Mayor
Derek Easterling
City Manager
Jeff Drobney, ICMA-CM
City Clerk
Lea Alverez, CMC

Council
Mayor Pro-Tem Tracey Viars
Lynette Burnette
Pat Ferris
Antonio Jones
Trey Sinclair

City Council
Meeting Agenda
May 15, 2023 6:30 PM
Council Chambers

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

   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**
9. **Committee and Board Reports**
10. **Public Hearing(s)**

A. Consideration to approve a land use permit application for the property located at 1205 Mountain Springs Drive as submitted by applicant Ann Moormann. Case # LU2023-01.

B. Approval of an ORDINANCE authorizing a rezoning request of property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Case # RZ2023-02(A).

C. Approval of an ORDINANCE authorizing a rezoning request of property located at 2681 South Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Case # RZ2023-02 (B).

D. Approval of an ORDINANCE authorizing a rezoning request of property located at 2716 South Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Case # RZ2023-02 (C).

E. Approval of an ORDINANCE authorizing a rezoning request of property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Case #RZ2023-02 (D).

F. Approval of an ORDINANCE authorizing a rezoning request of property located at 2754 South Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel LivingTrust 7/9/02, Gabriel Bencivenga, LLC. Case #RZ2023-02 (E).

G. Approval of an ORDINANCE authorizing a rezoning request of property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Case #RZ2023-02 (F).

H. Approval of an ORDINANCE authorizing a rezoning request of property located at 2971 North Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Case #RZ2023-02 (G).

I. Approval of ORDINANCE to amend the Unified Development Code, Appendix A, Chapter 5 “Standards for Accessory and Temporary Uses,” Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage as submitted by the City of Kennesaw. Case #MISC2023-02.

11. Consent Agenda

A. Approval of the April 24, 2023 City Council work session minutes.

B. Approval of the May 1, 2023 City Council regular meeting minutes.

C. Approval of RESOLUTION authorizing the use of Parks and Recreation impact fee funds in the amount of $89,825 for the design of New Chalker Park.

D. Approval of RESOLUTION providing a Power Distribution Easement Agreement with Georgia Power.

E. Approval of RESOLUTION authorizing the purchase of six crosswalk sign assemblies.

12. General and Administrative

13. Public Safety

A. Receipt of April 2023 Crime Statistics.

14. Information Technology

15. Public Works

A. Approval of RESOLUTION re-authorizing the condemnation of Parcel 15 – Cherokee Street Improvement Project, located at 3195 Travelers Trail, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

B. Approval of RESOLUTION re-authorizing the condemnation of Parcel 25 – Cherokee Street Improvement Project, located at 3248 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

C. Approval of RESOLUTION re-authorizing the condemnation of Parcel 55 – Cherokee Street Improvement Project, located at 3461 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

D. Approval of RESOLUTION re-authorizing the condemnation of Parcel 59 – Cherokee Street Improvement Project, located at 3481 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

E. Approval of RESOLUTION authorizing the condemnation of Parcel 35 – Cherokee Street Improvement Project, located at 3326 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

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. Accept the resignation of Dana Johnson from the Kennesaw Sister Cities

Commission.

21. Council Comments

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: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Consideration to approve a land use permit application for the property located at 1205 Mountain Springs Drive as submitted by applicant Ann Moormann. Case # LU2023-01.

Summary:

Said request is for obtaining a home occupation business license for making soaps and bath related products. The property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the Land Use Application with the conditions as outlined by staff.

Recommendation:

The Zoning Administrator recommends approval of the land use application with the following conditions:

1. The land use permit is limited to, exclusive to, 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.

2. 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 public right-of-way.

Fiscal Impact:

Attachments:
1. LU2023-01 1205 Mountain Springs Drive packet

2. LU2023-01 Staff Analysis for 1205 Mountain Springs Drive
3. Kennesaw Springs HOA CFO Text Approval
4. 05-03-23 Planning Commission Minutes

Agenda Item #1

- Case #: LU2023-01
- Address: 1205 Mountain Springs Drive
- Application Type:
  - Land Use Permit
    - Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

LAND CASES		LAND USE OR ZONING FROM	TO
AV	**LU2023-01**		
AX	RZ		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

1205 Mountain Springs Dr

Land Lot 128, Tax Parcel 278

Subject Property

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

Derek Easterling MAYOR
Lea Alvarez CITY CLERK

Scale: 1 " = 300 '
Print Date: 3/23/2023
LU2023-01_Aerial Map

LAND USE & SPECIAL LAND USE APPLICATION

Required Fee $250.00

Date Received 3-14-23
Staff's Initials AT

☒ **LAND USE APPLICATION** ☐ **SPECIAL LAND USE APPLICATION**

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

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 03/14/2023 Staff's Initials AT

PURPOSE OF LAND USE REQUEST Applicant would like to obtain a home based business license to create soaps and bath related products and sell for commerce.

LAND USE PROPERTY ADDRESS 1205 Mountain Springs Drive

Land Lot 128 Tax Parcel 278 Lot Size 0.2 acres Current Zoning R-10

APPLICANT Ann Moomann

APPLICANT EMAIL [redacted]

Applicant address 1205 Mountain Springs Dr

(Home#) [redacted] (Fax#)_____(Work#) _____

(Cell#) _____

Applicant Signature _____

Signed, sealed and delivered in presence of: Miranda Taylor 3-14-23
Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC My Commission Expires 10-20-2024 COBB COUNTY, GEORGIA

REPRESENTIVE_____

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

Representative Signature _____

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

TITLEHOLDER: (same as Applicant) **Telephone:**_____

Signature:_____ **Address:**_____

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

Supplemental Materials for Land Use Permit

Product Photos

Bath Bombs

Soap

PhotoRoom®

Solid Bubble Bath

Shampoo Bar

Shower Steamer

Lip Balm

Equipment Photos

Workspace

Electric Equipment

Pictured, Left to right: Impulse Sealer, Immersion Blender, Hand Mixer, Heat Gun, Bur Grinder, Hot Plate

Materials List

Name ▲
6" Paper Sticks
Amethyst Batch Certified Dye
Amethyst Mica
Argan Oil
Arrowroot Powder
Avocado Oil
Baking Soda
Beach Angel Fragrance
Bentonite Clay
Black Panther Batch Certified Dye
Borax
Bourbon Wood Fragrance Oil
BTMS-50
Canary Yellow
Candellila Wax
Caribbean Sunset Mica
Castor Oil
Cinderella Glitter Mica
Citric Acid

- [ ] Cocoa Butter (unrefined)
- [ ] Cocomidopropyl Betaine
- [ ] Coconut Fragrance
- [ ] Coconut Oil
- [ ] Coffee & Whiskey Fragrance
- [ ] Cornstarch
- [ ] Crackling Bonfire Fragrance
- [ ] Cream of Tartar
- [ ] Death Becomes Her Mica
- [ ] DL Panthenol
- [ ] Egyptian Dragon Fragrance Oil
- [ ] Epsom Salt
- [ ] Eucalyptus Essential Oil
- [ ] Evening Primrose Oil
- [ ] Extra Virgin Olive Oil
- [ ] FD&C Blue 1
- [ ] FD&C Red 40
- [ ] FD&C Yellow #5
- [ ] FD&C Yellow #6 Batch Certified Dye
- [ ] Forever Red Fragrance Oil

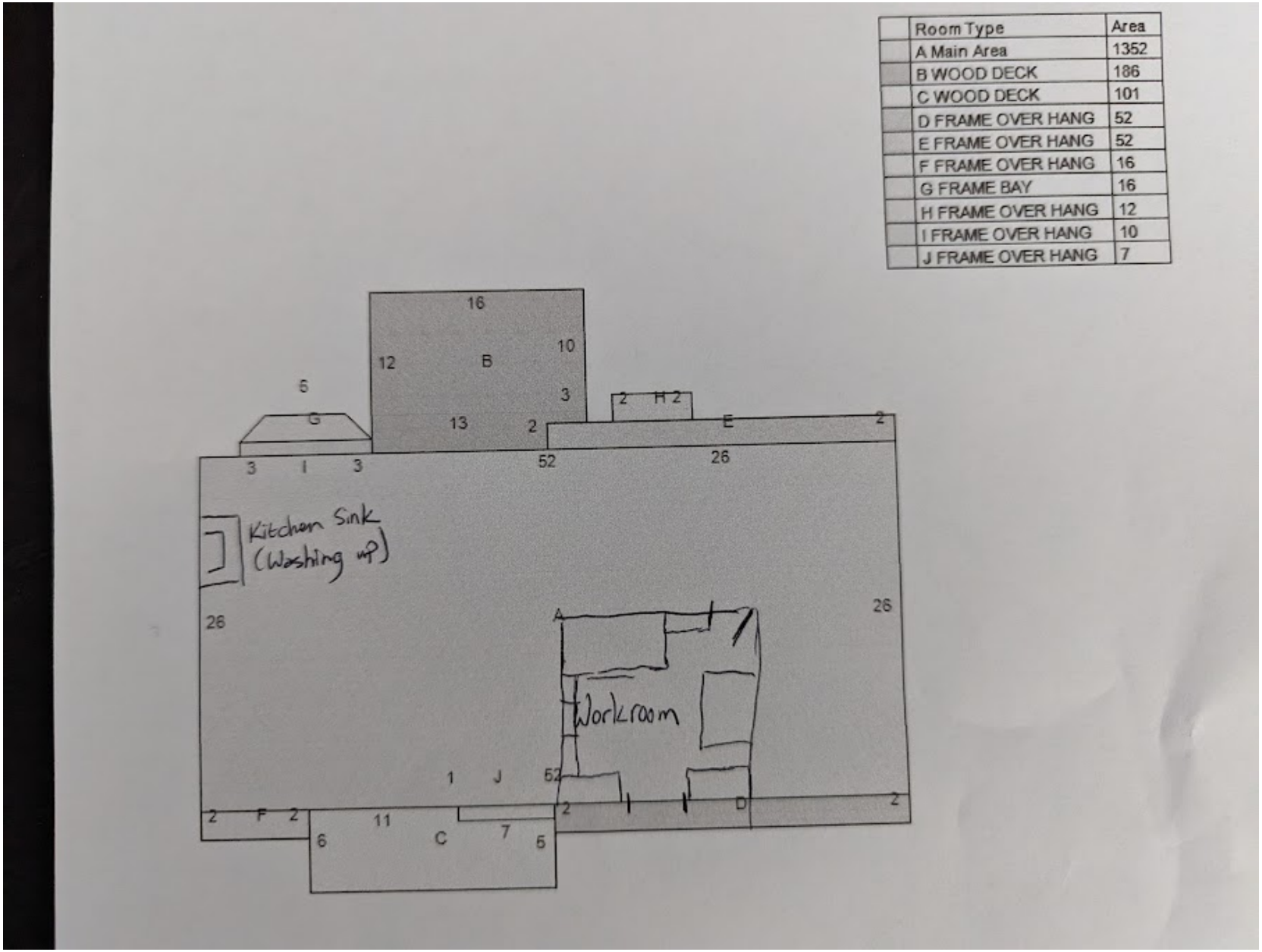
- [ ] Fractionated Coconut Oil
- [ ] Germall Plus
- [ ] Glycerin
- [ ] Guar Gum
- [ ] Gumball Capsules
- [ ] Honey
- [ ] Honey Fragrance
- [ ] Iridescent Violet Mica
- [ ] Italian Green Clay
- [ ] Jojoba Oil
- [ ] Juniper Essential Oil
- [ ] Kaolin Clay
- [ ] Lavender Essential Oil
- [ ] Lemon Essential Oil
- [ ] Lemongrass Essential Oil
- [ ] Leprechaun Green Colorant
- [ ] Lip Gloss Tube
- [ ] Man Hours
- [ ] Mango Butter
- [ ] Menthol Crystals
- [ ] Misbehaving Fragrance Oil
- [ ] Monkey Farts Fragrance Oil

- [ ] Nitrile Gloves
- [ ] Oatmeal Milk and Honey Fragranc
- [ ] phenonip
- [ ] Pineapple Mango Fragrance Oil
- [ ] Polysorbate 80
- [ ] Potassium Hydroxide Flakes
- [ ] Pumace Olive Oil
- [ ] Pumpkin Orange
- [ ] Red 28 Batch Certified Dye
- [ ] Rose Geranium Essential Oil
- [ ] Rose Hip Oil
- [ ] Rose Kaolin Clay
- [ ] Salycilic Acid
- [ ] Sapphire Blue Mica
- [ ] Shea Butter
- [ ] SLSA
- [ ] Sodium Cocoyl Isethieonate
- [ ] Sodium Hydroxide
- [ ] sodium lactate
- [ ] Steric Acid
- [ ] Stone
- [ ] Sunflower Oil

- [ ] Sweet Almond Oil
- [ ] Tea Tree Essential Oil
- [ ] titanium dioxide
- [ ] Verbana and Lemon Fragrance
- [ ] Vitamin E Oil
- [ ] Wire

Additional Essential Oils
Additional Fragrance Oils

Sketch of home floor plan showing work space



CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

A separate form must be completed by each applicant).

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? **WRITE 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 14 day of March, 2023

_____

Applicants Signature

[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.

PLEASE TAKE NOTICE

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

To apply for a home based business license to create soaps and bath related products and sell them for commerce.

The property referred to is located at:

1205 Mountain Springs Drive

---

and is within a 200-foot radius of your property. It is described as Land Lot 128 20th District, 2nd Section, Tax Parcel 278 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03/2023 at 6:30 p.m., and the Mayor and Council on 05/15/2023 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 3/14/2023

Signed by the owner or applicant

City of Kennesaw, GA

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200 feet was sent out on or before April 14th, 2023 in accordance with the application requirements.

3/14/2023
Date

Applicant or Authorized Agent Signature

Sworn and subscribed before me this 14th day of March 20 23

Miranda Taylor
Notary Public

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

Section 2100, Part 5 Standards for Decisions – Only Land Use Permits

Land Use Permits may be granted in such individual cases based on the standards for decisions as follows, please comment using additional pages if necessary.

	COMMENTS:
(1) Safety, health, welfare, and moral concerns involving the surrounding neighborhoods.	no effect - no retail sales, products aren't morally objectionable
(2) Parking and traffic considerations.	none - no retail traffic, use residential delivery services for deliveries
(3) Number of non-related employees.	none
(4) Number of commercial and business deliveries.	~1 or 2 / month, uses regular residential delivery services, e.g. UPS
(5) The City's general presumption that residential neighborhoods should not allow non-compatible business uses.	Hobbyists commonly make these products in kitchen and home workshops w/ no issues.
(6) Compatibility of the business use to the neighborhood.	See (5), no retail traffic, loud noises, obnoxious or dangerous smells
(7) Hours of operation.	Evenings & weekends for manufacturing but no
(8) Existing business uses in the vicinity.	none known to me
(9) Effect on property valued of surrounding property.	none known to me

(10) Circumstances surrounding neighborhood complaints.	I am happy to address any neighbors' concerns
(11) Intensity of the proposed business use; and	Light. Handmade craft business, online, pop ups, wholesale & consignment
(12) Location of use within the neighborhood.	Far back from the street, primarily w/in one room of the house

Deed Book 16065 Page 61
Filed and Recorded 06/15/22 2:33:00 PM
2022-0070733
Real Estate Transfer Tax $374.00
Connie Taylor
Clerk of Superior Court
Cobb County, GA
Participant IDs: 8846450835
7067927936

Record and Return to:
Lueder, Larkin & Hunter, LLC
5900 Windward Parkway, Suite 390
Alpharetta, GA 30005
File No.: GA-AL-22-0245-PUR

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB
APN/Parcel ID: 20012802780

THIS INDENTURE, made this 8th day of June, 2022, between

Laura McDonald and Wesley McDonald

as party or parties of the first part, hereinafter called Grantor, and

Christopher L. Tang and Ann Elizabeth Moormann
As Joint Tenants with Rights of Survivorship and Not as Tenants in Common

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100'S ($10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 128, of the 20th District, 2nd Section, Cobb County, Georgia, being Lot 53, Kennesaw Springs Subdivision, Unit 2, as per plat recorded in Plat Book 119, Page 42, and as Revised at Plat Book 144, Page 90, records of Cobb County, Georgia, which plat is incorporated herein and made a part hereof by reference.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property against the claims of all persons owning, holding, or claiming by, through and under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
My Commission Expires: 10-18-2022
[Notary Seal]

STEFANI REED
MY COMMISSION EXPIRES
OCT.
18
2022
FULTON CO., GEORGIA
NOTARY PUBLIC

GRANTOR:

Laura McDonald (SEAL)

Wesley McDonald (SEAL)

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 #
20012802780	3/3-BOND - KENNESAW CITY	234286

Property Owner/Location/Description	Fair Market Value	Taxable Value
TANG CHRISTOPHER L & MOORMANN ANN ELIZAB ETH 1205 MOUNTAIN SPRINGS DR	256,440	102,576

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
BOND	102,576		0		102,576		1.5000000000		$153.86
CITY OF KENNESAW	102,576		51,488		51,088		8.0000000000		$408.70

Exemptions:

111 - Floating Exemption

Current Year Tax	$562.56
Interest	$0.00
Penalty	$0.00
Other Fees	$0.00
Payments Received	$562.56
Other Amounts Due	$0.00
Total Due	$0.00
Due Date	12/01/2022

Per House Bill 960, to arrive at the property tax interest rate, divide10.5% by 12, which equals .875%. This interest rate will continue to accrue on a monthly basis, based on an annual calculation of Federal Prime Rate (7.5%) plus 3%.

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.

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:	20012802780
Amount Due:	$0.00
Bill#:	234286
Due Date:	12/01/2022
	AMOUNT PAID

TANG CHRISTOPHER L & MOORMANN ANN ELIZAB ETH
1205 MOUNTAIN SPRINGS DR NW
KENNESAW, GA 30144

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

Printed: 3/10/2023

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:
CENTRAL LOAN ADMINISTRATION

TANG CHRISTOPHER L & MOORMANN ANN ELIZAB ETH

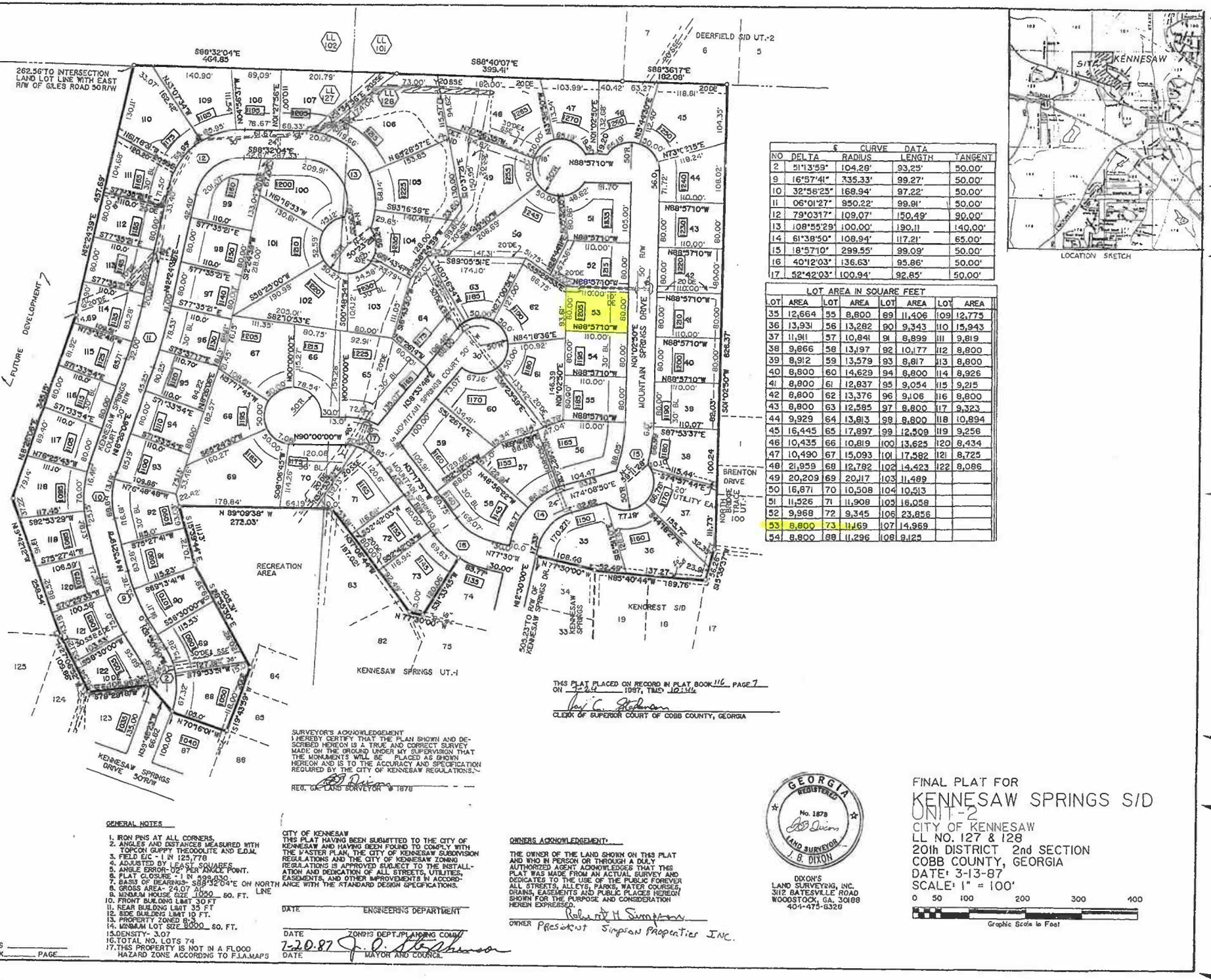
Payment Date: 10/7/2022

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2022	20012802780	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	$2,403.99	**$0.00**

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

R-10
R-10
1215
R-10
2214
R-10
1205
Mountain Springs Dr
R-10
1195
R-10
Cobb Cou



CURVE DATA				
NO	DELTA	RADIUS	LENGTH	TANGENT
2	51°13'59"	104.28'	93.25'	50.00'
9	16°57'41"	335.33'	99.27'	50.00'
10	32°56'25"	168.94'	97.22'	50.00'
11	06°01'27"	950.22'	99.91'	50.00'
12	79°03'17"	109.07'	150.49'	90.00'
13	108°55'29"	100.00'	190.11	140.00'
14	61°38'50"	108.94'	117.21'	65.00'
15	18°57'10"	299.55'	99.09'	50.00'
16	40°12'03"	136.63'	95.86'	50.00'
17	52°42'03"	100.94'	92.85'	50.00'

LOT AREA IN SQUARE FEET

LOT	AREA	LOT	AREA	LOT	AREA	LOT	AREA
35	12,664	55	8,800	89	11,406	109	12,775
36	13,931	56	13,282	90	9,343	110	15,943
37	11,911	57	10,841	91	8,899	111	9,819
38	9,866	58	13,197	92	10,177	112	8,800
39	8,912	59	13,579	93	8,817	113	8,800
40	8,800	60	14,629	94	8,800	114	8,926
41	8,800	61	12,837	95	9,054	115	9,215
42	8,800	62	13,376	96	9,106	116	8,800
43	8,800	63	12,585	97	8,800	117	9,323
44	9,929	64	13,813	98	8,800	118	10,894
45	16,445	65	17,897	99	12,509	119	9,256
46	10,435	66	10,819	100	13,625	120	8,434
47	10,490	67	15,093	101	17,582	121	8,725
48	21,959	68	12,782	102	14,423	122	8,086
49	20,209	69	20,117	103	11,489		
50	16,871	70	10,508	104	10,513		
51	11,526	71	11,908	105	16,058		
52	9,968	72	9,345	106	23,856		
53	8,800	73	11,169	107	14,969		
54	8,800	88	11,296	108	9,125		

THIS PLAT PLACED ON RECORD IN PLAT BOOK 116 PAGE 7 ON JULY 20, 1987, TIME 10:14A

CLERK OF SUPERIOR COURT OF COBB COUNTY, GEORGIA

SURVEYOR'S ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION THAT THE MONUMENTS WILL BE PLACED AS SHOWN HEREON AND IS TO THE ACCURACY AND SPECIFICATION REQUIRED BY THE CITY OF KENNESAW REGULATIONS.

REG. GA. LAND SURVEYOR # 1878

GENERAL NOTES

1. IRON PINS AT ALL CORNERS.
2. ANGLES AND DISTANCES MEASURED WITH TOPCON GUPPY THEODOLITE AND E.D.M.
3. FIELD E/C - 1 IN 123,778
4. ADJUSTED BY LEAST SQUARES.
5. ANGLE ERROR- 02" PER ANGLE POINT.
6. PLAT CLOSURE - 1 IN 238,830.
7. BASIS OF BEARINGS- S89°32'04"E ON NORTH LINE
8. GROSS AREA- 24.07 AC.
9. MINIMUM HOUSE SIZE 1050 SQ. FT.
10. FRONT BUILDING LIMIT 30 FT
11. REAR BUILDING LIMIT 35 FT
12. SIDE BUILDING LIMIT 10 FT.
13. PROPERTY ZONED R-3
14. MINIMUM LOT SIZE 8000 SQ. FT.
15. DENSITY- 3.07
16. TOTAL NO. LOTS 74
17. THIS PROPERTY IS NOT IN A FLOOD HAZARD ZONE ACCORDING TO F.I.A. MAPS

PROTECTIVE COVENANTS _____
RECORDED IN DEED BOOK _____ PAGE _____

CITY OF KENNESAW

THIS PLAT HAVING BEEN SUBMITTED TO THE CITY OF KENNESAW AND HAVING BEEN FOUND TO COMPLY WITH THE MASTER PLAN, THE CITY OF KENNESAW SUBDIVISION REGULATIONS AND THE CITY OF KENNESAW ZONING REGULATIONS IS APPROVED SUBJECT TO THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS, AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS.

DATE _____ ENGINEERING DEPARTMENT

DATE _____ ZONING DEPT./PLANNING COMM.

DATE 7-20-87 MAYOR AND COUNCIL

OWNERS ACKNOWLEDGEMENT:

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHO IN PERSON OR THROUGH A DULY AUTHORIZED AGENT ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

Robert H Simpson

OWNER President Simpson Properties INC.

GEORGIA REGISTERED No. 1878 LAND SURVEYOR J. B. DIXON

DIXON'S LAND SURVEYING, INC.
312 BATESVILLE ROAD
WOODSTOCK, GA. 30188
404-475-6328

FINAL PLAT FOR

KENNESAW SPRINGS S/D UNIT-2

CITY OF KENNESAW
LL NO. 127 & 128
201h DISTRICT 2nd SECTION
COBB COUNTY, GEORGIA
DATE: 3-13-87
SCALE: 1" = 100'

0 50 100 200 300 400
Graphic Scale in Feet

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # LU 2023-01

PURPOSE Land use permit for home occupation license

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

1205

04.18.2023 09:06

The undersigned hereby certifies that they are conducting a business in the City of Powder Springs, County of Cobb, in the State of Georgia under the trade name: Exit Grass Roots Realty and that the nature of said business is: real estate brokerage and that said business is composed of the following: MKin Realty Group LLC 4448 Marietta St Ste 200 PS 30127; Mary Berblinger 4486 Lily Brooke Ct PS, GA 30127; Kinser Fuller 426 Orchid Lane Canton, GA 30114.
This 10th day of April, 2023.
Connie Taylor
Clerk of Superior Court
Cobb County
4:14,21-2023

MDJ-3610
GPN-6
APPLICATION TO REGISTER A BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Smyrna, County of Cobb, in the State of Georgia, under the trade name: Dumpster Rental Smyrna and that the nature of said business is: provide roll off dumpsters for rent to commercial and residential customers and that said business is composed of the following: Robert Hamilton 2212 Yager Creek Drive Apt. E Charlotte, NC 28273
This 11th day of April, 2023
Connie Taylor
Clerk of Superior Court, Cobb County
4:14,21-2023

MDJ-3620
GPN-6
APPLICATION TO REGISTER A BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Smyrna, County of Cobb, State of Georgia under the name of: THE ATLANTIC VININGS and that the nature of the business is Apartment Rentals and that said business is composed of the following: (Partnership) Business address: BLUE ATLANTIC VININGS, LP 3385 Atlanta Rd SE Smyrna, GA 30080
This affidavit is made in compliance with Georgia Code Annotated Title 10 Chapter 1 Section 490.
4:14,21-2023

8065 Planning Commission

MDJ-3496
GPN-16
City of Acworth
Public Hearing

The City of Acworth hereby gives notice that a Public Hearing will be held to give consideration to a rezoning request by Rolling Thunder, LLC, for properties located in Land Lots 23 and 30, Parcels 1, 19, and 112 of the 20th District, 2nd Section of Cobb County, Georgia (3836 & 4643 Cowan Road and 4691 Old Cowan Road). The applicant is requesting to rezone the tract from RM-6; R-5 to RM-6, Multi-Family Residential.
The City of Acworth hereby gives notice that a Public Hearing will be held to give consideration to a rezoning request by Christian Bakery, LLC, owner) requesting rezoning from GC to NRC for a bakery in Land Lot 34 of the 18th District. Located on the southwest corner of the intersection of Veterans Memorial Highway and Powell Drive (1411 Veterans Memorial Highway).
Z-12 FERNANDO CHAVARRIA (Fernando Chavarria, owner) requesting rezoning from R-20 to RM-8 for a townhome subdivision in Land Lots 388 and 389 of the 18th District. Located on the south side of Mableton Parkway, southeast of South Gordon Road (Mableton Parkway).
Z-13 MATTHEW C. FLOURNOY (Robert E, Fournoy, III, Matthew C. Flournoy, Gwynn Flournoy Ross and Natalie Flournoy Boss, owners) requesting rezoning from R-30 to R-20 for a single-family subdivision in Land Lot 341 of the 20th District. Located on the east side of Antioch Road, at the terminus of Armor Drive (Antioch Road).
Z-14 BRAND PROPERTIES, LLC (Helen Hair Stamps, as Trustee under the Helen Hair Stamps Revocable Trust, owner) requesting rezoning from HI, R-20 to RRC for mixed use; retail, multifamily in Land Lots 175, 176, 283, and 284 of the 18th District. Located on the east and west side of River View Road, northeast of Veterans Memorial Highway (6324, 6330 River View Road).
Z-15 SDP ACQUISITIONS, LLC (McCamy Investments, L.P.; McCamy Properties, LLC; BK Properties, L.P.; VKEP-B, LLC owners) requesting rezoning from R-20, RA-4, GC, OI, NS, OS to PVC, OS for mixed Use; townhomes, multifamily, office, retail, warehouse in Land Lots 364, 365, 428, and 429 of the 16th District. Located on the south side of Chastain Road, on the west side of Chastain Meadows Parkway (Chastain Road, Chastain Meadows Parkway).

Temporary Land Use Permits

LUP-7 SANDY CLOUGH (Sandra L. Clough and Richard C. Clough, owners) requests a Temporary Land Use Permit (Renewal) to allow an artist's studio and the storage of art prints in Land Lot 336 of the 20th District. Located on the west side of Trail Road, north of the intersection of Trail Road and Midway Road (25 Trail Road).
LUP-8 ANDREW BECHTOLD (Andrew Boyd Bechtold, owner) requests a Temporary Land Use Permit to allow a photography studio in Land Lot 871 of the 17th District. Located on the west side of Old Virginia Court, north of Terrell Mill Road (1362 Old Virginia Court).

SPECIAL LAND USE PERMIT

SLUP-3 ALEXANDRIA HOLDINGS GROUP INC. (Lux Homes, LLC, owner) requests a Special Land Use Permit for used auto sales in Land Lot 37 of the 17th District. Located on the south side of Veterans Memorial Highway, west of Puckett Drive (621, 633, 651 Veterans Memorial Highway).
SLUP-4 RAY MURPHY (Ray Murphy, owner) requests a Special Land Use Permit (Renewal) for an automobile storage yards and wrecker services for damaged or confiscated vehicles in Land Lots 154 and 155 of the 17th District. Located on the northwest side of
Accessibility to Meetings: If you need the City/BLW to provide special accommodation in order to attend/participate in any of the above meetings, please call the ADA Coordinator at 770-794-5558 no less than 48 hours before the date of the meeting.
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060
4:14-2023

MDJ-3593
GPN-16
City of Kennesaw
Land Use Permit Request

Notice is hereby given that the City of Kennesaw shall hold a public hearing to give consideration for a Land Use Permit request submitted by Ann Moormann. Said request is to obtain a home occupational business license to allow for making soaps and bath related products at 1205 Mountain Springs Drive. Property consists of 0.2 +/- acres, lies in Land Lot 128, Tax Parcel 278 and is zoned R-10 (Single-Family Residential).
Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30 P.M. and the Mayor and Council will hold a public hearing on May 15, 2023, at 6:30 P.M. Both meetings 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**.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.
Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live 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**.
4:14,21-2023

Development Director
4:7,14,21-2023

MDJ-3593
GPN-16
City of Kennesaw
Land Use Permit Request

Notice is hereby given that the City of Kennesaw shall hold a public hearing to give consideration for a Land Use Permit request submitted by Ann Moormann. Said request is to obtain a home occupational business license to allow for making soaps and bath related products at 1205 Mountain Springs Drive. Property consists of 0.2 +/- acres, lies in Land Lot 128, Tax Parcel 278 and is zoned R-10 (Single-Family Residential).

Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30 P.M. and the Mayor and Council will hold a public hearing on May 15, 2023, at 6:30 P.M. Both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

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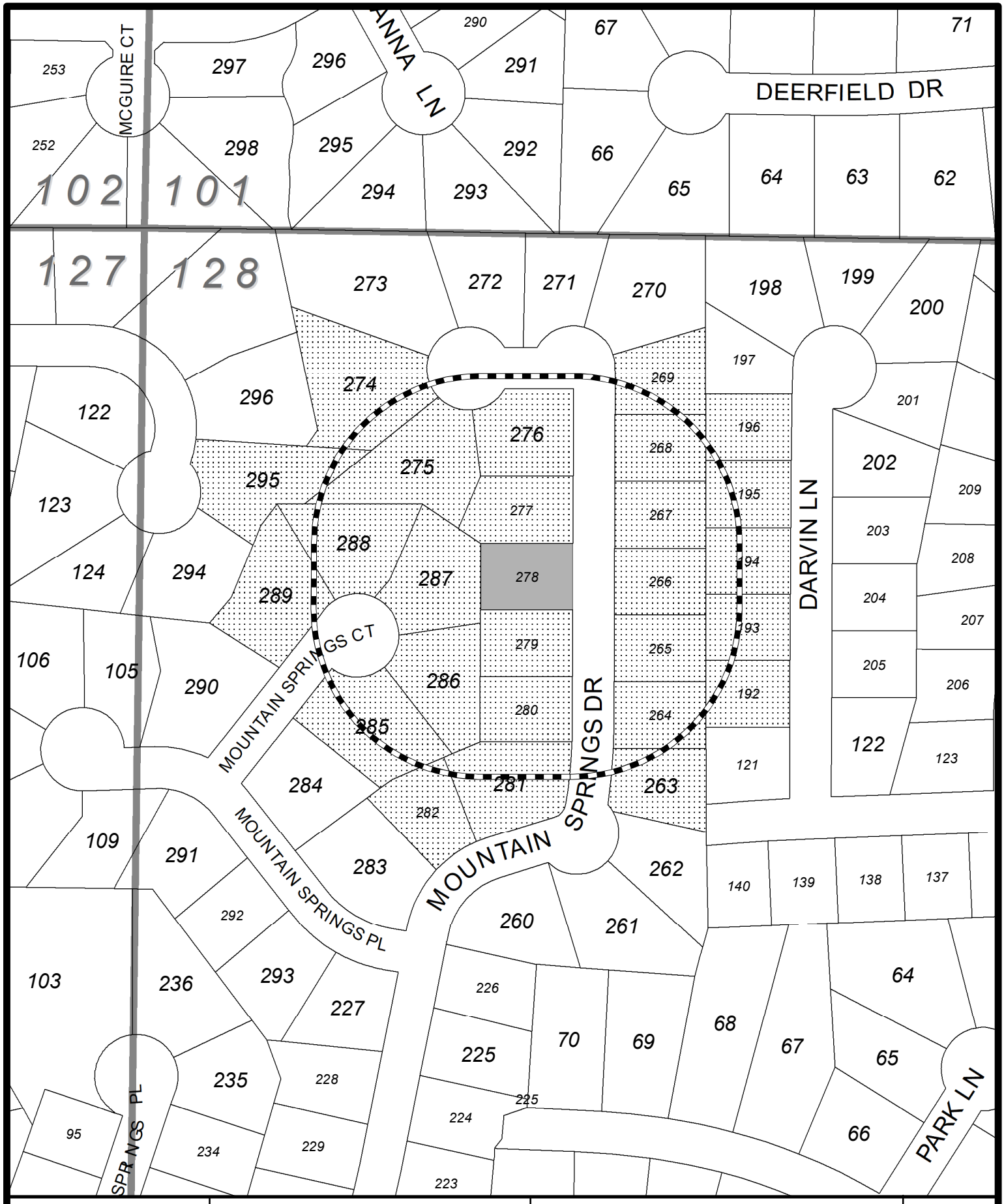
Any interested citizens are invited to email **kennesawcouncil@kennesaw-ga.gov**.

4:14,21-2023

MDJ-3594
GPN-16



Subject Parcel

200' Radius

Properties Notified

1205 Mountain Springs Dr
Land Lot 128,
Tax Parcel 278

LU2023-01
200' PROPERTY NOTIFICATION

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

Derek Easterling, MAYOR
Lan Alvarez, CITY CLERK

Date: 3/24/2023
LU2023-01 Notification Map

1 " = 150 '

Tax Parcel - 20012802630
SHAW MATTHEW PARKER
1182 MOUNTAIN SPRINGS DR NW
KENNESAW GA 30144

Tax Parcel - 20012802880
JAGER KENNETH J JR & SUZANNE G
2216 MOUNTAIN SPRINGS CT
KENNESAW GA 30144

Tax Parcel - 20012802660
KING SCOTT & TAMAIKA
1210 MOUNTAIN SPRINGS DR NW
KENNESAW GA 30144

Tax Parcel - 20012802750
JACKSON JEFF & MARTIN ANNE
1245 MOUNTAIN SPRING DR NW
KENNESAW GA 30144

Tax Parcel - 20012802890
BEASCOECHEA PEGGY B & PEDRO A
2215 MOUNTAIN SPRINGS CT NW
KENNESAW GA 30144

Tax Parcel - 20012802820
RODRIGUEZ RAMIREZ FABIOLA
1157 MOUNTAIN SPRINGS DR NW
KENNESAW GA 30144

Tax Parcel - 20012801930
WARRICK LORI ANN
1003 DARVIN LN NW
KENNESAW GA 30144

Tax Parcel - 20012802860
SHADE MATT H JR
1180 MOUNTAIN SPRINGS CT
KENNESAW GA 30144

Tax Parcel - 20012802800
PARISAY MICHEL JAHAN & MASSOUD
1185 MOUNTAIN SPRINGS DR
KENNESAW GA 30144

Tax Parcel - 20012802870
BAUG JAMES & WENDY
2214 MOUNTAIN SPRINGS CT
KENNESAW GA 30144

Tax Parcel - 20012802850
GOLD GRAHAM & JOANNE
2210 MOUNTAIN SPRINGS CT NW
KENNESAW GA 30144

Tax Parcel - 20012802640
TEDDER WENDY W
2545 SUNNY LN SE
MARIETTA GA 30067

Tax Parcel - 20012802680
REYES CARLOS M
1230 MOUNTAIN SPRINGS DR NW
KENNESAW GA 30144-5622

Tax Parcel - 20012802670
HEBB JACK & FRANCES HEBB
1220 MOUNTAIN SPRINGS DR
KENNESAW GA 30144-5622

Tax Parcel - 20012801920
COKER RESIDENTIAL PROPERTIES LLC
505 S MARIETTA PKWY
MARIETTA GA 30060

Tax Parcel - 20012802690
PRICE RONALD D AND PRICE SUSANNE J
1240 MOUNTAIN SPRINGS DR
KENNESAW GA 30144-5622

Tax Parcel - 20012801950
COKER RESIDENTIAL PROPERTIES LLC
505 S MARIETTA PKWY
MARIETTA GA 30060

Tax Parcel - 20012801940
FARROW REBECCA J
1005 DARVIN LN
KENNESAW GA 30144

Tax Parcel - 20012802770
RASQUE RACHEL & LAROCHE DANIEL JAMES
1215 MOUNTAIN SPRINGS DR
KENNESAW GA 30144

Tax Parcel - 20012801960
SOOTES ERIK
1009 DARVIN LN NW
KENNESAW GA 30144

Tax Parcel - 20012802810
41 MANAGEMENT LLC
5222 DAWN DR
ACWORTH GA 30101

Tax Parcel - 20012802780
TANG CHRISTOPHER L & MOORMANN ANN ELIZAB ETH
1205 MOUNTAIN SPRINGS DR NW
KENNESAW GA 30144

Tax Parcel - 20012802950
COLLINS RENNE
2343 GRETCHEN ELIZABETH CT
TRACY CA 95376

Tax Parcel - 20012802740
IH3 PROPERTY GEORGIA LP C/O INVITATION HOMES TAX DEPT
1717 MAIN ST SUITE 2000
DALLAS TX 75201

Tax Parcel - 20012802760
WILSON MARTHA A
1605 CLARK LAKE DR
ACWORTH GA 30102

Tax Parcel - 20012802650
CAMPBELL AMBER
1200 MOUNTAIN SPRINGS DR NW
KENNESAW GA 30144

Tax Parcel - 20012802790
MILE HIGH BORROWER 1 INCOME LLC
PO BOX 4090
SCOTTSDALE AZ 85261

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 14, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: LU2023-01

Property Addresses
1205 Mountain Springs Drive
Applicant
Ann Moormann
Representative
N/A
Property Owner
Same as applicant
Current Zoning
R-10 (Single-Family Residential)
Current Future Land Use Category
Residential Low/Medium (RL)
Project Request: Land use permit to acquire a business license for home occupation
Please see page 5 for project request description.

Street view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: No
Historic District: No
Cemetery: No **Floodplain:** No **Stream:** No
Parcel ID #: 20012802780
Land Lot #: 128 **Tax Parcel #:** 278
Land Area: 0.20 +/- acres or 8,712 SQFT
Existing Building Total SQFT: 1,517 SQFT
Proposed Building SQFT: N/A
Proposed Streets: N/A

RECOMMENDATION

Staff Recommendation
Approval with conditions
Planning Commission Recommendation
Approval with conditions
Please see page 15 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: Mountain Springs Drive
Zoning: R-10 (Single-Family)
Future Land Use: Residential Low/Medium (RL)

South: Kennesaw Springs Drive
Zoning: R-10 (Single-Family)
Future Land Use: Residential Low/Medium (RL)

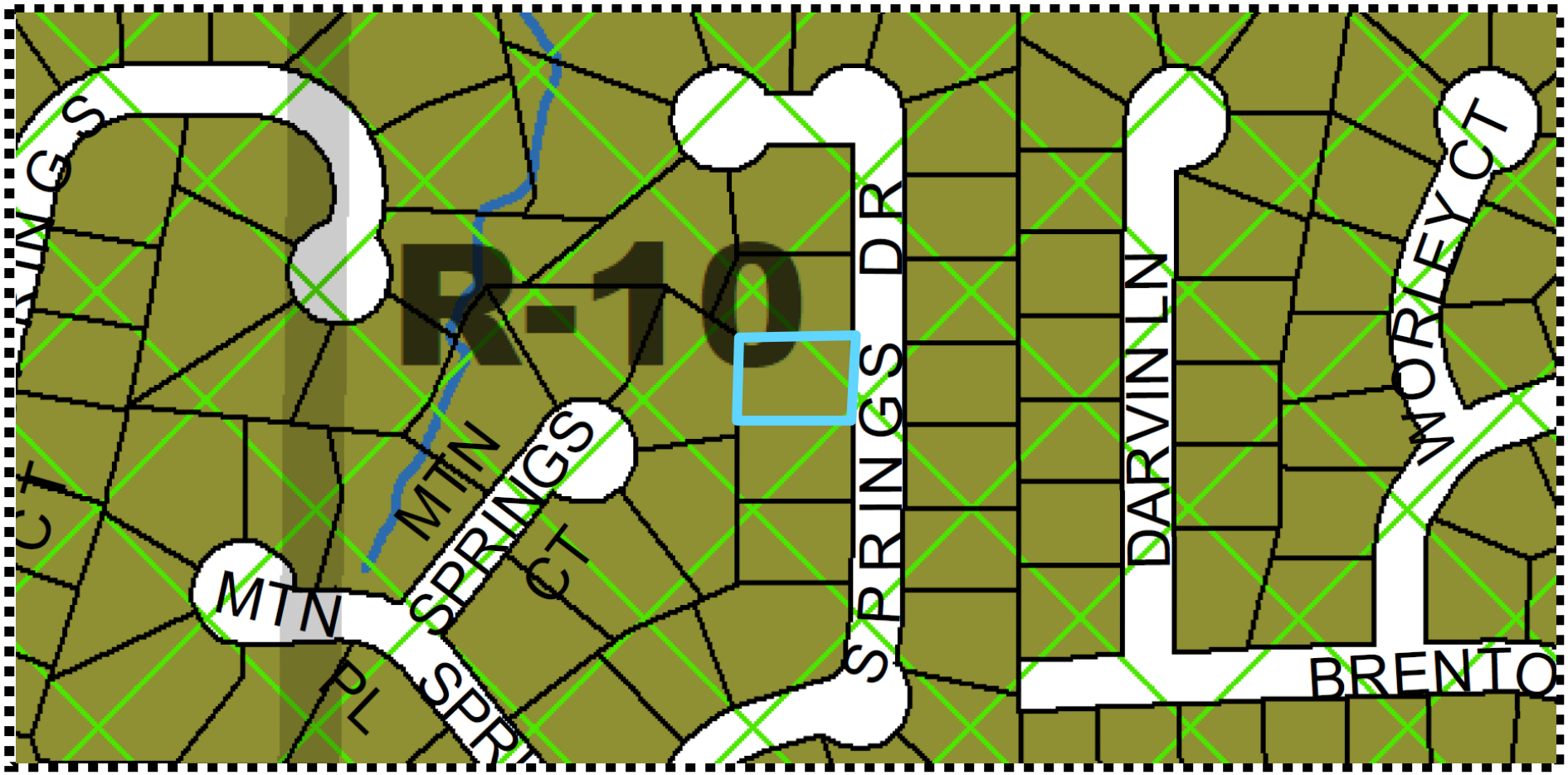
East: Darvin Lane
Zoning: R-10 (Single-Family)
Future Land Use: Residential Low/Medium (RL)

West: Mountain Springs Court
Zoning: R-10 (Single-Family)
Future Land Use: Residential Low/Medium (RL)

Please see pages 2 - 4 for full maps.

ZONING MAP

ZONING CASE #: LU2023-01



Zoning Districts

CBD	HGB	OI	R-12	RA-5
CRC	HI	PBSH	R-15	RA-6
FST	LI	PSC	R-20	RM-8
GC	MHP	PUD-R	R-30	RM-12
NRC	NS	PVC	R-40	RM-16
		R-10	RA-4	UVC

Zoning Overlays

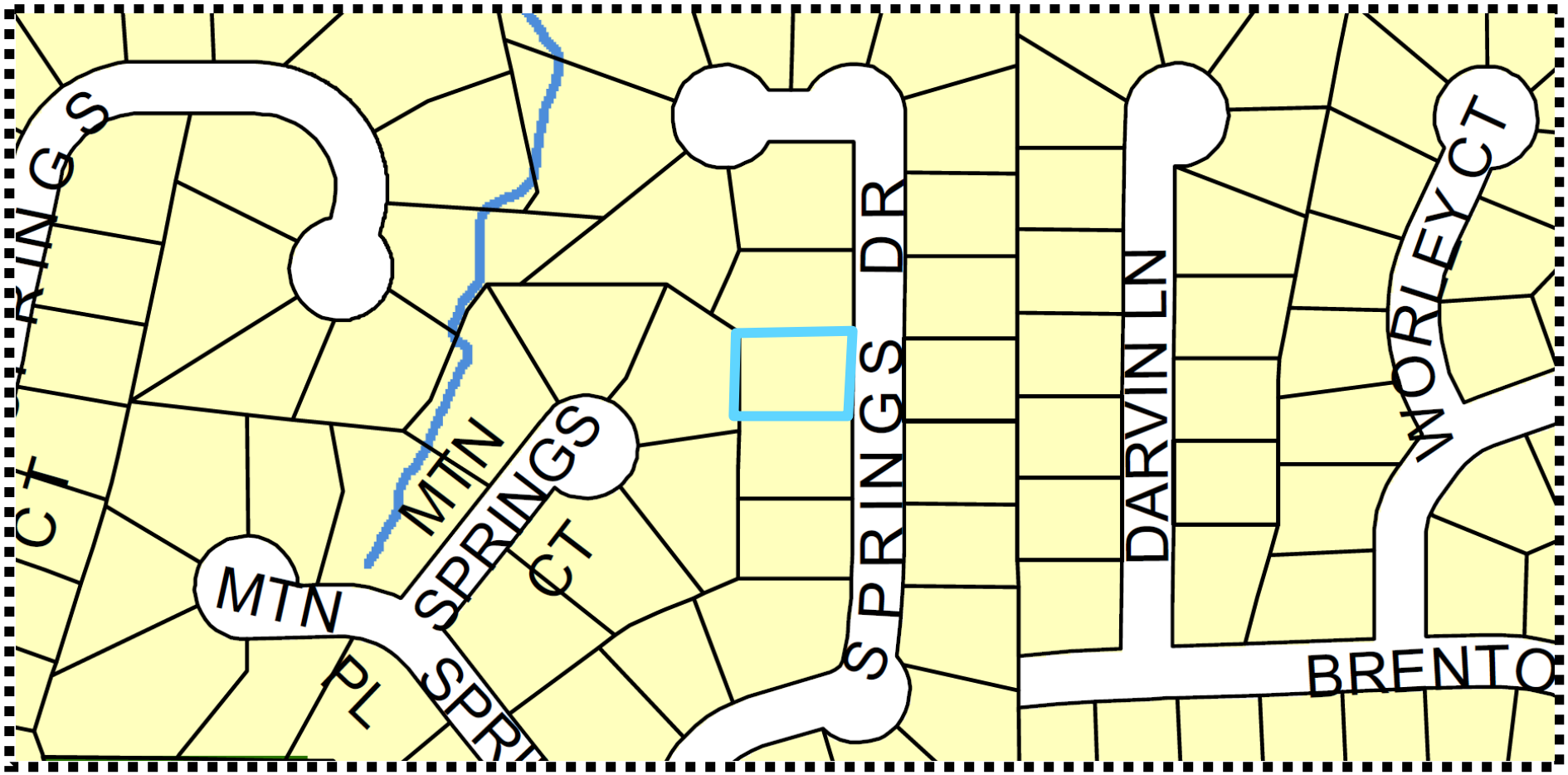
- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

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

2

FUTURE LAND USE MAP

ZONING CASE #: LU2023-01



Future Land Use

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

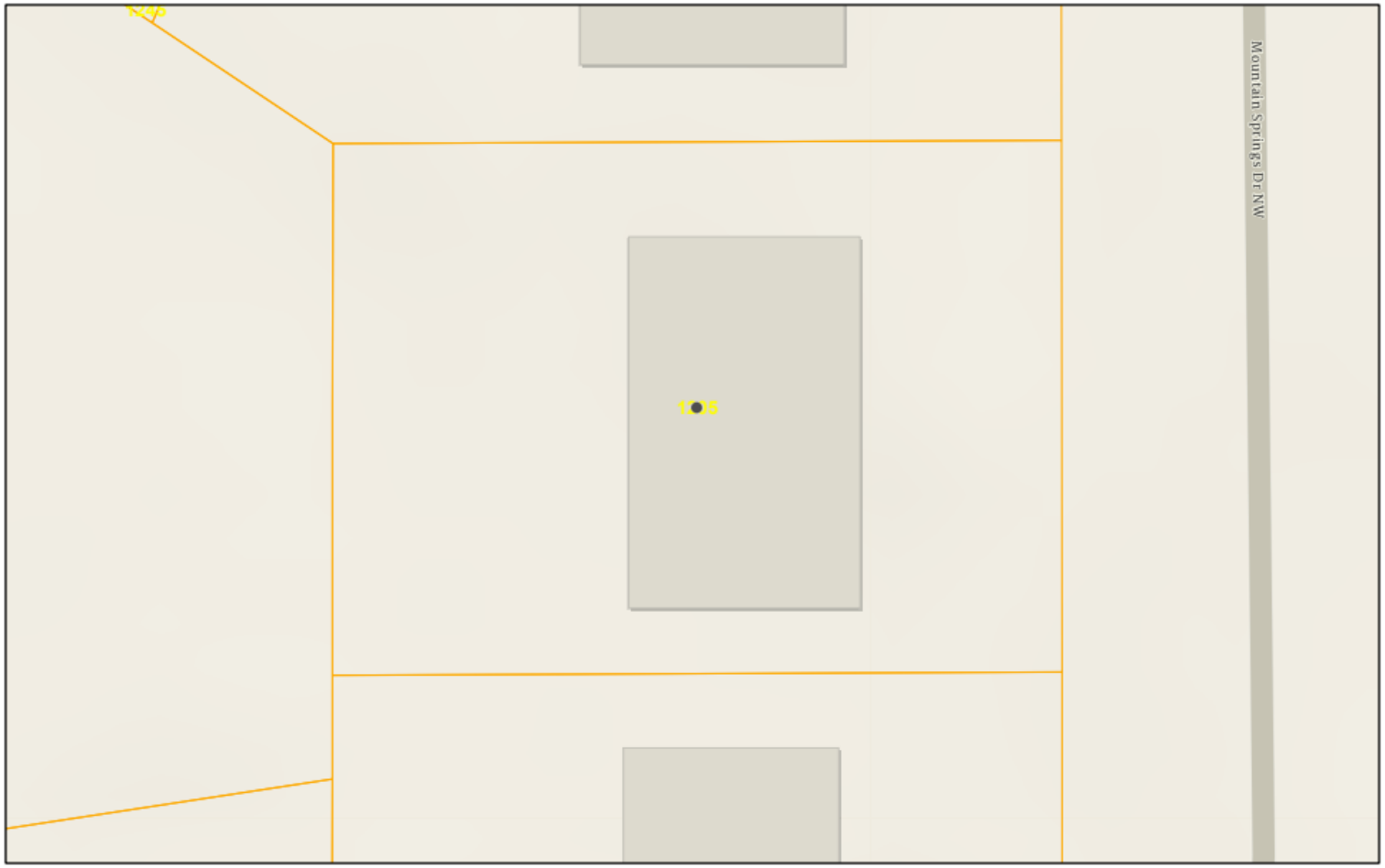
- Acworth City Limits
- Kennesaw City Limits
- Kennesaw Mtn Nat'l Battlefield
- 139 Land Lots
- Marietta City Limits

3

SITE PLAN

ZONING CASE #: LU2023-01

1205 Mountain Springs Dr



4/24/2023, 8:10:19 AM

Parcels

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0 0 0.01 0.01 km

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,

Web AppBuilder for ArcGIS

Copyright Cobb County. All rights reserved. | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA |

4

STAFF ANALYSIS REPORT

ZONING CASE #: LU2023-01

DESCRIPTION OF ZONING REQUEST: **LAND USE PERMIT**

This is a land use permit request for a home occupational business license.

PROJECT INTENT

The applicant is requesting to obtain a home business license to make soaps and bath related products at their place of residence.

Products include:

- Bath bombs
- Soaps
- Solid bubble bath
- Shampoo bar
- Shower steamer
- Lip balm

Pre-Application Meeting
March 13, 2023

Application Submitted
March 14, 2023

Fees Paid
$250.00

Certified Letters Mailed
April 14, 2022

SUPPLEMENTAL INFORMATION

Please see page 6 & 7 for types of products made

Please see page 8 for work space location

Please see page 9 for type of equipment used

QUESTIONS TO THE APPLICANT

Do you have the Homeowner's Association (HOA) approval to apply for a home occupational license?
Yes, I have checked with the HOA and the neighborhood bylaws do allow for home occupational licenses.

Who is your intended consumer or customer?
My main intended customer is middle aged to older women, though my research shows that they tend to buy luxury bath stuff as gifts. I will also have some products with a more masculine feel and that will appeal to a young clientele.

How do you market or get the word out about your products?
I intend to use my personal social media, also repeat customers from my pop-up booths. I will make hang tags and business cards for website re-ordering.

How will the products get to the consumer or customer? Do they get delivered or picked-up?
I plan on selling through pop-ups (craft fairs or farmers markets) and online. If I get lucky, maybe some wholesale or consignment arrangements. Online orders will either be delivered via residential carrier or if they are personally known to me dropped off with that person. I might consider other arrangements if enough people are interested, but strangers coming to my house to pick up their orders will never be something I allow.

ZONING CASE #: LU2023-01

BATH BOMBS - PHOTOS PROVIDED BY THE APPLICANT

SOLID BUBBLE BATH

SHAMPOO BAR

ZONING CASE #: LU2023-01

SOAPS - PHOTOS PROVIDED BY THE APPLICANT

SHOWER STEAMER

LIP BALM

ZONING CASE #: LU2023-01

WORKSPACE - PHOTOS PROVIDED BY THE APPLICANT

ZONING CASE #: LU2023-01

EQUIPMENT USED - PHOTO PROVIDED BY THE APPLICANT

Pictured, Left to right: Impulse Sealer, Immersion Blender, Hand Mixer, Heat Gun, Bur Grinder, Hot Plate

STAFF ANALYSIS REPORT

ZONING CASE #: LU2023-01

MATERIALS LIST - PROVIDED BY THE APPLICANT

Name ▲		
6" Paper Sticks	Cocoa Butter (unrefined)	Fractionated Coconut Oil
Amethyst Batch Certified Dye	Cocomidopropyl Betaine	Germall Plus
Amethyst Mica	Coconut Fragrance	Glycerin
Argan Oil	Coconut Oil	Guar Gum
Arrowroot Powder	Coffee & Whiskey Fragrance	Gumball Capsules
Avocado Oil	Cornstarch	Honey
Baking Soda	Crackling Bonfire Fragrance	Honey Fragrance
Beach Angel Fragrance	Cream of Tartar	Iridescent Violet Mica
Bentonite Clay	Death Becomes Her Mica	Italian Green Clay
Black Panther Batch Certified Dye	DL Panthenol	Jojoba Oil
Borax	Egyptian Dragon Fragrance Oil	Juniper Essential Oil
Bourbon Wood Fragrance Oil	Epsom Salt	Kaolin Clay
BTMS-50	Eucalyptus Essential Oil	Lavender Essential Oil
Canary Yellow	Evening Primrose Oil	Lemon Essential Oil
Candellila Wax	Extra Virgin Olive Oil	Lemongrass Essential Oil
Caribbean Sunset Mica	FD&C Blue 1	Leprechaun Green Colorant
Castor Oil	FD&C Red 40	Lip Gloss Tube
Cinderella Glitter Mica	FD&C Yellow #5	Man Hours
Citric Acid	FD&C Yellow #6 Batch Certified Dye	Mango Butter
	Forever Red Fragrance Oil	Menthol Crystals
		Misbehaving Fragrance Oil
		Monkey Farts Fragrance Oil

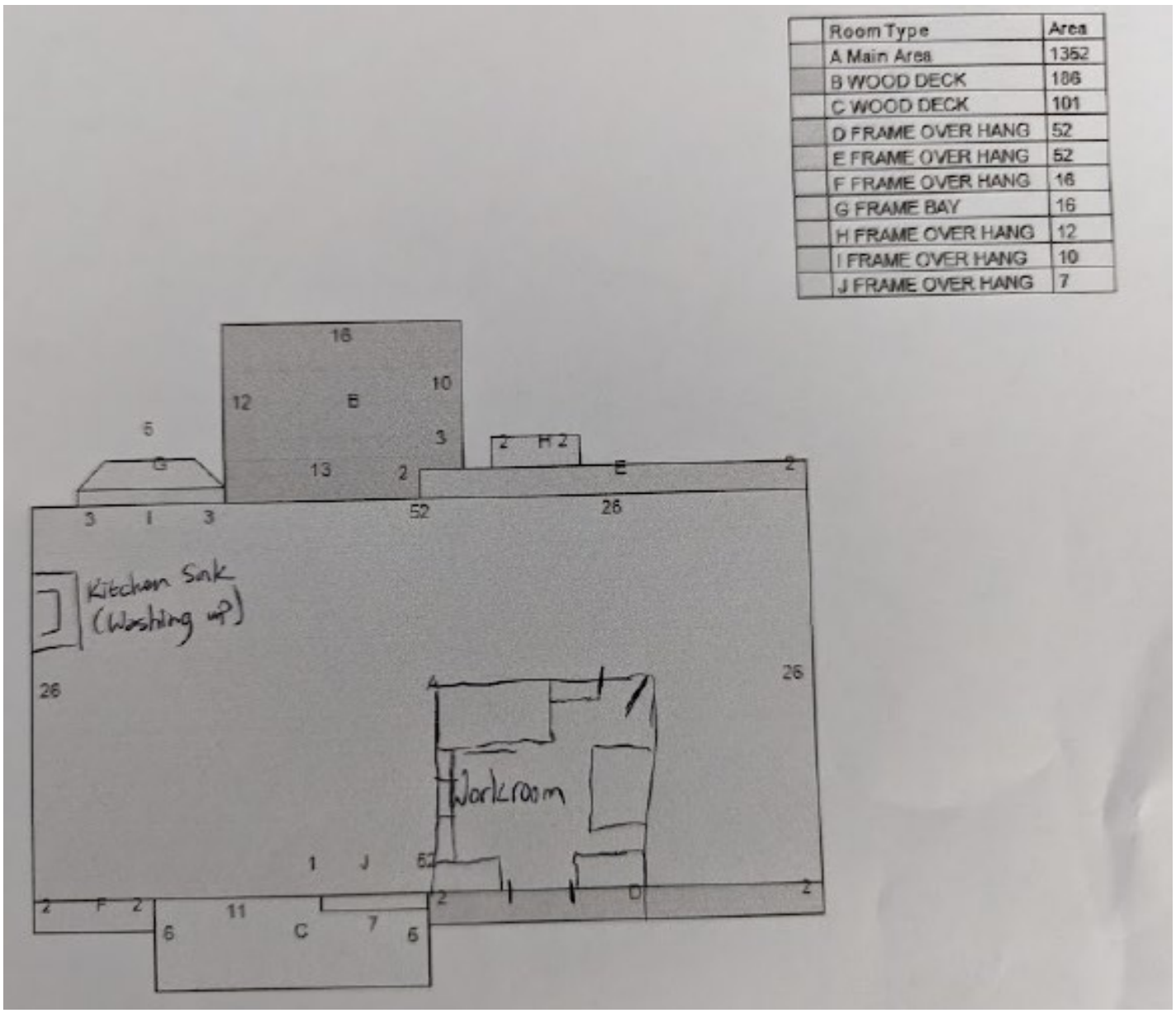
ZONING CASE #: LU2023-01

MATERIALS LIST - PROVIDED BY THE APPLICANT

Nitrile Gloves	Sweet Almond Oil
Oatmeal Milk and Honey Fragranc	Tea Tree Essential Oil
phenonip	titanium dioxide
Pineapple Mango Fragrance Oil	Verbana and Lemon Fragrance
Polysorbate 80	Vitamin E Oil
Potassium Hydroxide Flakes	Wire
Pumace Olive Oil	Additional Essential Oils
Pumpkin Orange	Additional Fragrance Oils
Red 28 Batch Certified Dye	
Rose Geranium Essential Oil	
Rose Hip Oil	
Rose Kaolin Clay	
Salycilic Acid	
Sapphire Blue Mica	
Shea Butter	
SLSA	
Sodium Cocoyl Isethieonate	
Sodium Hydroxide	
sodium lactate	
Steric Acid	
Stone	
Sunflower Oil	

ZONING CASE #: LU2023-01

PROPOSED FLOOR PLAN OF WORKSPACE LOCATED IN THE KITCHEN



STAFF ANALYSIS REPORT

ZONING CASE #: LU2023-01

UNIFIED DEVELOPMENT CODE - SECTION 4.04.05

4.04.05 - Standards for Home Occupations

A. The Mayor and City Council may permit land use permits for the operations of home occupations or professions in areas and districts where the zoning regulations would otherwise prohibit such operations. "Home occupation" is hereby defined as being those occupations which can ordinarily be carried on out of a residence or other structure without having any significant effect on the neighborhood or area from which such home occupation is carried on.

B. In addition thereto, the Mayor and City Council is hereby authorized to grant land use permits for occupations or businesses compatible with the neighborhood from which such business or occupation is operated and where no nuisance as defined in Georgia law or other significant adverse effect would result to the area or district zoned.

C. All applications for land use permits shall require all applicable information for processing as per Chapter 10 of the UDC and be advertised in the same manner as applications for rezoning and that public hearings will be held thereon in the same manner as applications for rezoning are so conducted.

D. In no event shall the Mayor and City Council grant a land use permit for a period of time in excess of 24 months except on re-application, re-advertisement, and public hearing.

E. Standards for decision. The Mayor and City Council shall consider, at a minimum, the following in its determination of whether or not to grant a land use permit:
   1. Safety, health, welfare, and moral concerns involving the surrounding neighborhood;
   2. Parking and traffic considerations;
   3. Number of nonrelated employees;
   4. Number of commercial and business deliveries;
   5. The city's general presumption that residential neighborhoods should not allow non-compatible business uses;
   6. Compatibility of the business use to the neighborhood;
   7. Hours of operation;
   8. Existing business uses in the vicinity;
   9. Effect on property values of surrounding property;
   10. Circumstances surrounding neighborhood complaints;
   11. Intensity of the proposed business use; and
   12. Location of use within the neighborhood.

F. A land use permit is a privilege permit and may be revoked by the Mayor and City Council following notice and hearing should the use be deemed to be a nuisance or create a safety hazard.

STAFF ANALYSIS REPORT

ZONING CASE #: LU2023-01

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1

Roadway Name
Mountain Springs Dr

Roadway Classification
Local

Speed Limit
25-MPH

Jurisdictional Control
City of Kennesaw

Minimum Right-of-Way Requirement
40-feet minimum

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 #: LU2023-01

PLANNING AND ZONING

Site Visit:
___ Yes
_✓_ No

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

Land Use Recommendation:
Home occupational use is compatible

Historic Preservation:
Not in a historic district

Cemetery Preservation:
No cemeteries on site

Required Parking:
2 spaces for single-family dwelling

DENSITY ANALYSIS

COMMERCIAL: Home kitchen square-footage only
RESIDENTIAL: None proposed

Proposed Parking:
Existing parking spaces

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

The Zoning Administrator, Darryl Simmons, recommends **approval with conditions** of case #LU2023-01.

Conditions:

1. 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.
2. 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 public right-of-way.

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

This land use permit request is for an in-home business to create bath related products such as soap, bath bombs, shampoo and lip balm and sell and distribute them to friends and family members. The proposed activity would be performed in the applicant's office and kitchen. They will use equipment such as impulse sealer, immersion blender, hand mixer, heat gun, grinder and heat plate; which are mostly common household items. There will be no commercial equipment used. The applicant shall follow all rules found within the home occupational ordinance (section 4.04.05) within the City's Unified Development Code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends **approval with staff's proposed conditions** of case #LU2023-01.

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

Peggy
Active Now

I will be happy to help. Hopefully I know the answer!

You can now message and call each other and see info like Active Status and when you've read messages.

Ok! I am wanting to start making soap, bath bombs and the like to sell at craft fairs and online. Is that going to run a foul of the HOA? I suspect if I didn't say anything no one would notice, but I like knowing my paperwork is in order

No sales or retail activity on the premises (or signage other than the land use permit notice for a couple of weeks)

MAR 14 AT 6:41 PM

You are making them in your house? If so, no KSCA issues. If you sell online from home, you may need a business license. Check City of Kennesaw website.

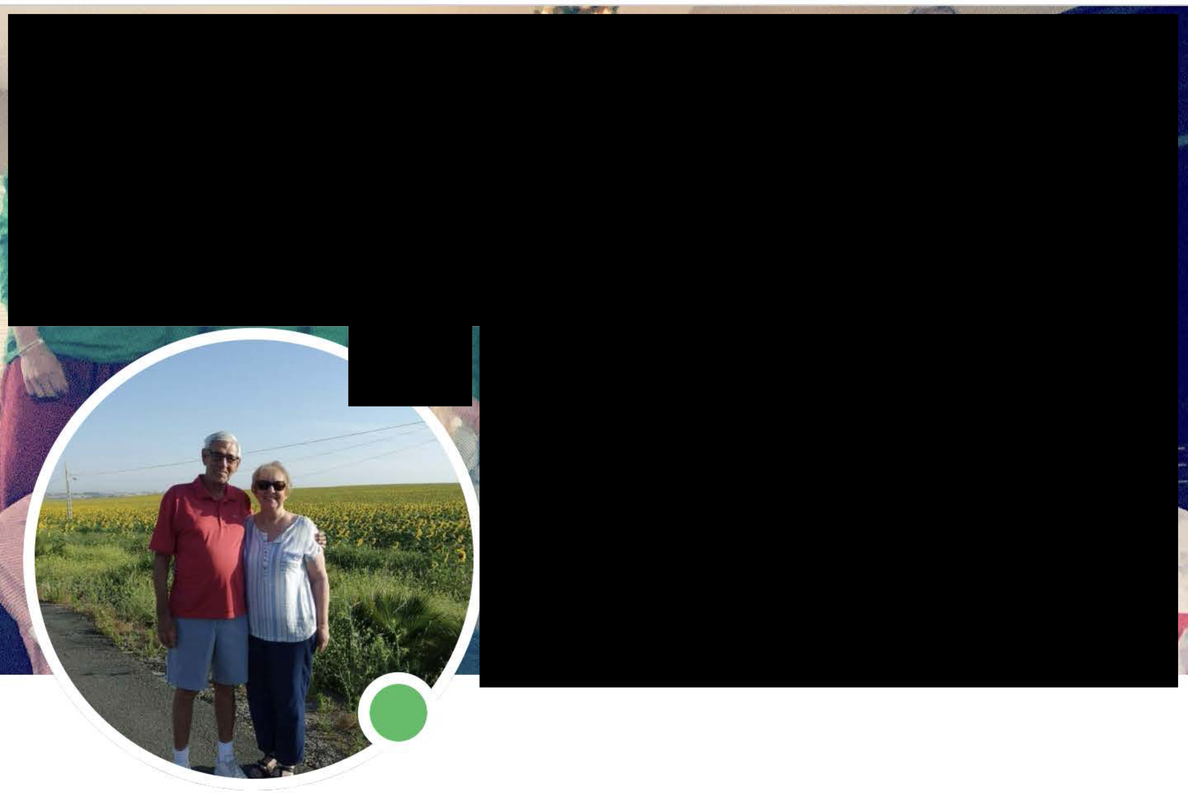
Yup, all in my workroom. I'm already talking with the city, the planning committee process is very involved. Thanks so much!

