chairman Jackson opened the floor for public comment. Receiving no response, he closed the floor for public comment.

Chairman Jackson called for a motion regarding the 2024 Official Zoning Map for the City of Kennesaw.

Motion by Commissioner Vande Zande to approve

Seconded by Commissioner Bodenhamer

Vote taken, motion unanimously approved 5-0. Motion carried.

6. Staff Comment

Mr. Simmons encouraged the Commissioners to attend training to ensure they have the most up-to-date knowledge. He briefly reviewed some upcoming training opportunities and gave the Commissioners instructions on registration.

7. Adjourn

Chairman Jackson called for a request for dismissal.

Motion by Commissioner Bodenhamer to adjourn

Seconded by Commissioner

Chairman Jackson adjourned the meeting at 7:10 p.m.