Good luck! Send me your website when you are ready. My daughter and granddaughters l[illegible] ath bombs!!!!

Message

8:24

Search



Peggy Beascoechea

[redacted]

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Details

[redacted]

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	**KENNESAW SPRINGS COMMUNITY ASSOCIATION, INC.**	Control Number:	**K715272**
Business Type:	**Domestic Nonprofit Corporation**	Business Status:	**Active/Compliance**
Business Purpose:	**NONE**		
Principal Office Address:	**2215 Mountain Springs Court NW, KENNESAW, GA, 30144-5602, USA**	Date of Formation / Registration Date:	**4/18/1997**
State of Formation:	**Georgia**	Last Annual Registration Year:	**2023**

REGISTERED AGENT INFORMATION

Registered Agent Name:	**Beascoechea, Peggy**
Physical Address:	**2215 Mountain Springs Court Kennesaw, GA 30144, Kennesaw, GA, 30144, USA**
County:	**Cobb**

OFFICER INFORMATION

Name	Title	Business Address
Peggy Beascoechea	CFO	2215 MOUNTAIN SPRINGS CT NW, KENNESAW, GA, 30144, USA
Brandi Hunter	CEO	2349 Mountain Springs Place, Kennesaw, GA, 30144, USA
Peggy Beascoechea	Secretary	2215 MOUNTAIN SPRINGS CT NW, KENNESAW, GA, 30144, USA

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Filing History Name History

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City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Meeting Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says “I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing".

III. New Business

1. **LU2023-01 –** Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

   - Chairman Bergwall proceeds to the first business item.
   - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says "Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

  - 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.
  - 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 public right-of-way.

- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
- Chairman Bergwall asks the applicant to come to the podium for comments.
- The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
- Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
- Commissioner Bodenhamer asks the applicant to make sure she signed in.
- Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
- Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

   RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City’s regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.

- Chairman Bergwall opens the floor up to public comment.

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD?
- Mr.Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states **"**The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)".
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states **"**It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district".
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states "As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District".

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds "One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property".
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states **"**As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District".
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph.It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues “The additional zoning conditions that staff is recommending is as follows:

    - General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
    - Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
    - Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
    - Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
    - If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

- The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.

- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community".
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

- Vice-Chairman Jackson asks if the property owner sent a letter to withdrawn the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there was some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitle. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completed different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Mr. Simmons introduces the last business item. He states **"**This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney".
   - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
   - Mr. Simmons says yes.
   - Chairman Bergwall asks if there are any comments from the public.
   - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
   - Mr. Simmons responds, "Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change".
   - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
   - Motion by Commissioner Greenall to approve the text amendment as presented.
   - Second by Vice-Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

- Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
- He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of an ORDINANCE authorizing a rezoning request of property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Case # RZ2023-02(A).

Summary:

The property is a vacant detention pond located in Adams Park. It is currently zoned Highway General Business (HGB), and consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99. This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the rezoning request as outlined by staff.

Recommendation:

Zoning Administrator recommends approval of the rezoning request to rezone property from HGB to CBD.

Fiscal Impact:

Attachments:

1. ORDINANCE - City Owned Properties
2. RZ2023-02(A) - 0 Cobb Parkway - Kennesaw Packet
3. RZ2023-02(A) - Staff Report 0 Cobb Parkway
4. 05-03-23 Planning Commission 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 VARIOUS CITY ZONINGS TO CITY CBD (CENTRAL BUSINESS DISTRICT) FOR PROPERTIES LOCATED WITHIN THE CITY LIMITS OF KENNESAW

WHEREAS, City of Kennesaw has made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designations from various City Zonings to City CBD (Central Business District) on parcels located within the City Limits as shown on Exhibit "A" (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on April 14, 2023 and April 21, 2023 of a public hearing before the Kennesaw Planning Commission held on May 3, 2023 and the Mayor and Council May 15, 2023; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal on May 3, 2023; and

WHEREAS, the Mayor and Council held a public hearing on this proposal on May 15, 2023; and

WHEREAS, the Mayor and Council have determined the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code and as reflected on the Central Business District boundary map and identified as Exhibit "B" (copy attached and made a part hereto).

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 designations from various City Zonings to City Central Business District for the following described properties:

All parcels of property as shown in Exhibit "A" and identified on district boundary map and shown as Exhibit "B" (copy of exhibit A & B attached and made a part hereto).

SECTION 2. 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 3. 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.

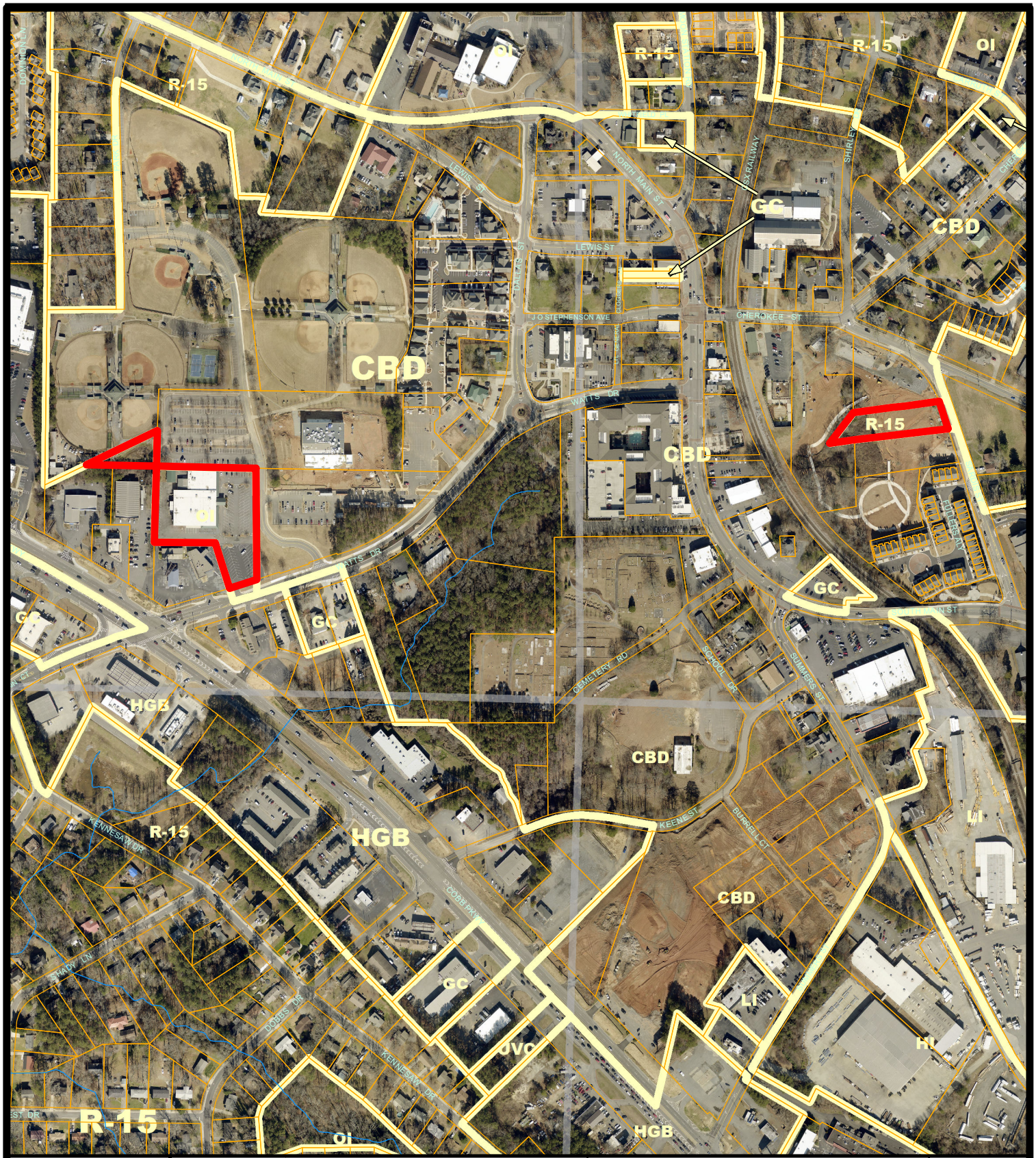
PASSED AND ADOPTED by the Kennesaw City Council on this ___day of May, 2023.

ATTEST: CITY OF KENNESAW:

_____ _____

Lea Alvarez, City Clerk Derek Easterling, Mayor

Exhibit A							
District	**Land Lot**	**Property Address**	**Parcel ID #**	**Current Zoning**	**Proposed Zoning**	**Mailing Address**	**Owner Name**
20	139	0 Cobb Parkway	20013900990	HGB	CBD	2529 J O Stephenson Ave	City of Kennesaw
20	139	2753 Watts Dr	20013900590	O&I	CBD	2529 J O Stephenson Ave	City of Kennesaw
20	138	2817 Sardis St	20013800770	R-15	CBD	2529 J O Stephenson Ave	City of Kennesaw



LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	Various	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

Various Parcels

Rezone to CBD (Phase 2)

Subject Property

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

Derek Easterling, MAYOR
Lea Alvarez, CITY CLERK

Scale: 1 " = 467 '
Print Date: 5/2/2023
RZ2023-02A_Aerial Map

Agenda Item #2

- Case #: RZ2023-02(A)
- Address: 0 Cobb Parkway or parcel number 20013900990
- Property Owner: City of Kennesaw
- Application Type:
  - Rezoning
    - Consideration for approval to rezone subject property from Highway General Business (HGB) to Central Business District (CBD). Property is a vacant detention pond located in Adams Park, consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	HGB	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

0 Cobb Parkway

Land Lot 139, Tax Parcel 99

Subject Property

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

Derek Easterling MAYOR
Lea Alvarez CITY CLERK

Scale: 1 " = 200 '
Print Date: 3/24/2023
RZ2023-02A_Aerial Map

Case #: RZ2023-02(A)

REZONING APPLICATION

Required Fee ~~$375.00~~ $0

Date Received 3-17-2023

Staff's Initials AT

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

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 N/A Staff's Initials AT

REZONING PROPERTY ADDRESS 0 Cobb Parkway Parcel:20013900990 Adams Park (Detention Pond)

Land Lot 139 Tax Parcel 99 Lot Size 0.36 +/- acres

Resident Population 0 Housing Units 0 Other Buildings 0

Zoning Request from:

Present Zoning HGB To: CBD

For the purpose of: Rezoning from HGB to CBD

APPLICANT EMAIL zoningdept@kennesaw-ga.gov- Zoning Office Applicant Name: City of Kennesaw

Applicant Address 2529 J O Stephenson Avenue, Kennesaw, GA 30144

(Phone #) (770)-590-8268

Applicant Signature _____ Date 4-13

Signed, sealed and delivered in presence of: Miranda Taylor 4-13-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC My Commission Expires 10-20-2024 COBB COUNTY, GEORGIA

REPRESENTIVE _____

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

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary **Date**

TITLEHOLDER: City of Kennesaw **(Phone #)** 770-424-8274

Signature: _____ **Address** 2529 J O Stephenson Ave., Kennesaw, GA 30144

Signed, sealed and delivered in presence of: Miranda Taylor 4-13-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC My Commission Expires 10-20-2024 COBB COUNTY, GEORGIA

0 Cobb Parkway (PIN: 20013900990)

4/20/2023, 12:23:32 PM

Parcels

Subject property

1:600

0 0 0.01 0.02 mi

0 0.01 0.01 0.02 km

Web AppBuilder for ArcGIS

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CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

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 20 day of April, 2023

Applicant Signature: _____

[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.

City of Kennesaw, GA

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:

Rezoning from HGB to CBD

The property referred to is located at:

0 Cobb Parkway

and is within a 200 foot radius of your property. It is described as Land Lot 139 20th District, 2nd Section, Tax Parcel 99 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03 at 6:30 ~~7:00~~ p.m., and the Mayor and Council on 05/15 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.

Any questions, please contact:
Planning & Zoning Department
zoningdept@kennesaw-ga.gov
(770)-590-8268

Dated 4-13-23 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 04/14/2023 in accordance with the application requirements.

4/20/23
Date

Applicant or Authorized Agent

Sworn and subscribed before me this 20th day of April 2023

Miranda Taylor
Notary Public Signature

[Notary Stamp]

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # RZ2023-02

PURPOSE Rezone to Central Business District.
CBD Expansion Phase 2.

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

04.18.2023 09:13

link: https://www.facebook.com/CityofKennesaw/
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.

Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live and you can access the meeting via the following link: https://www.facebook.com/CityofKennesaw/

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4:14,21-2023

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MDJ-3594

GPN-16

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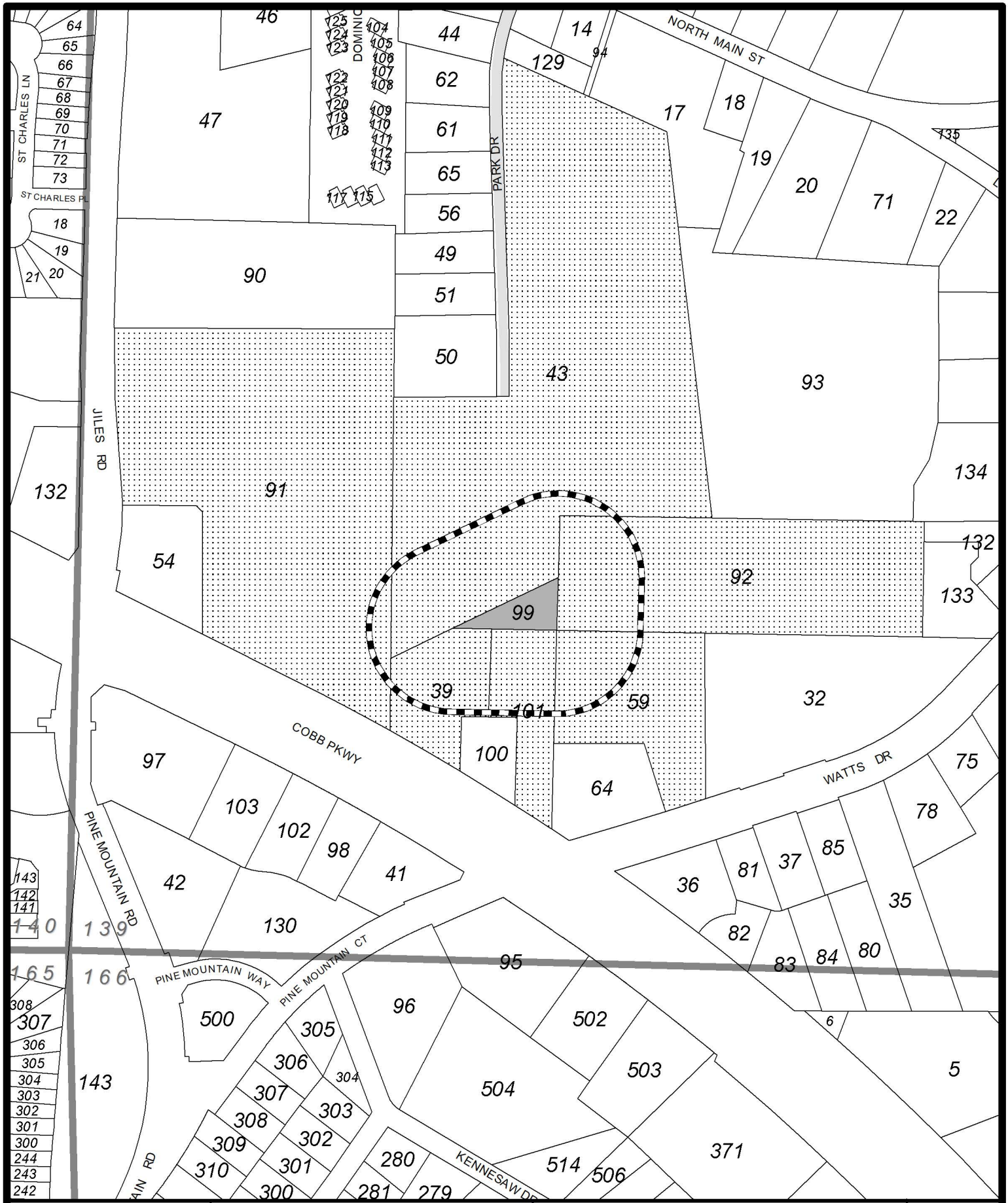
4:14,21-2023

MDJ-3595



Subject Parcel

200' Radius

Properties Notified

0 Cobb Parkway
Land Lot 139,
Tax Parcel 99

RZ2023-02
200' PROPERTY NOTIFICATION

RZ2023-02A Notification Map

Date: 3/24/2023

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

Derek Easterling, MAYOR
Lea Alvarez, CITY CLERK

1 " = 300 '

Tax Parcel - 20013900590

KENNESAW CITY OF
2529 J O STEPHENS AVE
KENNESAW GA 30144

Tax Parcel - 20013900920

KENNESAW CITY OF
2529 J O STEPHENSON DR
KENNESAW GA 30144

Tax Parcel - 20013900390

DRP COMPANY INC
4308 W CAYUGA ST
TAMPA FL 33614-6951

Tax Parcel - 20013900910

REDWOOD COBB LLC & SV COBB LLC & MSD COBB LLC
C/O WESTWOOD FINANCIAL CORP 11440 SAN VICENTE BLVD
LOS ANGELES CA 90049

Tax Parcel - 20013900430

KENNESAW CITY OF
2539 PARK DR
KENNESAW GA 30144

Tax Parcel - 20013901010

DOLGENCORP INC 1757 C/O CTMI LLC
100 MISSION RDG
GOODLETTSVILLE TN 37072

Tax Parcel - 20013900990

KENNESAW CITY OF
2529 J O STEPHENSON AVE
KENNESAW GA 30144

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 17, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(A)

Property Address
0 Cobb Parkway
Applicant
City of Kennesaw
Representative
N/A
Property Owner
City of Kennesaw
Current Zoning
Highway General Business (HGB)
Current Future Land Use Category
Park/Recreation/Conservation
Project Request: Rezone property to Central Business District (CBD)
Please see page 5 for project request description.

Aerial view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: No
Historic District: No
Cemetery: No **Floodplain:** No **Stream:** No
Parcel ID #: 20013900990
Land Lot #: 139 **Tax Parcel #:** 99
Land Area: 0.36 +/- acres
Existing Building Total SQFT: N/A - Vacant lot
Proposed Building SQFT: None
Proposed Streets: None

RECOMMENDATION

Staff Recommendation
Approval
Planning Commission Recommendation
Approval
Please see page 9 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: Park Drive
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation

South: Cobb Parkway
Zoning: Highway General Business (HGB)
Future Land Use: Commercial Activity Center

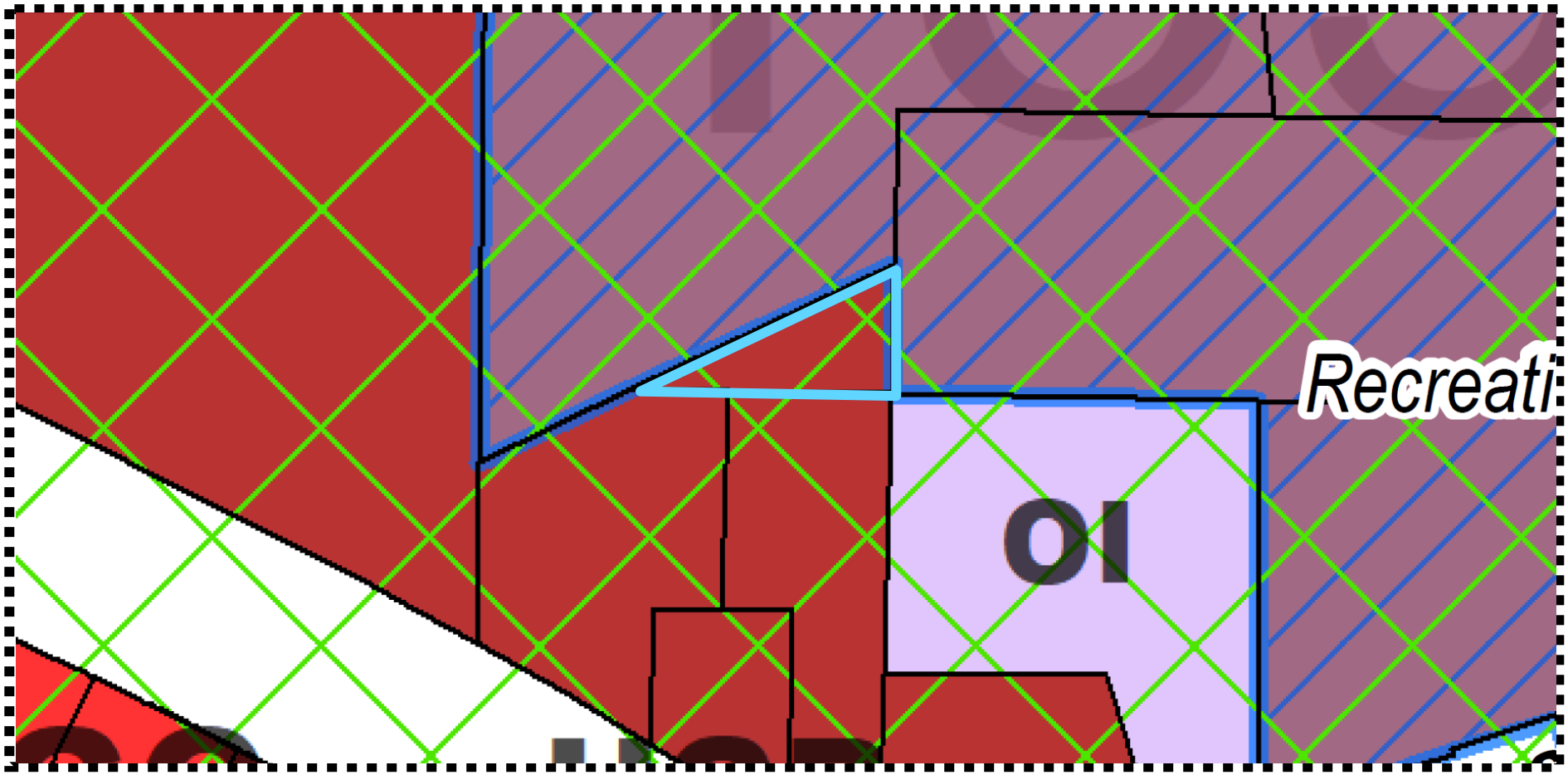
East: Watts Drive
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation

West: No street
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation

Please see pages 2 - 4 for full maps.

ZONING MAP

ZONING CASE #: RZ2023-02(A)



Zoning Districts

- CBD
- CRC
- FST
- GC
- NRC
- HGB
- HI
- LI
- MHP
- NS
- OI
- PBSH
- PSC
- PUD-R
- PVC
- R-10
- R-12
- R-15
- R-20
- R-30
- R-40
- RA-4
- RA-5
- RA-6
- RM-8
- RM-12
- RM-16
- UVC

Zoning Overlays

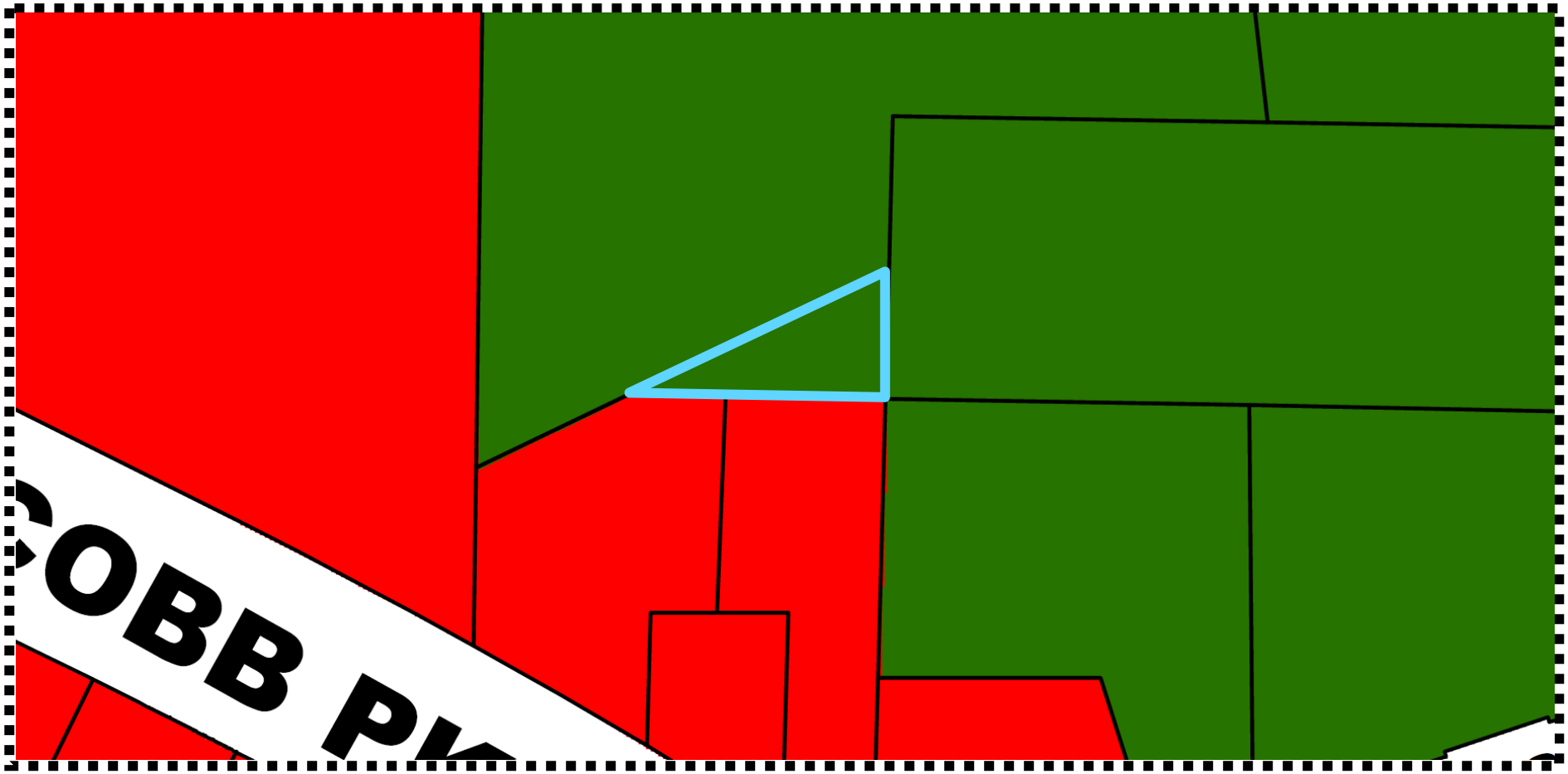
- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

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

2

FUTURE LAND USE MAP

ZONING CASE #: RZ2023-02(A)



Future Land Use

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

3

ZONING CASE #: RZ2023-02(A)

ADAMS PARK MASTER PLAN SITE PLAN (1990s)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(A)

DESCRIPTION OF ZONING REQUEST: **REZONING**

Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2.

Pre-Application Meeting
City initiated

Application Submitted
March 17, 2023

Fees Paid
$0

Certified Letters Mailed By
April 14, 2023

PROJECT INTENT

The intent of the project is to rezone the subject parcel owned by the City of Kennesaw. The property is a vacant detention pond located in Adams Park. It is currently zoned Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected via pipeline to the City's regional detention pond facility located at 4025 Kennesaw Drive NW.

GOOGLE STREET VIEW

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(A)

THE CENTRAL BUSINESS DISTRICT (CBD)

CREATION OF THE CBD ZONING DISTRICT

The Central Business District zoning district was created on September 3, 2002 under ordinance #2002-35. The purpose of creating this district was to enact a comprehensive zoning district which covered properties within the City's downtown core. It continues today to aim at encouraging quality development and the preservation of the historical character of downtown Kennesaw. This ordinance laid down the design standards of the district within the Unified Development Code. No properties had been rezoned to CBD in 2002.

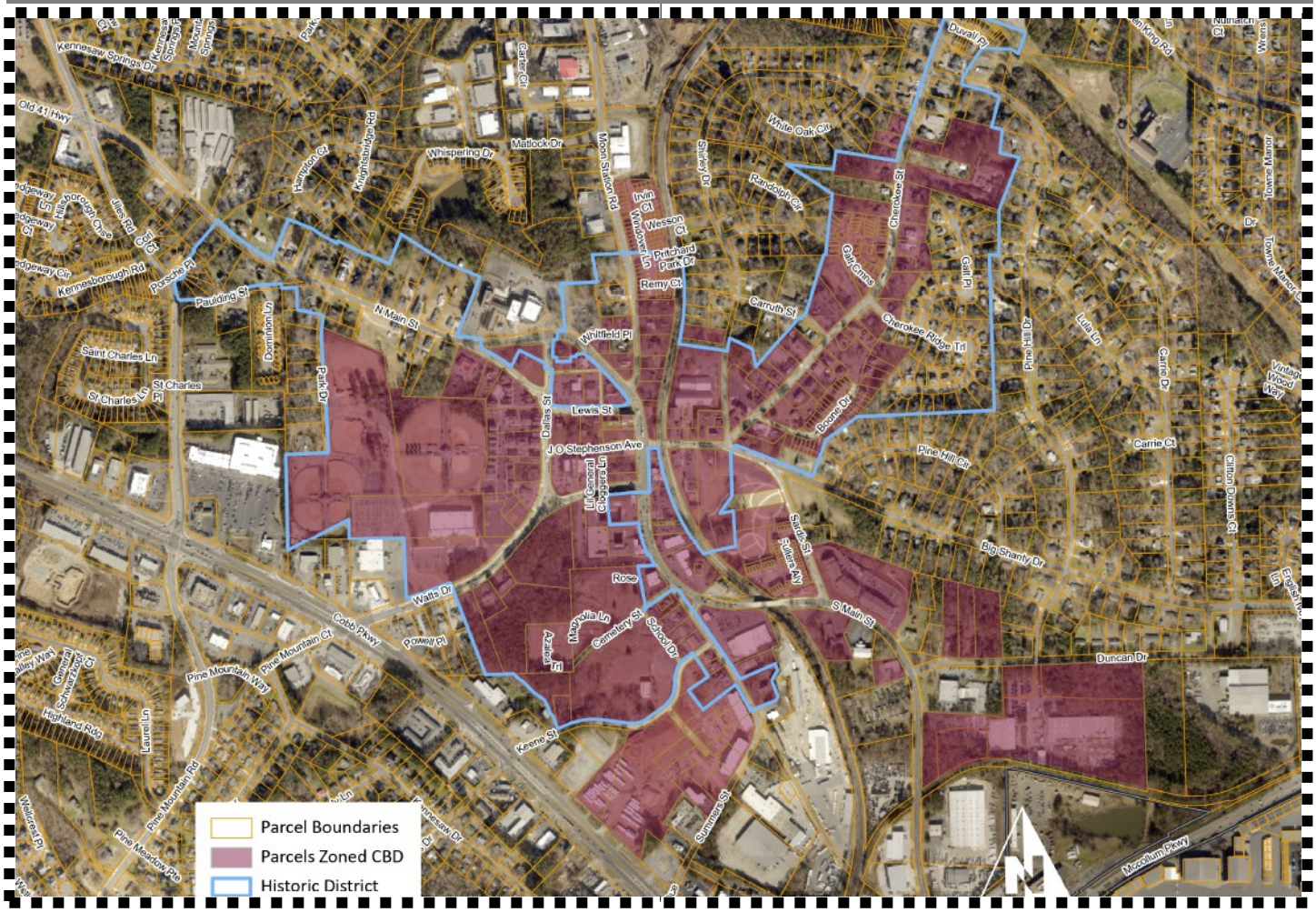
PHASE 1 - FEB. 2003 & OCT. 2005

Phase 1 was initiated in 2002-2003 and approved by Mayor and Council on February 18, 2003 under ordinance #2003-07, where various properties within the downtown core were rezoned to CBD. In 2005, another group of properties located in downtown Kennesaw were rezoned to CBD on October 17, 2005 under ordinance #2005-32.

PHASE 2 - MAY 2023

Phase 2 is being conducted in 2023, where, staff notified at least 25 property owners throughout downtown, inviting them to be a part of the CBD. Four private properties and three City of Kennesaw properties are up for rezoning.

CURRENT BOUNDARIES - CENTRAL BUSINESS DISTRICT AND HISTORIC DISTRICT MAP



PROPERTY OWNERS INVITED TO REZONE TO CBD

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

ZONING CASE #: RZ2023-02(A)

PHASE 2 - MAY 2023

PROPERTY ADDRESS	PROPERTY OWNER NAME
2750 WATTS DR	Blue Project LLC c/o Lisa Kirshenbaum
2748 WATTS DR	Depen Douglas D
2561 SUMMER ST	Hebah Inc c/o Taki Momin
2573 SUMMER ST	2573 Summers Street LLC c/o Steve Shakar
2001 DUNCAN DR NW	United States Postal Service Party
2006 DUNCAN DR NW	Winfrey Horace J Sr Executor Taylor Jessie Mae Estate
DUNCAN DR NW	Winfrey Horace & Bryant Gloristeen
DUNCAN DR NW	Taylor Jessie Mae Estate C/O Horace J Winfrey
2716 S MAIN ST	Byrd Hugh Edward
S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2751 S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2754 S MAIN ST	Bencivenga Gabriel Living Trust 7/09/02 Gabriel Bencivenga LLC
2879 N MAIN ST	Dennis Alvah Myers Revocable Living Trust
2961 MOON STATION RD	Schneider Edward R & Counts Gurdon W III
2971 MOON STATION RD	Odom David Stanley III & Jan G
2958 N MAIN ST	First Baptist Church Kennesaw c/o Dr. J Perry Fowler, Lead Pastor
2939 CHEROKEE ST	Sims Benjamin J
2098 CARRUTH ST	The Fourth Way LLC
3045 CHEROKEE ST	Richards Thomas R Sr Revocable Trust
3066 CHEROKEE ST	Varela Jose Bicet Murillo
3086 CHEROKEE ST	Larrys Legacy Properties LLC c/o Angela Gail Little
3119 CHEROKEE ST	Bright Futures Inc c/o Suzanne L. Jackson, CEO

7

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(A)

ENVIRONMENTAL

Flood Hazard:
___ Yes
___ No
✓ Not Verified

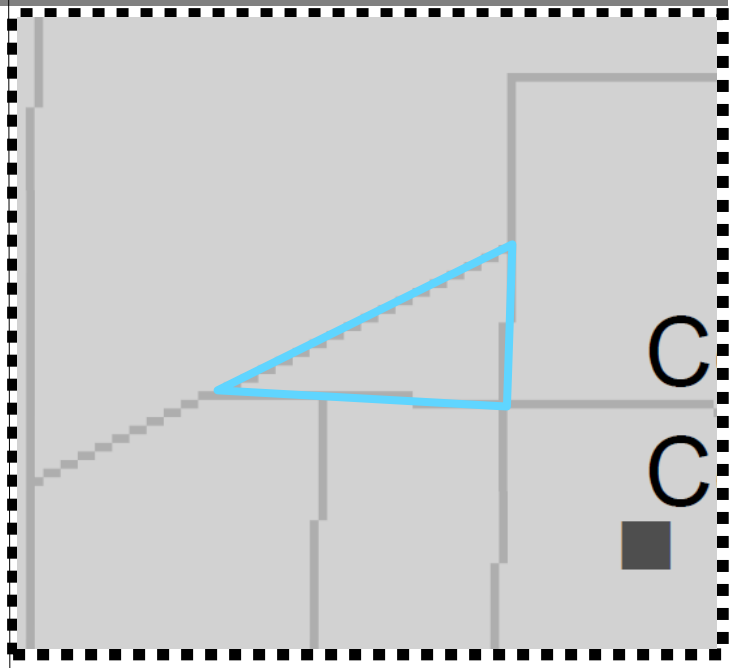
Wetlands:
___ Yes
___ No
✓ Not Verified

Drainage Basin:
___ FEMA 100-year floodplain area
___ Flood Damage Prevention Ordinance[1]
___ 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

Streambank Buffer Zone:
___ Metropolitan River Protection Area[3]
___ Chattahoochee River Corridor Tributary Area[4]
___ Georgia Erosion-Sediment Control Law and County Ordinance[5]
___ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
___ City Stream Buffer Ordinance

Public Works Conditions: N/A

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas
0 435 870 1,740
Feet

2018 Flood Zones
- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property

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-feet 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 #: RZ2023-02(A)

PLANNING AND ZONING

Site Visit:
___ Yes
_✓_ No

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

Land Use Recommendation:
Open space is a compatible use

Historic Preservation:
Not in a historic district; but adjacent to the Camp McDonald historic district

Cemetery Preservation:
No cemeteries on site

Required Parking:
N/A

DENSITY ANALYSIS

COMMERCIAL: None proposed
RESIDENTIAL: None proposed

TOTAL LAND AREA: 0.36 +/- ACRES

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL**

The Zoning Administrator recommends **approval** of case number #RZ2023-02(A).

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

This vacant parcel is an existing retention/detention pond owned by the City of Kennesaw and located within Adams Park. The intent behind bringing this parcel into the Central Business District is so that the entirety of Adams Park is one contiguous zoning district.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends **approval** of case number #RZ2023-02(A).

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Meeting Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says “I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing".

III. New Business

1. **LU2023-01 –** Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

   - Chairman Bergwall proceeds to the first business item.
   - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says "Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

  - 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.
  - 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 public right-of-way.

- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
- Chairman Bergwall asks the applicant to come to the podium for comments.
- The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
- Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
- Commissioner Bodenhamer asks the applicant to make sure she signed in.
- Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
- Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

   RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City’s regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.

- Chairman Bergwall opens the floor up to public comment.

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD?
- Mr.Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states **"**The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)".
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states **"**It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district".
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states "As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District".

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds "One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property".
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states **"**As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District".
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph.It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues “The additional zoning conditions that staff is recommending is as follows:
    - General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
    - Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
    - Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
    - Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
    - If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

- The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.

- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community".
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

- Vice-Chairman Jackson asks if the property owner sent a letter to withdrawn the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there was some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitle. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completed different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Mr. Simmons introduces the last business item. He states **"**This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney".
   - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
   - Mr. Simmons says yes.
   - Chairman Bergwall asks if there are any comments from the public.
   - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
   - Mr. Simmons responds, "Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change".
   - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
   - Motion by Commissioner Greenall to approve the text amendment as presented.
   - Second by Vice-Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

- Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
- He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of an ORDINANCE authorizing a rezoning request of property located at 2681 South Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Case # RZ2023-02 (B).

Summary:

The property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), and consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14. This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the rezoning request as outlined by staff.

Recommendation:

Zoning Administrator recommends approval of the rezoning request of subject property from Mobile Home Park (MHP to Central Business District (CBD).

Fiscal Impact:

Attachments:

1. ORDINANCE - 2681 S Main Street
2. RZ2023-02(B) - 2681 S Main Street - Old South Village Packet
3. RZ2023-02(B) Staff Report 2681 S Main Street
4. 05-03-23 Planning Commission 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 MOBILE HOME PARK (MHP) TO CITY CENTRAL BUSINESS DISTRICT (CBD) FOR 2681 SOUTH MAIN STREET

WHEREAS, the City of Kennesaw has made an application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from **CITY MOBILE HOME PARK (MHP) TO CITY CENTRAL BUSINESS DISTRICT (CBD);** for the property located at 2681 South Main Street, identified as the 20th District, Land Lot 167 Tax Parcel 14 containing 3.6 +/- acres (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on April 14, 2023 and April 21, 2023 of a public hearing before the Kennesaw Planning Commission held on May 3, 2023 and the Mayor and Council May 15, 2023; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal on May 3, 2023; and

WHEREAS, the Mayor and Council held a public hearing on this proposal on May 15, 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 MOBILE HOME PARK (MHP) TO CITY CENTRAL BUSINESS DISTRICT (CBD)** for the following described property:

LEGAL DESCRIPTION
2681 SOUTH MAIN STREET

Exhibit “A”

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 167 to the 20th District, 2nd Section. Cobb County. Georgia, and being the property of Mrs. Elizabeth C. Grogan, as per plat recorded at Plat Book 47, Page 186. Cobb County, Georgia Records, and being more particularly described as follows:

BEGINNING at a point on the West side of Old U.S. Highway 41, 431.4 feet North as measured along the West side or Old U.S. Highway 41 from the intersection of the West side at Old U.S. Highway 41 and the centerline of a railway spur track; running thence Northerly along the Westerly side of Old U.S. Highway 41 and following, the curvature thereof 375.76 feet to an iron pin at the Southeast corner of property of B.D. Hood; thence South 73 degrees 19 minutes 29 seconds West 471.34 feet to an - iron pin on the Northeasterly right-of-way of W & A Railroad; thence South 16 degrees 37 minutes 40 seconds East 318.10 feet to an iron pin: thence North 80 degrees 9 minutes 38 seconds East along the North line of property of E.R. Wilbur 395.35 feet to a point on the Westerly right-of-way of Old U.S. Highway 41 being the point of beginning.

Exhibit “A”

DESCRIPTION OF PROPERTY

Thence leaving said westerly right-of way along the northerly boundary of the lands of Richard-Gilstrap Holdings, LLC South 81 degrees 24 minutes 04 seconds West, 391.54 feet to a #4 rebar found on the easterly right-of-way of the Western & Atlantic Railroad (66' R/W); Thence along said easterly right-of-way North 16 degrees 49 minutes 30 seconds West, 318 10 feet to a #5 rebar set at the southwesterly comer of the lands of Fred H. Chalker; Thence along the southerly boundary of Fred H.Chalker North 74 degrees 21 minutes 22 seconds East, 244 66 feet to a #4 rebar found at the southwesterly corner of the lands of Misuni C. Edwards and Doug L. Edwards (Deed Book 14380, Page 4165); Thence along the southerly boundary of the lands of Misuni C. Edwards and Doug L Edwards North 74 degrees 32 minutes 07 seconds East, 226 .68 feet to a #4 rebar found on the westerly right-of-way of South Main Street (60' R/W): Thence along said westerly right-of-way the following courses and distances: Along a curve to the right, an arc distance of 244 .36 feet, said curve having a radius of 690 76 feet and being subtended by a chord of 243 09 feet, at South 07 degrees 24 minutes 58 seconds East, to a point; South 02 degrees 43 minutes 06 seconds West, 131 45 feet to a #5 rebar set, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 3.499 acres and is more accurately depicted on a plat of survey prepared by Surveys Plus, Inc., dated September 7. 2011, job number 4498.

Parcel ID: 20016700140

SECTION 2. 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 3. 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 ___day of May, 2023.

ATTEST:

_____
Lea Alvarez, City Clerk

CITY OF KENNESAW:

_____
Derek Easterling, Mayor

Agenda Item #2

- Case #: RZ2023-02(B)
- Address: 2681 S Main Street or parcel number 20016700140
- Property Owner: Old South Village, LLC c/o Kodiak Ventures
- Application Type:
  - Rezoning
    - Consideration for approval to rezone subject property from Mobile Home Park (MHP) to Central Business District (CBD). Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	MHP	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

2681 S Main Street
Land Lot 167, Tax Parcel 14
Subject Property

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

Derek Easterling MAYOR
Lee Tharpe CITY CLERK

Scale: 1 " = 150 '
Print Date: 3/24/2023
RZ2023-02B_Aerial Map

Case #: RZ2023-02(B)

REZONING APPLICATION

Required Fee $0

Date Received 2/27/2023
Staff's Initials AT

Is this property located within the Kennesaw Historic District? (yes) _____ (no) X
Date of Consultation (if any/not required) N/A Staff's Initials AT

REZONING PROPERTY ADDRESS 2681 South Main Street, Kennesaw, GA 30144

Parcel ID Number: 20016700140 Land Lot 167 Tax Parcel 14 Lot Size 3.85 +/- acres

Current Use Residential Buildings Various Accessory Units Various

Current Zoning Mobile Home Park (MHP) To: Central Business District (CBD)

APPLICANT NAME City of Kennesaw, Georgia

Applicant E-mail zoningdept@kennesaw-ga.gov

Applicant Address 2529 J O Stephenson Avenue, Kennesaw, GA 30144

Phone # (770) 590-8268 - Zoning Office

Applicant Signature _____ BL Date 4-20-23

Signed, sealed and delivered in presence of: _____ Miranda Taylor 4-20-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC COBB COUNTY, GEORGIA Commission Expires 10-20-2024

REPRESENTIVE NAME (IF APPLICABLE) _____

Phone # _____ Work # _____ Fax # _____

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary **Date**

PROPERTY OWNER NAME (MUST CORRELATE TO NAME ON DEED): _____

Property Owner E-mail [redacted]

Property Owner Mailing Address P.O. Box 684448 Marietta GA 30068

Phone # [redacted]

Property Owner Signature _____ Date 2/24/23

Signed, sealed and delivered in presence of: _____ 2/24/2023

Notary **Date**

BRANDON LYNCH NOTARY PUBLIC GWINNETT COUNTY GEORGIA EXPIRES November 25, 2023

2681 S Main Street (PIN: 20016700140)

4/20/2023, 1:00:37 PM

Parcels

Subject property

1:1,200

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Web AppBuilder for ArcGIS

Copyright Cobb County. All rights reserved.

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

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 20 day of April, 2023

Applicant Signature: _____

[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:

Rezoning from MHP to CBD

The property referred to is located at:

2681 S Main Street

and is within a 200 foot radius of your property. It is described as Land Lot 167 20th District, 2nd Section, Tax Parcel 14 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03 at 6:30 ~~7:00~~ p.m., and the Mayor and Council on 05/15 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.

Any questions, please contact:
Planning & Zoning Department
zoningdept@kennesaw-ga.gov
(770)-590-8268

Dated 4-13-23 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 04/14/2023 in accordance with the application requirements.

4/20/23
Date

Applicant or Authorized Agent

Sworn and subscribed before me this 20th day of April 2023

Miranda Taylor
Notary Public Signature

[Notary Stamp]

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

Mail

XR 2

After recording please return to:

The Katz Law Firm PC
5887 Glenridge Drive Suite 280
Atlanta, Georgia 30328

Cross Reference Plat Book 47 Page 166
Cross Reference Deed Book 14746 Page 95

18/44

Quit Claim Deed

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made the **23rd** day of **January**, in the year Two Thousand Fifteen **2015**, between **Old South Investors, LLC.** located at P.O. Box 725249 Atlanta, GA 31139, as party or parties of the first part, hereinafter called ("Grantor"), and **Old South Village, LLC.** located at P.O. Box 725249 Atlanta, GA 31139, as party or parties of the second part, hereinafter called ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of ($10.00) TEN DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and since Grantee was to be the original person on the Deed, not the Grantor, the Grantor has granted, bargained, sold, aliened, conveyed, and by these presents does grant bargain, sell, alien, convey and forever **Quit Claim** unto the said Grantee, the below described tract or parcel of land on Exhibit "A" the Legal Description, Subject to the Permitted Exceptions on Exhibit "B", and subject to the Security Deed and Assignment of Rents to Touchmark National Bank, herein, more fully and completely described as follows:

Real Property Address / Commonly Known as:

2681 South Main Street, Kennesaw, Georgia 30144

All that tract or parcel of land lying and being in Land Lot 167 of the 20th District of Cobb County, Georgia (hereinafter referred to as the "Land"), and being more particularly described in Exhibit "A" attached hereto and incorporated herein.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behalf of said Grantee, and not to the Grantor or anyone else.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

(Seal)
Grantor Name

Witness

Notary Public (signature, stamp, and expiration)

Farrah Wilson Olsen
NOTARY PUBLIC
Fulton County, GEORGIA
My Commission Expires November 11, 2017

BK: 15214 PG: 5479-5496
Filed and Recorded Jan-30-2015 11:44:40AM
DOC#: D2015-006485
Real Estate Transfer Tax $0.00
0332015001394

REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 167 of the 20th District, 2nd Section, Cobb County, Georgia, and being the property of Mrs. Elizabeth C. Grogan, as per plat recorded at Plat Book 47, Page 166, Cobb County, Georgia Records, and being more particularly described as follows:

BEGINNING at a point on the West side of Old U.S. Highway 41, 431.4 feet North, as measured laong the West side of Old U.S. Highway 41 from the intersection of the West side of Old U.S. Highway 41 and the centerline of a railway spur track; running thence Northerly along the Westerly side of Old U.S. Highway 41 and following the curvature thereof 375.76 feet to an iron pin at the Southeast corner of property of B.D. Hood; thence South 73 degrees 19 minutes 29 seconds West 471.34 feet to an iron pin onthe Northeasterly right-of-way of W & A Railroad; thence South 16 degrees 37 minutes 40 seconds East 318.10 feet to an iron pin; thence North 80 degrees 9 minutes 38 seconds East along the North line of property of E.R. Wilbur 395.35 feet to a point on the Westerly right-of-way of Old U.S. Highway 41, being the point of beginning.

EXHIBIT "A"

DESCRIPTION OF PROPERTY

All that tract or parcel of land lying and being in Land Lot 1167 of the 20th District, 2nd Section, Cobb County, Georgia being more particularly described as follows:

Commencing at the point of intersection of the centerline of a railway spur track and the westerly right-of-way of South Main Street also known as Old Highway 41 (60' R/W);
Thence northerly along said westerly right-of-way, 431.40 feet to a #5 rebar set at the northeasterly corner of the lands of Richards-Gilstrap Holdings, LLC (Deed Book 14746, Page 95), said point being the TRUE POINT OF BEGINNING.

Thence leaving said westerly right-of way along the northerly boundary of the lands of Richards-Gilstrap Holdings, LLC South 81 degrees 24 minutes 04 seconds West, 391.54 feet to a #4 rebar found on the easterly right-of-way of the Western & Atlantic Railroad (66' R/W);
Thence along said easterly right-of-way North 16 degrees 49 minutes 30 seconds West, 318.10 feet to a #5 rebar set at the southwesterly corner of the lands of Fred H. Chalker;
Thence along the southerly boundary of Fred H. Chalker North 74 degrees 21 minutes 22 seconds East, 244.66 feet to a #4 rebar found at the southwesterly corner of the lands of Misuni C. Edwards and Doug L. Edwards (Deed Book 14380, Page 4165);
Thence along the southerly boundary of the lands of Misuni C. Edwards and Doug L. Edwards North 74 degrees 32 minutes 07 seconds East, 226.68 feet to a #4 rebar found on the westerly right-of-way of South Main Street (60' R/W);
Thence along said westerly right-of-way the following courses and distances:
Along a curve to the right, an arc distance of 244.36 feet, said curve having a radius of 690.76 feet and being subtended by a chord of 243.09 feet, at South 07 degrees 24 minutes 58 seconds East, to a point;
South 02 degrees 43 minutes 06 seconds West, 131.45 feet to a #5 rebar set, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 3.499 acres and is more accurately depicted on a plat of survey prepared by Surveys Plus, Inc., dated September 7, 2011, job number 4498.

EXHIBIT "B"
PERMITTED EXCEPTIONS

1) All matters as shown on that certain ALTA/ACSM Land Title Survey prepared for Touchmark National Bank, North Atlanta Law Group, P.C., First American Title Insurance Company, Law Firm of Hodges and Broadaway and Virginia A. Brown prepared by Surveys Plus, Inc., bearing the seal of Joseph T. Baker, GRLS No. 2674 dated September 7, 2011, as last revised October 3, 2011, including the following:

   (A) Block & Wood Wall encroaches into right-of-way of South Main Street (Old Highway 41);

   (B) Brick Wall located in the following areas:

      (i) Along the eastern boundary;
      (ii) In the northeast corner around Mobile Home #21;
      (iii) Around the Dumpster pad in the Northeast corner;
      (iv) Around the 2-story Brick Building in the Southeast corner.

   (C) The following utilities/lines running throughout the property:

      (i) Sanitary sewer;
      (ii) CATV;
      (iii) Power/Electrical lines (both overhead and underground);
      (iv) Gas lines;
      (v) Water lines; and
      (vi) Pump Station.

2) Boundary Line Agreement by and between Elizabeth C. Grogan and E. R. Wilbur, dated _____, 1969, filed June 24, 1969 and recorded in Deed Book 1104, Page 690, records of the Superior Court of Cobb County, Georgia.

3) Boundary Line Agreement by and between Elizabeth C. Grogan and B. D. Hood, dated _____, 1969, filed June 24, 1969 and recorded in Deed Book 1104, Page 696, aforesaid records.

4) Easement from Cecil N. Brown to Georgia Power Company, dated July 31, 1969, filed October 13, 1969 and recorded in Deed Book 1123, Page 93, aforesaid records.

5) All matters affecting subject property as shown on plat recorded in Plat Book 47, Page 186, aforesaid records.

6) Rights of any railroad(s), its successors and/or assigns, in and to any railroad track or spurs, including appurtenances thereto and easements thereof, located within the boundaries of the subject property.

7) All taxes for the year 2012 and subsequent years which are liens but which are not yet due and payable.

Return to:
R.E. HODGES, JR., LLC
678.445.4926
2230 Towne Lake Parkway
Building. 200. Suite 120
Woodstock, GA 30189 B3009032

RECORDATION REQUESTED BY:
Touchmark National Bank
Alpharetta
3651 Old Milton Parkway
Alpharetta, GA 30005

WHEN RECORDED MAIL TO:
Touchmark National Bank
Alpharetta
3651 Old Milton Parkway
Alpharetta, GA 30005

SEND TAX NOTICES TO:
Touchmark National Bank
Alpharetta
3651 Old Milton Parkway
Alpharetta, GA 30005

SECURITY DEED

THIS SECURITY DEED dated October 25, 2011, is made and executed between Old South Investors LLC, whose address is PO Box 1430 , Bridgehampton, NY 11932 (referred to below as "Grantor") and Touchmark National Bank, whose address is 3651 Old Milton Parkway, Alpharetta, GA 30005 (referred to below as "Lender").

GRANT OF SECURITY DEED. FOR AND IN CONSIDERATION of the financial accommodations to Grantor by Lender resulting in the obligation which is hereinafter more particularly described, and in order to secure that obligation, Grantor hereby grants, bargains, conveys, transfers, assigns and sells to Lender all of Grantor's right, title, and interest in and to the following described real property: **The Real Property is located in Cobb County, State of Georgia and is described as follows:**

See the exhibit or other description document which is attached to this Security Deed and made a part of this Security Deed as if fully set forth herein.

TOGETHER WITH ANY AND ALL of the following: (i) all buildings, structures and improvements now or hereafter located on the real property or on any part or parcel thereof and all fixtures affixed or attached, actually or constructively, thereto; (ii) all and singular the tenements, hereditaments, easements and appurtenances belonging thereunto or in any wise appertaining thereto and the reversion and reversions, remainder or remainders thereof; (iii) all Rents accruing therefrom, whether now or hereafter due; (iv) all accounts and contract rights now or hereafter arising in connection with any part or parcel thereof or any buildings, structures or improvements now or hereafter located thereon, including without limitation all accounts and contract rights in and to all leases or undertakings to lease now or hereafter affecting the land or any buildings, structures, or improvements thereon; (v) all minerals, flowers, crops, trees, timber, shrubbery and other emblements now or hereafter located thereon or thereunder or on or under any part or parcel thereof; (vi) all estates, rights, title and interest therein, or in any part or parcel thereof; (vii) all equipment, machinery, apparatus, fittings, fixtures, furniture, furnishings, mobile homes, modular homes and all personal property of every kind or description whatsoever now or hereafter located thereon, or in or on the buildings, structures and improvements thereon, and used in connection with the operation and maintenance thereof, and all additions thereto and replacements thereof; and (viii) all building materials, supplies, goods and equipment delivered thereto and placed thereon for the purpose of being affixed to or installed or incorporated or otherwise used in the buildings, structures or other improvements now or hereafter located thereon or any part or parcel thereof.

The Real Property or its address is commonly known as 2681 S. Main Street, Kennesaw, GA 30144.

THIS SECURITY DEED, INCLUDING THE ASSIGNMENT OF RENTS AND THE SECURITY INTEREST IN THE RENTS AND PERSONAL PROPERTY, IS GIVEN TO SECURE (A) PAYMENT OF THE INDEBTEDNESS AND (B) PERFORMANCE OF ANY AND ALL OBLIGATIONS UNDER THE NOTE IN THE ORIGINAL PRINCIPAL AMOUNT OF $242,500.00 WHICH HAS THE MATURITY DATE OF NOVEMBER 1, 2021, THE RELATED DOCUMENTS, AND THIS SECURITY DEED. IT IS THE INTENTION OF GRANTOR AND LENDER TO CREATE A PERPETUAL OR INDEFINITE SECURITY INTEREST IN THE REAL PROPERTY DESCRIBED IN THIS SECURITY DEED PURSUANT TO O.C.G.A. 44-14-80 AND TO AGREE THAT TITLE SHALL NOT REVERT TO GRANTOR FOR A PERIOD OF TWENTY (20) YEARS FROM THE DATE OF THIS SECURITY DEED. HOWEVER, NOTHING IN THIS PARAGRAPH WILL IMPAIR LENDER'S RIGHTS TO COLLECTION OF THE INDEBTEDNESS AND FORECLOSURE OF THE SECURITY INTEREST IF THE INDEBTEDNESS IS NOT REPAID WHEN DUE. THIS SECURITY DEED IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Security Deed, Grantor shall pay to Lender all amounts secured by this Security Deed as they become due and shall strictly perform all of Grantor's obligations under this Security Deed and the Related Documents.

POSSESSION AND MAINTENANCE OF THE PROPERTY. Grantor agrees that Grantor's possession and use of the Property shall be governed by the following provisions:

Possession and Use. Until the occurrence of an Event of Default, Grantor may (1) remain in possession and control of the Property; (2) use, operate or manage the Property; and (3) collect the Rents from the Property.

Duty to Maintain. Grantor shall maintain the Property in tenantable condition and promptly perform all repairs, replacements, and maintenance necessary to preserve its value.

Compliance With Environmental Laws. Grantor represents and warrants to Lender that: (1) During the period of Grantor's ownership of the Property, there has been no use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance by any person on, under, about or from the Property; (2) Grantor has no knowledge of, or reason to believe that there has been, except as previously disclosed to and acknowledged by Lender in writing, (a) any breach or violation of any Environmental Laws, (b) any use, generation, manufacture, storage, treatment, disposal, release or threatened release of any Hazardous Substance on, under, about or from the Property by any prior owners or occupants of the Property, or (c) any actual or threatened litigation or claims of any kind by any person relating to such matters; and (3) Except as previously disclosed to and acknowledged by Lender in writing, (a) neither Grantor nor any tenant, contractor, agent or other authorized user of the Property shall use, generate, manufacture, store, treat, dispose of or release any Hazardous Substance on, under, about or from the Property; and (b) any such activity shall be conducted in compliance with all applicable federal, state, and local laws, regulations and ordinances, including without limitation all Environmental Laws. Grantor authorizes Lender and its agents to enter upon the Property to make such inspections and tests, at Grantor's expense, as Lender may deem appropriate to determine compliance of the Property with this section of the Security Deed. Any inspections or tests made by Lender shall be for Lender's purposes only and shall not be construed to create any responsibility or liability on the part of Lender to Grantor or to any other person. The representations and warranties contained herein are based on Grantor's due diligence in investigating the Property for Hazardous Substances. Grantor hereby (1) releases and waives any future claims against Lender for indemnity or contribution in the event Grantor becomes liable for cleanup or other costs under any such laws; and (2) agrees to indemnify, defend, and hold harmless Lender against any and all claims, losses, liabilities, damages, penalties, and expenses which Lender may directly or indirectly sustain or suffer resulting from a breach of this section of the Security Deed or as a consequence of any use, generation, manufacture, storage, disposal, release or threatened release occurring prior to Grantor's ownership or interest in the Property, whether or not the same was or should have been known to Grantor. The provisions of this section of the Security Deed, including the obligation to indemnify and defend, shall survive the payment of the Indebtedness and the satisfaction and reconveyance of the lien of this Security Deed and shall not be affected by Lender's acquisition of any interest in the Property, whether by foreclosure or otherwise.

Nuisance, Waste. Grantor shall not cause, conduct or permit any nuisance nor commit, permit, or suffer any stripping of or waste on or to the Property or any portion of the Property. Without limiting the generality of the foregoing, Grantor will not remove, or grant to any other party the right to remove, any timber, minerals (including oil and gas), coal, clay, scoria, soil, gravel or rock products without Lender's prior written consent.

Removal of Improvements. Grantor shall not demolish or remove any Improvements from the Real Property without Lender's prior written consent. As a condition to the removal of any Improvements, Lender may require Grantor to make arrangements satisfactory to Lender to replace such Improvements with Improvements of at least equal value.

Lender's Right to Enter. Lender and Lender's agents and representatives may enter upon the Real Property at all reasonable times to attend to Lender's interests and to inspect the Real Property for purposes of Grantor's compliance with the terms and conditions of this Security Deed.

Compliance with Governmental Requirements. Grantor shall promptly comply with all laws, ordinances, and regulations, now or hereafter in effect, of all governmental authorities applicable to the use or occupancy of the Property, including without limitation, the Americans With Disabilities Act. Grantor may contest in good faith any such law, ordinance, or regulation and withhold compliance during any proceeding, including appropriate appeals, so long as Grantor has notified Lender in writing prior to doing so and so long as, in Lender's sole opinion, Lender's interests in the Property are not jeopardized. Lender may require Grantor to post adequate security or a surety bond, reasonably satisfactory to Lender, to protect Lender's interest.

Duty to Protect. Grantor agrees neither to abandon or leave unattended the Property. Grantor shall do all other acts, in addition to those acts set forth above in this section, which from the character and use of the Property are reasonably necessary to protect and preserve the Property.

DUE ON SALE - CONSENT BY LENDER. Lender may, at Lender's option, declare immediately due and payable all sums secured by this Security Deed upon the sale or transfer, without Lender's prior written consent, of all or any part of the Property, or any interest in the Property. A "sale or transfer" means the conveyance of Property or any right, title or interest in the Property; whether legal, beneficial or equitable; whether voluntary or involuntary; whether by outright sale, deed, installment sale contract, land contract, contract for deed, leasehold interest with a term greater than three (3) years, lease-option contract, or by sale, assignment, or transfer of any beneficial interest in or to any land trust holding title to the Property, or by any other method of conveyance of an interest in the Property. If any Grantor is a corporation, partnership or limited liability company, transfer also includes any change in ownership of more than twenty-five percent (25%) of the voting stock, partnership interests or limited liability company interests, as the case may be, of such Grantor. However, this option shall not be exercised by Lender if such exercise is prohibited by federal law or by Georgia law.

TAXES AND LIENS. The following provisions relating to the taxes and liens on the Property are part of this Security Deed:

Payment. Grantor shall pay when due (and in all events prior to delinquency) all taxes, payroll taxes, special taxes, assessments, water charges and sewer service charges levied against or on account of the Property, and shall pay when due all claims for work done on or for services rendered or material furnished to the Property. Grantor shall maintain the Property free of any liens having priority over or equal to the interest of Lender under this Security Deed, except for those liens specifically agreed to in writing by Lender, and except for the lien of taxes and assessments not due as further specified in the Right to Contest paragraph.

Right to Contest. Grantor may withhold payment of any tax, assessment, or claim in connection with a good faith dispute over the obligation to pay, so long as Lender's interest in the Property is not jeopardized. If a lien arises or is filed as a result of nonpayment, Grantor shall within fifteen (15) days after the lien arises or, if a lien is filed, within fifteen (15) days after Grantor has notice of the filing, secure the discharge of the lien, or if requested by Lender, deposit with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender in an amount sufficient to discharge the lien plus any costs and attorneys' fees, or other charges

that could accrue as a result of a foreclosure or sale under the lien. In any contest, Grantor shall defend itself and Lender and shall satisfy any adverse judgment before enforcement against the Property. Grantor shall name Lender as an additional obligee under any surety bond furnished in the contest proceedings.

Evidence of Payment. Grantor shall upon demand furnish to Lender satisfactory evidence of payment of the taxes or assessments and shall authorize the appropriate governmental official to deliver to Lender at any time a written statement of the taxes and assessments against the Property.

Notice of Construction. Grantor shall notify Lender at least fifteen (15) days before any work is commenced, any services are furnished, or any materials are supplied to the Property, if any mechanic's lien, materialmen's lien, or other lien could be asserted on account of the work, services, or materials. Grantor will upon request of Lender furnish to Lender advance assurances satisfactory to Lender that Grantor can and will pay the cost of such improvements.

PROPERTY DAMAGE INSURANCE. The following provisions relating to insuring the Property are a part of this Security Deed:

Maintenance of Insurance. Grantor shall procure and maintain policies of fire insurance with standard extended coverage endorsements on a replacement basis for the full insurable value covering all Improvements on the Real Property in an amount sufficient to avoid application of any coinsurance clause, and with a standard mortgagee clause in favor of Lender. Grantor shall also procure and maintain comprehensive general liability insurance in such coverage amounts as Lender may request with Lender being named as additional insureds in such liability insurance policies. Additionally, Grantor shall maintain such other insurance, including but not limited to hazard, business interruption and boiler insurance as Lender may require. Policies shall be written by such insurance companies and in such form as may be reasonably acceptable to Lender. Grantor shall deliver to Lender certificates of coverage from each insurer containing a stipulation that coverage will not be cancelled or diminished without a minimum of thirty (30) days' prior written notice to Lender and not containing any disclaimer of the insurer's liability for failure to give such notice. Each insurance policy also shall include an endorsement providing that coverage in favor of Lender will not be impaired in any way by any act, omission or default of Grantor or any other person. Should the Real Property be located in an area designated by the Director of the Federal Emergency Management Agency as a special flood hazard area, Grantor agrees to obtain and maintain Federal Flood Insurance, if available, for the full unpaid principal balance of the loan and any prior liens on the property securing the loan, up to the maximum policy limits set under the National Flood Insurance Program, or as otherwise required by Lender, and to maintain such insurance for the term of the loan.

Application of Proceeds. Grantor shall promptly notify Lender of any loss or damage to the Property if the estimated cost of repair or replacement exceeds Ten Percent (10.00%) of the loan amount. Lender may make proof of loss if Grantor fails to do so within fifteen (15) days of the casualty. Whether or not Lender's security is impaired, Lender may, at Lender's election, receive and retain the proceeds of any insurance and apply the proceeds to the reduction of the Indebtedness, payment of any lien affecting the Property, or the restoration and repair of the Property. If Lender elects to apply the proceeds to restoration and repair, Grantor shall repair or replace the damaged or destroyed Improvements in a manner satisfactory to Lender. Lender shall, upon satisfactory proof of such expenditure, pay or reimburse Grantor from the proceeds for the reasonable cost of repair or restoration if Grantor is not in default under this Security Deed. Any proceeds which have not been disbursed within 180 days after their receipt and which Lender has not committed to the repair or restoration of the Property shall be used first to pay any amount owing to Lender under this Security Deed, then to pay accrued interest, and the remainder, if any, shall be applied to the principal balance of the Indebtedness. If Lender holds any proceeds after payment in full of the Indebtedness, such proceeds shall be paid to Grantor as Grantor's interests may appear.

Grantor's Report on Insurance. Upon request of Lender, however not more than once a year, Grantor shall furnish to Lender a report on each existing policy of insurance showing: (1) the name of the insurer; (2) the risks insured; (3) the amount of the policy; (4) the property insured, the then current replacement value of such property, and the manner of determining that value; and (5) the expiration date of the policy. Grantor shall, upon request of Lender, have an independent appraiser satisfactory to Lender determine the cash value replacement cost of the Property.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Security Deed or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Security Deed or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Security Deed also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

WARRANTY; DEFENSE OF TITLE. The following provisions relating to ownership of the Property are a part of this Security Deed:

Title. Grantor warrants that: (a) Grantor holds good and marketable title of record to the Property in fee simple, free and clear of all liens and encumbrances other than those set forth in the Real Property description or in any title insurance policy, title report, or final title opinion issued in favor of, and accepted by, Lender in connection with this Security Deed, and (b) Grantor has the full right, power, and authority to execute and deliver this Security Deed to Lender.

Defense of Title. Subject to the exception in the paragraph above, Grantor warrants and will forever defend the title to the Property against the lawful claims of all persons. In the event any action or proceeding is commenced that questions Grantor's title or the interest of Lender under this Security Deed, Grantor shall defend the action at Grantor's expense. Grantor may be the nominal party

in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of Lender's own choice, and Grantor will deliver, or cause to be delivered, to Lender such instruments as Lender may request from time to time to permit such participation.

Compliance With Laws. Grantor warrants that the Property and Grantor's use of the Property complies with all existing applicable laws, ordinances, and regulations of governmental authorities.

Survival of Representations and Warranties. All representations, warranties, and agreements made by Grantor in this Security Deed shall survive the execution and delivery of this Security Deed, shall be continuing in nature, and shall remain in full force and effect until such time as Grantor's Indebtedness shall be paid in full.

CONDEMNATION. The following provisions relating to condemnation proceedings are a part of this Security Deed:

Proceedings. If any proceeding in condemnation is filed, Grantor shall promptly notify Lender in writing, and Grantor shall promptly take such steps as may be necessary to defend the action and obtain the award. Grantor may be the nominal party in such proceeding, but Lender shall be entitled to participate in the proceeding and to be represented in the proceeding by counsel of its own choice, and Grantor will deliver or cause to be delivered to Lender such instruments and documentation as may be requested by Lender from time to time to permit such participation.

Application of Net Proceeds. If all or any part of the Property is condemned by eminent domain proceedings or by any proceeding or purchase in lieu of condemnation, Lender may at its election require that all or any portion of the net proceeds of the award be applied to the Indebtedness or the repair or restoration of the Property. The net proceeds of the award shall mean the award after payment of all reasonable attorneys' fees and costs and expenses, including court costs that are incurred by Lender in connection with the condemnation.

IMPOSITION OF TAXES, FEES AND CHARGES BY GOVERNMENTAL AUTHORITIES. The following provisions relating to governmental taxes, fees and charges are a part of this Security Deed:

Current Taxes, Fees and Charges. Upon request by Lender, Grantor shall execute such documents in addition to this Security Deed and take whatever other action is requested by Lender to perfect and continue Lender's security interest on the Property. Grantor shall reimburse Lender for all taxes, as described below, together with all expenses incurred in recording, perfecting or continuing this Security Deed, including without limitation all taxes, fees, documentary stamps, and other charges for recording or registering this Security Deed.

Taxes. The following shall constitute taxes to which this section applies: (1) a specific tax upon this type of Security Deed or upon all or any part of the Indebtedness secured by this Security Deed; (2) a specific tax on Grantor which Grantor is authorized or required to deduct from payments on the Indebtedness secured by this type of Security Deed; (3) a tax on this type of Security Deed chargeable against the Lender or the holder of the Note; and (4) a specific tax on all or any portion of the Indebtedness or on payments of principal and interest made by Grantor.

Subsequent Taxes. If any tax to which this section applies is enacted subsequent to the date of this Security Deed, this event shall have the same effect as an Event of Default, and Lender may exercise any or all of its available remedies for an Event of Default as provided below unless Grantor either (1) pays the tax before it becomes delinquent, or (2) contests the tax as provided above in the Taxes and Liens section and deposits with Lender cash or a sufficient corporate surety bond or other security satisfactory to Lender.

SECURITY AGREEMENT; FINANCING STATEMENTS. The following provisions relating to this Security Deed as a security agreement are a part of this Security Deed:

Security Agreement. This instrument shall constitute a Security Agreement to the extent any of the Property constitutes fixtures, and Lender shall have all of the rights of a secured party under the Uniform Commercial Code as amended from time to time.

Security Interest. Upon request by Lender, Grantor shall take whatever action is requested by Lender to perfect and continue Lender's security interest in the Rents and Personal Property. In addition to recording this Security Deed in the real property records, Lender may, at any time and without further authorization from Grantor, file executed counterparts, copies or reproductions of this Security Deed as a financing statement. Grantor shall reimburse Lender for all expenses incurred in perfecting or continuing this security interest. Upon default, Grantor shall not remove, sever or detach the Personal Property from the Property. Upon default, Grantor shall assemble any Personal Property not affixed to the Property in a manner and at a place reasonably convenient to Grantor and Lender and make it available to Lender within three (3) days after receipt of written demand from Lender to the extent permitted by applicable law.

Addresses. The mailing addresses of Grantor (debtor) and Lender (secured party) from which information concerning the security interest granted by this Security Deed may be obtained (each as required by the Uniform Commercial Code) are as stated on the first page of this Security Deed.

FURTHER ASSURANCES; ATTORNEY-IN-FACT. The following provisions relating to further assurances and attorney-in-fact are a part of this Security Deed:

Further Assurances. At any time, and from time to time, upon request of Lender, Grantor will make, execute and deliver, or will cause to be made, executed or delivered, to Lender or to Lender's designee, and when requested by Lender, cause to be filed, recorded, refiled, or rerecorded, as the case may be, at such times and in such offices and places as Lender may deem appropriate, any and all such mortgages, deeds of trust, security deeds, security agreements, financing statements, continuation statements, instruments of further assurance, certificates, and other documents as may, in the sole opinion of Lender, be necessary or desirable in order to effectuate, complete, perfect, continue, or preserve (1) Grantor's obligations under the Note, this Security Deed, and the Related Documents, and (2) the liens and security interests created by this Security Deed as first and prior liens on the Property, whether

now owned or hereafter acquired by Grantor. Unless prohibited by law or Lender agrees to the contrary in writing, Grantor shall reimburse Lender for all costs and expenses incurred in connection with the matters referred to in this paragraph.

Attorney-in-Fact. If Grantor fails to do any of the things referred to in the preceding paragraph, Lender may do so for and in the name of Grantor and at Grantor's expense. For such purposes, Grantor hereby irrevocably appoints Lender as Grantor's attorney-in-fact for the purpose of making, executing, delivering, filing, recording, and doing all other things as may be necessary or desirable, in Lender's sole opinion, to accomplish the matters referred to in the preceding paragraph.

FULL PERFORMANCE. If Grantor pays all the Indebtedness when due, and otherwise performs all the obligations imposed upon Grantor under this Security Deed, Lender shall execute and deliver to Grantor a suitable satisfaction of this Security Deed and suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Personal Property. Grantor will pay, if permitted by applicable law, any reasonable termination fee as determined by Lender from time to time.

EVENTS OF DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Security Deed:

Fraud or Material Misrepresentation. Grantor commits fraud or material misrepresentation in connection with the terms of the Note.

Payment Default. Grantor fails to meet the repayment terms of the Note for any outstanding balance.

Other Defaults. Grantor's act or failure to act adversely affects Lender's security interest in the Property, or any right of Lender's in such security.

Right to Cure. If such a failure is curable and if Grantor has not been given a notice of a breach of the same provision of this Security Deed within the preceding twelve (12) months, it may be cured if Grantor, after Lender sends written notice demanding cure of such failure: (a) cures the failure within fifteen (15) days; or (b) if the cure requires more than fifteen (15) days, immediately initiates steps sufficient to cure the failure and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

LENDER'S REMEDIES AND POWER OF SALE. Upon the occurrence of an Event of Default, Lender shall have the following rights, powers, and remedies:

Accelerate Indebtedness. Lender, at Lender's option and election and without notice to Grantor, may declare all or any portion of the Indebtedness to be immediately due and payable, whereupon the same shall be and shall become due and payable forthwith without presentment demand, protest or notice of any kind, all of which are expressly waived by Grantor.

Entry and Possession. Lender may enter upon the Property, or any part thereof, and take possession of the Property, excluding therefrom Grantor and all agents, employees and representatives of Grantor; employ a manager of the Property or any part thereof; hold, store, use, operate, manage, control, maintain and lease the Property or any part thereof; conduct business thereon; make all necessary and appropriate repairs, renewals, and replacements; keep the Property insured; and carry out or enter into agreements of any kind with respect to the Property.

Collection of Rents. Lender may collect and receive all Rents from the Property and apply the same to the Indebtedness, after deducting therefrom all costs, charges, and expenses of taking, holding, managing, and operating the Property, including the fees and expenses of Lender's attorneys, and agents.

Payments. Lender may pay any sum or sums deemed necessary or appropriate by Lender to protect the Property or any part of the Property or Lender's interest in the Property.

Other Remedies. Lender may exercise all rights and remedies contained in any Related Document, heretofore, concurrently herewith or in the future executed by Grantor in favor of Lender in connection with the transactions resulting in the Indebtedness or any part thereof.

Appointment of Receiver. Lender may make application to any court and be entitled to the appointment of a receiver to take charge of the Property or any part thereof without alleging or proving, or having any consideration given to, the insolvency of Grantor, the value of the Property as security for the Indebtedness, or any other matter usually incident to the appointment of a receiver.

UCC Remedies. With respect to the Personal Property in which a security interest is herein granted, Lender may exercise any or all of the rights accruing to a secured party under this Security Deed, the Uniform Commercial Code (Sections 11-9-101 et. seq. of the Ga. Code Annotated) and any other applicable law. Grantor shall, if Lender requests, assemble all such Personal Property and make it available to Lender at a place or places to be designated by Lender, which shall be reasonably convenient to Grantor and Lender. Any notice required to be given by Lender of a public or private sale, lease or other disposition of the Personal Property or any other intended action by Lender may be delivered personally to Grantor or may be deposited in the United States mail with postage prepaid duly addressed to Grantor at the address of Grantor last known to Lender at least five (5) business days prior to such proposed action, and shall constitute reasonable and fair notice to Grantor of any such action.

Power of Sale. Lender may sell the Property, or any part thereof or any interest therein, separately, at Lender's discretion, with or without taking possession thereof, at public sale before the courthouse door of the county in which the Property, or any part thereof, is located, to the highest bidder for cash, after first giving notice of the time, place and terms of such sale by advertisement, published once a week for four weeks (without regard for the number of days) in a newspaper in which advertisements of sheriff's sales are published in such county. The advertisement so published shall be notice to Grantor, and Grantor hereby waives all other notices. Lender may bid and purchase at any such sale, and Lender may execute and deliver to the purchaser or purchasers at any such sale a sufficient conveyance of the Property, or the part thereof or interest therein sold. Lender's conveyance may contain recitals as to the occurrence of an Event of Default, under this Security Deed, which recitals shall be presumptive evidence that all preliminary acts prerequisite to such sale and conveyance were in all things duly complied with. The recitals made by Lender shall be binding and conclusive upon Grantor, and the sale and conveyance made by Lender shall divest Grantor of all right, title, interest and equity that

Grantor may have had in, to and under the Property, or the part thereof or interest therein sold, and shall vest the same in the purchaser or purchasers at such sale. Lender may hold one or more sales hereunder until the Indebtedness has been satisfied in full. Grantor hereby constitutes and appoints Lender as Grantor's agent and attorney-in-fact to make such sale, to execute and deliver such conveyance and to make such recitals, and Grantor hereby ratifies and confirms all of the acts and doings of Lender as Grantor's agent and attorney-in-fact hereunder. Lender's agency and power as attorney-in-fact hereunder are coupled with an interest, cannot be revoked by insolvency, incompetency, death or otherwise, and shall not be exhausted until the Indebtedness has been satisfied in full. The proceeds of each sale by Lender hereunder shall be applied first to the costs and expenses of the sale and of all proceedings in connection therewith, including attorneys' fees if applicable, then to payment of the Indebtedness, and the remainder, if any, shall be paid to Grantor. If the proceeds of any sale are not sufficient to pay the Indebtedness in full, Lender shall determine, at Lender's option and in Lender's discretion, the portions of the Indebtedness to which the proceeds (after deducting therefrom the costs and expenses of the sale and all proceedings in connection therewith) shall be applied and in what order the proceeds shall be so applied. Grantor covenants and agrees that, in the event of any sale pursuant to the agency and power herein granted, Grantor shall be and become a tenant holding over and shall deliver possession of the Property, or the part thereof or interest therein sold, to the purchaser or purchasers at the sale or be summarily dispossessed in accordance with the provisions of law applicable to tenants holding over.

Cumulative Remedies. All rights and remedies set forth in this Security Deed are cumulative and in addition to any right or remedy provided for by statute, or now or hereafter existing at law or in equity, including without limitation the right of Lender to collect or enforce the Indebtedness with or without taking action with respect to the Property. Lender may, at Lender's election and at Lender's discretion, exercise each and every such right and remedy concurrently or separately. Except as may be prohibited by applicable law, all of Lender's rights and remedies, whether evidenced by this Security Deed or by any other writing, shall be cumulative and may be exercised singularly or concurrently.

Attorneys' Fees; Expenses. If any part of the Indebtedness is collected by or with any assistance from or consultation with an attorney at law, Grantor shall pay to Lender as Lender's attorneys' fees, fifteen percent (15%) of such amount collected. Whether or not any court action is involved, and to the extent not prohibited by law, all attorneys' fees and all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees and title insurance, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

NOTICES. Any notice required to be given under this Security Deed, including without limitation any notice of default and any notice of sale shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Security Deed. All copies of notices of foreclosure from the holder of any prior security interest which has priority over this Security Deed shall be sent to Lender's address, as shown near the beginning of this Security Deed. Any party may change its address for notices under this Security Deed by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Security Deed:

Amendments. This Security Deed, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Security Deed. No alteration of or amendment to this Security Deed shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Annual Reports. If the Property is used for purposes other than Grantor's residence, Grantor shall furnish to Lender, upon request, a certified statement of net operating income received from the Property during Grantor's previous fiscal year in such form and detail as Lender shall require. "Net operating income" shall mean all cash receipts from the Property less all cash expenditures made in connection with the operation of the Property.

Caption Headings. Caption headings in this Security Deed are for convenience purposes only and are not to be used to interpret or define the provisions of this Security Deed.

Governing Law. This Security Deed will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Georgia without regard to its conflicts of law provisions. This Security Deed has been accepted by Lender in the State of Georgia.

Choice of Venue. If there is a lawsuit, Grantor agrees upon Lender's request to submit to the jurisdiction of the courts of Fulton County, State of Georgia.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Security Deed unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Security Deed shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Security Deed. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Security Deed, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is

required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Severability. If a court of competent jurisdiction finds any provision of this Security Deed to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Security Deed. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Security Deed shall not affect the legality, validity or enforceability of any other provision of this Security Deed.

Merger. There shall be no merger of the interest or estate created by this Security Deed with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Successors and Assigns. Subject to any limitations stated in this Security Deed on transfer of Grantor's interest, this Security Deed shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Security Deed and the Indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Security Deed or liability under the Indebtedness.

Time is of the Essence. Time is of the essence in the performance of this Security Deed.

Waiver of Notice and Hearing and Homestead Exemption. Grantor expressly waives: (1) any right Grantor may have under the Constitution of the State of Georgia or the Constitution of the United States of America to notice or to a judicial hearing prior to the exercise of any right or remedy provided to Lender by this Security Deed and Grantor waives Grantor's rights, if any, to set aside or invalidate any sale under power duly consummated in accordance with the provisions of this Security Deed on the ground (if such be the case) that the sale was consummated without prior notice or judicial hearing or both; and (2) all homestead exemption rights, if any, which Grantor or Grantor's family may have pursuant to the Constitution and laws of the United States, the State of Georgia or any other State of the United States, in and to the Property as against the collection of the Indebtedness, or any part of the Indebtedness. All waivers by Grantor in this provision have been made voluntarily, intelligently and knowingly by Grantor, after Grantor has been afforded an opportunity to be informed by counsel of Grantor's choice as to possible alternative rights. Grantor's execution of this Security Deed shall be conclusive evidence of the making of such waivers and that such waivers have been voluntarily, intelligently and knowingly made.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Security Deed. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Security Deed shall have the meanings attributed to such terms in the Uniform Commercial Code:

Borrower. The word "Borrower" means Old South Investors LLC and includes all co-signers and co-makers signing the Note and all their successors and assigns.

Default. The word "Default" means the Default set forth in this Security Deed in the section titled "Default".

Environmental Laws. The words "Environmental Laws" mean any and all state, federal and local statutes, regulations and ordinances relating to the protection of human health or the environment, including without limitation the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq. ("CERCLA"), the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499 ("SARA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., or other applicable state or federal laws, rules, or regulations adopted pursuant thereto.

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Security Deed in the events of default section of this Security Deed.

Grantor. The word "Grantor" means Old South Investors LLC.

Hazardous Substances. The words "Hazardous Substances" mean materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported or otherwise handled. The words "Hazardous Substances" are used in their very broadest sense and include without limitation any and all hazardous or toxic substances, materials or waste as defined by or listed under the Environmental Laws. The term "Hazardous Substances" also includes, without limitation, petroleum and petroleum by-products or any fraction thereof and asbestos.

Improvements. The word "Improvements" means all existing and future improvements, buildings, structures, mobile homes affixed on the Real Property, facilities, additions, replacements and other construction on the Real Property.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Lender to enforce Grantor's obligations under this Security Deed, together with any amounts expended to preserve and protect the Property and together with interest on such amounts as provided in this Security Deed.

Lender. The word "Lender" means Touchmark National Bank, its successors and assigns.

Note. The word "Note" means the promissory note dated October 25, 2011, **in the original principal amount of $242,500.00** from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement. The maturity date of the Note is November 1, 2021.

Personal Property. The words "Personal Property" mean all equipment, fixtures, mobile homes, modular homes, and other articles of personal property now or hereafter owned by Grantor, and now or hereafter attached, affixed to or used in the operation of the Real Property excluding only that property which by operation of law is Real Property; together with all accessions, parts, and additions to, all replacements of, and all substitutions for, any of such property; and together with all proceeds (including without limitation all insurance proceeds and refunds of premiums) from any sale or other disposition of the Property.

Property. The word "Property" means collectively the Real Property and the Personal Property. The word "Property" also includes all mobile homes, modular homes, and similar structures, now or hereafter situated on the Real Property, and such structures shall be and shall remain Personal Property regardless of whether such structures are affixed to the Real Property and irrespective of the classification of such structures for the purpose of tax assessments. The removal or addition of axles or wheels, or the placement upon or removal from a concrete base, shall not alter the characterization of such structures.

Real Property. The words "Real Property" mean the real property, interests and rights, as further described in this Security Deed less and except the Personal Property.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all present and future rents, revenues, income, issues, royalties, profits, and other benefits derived from the Property.

Security Deed. The words "Security Deed" mean this Security Deed between Grantor and Lender, and includes without limitation all assignments and security interest provision relating to the Personal Property and the Rents.

IN WITNESS WHEREOF, THIS SECURITY DEED HAS BEEN SIGNED BY THE UNDERSIGNED, WHO ACKNOWLEDGES A COMPLETED COPY HEREOF. THIS SECURITY DEED IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS SECURITY DEED IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

Signed, Sealed and Delivered in the presence of:

X _____
Unofficial Witness

_____
Notary Public, SUFFOLK County

(NOTARY SEAL)

My Commission expires: 03/02/2013

GRANTOR:

OLD SOUTH INVESTORS LLC

By: _____ (Seal)
Edgar Bohlen, Member of Old South Investors LLC

LIMA L SOLOMON
Notary Public, State of New York
No. 01SO6201693
Qualified in Suffolk County
Commission Expires 03/02/2013

LASER PRO Lending, Ver. 5.57.10.001 Copr. Harland Financial Solutions, Inc. 1997, 2011. All Rights Reserved. - GA L:\CFNLPL\G03.FC TR-488 PR-3

EXHIBIT "A"
LEGAL DESCRIPTION

Property Line Description

All that tract or parcel of land lying and being in Land Lot 167 of the 20th District, 2nd Section, Cobb County, Georgia, and being the property of Mrs. Elizabeth C. Grogan, as per plat recorded at Plat Book 47, Page 186, Cobb County, Georgia Records, and being more particularly described as follows:

BEGINNING at a point on the West side of Old U.S. Highway 41, 431.4 feet North, as measured along the West side of Old U.S. Highway 41 from the intersection of the West side of Old U.S. Highway 41 and the centerline of a railway spur track; running thence Northerly along the Westerly side of Old U.S. Highway 41 and following the curvature thereof 375.76 feet to an iron pin at the Southeast corner of property of B.D. Hood; thence South 73 degrees 19 minutes 29 seconds West 471.34 feet to an iron pin on the Northeasterly right-of-way of W & A Railroad; thence South 16 degrees 37 minutes 40 seconds East 318.10 feet to an iron pin; thence North 80 degrees 9 minutes 38 seconds East along the North line of property of E.R. Wilbur 395.35 feet to a point on the Westerly right-of-way of Old U.S. Highway 41, being the point of beginning.

Said tract or parcel of land contains 3.499 acres and is more accurately depicted on a plat of survey prepared by Surveys Plus, Inc., dated September 7, 2011, job number 4498.

Return to:
R.E. HODGES, JR., LLC
678.445.4926
2230 Towne Lake Parkway
Building 200, Suite 120
Woodstock, GA 30189 15300A.032

RECORDATION REQUESTED BY:
Touchmark National Bank
Alpharetta
3651 Old Milton Parkway
Alpharetta, GA 30005

WHEN RECORDED MAIL TO:
Touchmark National Bank
Alpharetta
3651 Old Milton Parkway
Alpharetta, GA 30005

SEND TAX NOTICES TO:
Touchmark National Bank
Alpharetta
3651 Old Milton Parkway
Alpharetta, GA 30005

ASSIGNMENT OF RENTS

THIS ASSIGNMENT OF RENTS dated October 25, 2011, is made and executed between Old South Investors LLC, whose address is PO Box 1430 , Bridgehampton, NY 11932 (referred to below as "Grantor") and Touchmark National Bank, whose address is 3651 Old Milton Parkway, Alpharetta, GA 30005 (referred to below as "Lender").

ASSIGNMENT. For valuable consideration, Grantor hereby assigns, grants a continuing security interest in, and conveys to Lender all of Grantor's right, title, and interest in and to the Rents from the following described Property located in Cobb County, State of Georgia and is described as follows:

See the exhibit or other description document which is attached to this Assignment and made a part of this Assignment as if fully set forth herein.

The Property or its address is commonly known as 2681 S. Main Street, Kennesaw, GA 30144.

THIS ASSIGNMENT IS GIVEN TO SECURE (1) PAYMENT OF THE INDEBTEDNESS AND (2) PERFORMANCE OF ANY AND ALL OBLIGATIONS OF GRANTOR UNDER THE NOTE, THIS ASSIGNMENT, AND THE RELATED DOCUMENTS. THIS ASSIGNMENT IS GIVEN AND ACCEPTED ON THE FOLLOWING TERMS:

PAYMENT AND PERFORMANCE. Except as otherwise provided in this Assignment or any Related Documents, Grantor shall pay to Lender all amounts secured by this Assignment as they become due, and shall strictly perform all of Grantor's obligations under this Assignment. Unless and until Lender exercises its right to collect the Rents as provided below and so long as there is no default under this Assignment, Grantor may remain in possession and control of and operate and manage the Property and collect the Rents, provided that the granting of the right to collect the Rents shall not constitute Lender's consent to the use of cash collateral in a bankruptcy proceeding.

GRANTOR'S REPRESENTATIONS AND WARRANTIES. Grantor warrants that:

Ownership. Grantor is entitled to receive the Rents free and clear of all rights, loans, liens, encumbrances, and claims except as disclosed to and accepted by Lender in writing.

Right to Assign. Grantor has the full right, power and authority to enter into this Assignment and to assign and convey the Rents to Lender.

No Prior Assignment. Grantor has not previously assigned or conveyed the Rents to any other person by any instrument now in force.

No Further Transfer. Grantor will not sell, assign, encumber, or otherwise dispose of any of Grantor's rights in the Rents except as provided in this Assignment.

LENDER'S RIGHT TO RECEIVE AND COLLECT RENTS. Lender shall have the right at any time, and even though no default shall have occurred under this Assignment, to collect and receive the Rents. For this purpose, Lender is hereby given and granted the following rights, powers and authority:

Notice to Tenants. Lender may send notices to any and all tenants of the Property advising them of this Assignment and directing all Rents to be paid directly to Lender or Lender's agent.

Enter the Property. Lender may enter upon and take possession of the Property; demand, collect and receive from the tenants or from any other persons liable therefor, all of the Rents; institute and carry on all legal proceedings necessary for the protection of the Property, including such proceedings as may be necessary to recover possession of the Property; collect the Rents and remove any tenant or tenants or other persons from the Property.

Maintain the Property. Lender may enter upon the Property to maintain the Property and keep the same in repair; to pay the costs thereof and of all services of all employees, including their equipment, and of all continuing costs and expenses of maintaining the Property in proper repair and condition, and also to pay all taxes, assessments and water utilities, and the premiums on fire and other insurance effected by Lender on the Property.

Compliance with Laws. Lender may do any and all things to execute and comply with the laws of the State of Georgia and also all other laws, rules, orders, ordinances and requirements of all other governmental agencies affecting the Property.

Lease the Property. Lender may rent or lease the whole or any part of the Property for such term or terms and on such conditions as Lender may deem appropriate.

Employ Agents. Lender may engage such agent or agents as Lender may deem appropriate, either in Lender's name or in Grantor's name, to rent and manage the Property, including the collection and application of Rents.

Other Acts. Lender may do all such other things and acts with respect to the Property as Lender may deem appropriate and may act exclusively and solely in the place and stead of Grantor and to have all of the powers of Grantor for the purposes stated above.

No Requirement to Act. Lender shall not be required to do any of the foregoing acts or things, and the fact that Lender shall have performed one or more of the foregoing acts or things shall not require Lender to do any other specific act or thing.

APPLICATION OF RENTS. All costs and expenses incurred by Lender in connection with the Property shall be for Grantor's account and Lender may pay such costs and expenses from the Rents. Lender, in its sole discretion, shall determine the application of any and all Rents received by it; however, any such Rents received by Lender which are not applied to such costs and expenses shall be applied to the Indebtedness. All expenditures made by Lender under this Assignment and not reimbursed from the Rents shall become a part of the Indebtedness secured by this Assignment, and shall be payable on demand, with interest at the Note rate from date of expenditure until paid.

FULL PERFORMANCE. If Grantor pays all of the Indebtedness when due and otherwise performs all the obligations imposed upon Grantor under this Assignment, the Note, and the Related Documents, Lender shall execute and deliver to Grantor a suitable satisfaction of this Assignment and suitable statements of termination of any financing statement on file evidencing Lender's security interest in the Rents and the Property. Any termination fee required by law shall be paid by Grantor, if permitted by applicable law.

LENDER'S EXPENDITURES. If any action or proceeding is commenced that would materially affect Lender's interest in the Property or if Grantor fails to comply with any provision of this Assignment or any Related Documents, including but not limited to Grantor's failure to discharge or pay when due any amounts Grantor is required to discharge or pay under this Assignment or any Related Documents, Lender on Grantor's behalf may (but shall not be obligated to) take any action that Lender deems appropriate, including but not limited to discharging or paying all taxes, liens, security interests, encumbrances and other claims, at any time levied or placed on the Rents or the Property and paying all costs for insuring, maintaining and preserving the Property. All such expenditures incurred or paid by Lender for such purposes will then bear interest at the rate charged under the Note from the date incurred or paid by Lender to the date of repayment by Grantor. All such expenses will become a part of the Indebtedness and, at Lender's option, will (A) be payable on demand; (B) be added to the balance of the Note and be apportioned among and be payable with any installment payments to become due during either (1) the term of any applicable insurance policy; or (2) the remaining term of the Note; or (C) be treated as a balloon payment which will be due and payable at the Note's maturity. The Assignment also will secure payment of these amounts. Such right shall be in addition to all other rights and remedies to which Lender may be entitled upon Default.

DEFAULT. Each of the following, at Lender's option, shall constitute an Event of Default under this Assignment:

Payment Default. Grantor fails to make any payment when due under the Indebtedness.

Default on Other Payments. Failure of Grantor within the time required by this Assignment to make any payment for taxes or insurance, or any other payment necessary to prevent filing of or to effect discharge of any lien.

Default in Favor of Third Parties. Any guarantor or Grantor defaults under any loan, extension of credit, security agreement, purchase or sales agreement, or any other agreement, in favor of any other creditor or person that may materially affect any of any guarantor's or Grantor's property or ability to perform their respective obligations under this Assignment or any of the Related Documents.

False Statements. Any warranty, representation or statement made or furnished to Lender by Grantor or on Grantor's behalf under this Assignment or the Related Documents is false or misleading in any material respect, either now or at the time made or furnished or becomes false or misleading at any time thereafter.

Defective Collateralization. This Assignment or any of the Related Documents ceases to be in full force and effect (including failure of any collateral document to create a valid and perfected security interest or lien) at any time and for any reason.

Death or Insolvency. The dissolution of Grantor's (regardless of whether election to continue is made), any member withdraws from the limited liability company, or any other termination of Grantor's existence as a going business or the death of any member, the insolvency of Grantor, the appointment of a receiver for any part of Grantor's property, any assignment for the benefit of creditors, any type of creditor workout, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Grantor.

Creditor or Forfeiture Proceedings. Commencement of foreclosure or forfeiture proceedings, whether by judicial proceeding, self-help, repossession or any other method, by any creditor of Grantor or by any governmental agency against the Rents or any property securing the Indebtedness. This includes a garnishment of any of Grantor's accounts, including deposit accounts, with Lender. However, this Event of Default shall not apply if there is a good faith dispute by Grantor as to the validity or reasonableness of the claim which is the basis of the creditor or forfeiture proceeding and if Grantor gives Lender written notice of the creditor or forfeiture proceeding and deposits with Lender monies or a surety bond for the creditor or forfeiture proceeding, in an amount determined by Lender, in its sole discretion, as being an adequate reserve or bond for the dispute.

Property Damage or Loss. The Property is lost, stolen, substantially damaged, sold, or borrowed against.

Events Affecting Guarantor. Any of the preceding events occurs with respect to any Guarantor of any of the Indebtedness or any

Guarantor dies or becomes incompetent, or revokes or disputes the validity of, or liability under, any Guaranty of the Indebtedness.

Adverse Change. A material adverse change occurs in Grantor's financial condition, or Lender believes the prospect of payment or performance of the Indebtedness is impaired.

Cure Provisions. If any default, other than a default in payment is curable and if Grantor has not been given a notice of a breach of the same provision of this Assignment within the preceding twelve (12) months, it may be cured if Grantor, after Lender sends written notice to Grantor demanding cure of such default: (1) cures the default within fifteen (15) days; or (2) if the cure requires more than fifteen (15) days, immediately initiates steps which Lender deems in Lender's sole discretion to be sufficient to cure the default and thereafter continues and completes all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.

RIGHTS AND REMEDIES ON DEFAULT. Upon the occurrence of any Event of Default and at any time thereafter, Lender may exercise any one or more of the following rights and remedies, in addition to any other rights or remedies provided by law:

Accelerate Indebtedness. Lender shall have the right at its option without notice to Grantor to declare the entire Indebtedness immediately due and payable, including any prepayment penalty that Grantor would be required to pay.

Collect Rents. Lender shall have the right, without notice to Grantor, to take possession of the Property and collect the Rents, including amounts past due and unpaid, and apply the net proceeds, over and above Lender's costs, against the Indebtedness. In furtherance of this right, Lender shall have all the rights provided for in the Lender's Right to Receive and Collect Rents Section, above. If the Rents are collected by Lender, then Grantor irrevocably designates Lender as Grantor's attorney-in-fact to endorse instruments received in payment thereof in the name of Grantor and to negotiate the same and collect the proceeds. Payments by tenants or other users to Lender in response to Lender's demand shall satisfy the obligations for which the payments are made, whether or not any proper grounds for the demand existed. Lender may exercise its rights under this subparagraph either in person, by agent, or through a receiver.

Appoint Receiver. Lender shall have the right to have a receiver appointed to take possession of all or any part of the Property, with the power to protect and preserve the Property, to operate the Property preceding foreclosure or sale, and to collect the Rents from the Property and apply the proceeds, over and above the cost of the receivership, against the Indebtedness. The receiver may serve without bond if permitted by law. Lender's right to the appointment of a receiver shall exist whether or not the apparent value of the Property exceeds the Indebtedness by a substantial amount. Employment by Lender shall not disqualify a person from serving as a receiver.

Other Remedies. Lender shall have all other rights and remedies provided in this Assignment or the Note or by law.

Election of Remedies. Election by Lender to pursue any remedy shall not exclude pursuit of any other remedy, and an election to make expenditures or to take action to perform an obligation of Grantor under this Assignment, after Grantor's failure to perform, shall not affect Lender's right to declare a default and exercise its remedies.

Attorneys' Fees; Expenses. If any part of the Indebtedness is collected by or with any assistance from or consultation with an attorney at law, Grantor shall pay to Lender as Lender's attorneys' fees, fifteen percent (15%) of such amount collected. Whether or not any court action is involved, and to the extent not prohibited by law, all attorneys' fees and all reasonable expenses Lender incurs that in Lender's opinion are necessary at any time for the protection of its interest or the enforcement of its rights shall become a part of the Indebtedness payable on demand and shall bear interest at the Note rate from the date of the expenditure until repaid. Expenses covered by this paragraph include, without limitation, however subject to any limits under applicable law, Lender's attorneys' fees and Lender's legal expenses whether or not there is a lawsuit, including attorneys' fees and expenses for bankruptcy proceedings (including efforts to modify or vacate any automatic stay or injunction), appeals, and any anticipated post-judgment collection services, the cost of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, and appraisal fees, title insurance, and fees for the Trustee, to the extent permitted by applicable law. Grantor also will pay any court costs, in addition to all other sums provided by law.

MISCELLANEOUS PROVISIONS. The following miscellaneous provisions are a part of this Assignment:

Amendments. This Assignment, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Assignment. No alteration of or amendment to this Assignment shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

Caption Headings. Caption headings in this Assignment are for convenience purposes only and are not to be used to interpret or define the provisions of this Assignment.

Governing Law. This Assignment will be governed by federal law applicable to Lender and, to the extent not preempted by federal law, the laws of the State of Georgia without regard to its conflicts of law provisions. This Assignment has been accepted by Lender in the State of Georgia.

Choice of Venue. If there is a lawsuit, Grantor agrees upon Lender's request to submit to the jurisdiction of the courts of Fulton County, State of Georgia.

Merger. There shall be no merger of the interest or estate created by this assignment with any other interest or estate in the Property at any time held by or for the benefit of Lender in any capacity, without the written consent of Lender.

Interpretation. (1) In all cases where there is more than one Borrower or Grantor, then all words used in this Assignment in the singular shall be deemed to have been used in the plural where the context and construction so require. (2) If more than one person signs this Assignment as "Grantor," the obligations of each Grantor are joint and several. This means that if Lender brings a lawsuit, Lender may sue any one or more of the Grantors. If Borrower and Grantor are not the same person, Lender need not sue Borrower

first, and that Borrower need not be joined in any lawsuit. (3) The names given to paragraphs or sections in this Assignment are for convenience purposes only. They are not to be used to interpret or define the provisions of this Assignment.

No Waiver by Lender. Lender shall not be deemed to have waived any rights under this Assignment unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Assignment shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Assignment. No prior waiver by Lender, nor any course of dealing between Lender and Grantor, shall constitute a waiver of any of Lender's rights or of any of Grantor's obligations as to any future transactions. Whenever the consent of Lender is required under this Assignment, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

Notices. Any notice required to be given under this Assignment shall be given in writing, and shall be effective when actually delivered, when actually received by telefacsimile (unless otherwise required by law), when deposited with a nationally recognized overnight courier, or, if mailed, when deposited in the United States mail, as first class, certified or registered mail postage prepaid, directed to the addresses shown near the beginning of this Assignment. Any party may change its address for notices under this Assignment by giving formal written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, Grantor agrees to keep Lender informed at all times of Grantor's current address. Unless otherwise provided or required by law, if there is more than one Grantor, any notice given by Lender to any Grantor is deemed to be notice given to all Grantors.

Powers of Attorney. The various agencies and powers of attorney conveyed on Lender under this Assignment are granted for purposes of security and may not be revoked by Grantor until such time as the same are renounced by Lender.

Severability. If a court of competent jurisdiction finds any provision of this Assignment to be illegal, invalid, or unenforceable as to any circumstance, that finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Assignment. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Assignment shall not affect the legality, validity or enforceability of any other provision of this Assignment.

Successors and Assigns. Subject to any limitations stated in this Assignment on transfer of Grantor's interest, this Assignment shall be binding upon and inure to the benefit of the parties, their successors and assigns. If ownership of the Property becomes vested in a person other than Grantor, Lender, without notice to Grantor, may deal with Grantor's successors with reference to this Assignment and the Indebtedness by way of forbearance or extension without releasing Grantor from the obligations of this Assignment or liability under the Indebtedness.

Time is of the Essence. Time is of the essence in the performance of this Assignment.

DEFINITIONS. The following capitalized words and terms shall have the following meanings when used in this Assignment. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Assignment shall have the meanings attributed to such terms in the Uniform Commercial Code:

Assignment. The word "Assignment" means this ASSIGNMENT OF RENTS, as this ASSIGNMENT OF RENTS may be amended or modified from time to time, together with all exhibits and schedules attached to this ASSIGNMENT OF RENTS from time to time.

Borrower. The word "Borrower" means Old South Investors LLC.

Default. The word "Default" means the Default set forth in this Assignment in the section titled "Default".

Event of Default. The words "Event of Default" mean any of the events of default set forth in this Assignment in the default section of this Assignment.

Grantor. The word "Grantor" means Old South Investors LLC.

Guarantor. The word "Guarantor" means any guarantor, surety, or accommodation party of any or all of the Indebtedness.

Guaranty. The word "Guaranty" means the guaranty from Guarantor to Lender, including without limitation a guaranty of all or part of the Note.

Indebtedness. The word "Indebtedness" means all principal, interest, and other amounts, costs and expenses payable under the Note or Related Documents, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the Note or Related Documents and any amounts expended or advanced by Lender to discharge Grantor's obligations or expenses incurred by Lender to enforce Grantor's obligations under this Assignment, together with any amounts expended to preserve and protect the Property and together with interest on such amounts as provided in this Assignment.

Lender. The word "Lender" means Touchmark National Bank, its successors and assigns.

Note. The word "Note" means the promissory note dated October 25, 2011, **in the original principal amount of $242,500.00** from Grantor to Lender, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the promissory note or agreement.

Property. The word "Property" means all of Grantor's right, title and interest in and to all the Property as described in the "Assignment" section of this Assignment.

Related Documents. The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Indebtedness.

Rents. The word "Rents" means all of Grantor's present and future rights, title and interest in, to and under any and all present and future leases, including, without limitation, all rents, revenue, income, issues, royalties, bonuses, accounts receivable, cash or security deposits, advance rentals, profits and proceeds from the Property, and other payments and benefits derived or to be derived from such leases of every kind and nature, whether due now or later, including without limitation Grantor's right to enforce such leases and to receive and collect payment and proceeds thereunder.

THE UNDERSIGNED ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS ASSIGNMENT, AND NOT PERSONALLY BUT AS AN AUTHORIZED SIGNER, HAS CAUSED THIS ASSIGNMENT TO BE SIGNED AND EXECUTED ON BEHALF OF GRANTOR ON OCTOBER 25, 2011.

IN WITNESS WHEREOF, THIS ASSIGNMENT HAS BEEN SIGNED BY THE UNDERSIGNED, WHO ACKNOWLEDGES A COMPLETED COPY HEREOF. THIS ASSIGNMENT IS GIVEN UNDER SEAL AND IT IS INTENDED THAT THIS ASSIGNMENT IS AND SHALL CONSTITUTE AND HAVE THE EFFECT OF A SEALED INSTRUMENT ACCORDING TO LAW.

Signed, Sealed and Delivered in the presence of:

X _____
Unofficial Witness

_____
Notary Public, SUFFOLK County

(NOTARY SEAL)

My Commission expires: 03/02/2013

GRANTOR:

OLD SOUTH INVESTORS LLC

By: _____ (Seal)
Edgar Bohlen, Member of Old South Investors LLC

LIMA L SOLOMON
Notary Public, State of New York
No. 01SO6201693
Qualified in Suffolk County
Commission Expires 03/02/2013

LASER PRO Lending, Ver. 5.57.10.001 Copr. Harland Financial Solutions, Inc. 1997, 2011. All Rights Reserved. - GA
L:\CFI\LPL\G14.FC TR-486 PR-3

BK: 15214 PG: 5496
REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

EXHIBIT "A"
LEGAL DESCRIPTION

Property Line Description

All that tract or parcel of land lying and being in Land Lot 167 of the 20th District, 2nd Section, Cobb County, Georgia, and being the property of Mrs. Elizabeth C. Grogan, as per plat recorded at Plat Book 47, Page 186, Cobb County, Georgia Records, and being more particularly described as follows:

BEGINNING at a point on the West side of Old U.S. Highway 41, 431.4 feet North, as measured along the West side of Old U.S. Highway 41 from the intersection of the West side of Old U.S. Highway 41 and the centerline of a railway spur track; running thence Northerly along the Westerly side of Old U.S. Highway 41 and following the curvature thereof 375.76 feet to an iron pin at the Southeast corner of property of B.D. Hood; thence South 73 degrees 19 minutes 29 seconds West 471.34 feet to an iron pin on the Northeasterly right-of-way of W & A Railroad; thence South 16 degrees 37 minutes 40 seconds East 318.10 feet to an iron pin; thence North 80 degrees 9 minutes 38 seconds East along the North line of property of E.R. Wilbur 395.35 feet to a point on the Westerly right-of-way of Old U.S. Highway 41, being the point of beginning.

Said tract or parcel of land contains 3.499 acres and is more accurately depicted on a plat of survey prepared by Surveys Plus, Inc., dated September 7, 2011, job number 4498.

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # RZ2023-02

PURPOSE Rezone to Central Business District.
CBD Expansion Phase 2.

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

04.18.2023 09:22

link: https://www.facebook.com/CityofKennesaw/
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.

Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live 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.
4:14,21-2023

4:14,21-2023

MDJ-3594

GPN-16
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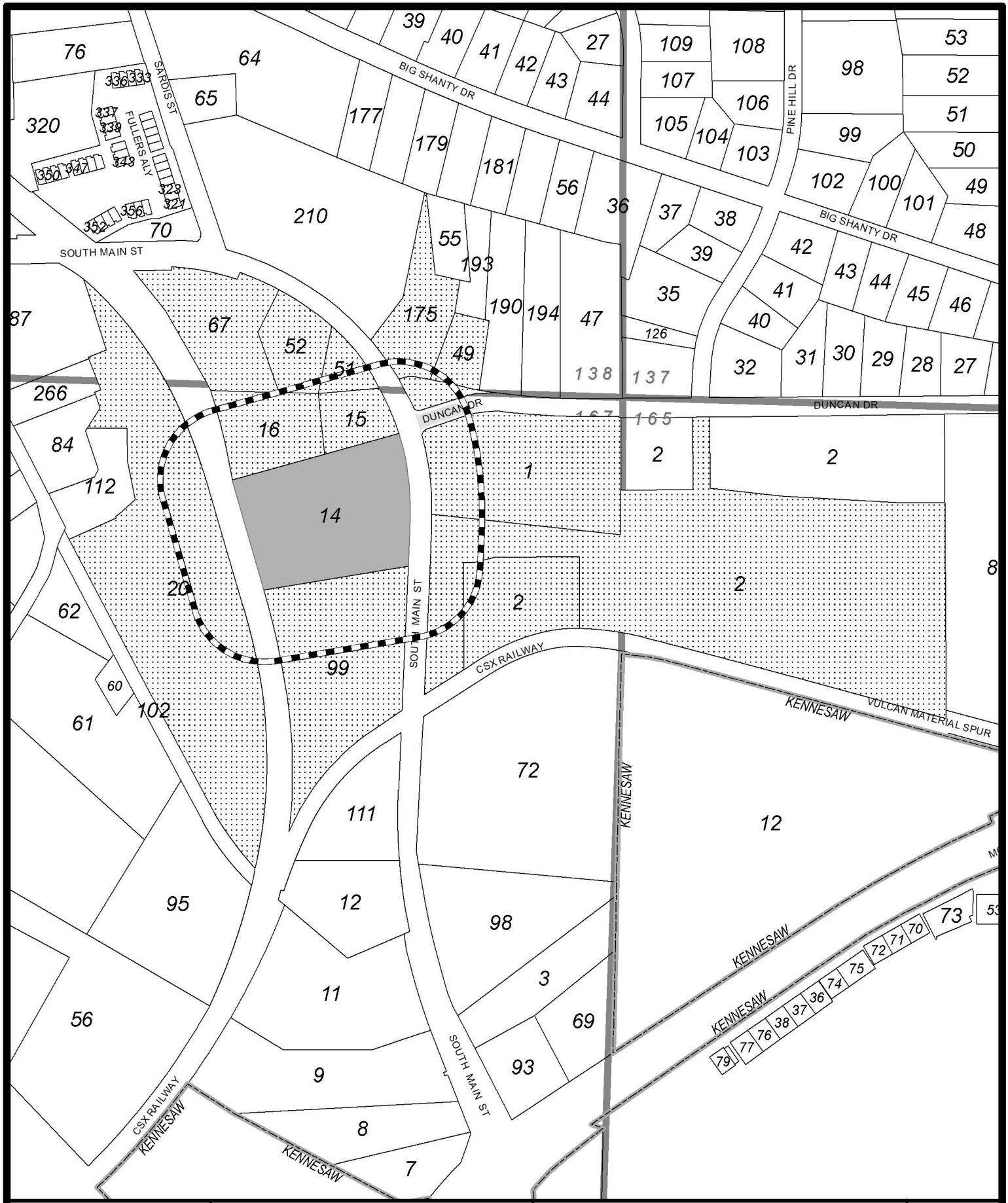
4:14,21-2023

MDJ-3595



Subject Parcel

200' Radius

Properties Notified

2681 S Main Street
Land Lot 167,
Tax Parcel 14

RZ2023-02
200' PROPERTY NOTIFICATION

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

Derek Easterling, MAYOR
Lea Alvarez, CITY CLERK

Date: 3/24/2023
RZ2023-02B Notification Map

1 " = 350 '

Tax Parcel - 20013800670

SARDIS BAPTIST CHURCH
2741 MAIN ST
KENNESAW GA 30144

Tax Parcel - 20016700140

OLD SOUTH VILLAGE LLC C/O KODIAK VENTURES
PO BOX 684448
MARIETTA GA 30068

Tax Parcel - 20016700010

UNITED STATES POSTAL SERVICE PARTY
2680 SOUTH MAIN ST
KENNESAW GA 30144

Tax Parcel - 20016700150

ENERGY TAE KWON DO ORGANIZATION INC
2689 SOUTH MAIN ST
KENNESAW GA 30144

Tax Parcel - 20016700160

CHALKER FRED H
1951 TROPHY DR
MARIETTA GA 30062

Tax Parcel - 20016700200

PRO BUILD REAL ESTATE HOLDINGS LLC C/O RYAN LLC
1999 BROADWAY STE 4100
DENVER CO 80202

Tax Parcel - 20013801750

BYRD HUGH EDWARD
2716 SOUTH MAIN ST
KENNESAW GA 30144-3538

Tax Parcel - 20013800490

WINFREY HORACE J SR EXECUTOR TAYLOR JESSIE MAE ESTATE
PO BOX 188
KENNESAW GA 30144-0188

Tax Parcel - 20016700020

KENNESAW DEVELOPMENT OWNER LLC
1776 PEACHTREE ST
ATLANTA, GA 30309

Tax Parcel - 20016700990

RICHARDS GILSTRAP HOLDINGS LLC
2615 S MAIN ST
KENNESAW GA 30144

Tax Parcel - 20013800510

METHODIST CHURCH
OLD HWY 41
KENNESAW GA 30144

Tax Parcel - 20013800520

SOUTH ATLANTIC CONFERENCE ASSOCIATION OF
3978 MEMORIAL DR
DECATUR GA 30032

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 17, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

Property Address
2681 S Main Street

Applicant
City of Kennesaw

Representative
N/A

Property Owner
Old South Village LLC C/O Kodiak Ventures

Current Zoning
Mobile Home Park (Mobile Home Park)

Current Future Land Use Category
Downtown Activity Center

Project Request: Rezone property to Central Business District (CBD)
Please see page 5 for project request description.

Aerial 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 #: 20016700140
Land Lot #: 167 **Tax Parcel #:** 14
Land Area: 3.5 +/- acres
Existing Building Total SQFT: Varies
Proposed Building SQFT: None
Proposed Streets: None

RECOMMENDATION

Staff Recommendation
Approval

Planning Commission Recommendation
Approval

Please see page 23 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: South Main Street
Zoning: Central Business District (CBD) & LI
Future Land Use: Downtown Activity Center

South: McCollum Parkway
Zoning: Light Industrial (LI)
Future Land Use: Downtown Activity Center

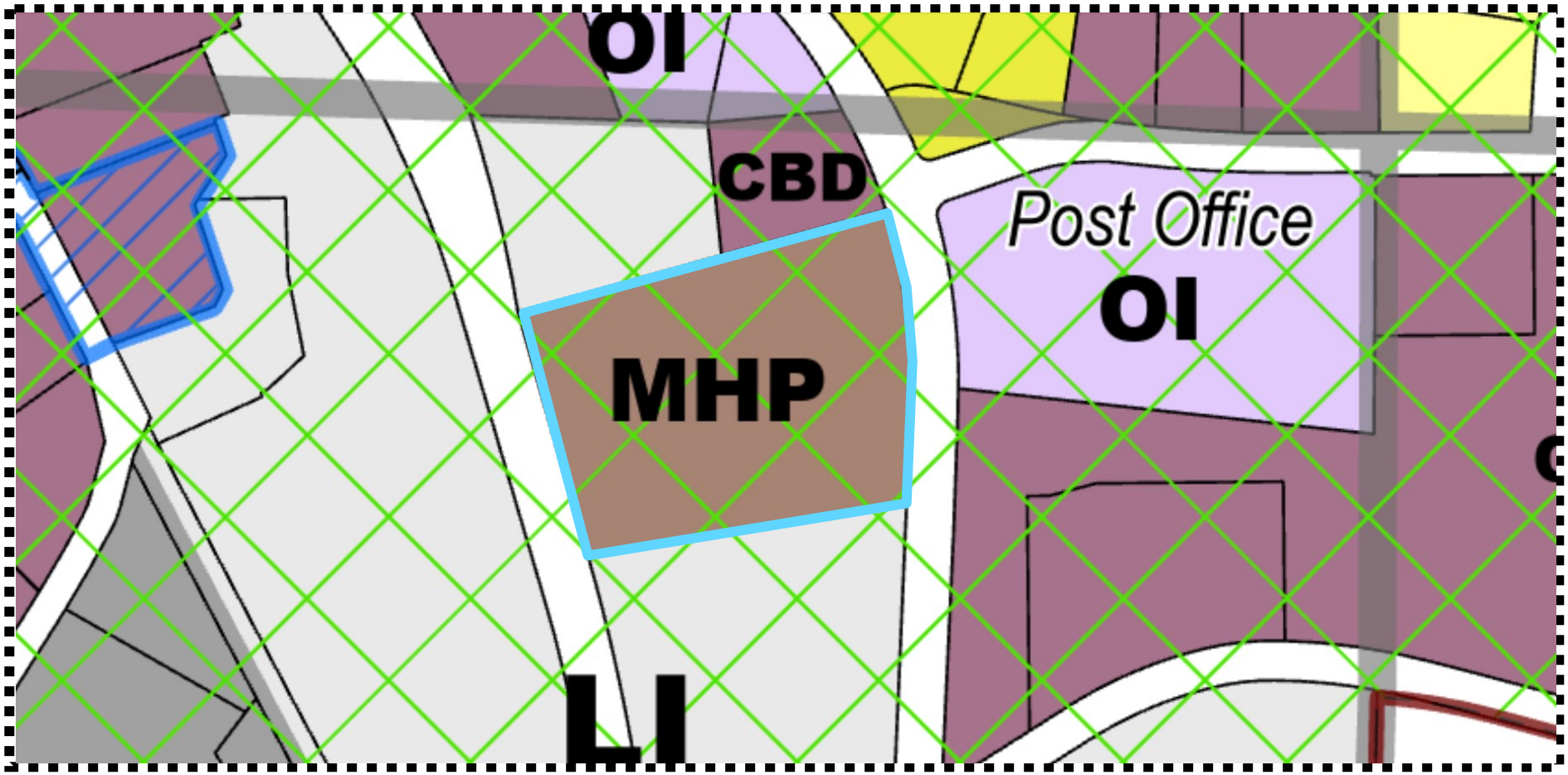
East: South Main Street
Zoning: Office/Institutional (O&I) & CBD
Future Land Use: Public Service/Institutional

West: Summers Street
Zoning: Light Industrial (LI)
Future Land Use: Community Activity Center

Please see pages 2 - 4 for full maps.

ZONING MAP

ZONING CASE #: RZ2023-02(B)



Zoning Districts

CBD	HGB	OI	R-12	RA-5
CRC	HI	PBSH	R-15	RA-6
FST	LI	PSC	R-20	RM-8
GC	MHP	PUD-R	R-30	RM-12
NRC	NS	PVC	R-40	RM-16
		R-10	RA-4	UVC

Zoning Overlays

- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

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

2

MOBILE HOME PAD UNIT COUNT

ZONING CASE #: RZ2023-02(B)

4/28/2023, 2:27:16 PM

1:1,128

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

SITE PLAN

ZONING CASE #: RZ2023-02(B)

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STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

DESCRIPTION OF ZONING REQUEST: **REZONING**

Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from the current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2.

PROJECT INTENT

The intent of the project is to rezone the subject parcel to Central Business District and currently owned by Old South Village LLC c/o Kodiak Ventures. The property is an existing mobile home community known as “Old South Village.” The property consists of approximately 29 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015.

Pre-Application Meeting
City initiated

Application Submitted
March 17, 2023

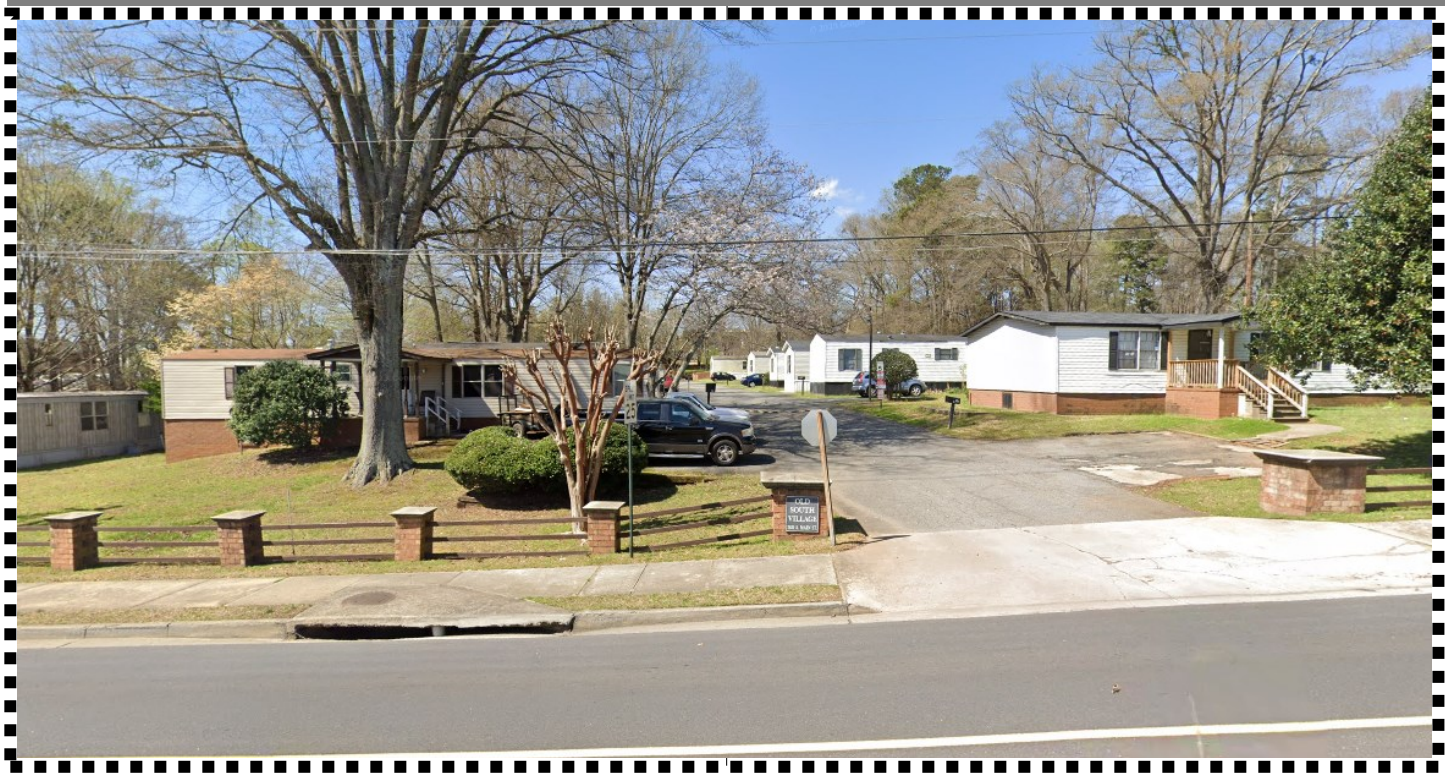
Fees Paid
$0

Certified Letters Mailed By
April 14, 2023

PROPERTY DETAILS

Year Established: 1983
Style: Manufactured Homes
Square Footage: Varies
Historic District: No
Kennesaw Downtown Development Authority: Yes
Entertainment District: No

GOOGLE STREET VIEW



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

THE CENTRAL BUSINESS DISTRICT (CBD)

CREATION OF THE CBD ZONING DISTRICT

The Central Business District zoning district was created on September 3, 2002 under ordinance #2002-35. The purpose of creating this district was to enact a comprehensive zoning district which covered properties within the City's downtown core. It continues today to aim at encouraging quality development and the preservation of the historical character of downtown Kennesaw. This ordinance laid down the design standards of the district within the Unified Development Code. No properties had been rezoned to CBD in 2002.

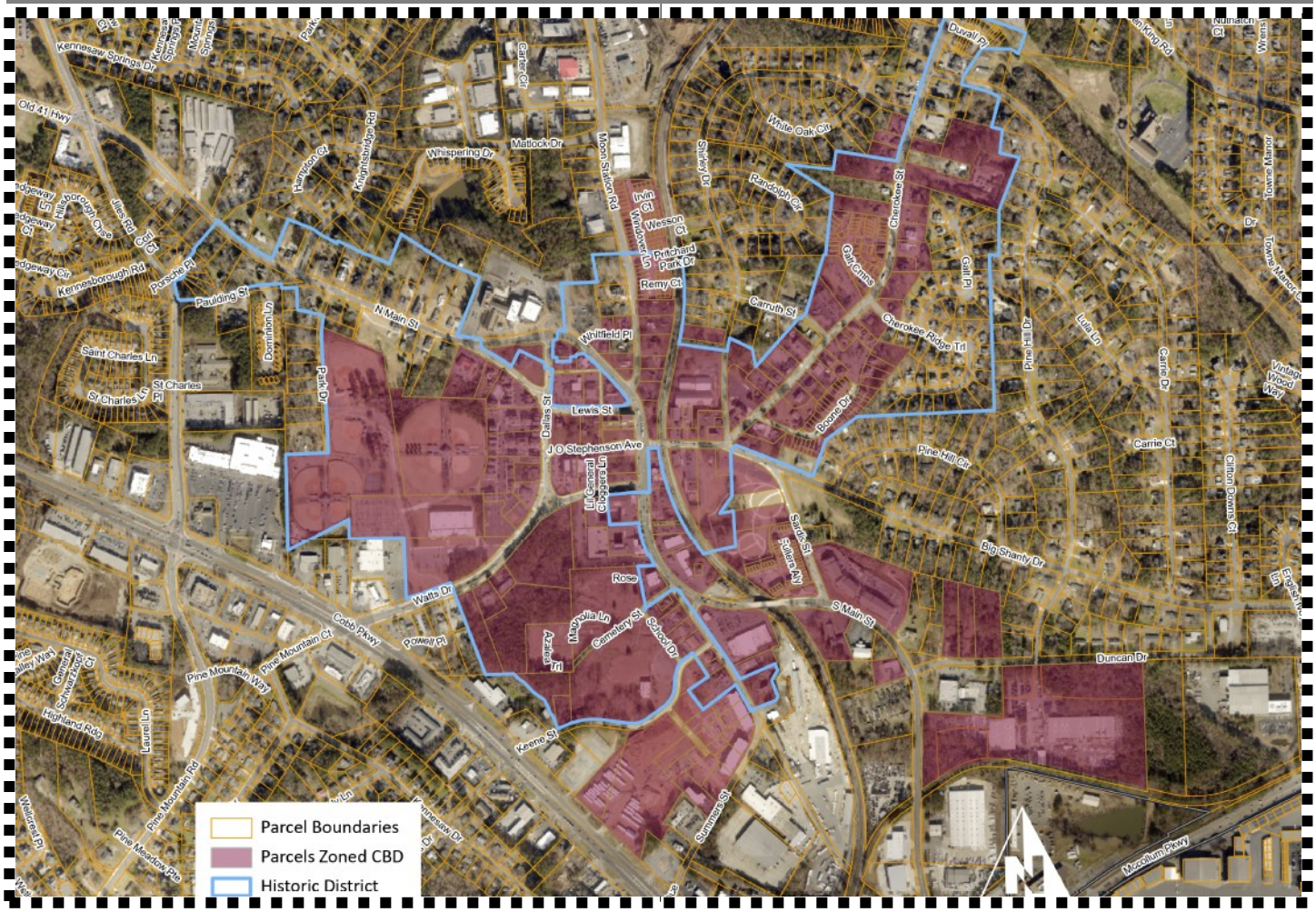
PHASE 1 - FEB. 2003 & OCT. 2005

Phase 1 was initiated in 2002-2003 and approved by Mayor and Council on February 18, 2003 under ordinance #2003-07, where various properties within the downtown core were rezoned to CBD. In 2005, another group of properties located in downtown Kennesaw were rezoned to CBD on October 17, 2005 under ordinance #2005-32.

PHASE 2 - MAY 2023

Phase 2 is being conducted in 2023, where, staff notified at least 25 property owners throughout downtown, inviting them to be a part of the CBD. Four private properties and three City of Kennesaw properties are up for rezoning.

CURRENT BOUNDARIES - CENTRAL BUSINESS DISTRICT AND HISTORIC DISTRICT MAP



PROPERTY OWNERS INVITED TO REZONE TO CBD

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

ZONING CASE #: RZ2023-02(B)

PHASE 2 - MAY 2023

PROPERTY ADDRESS	PROPERTY OWNER NAME
2750 WATTS DR	Blue Project LLC c/o Lisa Kirshenbaum
2748 WATTS DR	Depen Douglas D
2561 SUMMER ST	Hebah Inc c/o Taki Momin
2573 SUMMER ST	2573 Summers Street LLC c/o Steve Shakar
2001 DUNCAN DR NW	United States Postal Service Party
2006 DUNCAN DR NW	Winfrey Horace J Sr Executor Taylor Jessie Mae Estate
DUNCAN DR NW	Winfrey Horace & Bryant Gloristeen
DUNCAN DR NW	Taylor Jessie Mae Estate C/O Horace J Winfrey
2716 S MAIN ST	Byrd Hugh Edward
S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2751 S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2754 S MAIN ST	Bencivenga Gabriel Living Trust 7/09/02 Gabriel Bencivenga LLC
2879 N MAIN ST	Dennis Alvah Myers Revocable Living Trust
2961 MOON STATION RD	Schneider Edward R & Counts Gurdon W III
2971 MOON STATION RD	Odom David Stanley III & Jan G
2958 N MAIN ST	First Baptist Church Kennesaw c/o Dr. J Perry Fowler, Lead Pastor
2939 CHEROKEE ST	Sims Benjamin J
2098 CARRUTH ST	The Fourth Way LLC
3045 CHEROKEE ST	Richards Thomas R Sr Revocable Trust
3066 CHEROKEE ST	Varela Jose Bicet Murillo
3086 CHEROKEE ST	Larrys Legacy Properties LLC c/o Angela Gail Little
3119 CHEROKEE ST	Bright Futures Inc c/o Suzanne L. Jackson, CEO

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ZONING CASE #: RZ2023-02(B)

UNIFIED DEVELOPMENT CODE - SECTION 4.02.03 - CENTRAL BUSINESS DISTRICT

A. Purpose and Intent.

1. The Central Business District (CBD) is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.

2. The classification is primarily intended for a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the Central Business District (CBD) is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw.

3. The CBD is designed to achieve the following:

    a. Create an environment where residents and visitors can live, work, meet, and play.
    b. Promote a balanced mix of retail, office-professional, entertainment, residential, civil, and cultural uses in the core downtown area.
    c. Allow for growth of a healthy economic business district.
    d. Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments.
    e. Ensure compatibility with the historic district to achieve architectural and design integrity and consistency.
    f. Provide accessible and sufficient parking that is unobtrusive by encouraging shared, underground, and deck parking and alternative modes of transportation including pedestrian and bicycles.
    g. Promote a pedestrian environment though sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity.
    h. Provide safe and accessible parks and public and private open space.

B. Lot size, setback and building height requirements. Within the CBD the following lot size and setback requirements shall apply.

1. Minimum lot size, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements of off-street parking, loading and unloading, and setback requirements, where applicable.

2. Maximum lot coverage: Not more than eighty-seven (87) percent of the area of any lot may be covered by buildings structures or storm water facilities.

3. Minimum setbacks:

    a. Front - Established to "build-to-line" which equals the averaged distance from the property lines measured from existing structures along right-of-way adjoining properties as measured from existing structures.
    b. Side - None, except when abutting a residential zoning district where there is no intervening right-of-way, the setbacks requirement is ten feet. Where alleys exist between districts, the setbacks shall be five feet from the property line/alley right-of-way.
    c. Rear - None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 25 feet.
    d. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

4. Maximum building height: Subject to the Historic District Design Guidelines

5. Maximum floor area ratio (FAR) - 1.10

    (Calculations for FAR: Floor Area/Lot Area = FAR)

C. Permitted Uses

1. General retail uses: antiques, animal hospitals, appliance store, arts and crafts, bakery, bicycle shop, book store, butcher, carpet and floor covering, cosmetics, draperies and slipcovers, fabric store, farmers market (fully enclosed and open-air), flower shop, food, fraternity and sorority houses/residence halls (must be university authorized dwellings), fruit/vegetable stand, garden supplies, gift shop/glassware, growler establishments, hardware store, home/office furnishings, ice cream shop, jewelry store, leather goods/luggage, massage therapy establishments, massage therapy associated with the following uses: as part of a salon service establishment and as part of a medical, chiropractic, or sports medicine establishment, medical and surgical equipment, music shop, nautical supplies, office supplies, pets and pet supplies, pharmacy, photographic equipment/supplies, spa and salon establishments, sporting goods, toy store.

2. Services and professional Uses: banks/financial institutions limited to one drive-through and/or automated transaction machines, interior decorating establishments, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, professional offices, sports medical physical therapy.

3. Services and facilities: Auction, barber/beauty shops and salons, bed and breakfast inn and residential-type inns, broadcast studios, butcher shops, caterers, dry cleaning and laundry pick-up stations limited to off-site processing for customer pick-up, exercise facilities (e.g., gyms and clubs), galleries, alternative wireless communications facilities (special land use approval required), government facilities including by not limited to the following: government offices, public works facilities, community centers, public parks, clubhouses, amphitheaters, hotels, laundromats limited to self-service facilities, libraries, motels, museums, newsstands, outdoor cafes, parking lot and garages (commercial or public), pet grooming, religious assemblies, restaurant excluding drive-in and drive through, rest/personal care/convalescent homes, small item repair, tailoring, tobacconist, taverns/cocktail lounges, vocational schools some examples being: arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling and karate-judo.

4. Residential uses: condominiums, mixed-use residential/commercial, single-family detached and townhomes.

5. The permitted uses under this section shall be allowed in such a way as to promote a diverse mixture of the uses so as to avoid concentrations of such uses within close proximity of which may cumulatively create a nuisance, safety or health hazard or parking problem that may negatively affect the overall financial stability of surrounding uses.

All retail and professional uses varied in nature that meet the CBD vision and adopted comprehensive plan and all other adopted planning studies for the City of Kennesaw that is not listed as a prohibited use under Section 4.02.03E.

D. **Special Exception Uses. Within the CBD the following uses shall be permitted by special exception as per Section 4.04.01:** cemeteries, private community centers, private schools or general and special education and religious assemblies' accessory cemeteries and schools.

E. Use Limitations. Within the CBD the following use limitations apply:

1. All projects located within the historic district shall meet the City of Kennesaw design review guidelines as may be amended from time to time.
2. No (new or used) car lots
3. No car repair shops to be established
4. No sexually oriented businesses as defined in the Kennesaw Code of Ordinances Business Licenses shall be allowed.
5. No overnight outside storage shall be allowed.
6. No more than five percent of total store inventory may be displayed outside.
7. All items stored outside shall be moveable to indoor without compromising accessibility to the building.

8. No items shall be displayed on paved areas or parking lots, except for temporary permits for special sales events not to exceed seven days more than four times per calendar year.
9. Items may be displayed on porches or adjacent to primary structures only in non-paved areas.
10. Sidewalk/yard sales shall only be conducted after issuance of the proper permit.
11. All abandoned or disposed items including recycling and trash shall be removed within three days.
12. No chemical manufacturing, storage or distribution shall be allowed.
13. No enameling, plating or paint (except for artist studios) shall be allowed.
14. No detention centers or halfway houses shall be allowed.
15. No tire shredding or recycling centers shall be allowed.
16. No manufacture or disposal of hazardous or radioactive waste materials shall be allowed.
17. No scrap yards shall be allowed.
18. No manufactured/mobile homes shall be allowed.
19. No commercial sand, gravel or other mineral extraction shall be allowed.
20. No indoor or outdoor shooting ranges shall be allowed.
21. No tattoo parlors shall be allowed.
22. No body piercing facilities, as a primary use shall be allowed.
23. No extended stay hotels/motels shall be allowed.
24. No chain link fences shall be permitted.
25. No overnight parking of commercial vehicles (except for mini-vans or cars) shall be allowed.
26. No uses that emit noxious odors, fumes or sounds shall be allowed.
27. No outside animal runs with any veterinary office or kennel shall be allowed.
28. No detention or retention or wet weather ponds allowed.
29. No gas stations to be established. The wholesale and retail sale of all fuel sources are governed by this restriction.
30. No automobile, truck, motorcycle or recreational vehicle rental facilities to be established
31. No drive-through amenity to be established in association with any eating and drinking establishments located within the Central Business District.
32. No funeral homes allowed.

F. Gateway Corridors:

1. Cherokee Street
2. Watts Drive
3. North Main Street (Old Hwy 41)
4. South Main Street (Old Hwy 41)
5. Summer Street

G. Residential Development Standards

1. <u>Condominiums:</u> Minimum floor area for all units - 1,000 square feet

2. Mixed use retail/residential with residential on second floor
    a. The non-residential portion of the development shall obtain a certificate of completion before the issuance of the certificates of occupancy for the last 20 percent of residential units for the residential portion.
    b. The gross floor area occupied by residential uses shall not exceed seventy-five (75) percent of the total gross floor area of the buildings or individual structures.
    c. Minimum floor area for all residential units - 1,000 square feet

3. Single family, detached: The minimum floor area of residential dwellings shall be 1,100 square feet.

4. Townhouses: The minimum floor area of all residential units - 1,000 square feet

5. For-Rent Residential Apartment units:

    a. To be allowed only in mixed use residential/commercial projects
    b. Rental apartment units will be allowed subject to specific development agreement conditions as part of the Central Business District project approval process as per UDC Section 4.02.03(H).
    c. Minimum floor area for all residential units in mixed use residential project to average 1,000 square feet.
    d. Units with a floor plan totaling the minimum of 850 square feet can be utilized for no more than 30 percent of the total apartment units for the project.

H. Approval Process for Projects:

1. City of Kennesaw staff shall conduct a minimum of one consultation with applicant to review project concept and factors to consider in the planning and design phase prior to initial site plan and architectural review.

2. Conceptual site plan and architectural review by City of Kennesaw staff

3. Submittal to the Kennesaw Downtown Development Authority (KDDA) for review and comment only.

4. Submittal to the Historic Preservation Commission (HPC) for certificate of appropriateness approval if within a historic district. If subject property is not in the historic district then concept approval will be required.

5. Site Plan review and approval by City of Kennesaw staff required.

6. Final plan approval by Mayor and Council

ZONING CASE #: RZ2023-02(B)

UNIFIED DEVELOPMENT CODE - SECTION 4.02.03 - CENTRAL BUSINESS DISTRICT

I. The site plan of the project shall be consistent with the City of Kennesaw adopted Comprehensive Plan, Depot Master Plan and LCI study.

J. The project shall be designed as to provide a proper transition, land use and design so as not to negatively affect surrounding properties.

K. The site plan of the project shall incorporate public space architectural and urban features consistent with the City wide Architectural Design Standards and the City of Kennesaw Historic District Design Standards including fountains, gardens, squares, courtyards, lighting, signage, and paving that blend the mixed uses.

L. Each applicant shall submit a business plan which contains at a minimum the following information:

1. Type of business
2. Projected market targeted
3. Projected customer generation
4. Plan on traffic control for ingress/egress of property
5. Study on similar uses in area
6. Projected economic impact to City of Kennesaw

M. General requirements:

1. Compliance to downtown redevelopment plan vision
2. A balanced mixture of uses to meet downtown redevelopment plan vision
3. Positive economic development impact
4. Architectural design and quality shall be consistent with City of Kennesaw Design Guidelines and compatible with the city's architectural heritage.
5. Pedestrian and vehicular connectivity shall be incorporated into site design.
6. The height of fences and walls located between the building façade and a street shall not exceed forty (40) inches and in other areas shall not exceed six (6) feet.
7. No barbed wire, razor wire, chain link or similar elements shall be visible from any street, public park, sidewalk, public or private open space or outdoor dining area.
8. Loading docks and dumpsters shall be entirely screened from view with vertically enclosed opaque walls.
9. Utilities shall be placed underground.
10. Building mechanical and accessory features:
    a. Shall be located to the side or rear of the principal structure or on rooftops and shall not be visible from any public open space or sidewalk area.
    b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.

11. Any project permitted within the CBD which proposes a lighted facility including signs, parking lots, and entrance ways shall have an approved lighting plan consistent with lighting styles utilized in the downtown streetscape design and approved under the City of Kennesaw Historic Design Standards and Citywide Design Guidelines.
12. All sign locations located within historic district will be subject to review and approval by the HPC.
    a. City staff will review and process the sign permit application as per design standards as set forth in Chapter 5.03.00 of the sign ordinance after review and approval from HPC.
    b. All temporary signs will be regulated as per Chapter 5.03.00.

N. Parking, road and access requirements. Overall parking plans for the entire project site shall be approved by city staff through the plan review process. All parking requirements can be provided off-site. No alley parking is permitted.

1. Angled on-street parking on both sides shall be permitted dependent upon site plan review and approval.
2. Rear access shall be provided to townhouse and multifamily garages, single-family dwelling garage commercial loading and service areas, where such access is feasible.
3. Bicycle or moped parking spaces are required as follows: All new non-residential uses shall provide one (1) such space for every twenty (20) automobile spaces but not less than one (1) space and new residential uses shall provide one (1) such space for every five (5) units. Such spaces shall be located a maximum distance of 100 feet from the primary pedestrian entrance.

O. Incentive/zoning bonuses.

1. Common access drives and access curb cuts: All projects incorporating common access drives for multiple parcels along the identified gateway corridors in this section will be granted an increase of floor area ratio by .10, subject to all other limitations.
2. Pedestrian linkage: All projects that promote pedestrian/bicycle pathways and inter-parcel access will be granted an increase of floor area ratio by .10

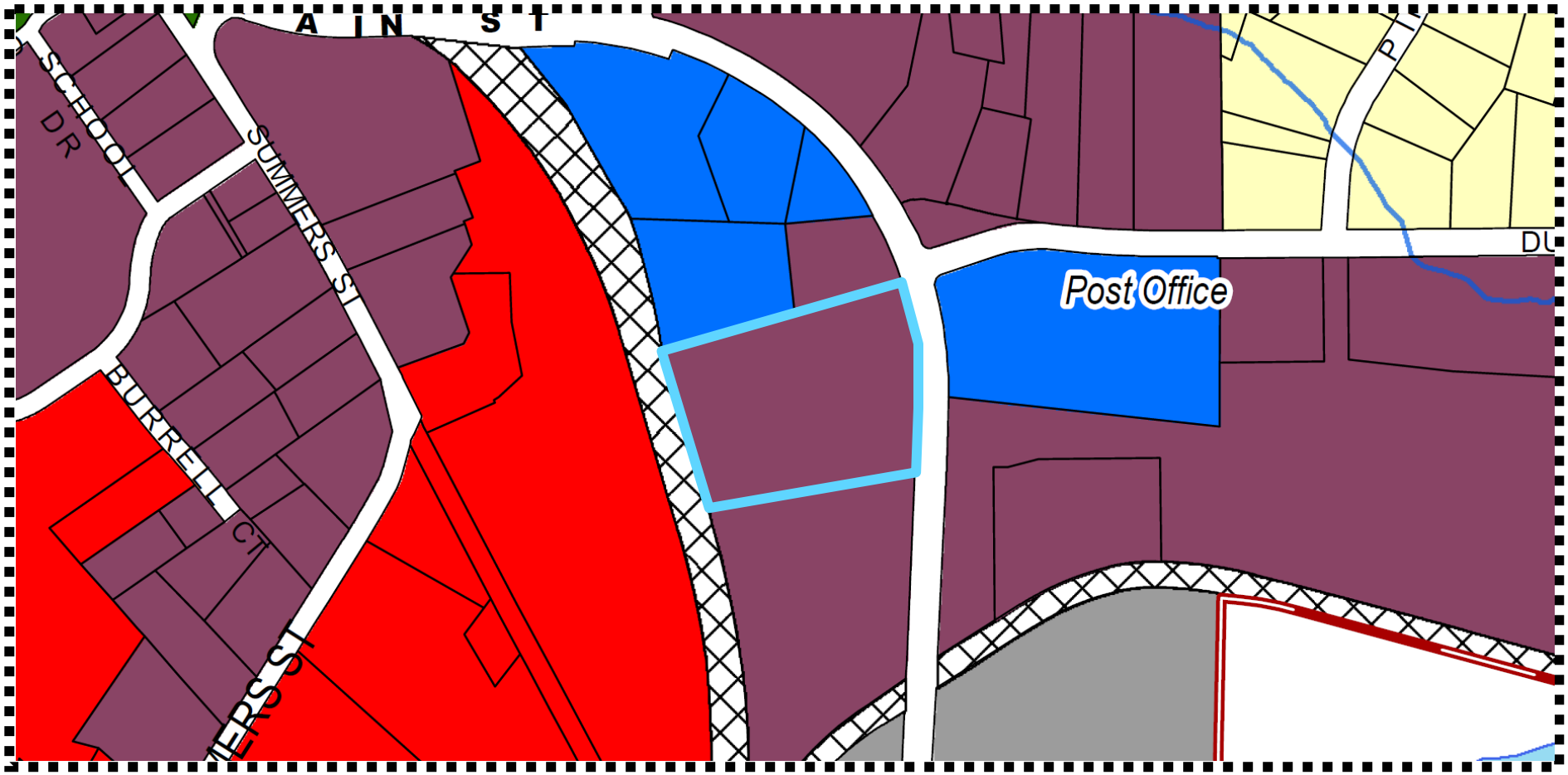
P. Landscaping design guidelines. All CBD project applications will include a landscape plan that has location and type for benches, waste receptacles, lighting, paving material, bicycle racks, newspaper stands, plant material, fencing, private open space, internal sidewalks and trails. The following components will be incorporated into the plan:

1. Use of sod on yard areas facing public right-of-way
2. Compliance to tree ordinance in UDC chapter three

(Ord. No. 2012-15, § 1, 12-17-12; Ord. No. 2015-05, § 5, 4-20-15; Ord. No. 2016-06,3-7-16; Ord. No. 2016-07, 3-7-16; Ord. No. 2016-21, 9-6-16)

FUTURE LAND USE MAP

ZONING CASE #: RZ2023-02(B)



Future Land Use

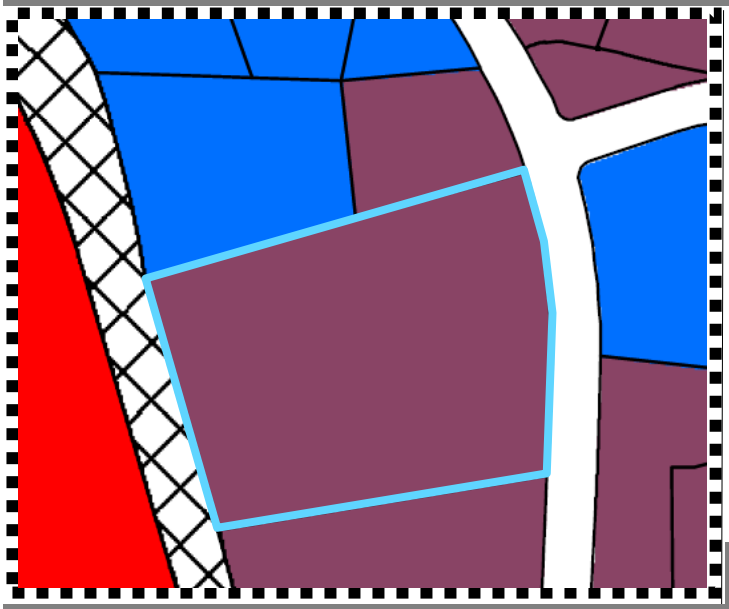
- NAC - Neighborhood Activity Center
- CAC - Community Activity Center
- DAC - Downtown Activity Center
- RAC - Regional Activity Center
- I - Industrial
- PI - Public Service/Institutional
- PRC - Park/Recreation/Conservation
- RL - Residential Low/Medium
- RH - Residential High
- PUD - Planned Unit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

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

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

KENNESAW 2022 COMPREHENSIVE PLAN UPDATE - FUTURE LAND USE



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.

LEGEND

- DAC - Downtown Activity Center
- PI - Public Service/Institutional
- CAC - Community Activity Center
- TCU - Transportation Communication Utilities

ACTIVITY CENTERS

Activity Centers are areas of commercial, office and residential land uses. These are located along major transportation corridors. New development should reflect the character of the existing development within these areas.

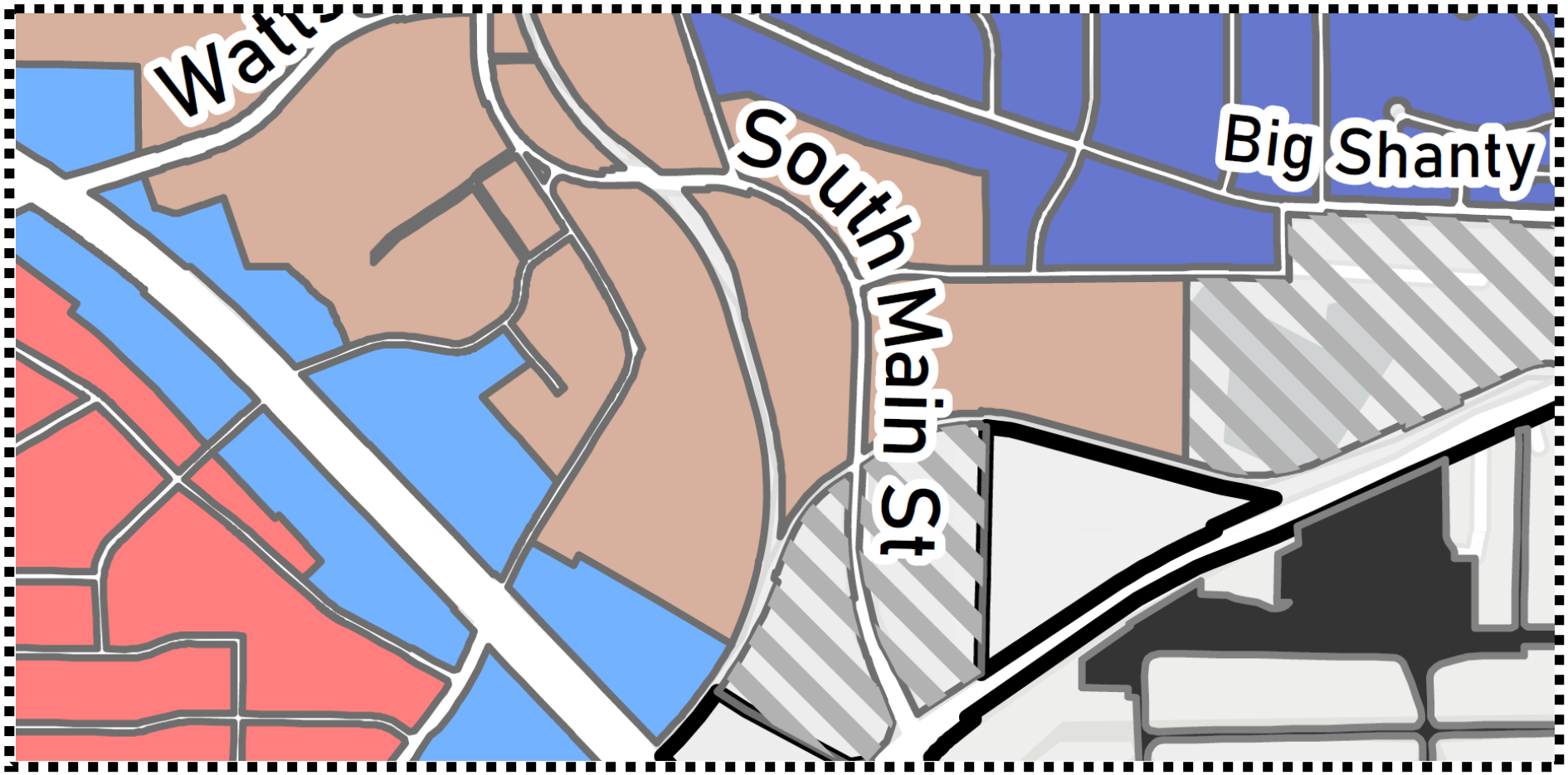
FUTURE LAND USE CATEGORY

DAC - DOWNTOWN ACTIVITY CENTER

This area is the traditional downtown of Kennesaw. For this area, the City of Kennesaw completed a Liveable Centers Initiative plan study in 2015 that should be used as the guiding plan.

COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-02(B)

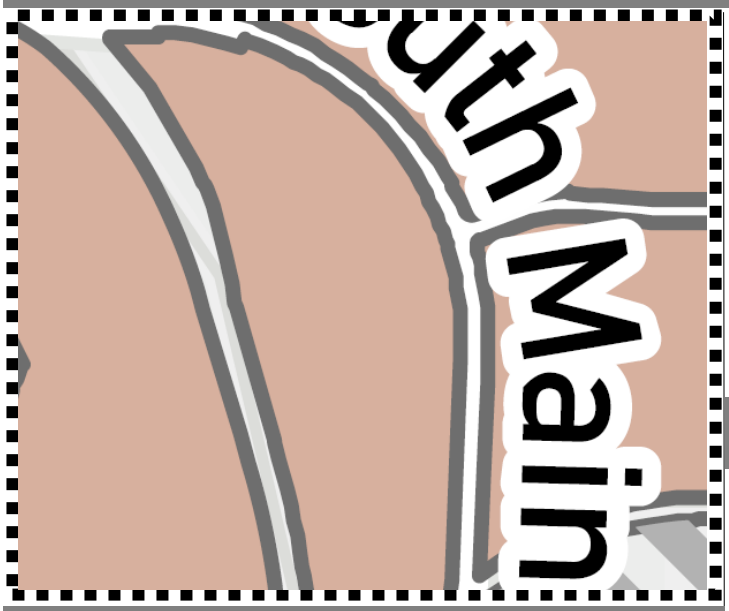


- Barrett and Old 41
- Campus Living
- Cherokee Street Commercial Corridor
- Cobb International Industrial Corridor
- Cobb Parkway Commercial Corridor
- East Pine Mountain Revitalization
- Historic Central Business District
- In-Town Living
- Jiles and Baker
- Kennesaw Due West
- Kennesaw Marketplace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

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

COMPREHENSIVE PLAN - AREAS



LEGEND

Historic Central Business District

In-Town Living

COMPATIBLE FUTURE LAND USE

- Downtown Activity Center (DAC)
- Public Service/Institutional (PI)
- Park/Recreation/Conservation (PRC)
- Residential High (RH)
- Residential Low (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.

HISTORIC CENTRAL BUSINESS DISTRICT

The Historic CBD area includes the Central Business District, the five historic districts and the study area of the City's Livable Centers Initiative (LCI). The area spans a distance along the northern edge of the Cobb Parkway Commercial Corridor from McCollum Parkway to near Jiles Road, northward to Matlock Drive on Moon Station Road, also northward to Pine Hill Drive on Cherokee Street and to South Main Street at McCollum Parkway.

Currently, this area is composed of a mix of land uses, historical and cultural resources, businesses, homes and neighborhoods and architectural styles and elements. Overall, this area is in the process of revitalization and reinvestment.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

COMPREHENSIVE PLAN - POLICY MATRIX - HISTORIC CENTRAL BUSINESS DISTRICT

Policy Matrix as defined within the 2022 Comprehensive Plan

- Redevelopment projects should occur on a multi-parcel basis.
- Require inter-parcel access connectivity and shared access to control access flow to major roadways.
- Encourage the integration of public transportation hubs at nodal developments.
- Require developers to adhere to architectural and site development standards.
- Maintain adequate building and landscaping setbacks that promote safety and market visibility.
- Encourage a diverse mix of products and services.
- Follow Best Management Practices for stormwater management as defined in the Georgia Erosion and Sedimentation Act.
- Encourage the reuse of homes as businesses where appropriate.
- Have new development reflect the most recent architectural and design styles that complement adjacent neighborhoods.
- Adhere to the City's architectural and site design guidelines.
- Locate higher intensity businesses away from the edges to protect surrounding residential land uses.
- Locate lower intensity businesses towards the outer edges to provide a transitional buffer between higher-intensity uses and neighboring residential areas.
- Encourage neighborhood-friendly, low-impact retail commercial to be located adjacent to and visible from Jiles Road and Moon Station Road.
- Concentrate traditional commercial development along Cherokee Street and Main Street between Dallas Street and the CSX Overpass.
- Require inter-parcel access (or rear alleys) to control access flow to Main Street.
- New development should be constructed at human scale.
- Require the incorporation of CBD architectural elements and guidelines into new construction or redevelopment projects.
- Require office/retail operations to be located on the first or ground floor and residential elements to be located above the first or ground floor in mixed-use, multi-story development.
- Promote the use of shared parking lots and/ or parking decks. Parking lots and decks should be located behind structures.
- Encourage pedestrian access to downtown via sidewalks and trail systems.
- Use paving patterns, landscaping, lighting, bench seating and signage to improve pedestrian areas.
- Incorporate pedestrian amenities, such as benches and trash receptacles, into all development with public access.
- Connect neighborhoods to the local and regional network of greenspace and trails, available to pedestrians and bicycles, for both tourism and recreational purposes.
- Enhance the pedestrian-friendly environment by adding or improving sidewalks and creating multi-use trail/bike routes linking neighboring communities and major destinations, such as the Neighborhood Retail Centers and parks.
- Assure compatibility of infill development with adjacent homes, surrounding neighborhoods and businesses.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1
Roadway Name South Main Street **Roadway Classification** Arterial **Speed Limit** 25-MPH **Jurisdictional Control** City of Kennesaw **Minimum Right-of-Way Requirement** 80-feet minimum	

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 #: RZ2023-02(B)

ENVIRONMENTAL

Flood Hazard:
___ Yes
___ No
✓ Not Verified

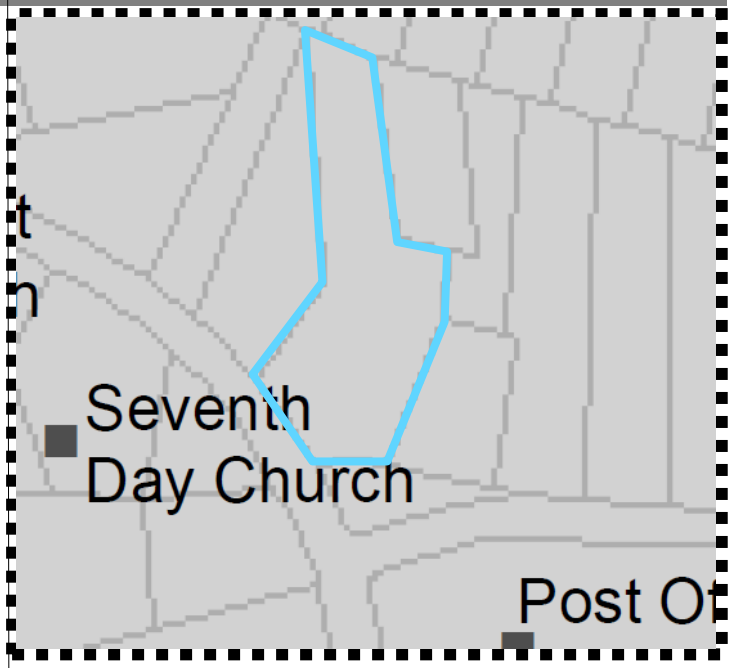
Wetlands:
___ Yes
___ No
✓ Not Verified

Drainage Basin:
✓ None
___ FEMA 100-year floodplain area
___ Flood Damage Prevention Ordinance[1]
___ 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 Area[3]
___ Chattahoochee River Corridor Tributary Area[4]
___ Georgia Erosion-Sediment Control Law and County Ordinance[5]
___ 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 Conditions: N/A

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas
0 435 870 1,740
Feet

2018 Flood Zones
- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property

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-feet 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 #: RZ2023-02(B)

COBB COUNTY SCHOOL DISTRICT

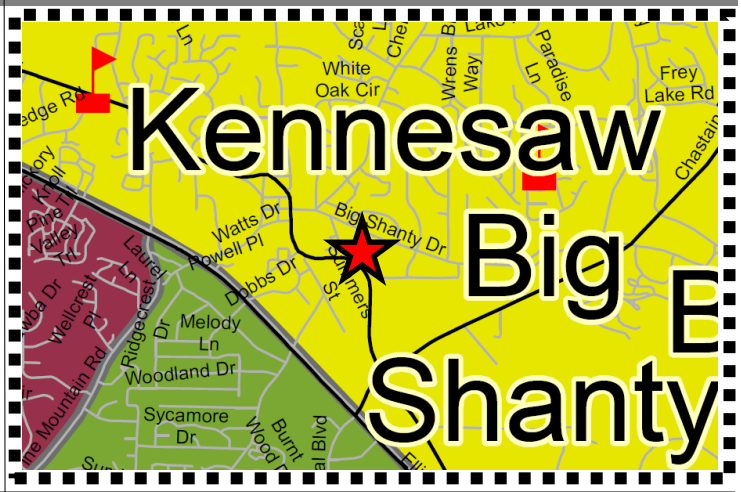
ELEMENTARY SCHOOL

School Name
Big Shanty Elementary School

Distance to School
1.8 miles

School Population
526 +/- students (2022-23)

ATTENDANCE ZONE MAP



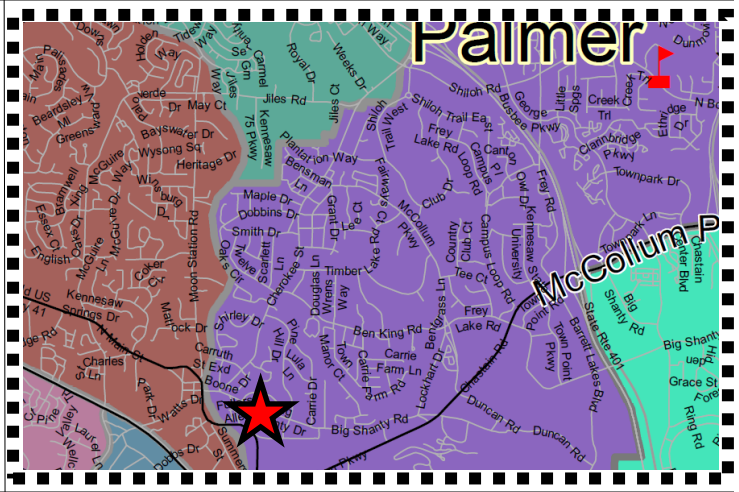
MIDDLE SCHOOL

School Name
Palmer Middle School

Distance to School
4.3 miles

School Population
875 +/- students (2022-23)

ATTENDANCE ZONE MAP



HIGH SCHOOL

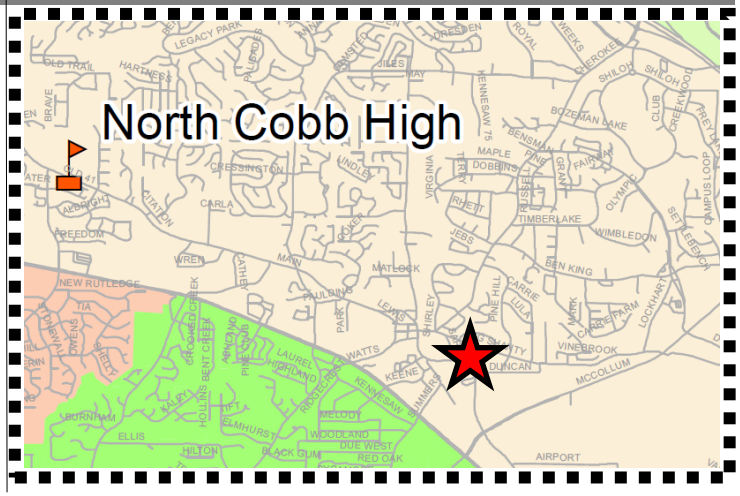
School Name
North Cobb High School

Distance to School
2.8 miles

School Population
2,631 +/- students (2022-23)

Student Population
Source: *www.publicschoolreview.com*

ATTENDANCE ZONE MAP



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(B)

PLANNING AND ZONING

Site Visit:
✓ Yes
___ No

Staff Member:
Name: Albert Trevino
Date of Visit: 4/28/2023

Land Use Recommendation:
Single-family residential is a compatible use

Historic Preservation:
Not in a historic district

Cemetery Preservation:
No cemeteries on site

Required Parking:
N/A

DENSITY ANALYSIS

COMMERCIAL: None proposed
RESIDENTIAL: None proposed

TOTAL LAND AREA: 3.5 +/- ACRES

Proposed Parking: Existing parking. None proposed

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL**

The Zoning Administrator recommends **approval** of case number #RZ2023-02(B)

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street.

South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive.

Rezoning this piece from Mobile Home Park to Central Business District will allow this parcel the opportunities of its neighbors for future growth in housing and commercial businesses on Main Street. Any new development shall meet the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, the ordinances found within section 4.02.03 of the Unified Development Code for the Central Business District as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends **approval** of case number #RZ2023-02(B)

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Meeting Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says “I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing".

III. New Business

1. **LU2023-01 –** Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

   - Chairman Bergwall proceeds to the first business item.
   - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says "Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

  - 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.
  - 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 public right-of-way.

- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
- Chairman Bergwall asks the applicant to come to the podium for comments.
- The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
- Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
- Commissioner Bodenhamer asks the applicant to make sure she signed in.
- Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
- Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

   RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City’s regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.

  - Chairman Bergwall opens the floor up to public comment.

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD?
- Mr.Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states **"**The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)".
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states **"**It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district".
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states "As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District".

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds "One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property".
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states **"**As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District".
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph.It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues “The additional zoning conditions that staff is recommending is as follows:
    - General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
    - Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
    - Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
    - Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
    - If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

- The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.

- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community".
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

- Vice-Chairman Jackson asks if the property owner sent a letter to withdrawn the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there was some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitle. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completed different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

DRAFT

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Mr. Simmons introduces the last business item. He states **"**This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney".
   - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
   - Mr. Simmons says yes.
   - Chairman Bergwall asks if there are any comments from the public.
   - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
   - Mr. Simmons responds, "Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change".
   - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
   - Motion by Commissioner Greenall to approve the text amendment as presented.
   - Second by Vice-Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

- Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
- He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of an ORDINANCE authorizing a rezoning request of property located at 2716 South Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Case # RZ2023-02 (C).

Summary:

The property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), and consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99. This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the rezoning request as outlined by staff.

Recommendation:

Zoning Administrator recommends approval of the rezoning request of subject property from Single Family R-15 to Central Business District (CBD).

Fiscal Impact:

Attachments:

1. ORDINANCE - 2716 S Main Street
2. RZ2023-02(C) - 2716 S Main Street - Rev. Byrd Packet
3. RZ2023-02(C) Staff Report 2716 S Main Street
4. 05-03-23 Planning Commission 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 R-15 (SINGLE-FAMILY RESIDENTIAL) TO CITY CENTRAL BUSINESS DISTRICT (CBD) FOR 2716 SOUTH MAIN STREET

WHEREAS, the City of Kennesaw has made an application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from **CITY R-15 (SINGLE-FAMILY RESIDENTIAL) TO CITY CENTRAL BUSINESS DISTRICT (CBD);** for the property located at 2716 South Main Street, identified as the 20th District, Land Lot 138 Tax Parcel 175 containing 1.27 +/- acres (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on April 14, 2023 and April 21, 2023 of a public hearing before the Kennesaw Planning Commission held on May 3, 2023 and the Mayor and Council May 15, 2023; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal on May 3, 2023; and

WHEREAS, the Mayor and Council held a public hearing on this proposal on May 15, 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 R-15 (SINGLE-FAMILY RESIDENTIAL) TO CITY CENTRAL BUSINESS DISTRICT (CBD)** for the following described property:

LEGAL DESCRIPTION
2716 SOUTH MAIN STREET

All that tract or parcel of land lying and being in Land Lot 138 20th District 2nd Section, Cobb County, Georgia, and being 1.7 acres, as shown on a plat made for Hugh Byrd and being recorded in Plat Book 34, Page 24, Cobb County Records and being more

particularly described as follows:

BEGINNING at an iron pin Located on the Northeasterly side of Duncan Drive, 529.5 feet Northwesterly from the intersection of the Northeasterly side of Duncan Drive with the original East line of Land Lot 138 , and running thence Northwesterly along the Northeasterly side of Duncan Drive for a distance of 120 feet to an iron pin; thence continuing Northwesterly for a distance of 80.5 feet to an iron pin and corner; thence running Northeasterly, forming an interior angle of 90 degrees 35 minutes, for a distance of 146 feet to an iron pin and corner; thence running Northeasterly, forming an interior angle of 204 degrees 55 minutes, for a distance of 371.4 feet to an iron pin and corner; thence running Southeasterly, forming an interior angle of 66 degrees 02 minutes, for a distance of 127 feet to an iron pin and corner located at the Northwest corner of the property of E. M. Ross; thence running Southerly, forming an interior angle of 124 degrees 50 minutes, for a distance of 263 feet to an iron pin; thence running Southwesterly, forming an interior angle of 162 degrees 52 minutes, for a distance of 251 feet to an iron pin Located on the Northeasterly side of Duncan Drive and the point of beginning.

Parcel ID: 20013801750

SECTION 2. 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 3. 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 ___day of May, 2023.

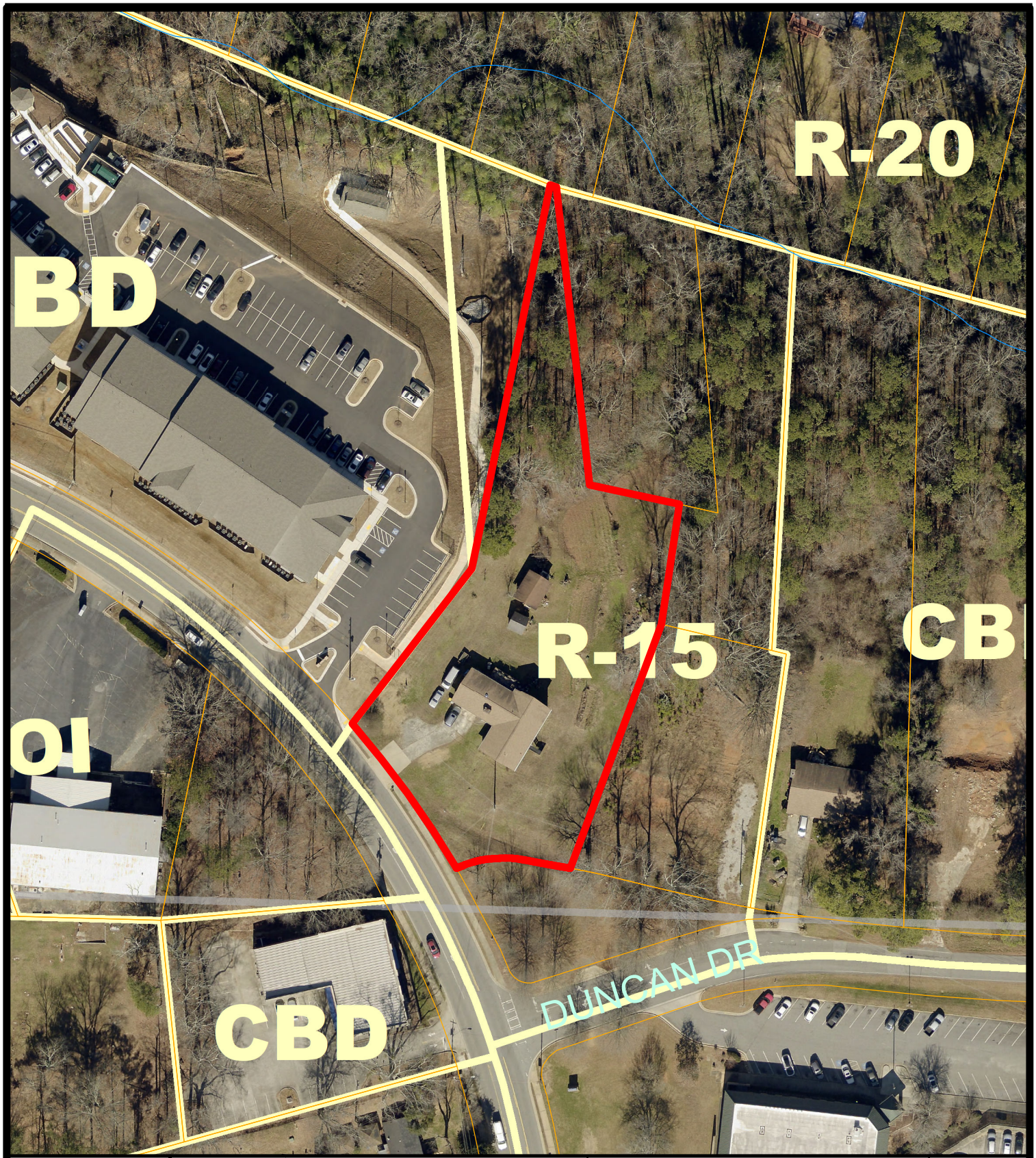
ATTEST: CITY OF KENNESAW:

_____ _____

Lea Alvarez, City Clerk Derek Easterling, Mayor

Agenda Item #2

- Case #: RZ2023-02(C)
- Address: 2716 S Main Street or parcel number 20013801750
- Property Owner: Hugh E. Byrd
- Application Type:
  - Rezoning
    - Consideration for approval to rezone subject property from R-15 (Single-Family Residential) to Central Business District (CBD). Property currently has an occupied single-family detached home, consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.



LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	R-15	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

2716 S Main Street
Land Lot 138, Tax Parcel 175
Subject Property

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

Derek Easterling MAYOR
Lea Alvarez CITY CLERK

Scale: 1 " = 100 '
Print Date: 3/29/2023
RZ2023-02F_Aerial Map

Case #: RZ2023-02 (C)

REZONING APPLICATION

Required Fee $0

Date Received 3-27-23
Staff's Initials AT

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

Date of Consultation (if any/not required) N/A Staff's Initials AT

REZONING PROPERTY ADDRESS 2716 South Main Street, Kennesaw, GA 30144

Parcel ID Number: 20013801750 Land Lot 138 Tax Parcel 175 Lot Size 1.7 +/- acres

Current Use Residential Buildings 1 Accessory Units 2

Current Zoning R-15 (Single-Family Residential) To: Central Business District (CBD)

APPLICANT NAME City of Kennesaw, Georgia

Applicant E-mail zoningdept@kennesaw-ga.gov

Applicant Address 2529 J O Stephenson Avenue, Kennesaw, GA 30144

Phone # (770) 590-8268, - Zoning Office

Applicant Signature Hugh E. Byrd Date 3/27/2023

Signed, sealed and delivered in presence of:

Notary Monica Rashelle Robinson Date 3/27/2023

MONICA RASHELLE ROBINSON NOTARY PUBLIC GEORGIA EXPIRES March 15, 2026 W-00548351 DOUGLAS COUNTY

REPRESENTIVE NAME (IF APPLICABLE) _____

Phone # _____ Work # _____ Fax # _____

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary Date

PROPERTY OWNER NAME (MUST CORRELATE TO NAME ON DEED): Hugh E. Byrd

Property Owner E-mail _____

Property Owner Mailing Address 2716 South Main St, Kennesaw, GA 30144

Phone # [redacted]

Property Owner Signature Hugh E. Byrd Date 27 Mar. 2023

Signed, sealed and delivered in presence of: Monica Rashelle Robinson

Notary Date 3/27/2023

MONICA RASHELLE ROBINSON NOTARY PUBLIC GEORGIA EXPIRES March 15, 2026 W-00548351 DOUGLAS COUNTY

2716 S Main Street (PIN: 20013801750)

4/20/2023, 3:20:06 PM

Parcels

Subject property

1:1,200

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Web AppBuilder for ArcGIS

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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:

Rezoning from R-15 to CBD

The property referred to is located at:

2716 S Main Street

and is within a 200 foot radius of your property. It is described as Land Lot 138 20th District, 2nd Section, Tax Parcel 175 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03 at 6:30 ~~7:00~~ p.m., and the Mayor and Council on 05/15 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.

Any questions, please contact:
Planning & Zoning Department
zoningdept@kennesaw-ga.gov
(770)-590-8268

Dated 4-13-23 Applicant PSA

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

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 20 day of April, 2023

Applicant Signature: _____

[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 04/14/2023 in accordance with the application requirements.

4/20/23
Date

Applicant or Authorized Agent

Sworn and subscribed before me this 20th day of April 2023

Miranda Taylor
Notary Public Signature

[Notary Stamp]

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

(49) (46) Bk 829

HALL PRINTING & OFFICE SUPPLY CO. - MARIETTA, GA.

STANDARD WARRANTY DEED

STATE OF GEORGIA

COBB County

THIS INDENTURE, made this 1st day of April in the year of our Lord One Thousand Nine Hundred and Sixty-five between GEORGE E. TAYLOR and JESSIE M. TAYLOR of the State of GEORGIA and County of COBB of the first part and HUGH EDWARD BYRD of the State of GEORGIA and County of COBB of the second part.

WITNESSETH: That the said part ies of the first part for and in consideration of the sum of --OTHER VALUABLE CONSIDERATION AND TEN AND NO/100---------- DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, ha ve granted, bargained, sold and conveyed, and by these presents do -- grant, bargain, sell and convey unto the said part y of the second part, his heirs and assigns all that tract or parcel of land lying and being in Land Lot 138, 20th District, 2nd Section, Cobb County, Georgia, and being 1.7 acres, as shown on a plat made for Hugh Byrd and being recorded in Plat Book 34, Page 24, Cobb County Records and being more particularly described as follows:

BEGINNING at an iron pin located on the Northeasterly side of Duncan Drive, 529.5 feet Northwesterly from the intersection of the Northeasterly side of Duncan Drive with the original East line of Land Lot 138, and running thence Northwesterly along the Northeasterly side of Duncan Drive for a distance of 120 feet to an iron pin; thence continuing Northwesterly for a distance of 80.5 feet to an iron pin and corner; thence running Northeasterly, forming an interior angle of 90 degrees 35 minutes, for a distance of 146 feet to an iron pin and corner; thence running Northeasterly, forming an interior angle of 204 degrees 55 minutes, for a distance of 371.4 feet to an iron pin and corner; thence running Southeasterly, forming an interior angle of 66 degrees 02 minutes, for a distance of 127 feet to an iron pin and corner located at the Northwest corner of the property of E. M. Ross; thence running Southerly, forming an interior angle of 124 degrees 50 minutes, for a distance of 263 feet to an iron pin; thence running Southwesterly, forming an interior angle of 162 degrees 52 minutes, for a distance of 251 feet to an iron pin located on the Northeasterly side of Duncan Drive and the point of beginning.

TO HAVE AND TO HOLD, The said bargained premises, together with all and singular, the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of him, the said part y of the second part his heirs and assigns forever, IN FEE SIMPLE.

And the said part ies of the first part, for themselves, their heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part y of the second part, his heirs and assigns, against the lawful claim of all persons whomsoever.

IN WITNESS WHEREOF, The said part ies of the first part, ha ve hereunto set their hand s and affixed their seal s, the day and year above written.

Signed, sealed and delivered in the presence of:

Carol Ann Edens
Witness

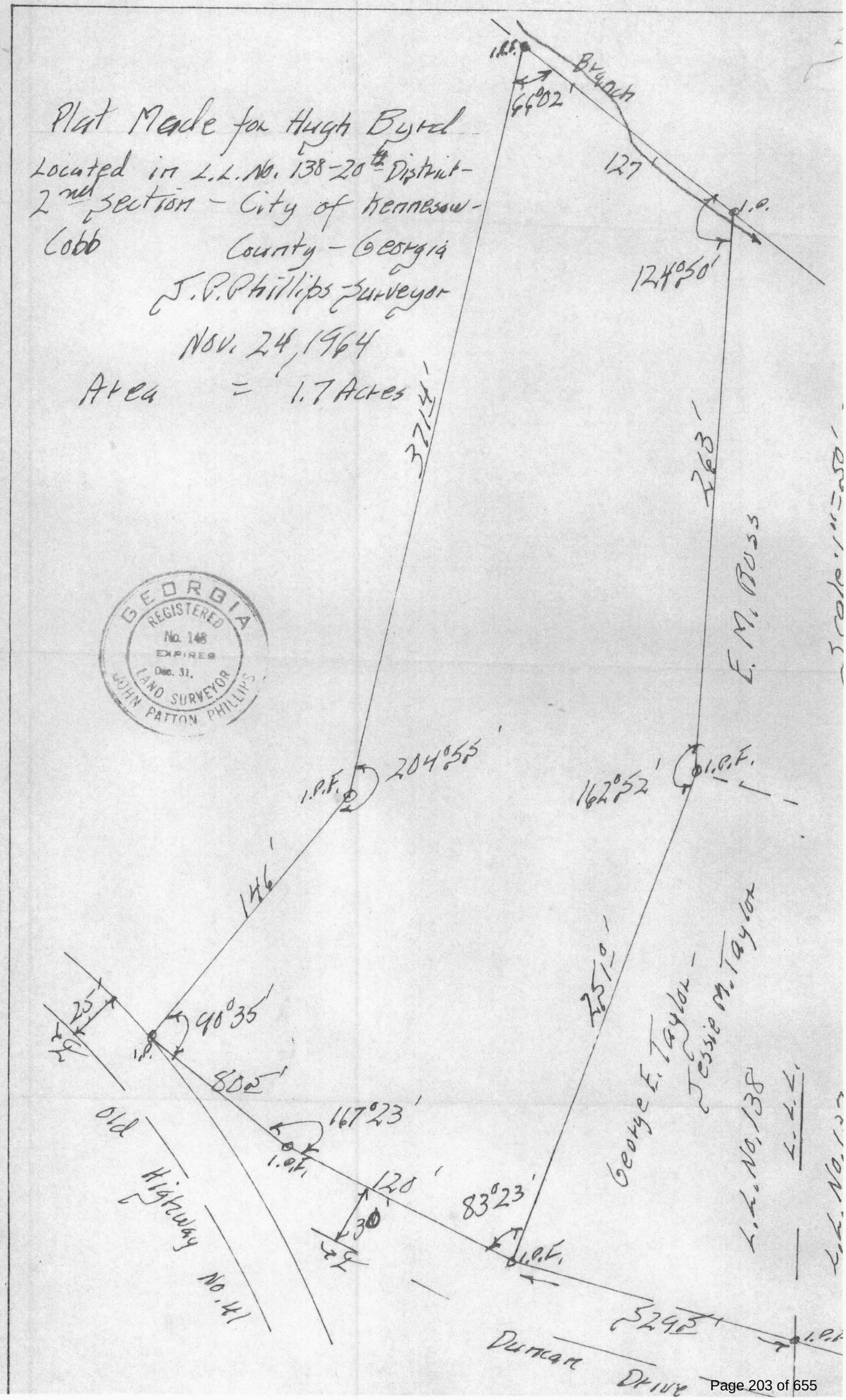
Notary Public, Cobb County, Georgia
My commission expires Aug 6 1965

George E. Taylor (SEAL)
George E. Taylor

Jessie Mae Taylor (SEAL)
Jessie M. Taylor

(SEAL)

GEORGIA, Cobb County, Clerks' Office Superior Court
Filed for Record 2 day of April 19 65
at 9 o'clock 40 M-Recorded April 5 19 65
TYRE LEE TERRY, Clerk (SEAL)


Plat Made for Hugh Byrd
Located in L.L. No. 138-20th District-
2nd Section - City of Kennesaw-
Cobb County - Georgia
J.P. Phillips Surveyor
Nov. 24, 1964
Area = 1.7 Acres
GEORGIA
REGISTERED
No. 148
EXPIRES
Dec. 31,
LAND SURVEYOR
JOHN PATTON PHILLIPS
I.P.F.
Branch
66°02'
127'
I.P.
124°50'
371.4'
263'
E.M. Buss
204°55'
I.P.F.
162°52'
I.P.F.
146'
25'
40°35'
I.P.
80'
167°23'
I.P.F.
120'
30'
83°23'
I.P.F.
George E. Taylor -
Jessie M. Taylor
L.L. No. 138
Old
Highway
No. 41
Duncan
Drive

Printed: 5/4/2023

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:
HUGH & JUANITA BYRD

BYRD HUGH EDWARD

Payment Date: 9/16/2022

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2022	20013801750	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	$696.03	**$0.00**

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

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 #
20013801750	3/3-BOND - KENNESAW CITY	235888

Property Owner/Location/Description	Fair Market Value	Taxable Value
BYRD HUGH EDWARD 2716 S MAIN ST	296,490	118,596

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	118,596		118,596		0		8.0000000		$0.00
BOND	118,596		118,596		0		1.5000000		$0.00

Exemptions:

413 - Age 65

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

Per House Bill 960, to arrive at the property tax interest rate, divide10.5% by 12, which equals .875%. This interest rate will continue to accrue on a monthly basis, based on an annual calculation of Federal Prime Rate (7.5%) plus 3%.

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.

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:	20013801750
Amount Due:	$0.00
Bill#:	235888
Due Date:	12/01/2022
	AMOUNT PAID

BYRD HUGH EDWARD
2716 SOUTH MAIN ST
KENNESAW, GA 30144-3538

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

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # RZ2023-02

PURPOSE Rezone to Central Business District. CBD Expansion Phase 2.

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

04.18.2023 09:25

link: https://www.facebook.com/CityofKennesaw/
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.

Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live 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.
4:14,21-2023

4:14,21-2023

MDJ-3594

GPN-16
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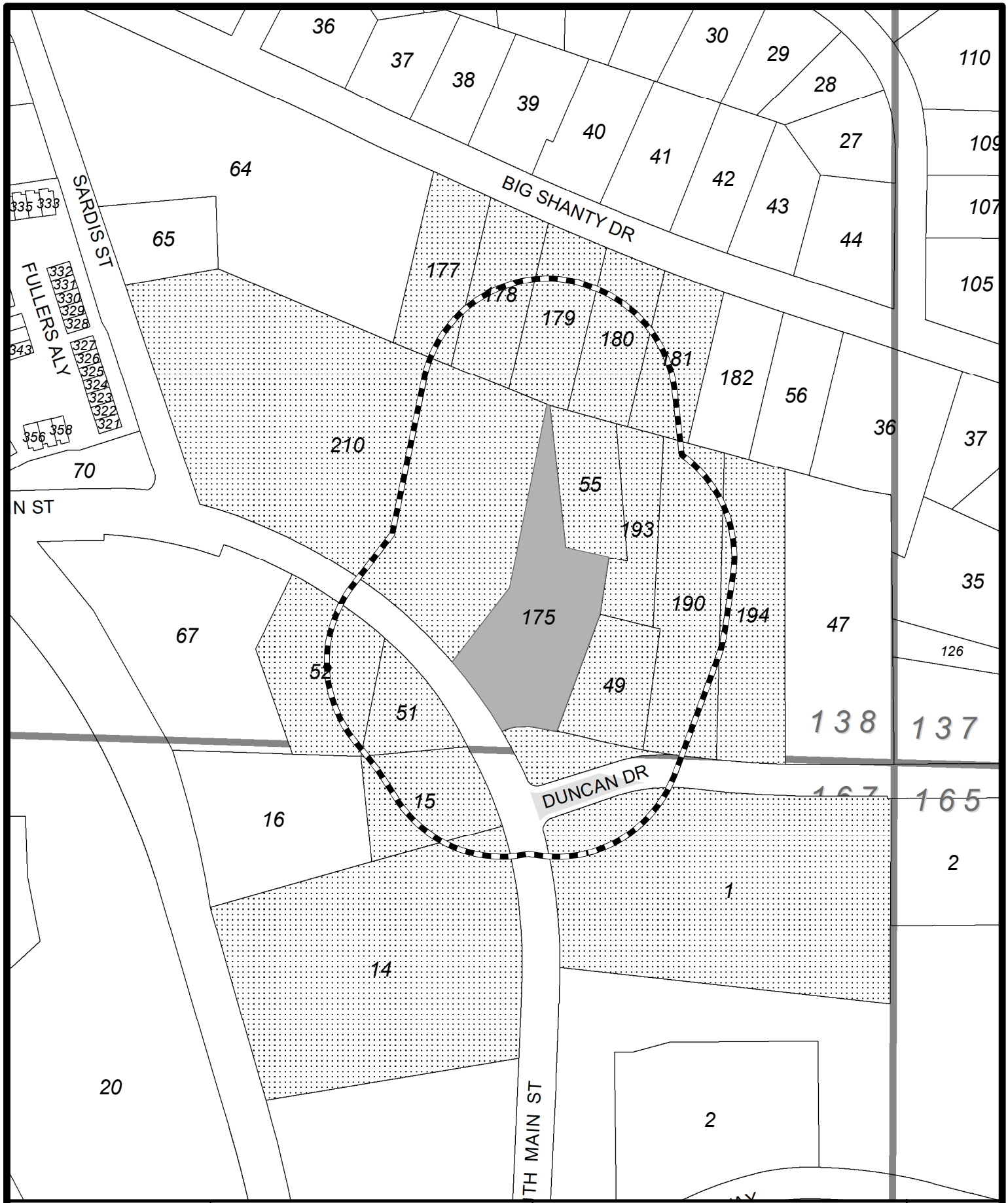
4:14,21-2023

MDJ-3595



Subject Parcel

200' Radius

Properties Notified

2716 S Main Street
Land Lot 138,
Tax Parcel 175

RZ2023-02
200' PROPERTY NOTIFICATION

Date: 3/29/2023

RZ2023-02_Notification Map

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

Derek Easterling MAYOR
Lan Alvarez CITY CLERK

1 " = 200 '

Tax Parcel - 20016700010
UNITED STATES POSTAL SERVICE PARTY
2680 SOUTH MAIN ST
KENNESAW GA 30144

Tax Parcel - 20016700150
ENERGY TAE KWON DO ORGANIZATION INC
2689 SOUTH MAIN ST
KENNESAW GA 30144

Tax Parcel - 20013801940
MILLER SANDRA E
2161 MARNE GLN NW
KENNESAW GA 30152

Tax Parcel - 20013802100
ENCLAVE AT MILL DISTRICT LP
1002 W 23RD ST STE 400
PANAMA CITY FL 32405

Tax Parcel - 20013801790
GORYNSKI TODD E
2005 BIG SHANTY DR NW
KENNESAW GA 30144

Tax Parcel - 20013801810
RM FAMILY PROPERTIES LLC
6329 PALM CT
PANAMA CITY BEACH FL 32408

Tax Parcel - 20013801800
EDRIS MATILDA
1995 BIG SHANTY DR NW
KENNESAW GA 30144

Tax Parcel - 20013801930
WINFREY HORACE & BRYANT GLORISTEEN
P O BOX 188
KENNESAW GA 30144-0188

Tax Parcel - 20013801900
AUSTIN PHILPOT DOROTHY ANN & TIERRE
238 HIGHLAND DALLAS BLVD
DALLAS GA 30132

Tax Parcel - 20013801770
MCENTIRE ZACHARY L & PATTIE A
455 OLD BELLS FERRY RD
ROME GA 30161

Tax Parcel - 20013801750
BYRD HUGH EDWARD
2716 SOUTH MAIN ST
KENNESAW GA 30144-3538

Tax Parcel - 20013801780
PICKEN JEFFREY M & KRISTIN L
413 TALCOTT CIR
MARIETTA GA 30064

Tax Parcel - 20013800490
WINFREY HORACE J SR EXECUTOR TAYLOR
JESSIE MAE ESTATE
PO BOX 188
KENNESAW GA 30144-0188

Tax Parcel - 20013800550
TAYLOR JESSIE MAE ESTATE C/O HORACE J
WINFREY
PO BOX 188
KENNESAW GA 30144-0188

Tax Parcel - 20013800510
METHODIST CHURCH
OLD HWY 41
KENNESAW GA 30144

Tax Parcel - 20013800520
SOUTH ATLANTIC CONFERENCE ASSOCIATION
OF
3978 MEMORIAL DR
DECATUR GA 30032

Tax Parcel - 20016700140
OLD SOUTH VILLAGE LLC C/O KODIAK
VENTURES
PO BOX 684448
MARIETTA GA 30068

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 17, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

Property Address
2716 S Main Street
Applicant
City of Kennesaw
Representative
N/A
Property Owner
Hugh E. Byrd
Current Zoning
R-15 (Single-Family Residential)
Current Future Land Use Category
Downtown Activity Center
Project Request: Rezone property to Central Business District (CBD)
Please see page 4 for project request description.

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 #: 20013801750
Land Lot #: 138 **Tax Parcel #:** 175
Land Area: 1.7 +/- acres
Existing Building Total SQFT: 1,687 SQFT
Proposed Building SQFT: None
Proposed Streets: None

RECOMMENDATION

Staff Recommendation
Approval
Planning Commission Recommendation
Approval
Please see page 22 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: Big Shanty Drive
Zoning: County General Commercial
Future Land Use: Residential Low/Medium (RL)

South: Duncan Drive
Zoning: Planned Village Community (PVC)
Future Land Use: Regional Activity Center (RAC)

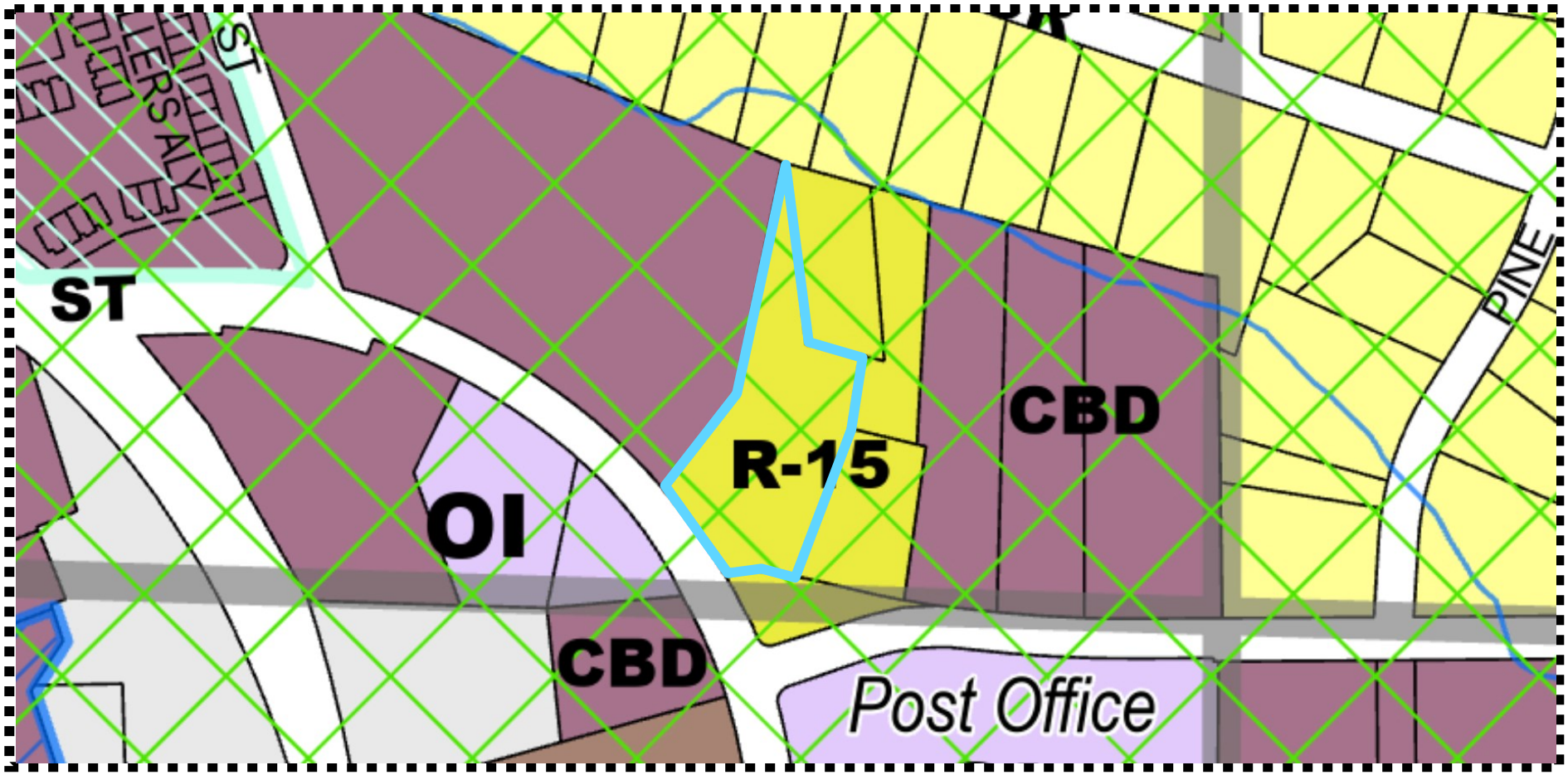
East: Pine Hill Drive
Zoning: County General Commercial
Future Land Use: Residential Low/Medium (RL)

West: South Main Street
Zoning: Planned Village Community (PVC)
Future Land Use: Regional Activity Center (RAC)

Please see pages 2 - 3 for full maps.

ZONING MAP

ZONING CASE #: RZ2023-02(C)



Zoning Districts

CBD	HGB	OI	R-12	RA-5
CRC	HI	PBSH	R-15	RA-6
FST	LI	PSC	R-20	RM-8
GC	MHP	PUD-R	R-30	RM-12
NRC	NS	PVC	R-40	RM-16
		R-10	RA-4	UVC

Zoning Overlays

- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

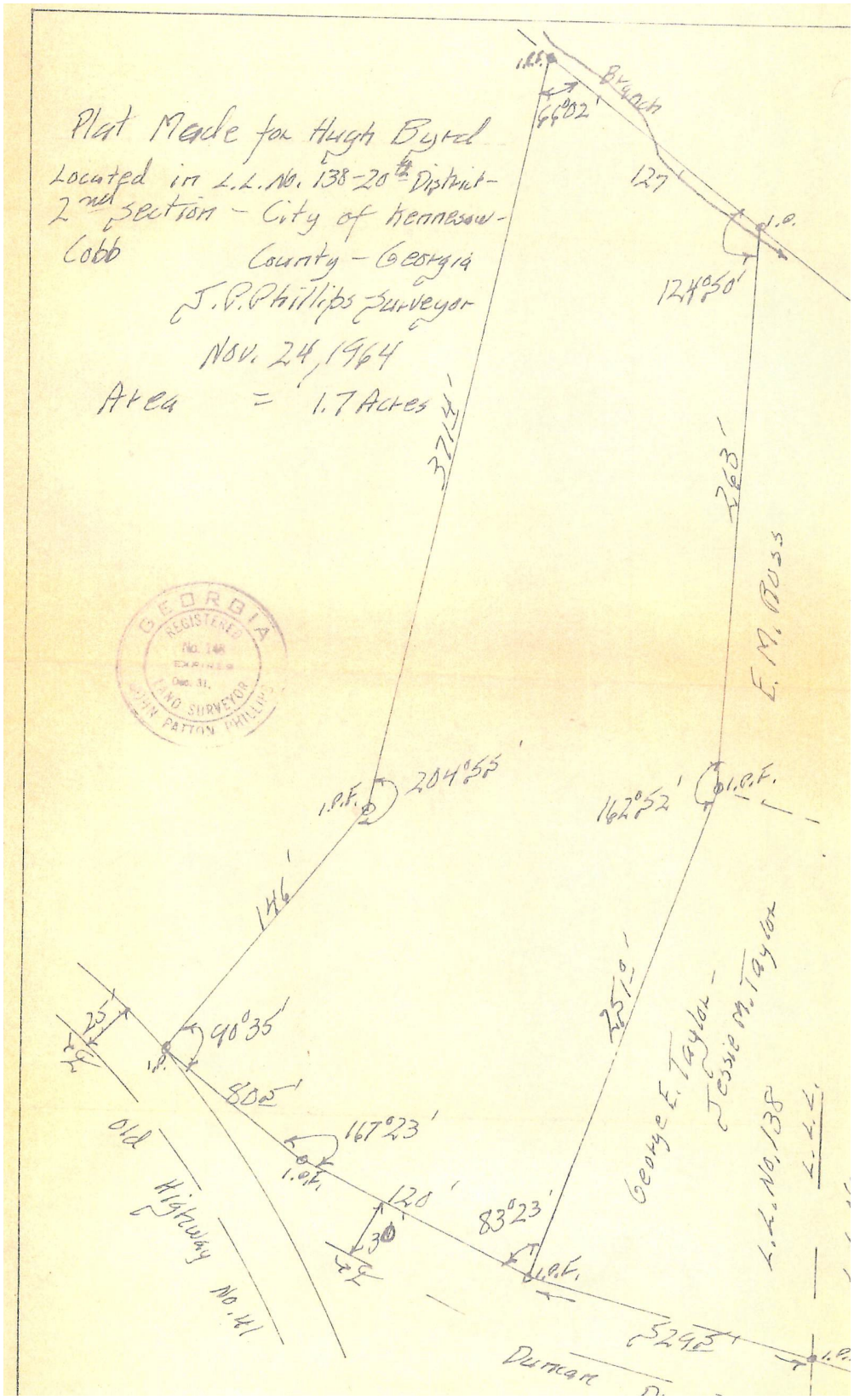
- Acworth City Limits
- Kennesaw City Limits
- Kennesaw Mtn Nat'l Battlefield
- 139 Land Lots
- Marietta City Limits

2

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

PLAT



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

DESCRIPTION OF ZONING REQUEST: **REZONING**

Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from the current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2.

PROJECT INTENT

The intent of the project is to rezone the subject parcel to Central Business District and currently owned by Hugh E. Byrd. The property has an existing occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

Pre-Application Meeting
City initiated

Application Submitted
March 17, 2023

Fees Paid
$0

Certified Letters Mailed By
April 14, 2023

PROPERTY DETAILS

Year Built: 1966
Style: Brick Ranch
Square Footage: 1,687
Historic District: No
Kennesaw Downtown Development Authority: Yes
Entertainment District: No

GOOGLE STREET VIEW

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

THE CENTRAL BUSINESS DISTRICT (CBD)

CREATION OF THE CBD ZONING DISTRICT

The Central Business District zoning district was created on September 3, 2002 under ordinance #2002-35. The purpose of creating this district was to enact a comprehensive zoning district which covered properties within the City's downtown core. It continues today to aim at encouraging quality development and the preservation of the historical character of downtown Kennesaw. This ordinance laid down the design standards of the district within the Unified Development Code. No properties had been rezoned to CBD in 2002.

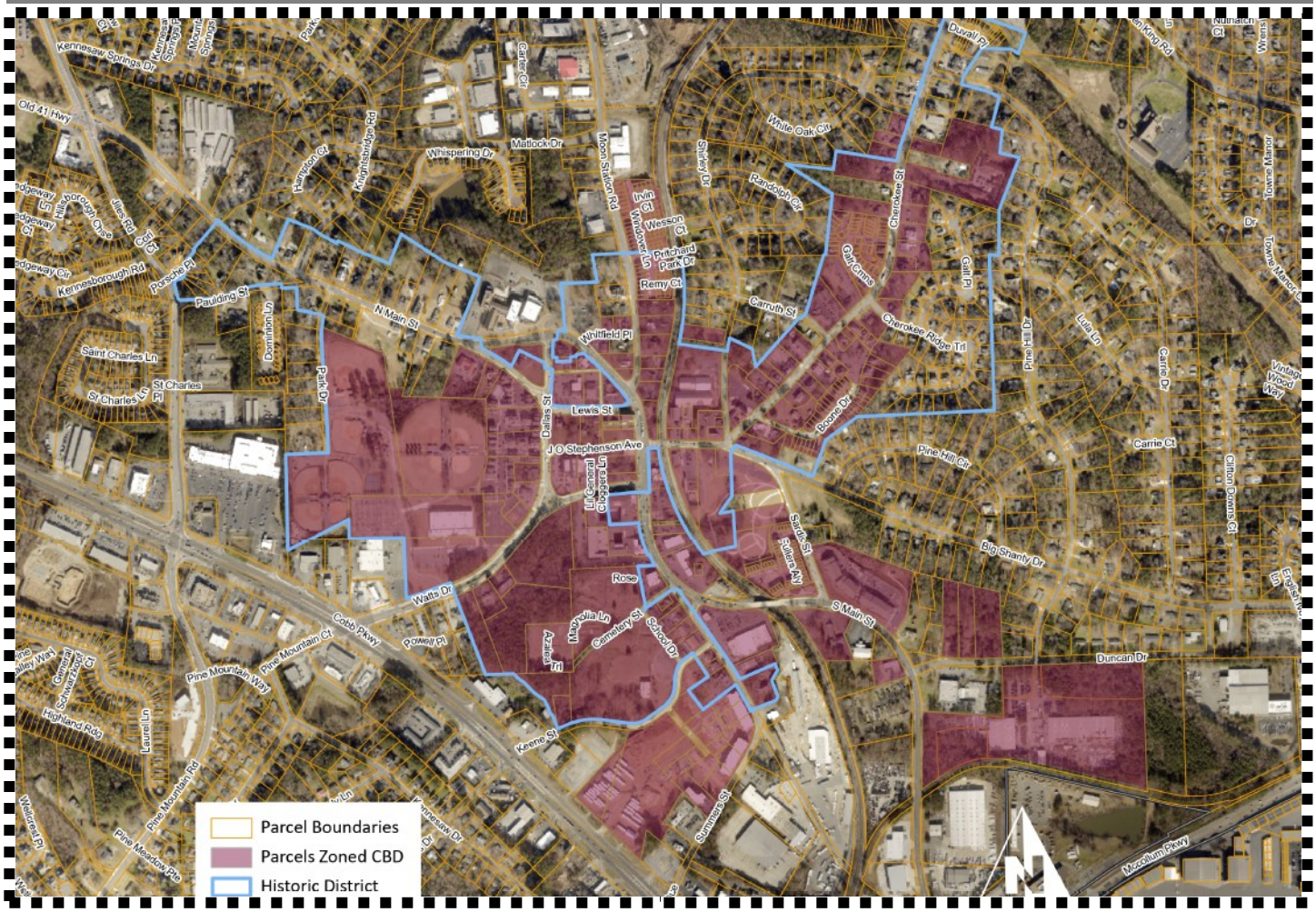
PHASE 1 - FEB. 2003 & OCT. 2005

Phase 1 was initiated in 2002-2003 and approved by Mayor and Council on February 18, 2003 under ordinance #2003-07, where various properties within the downtown core were rezoned to CBD. In 2005, another group of properties located in downtown Kennesaw were rezoned to CBD on October 17, 2005 under ordinance #2005-32.

PHASE 2 - MAY 2023

Phase 2 is being conducted in 2023, where, staff notified at least 25 property owners throughout downtown, inviting them to be a part of the CBD. Four private properties and three City of Kennesaw properties are up for rezoning.

CURRENT BOUNDARIES - CENTRAL BUSINESS DISTRICT AND HISTORIC DISTRICT MAP



PROPERTY OWNERS INVITED TO REZONE TO CBD

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

ZONING CASE #: RZ2023-02(C)

PHASE 2 - MAY 2023

PROPERTY ADDRESS	PROPERTY OWNER NAME
2750 WATTS DR	Blue Project LLC c/o Lisa Kirshenbaum
2748 WATTS DR	Depen Douglas D
2561 SUMMER ST	Hebah Inc c/o Taki Momin
2573 SUMMER ST	2573 Summers Street LLC c/o Steve Shakar
2001 DUNCAN DR NW	United States Postal Service Party
2006 DUNCAN DR NW	Winfrey Horace J Sr Executor Taylor Jessie Mae Estate
DUNCAN DR NW	Winfrey Horace & Bryant Gloristeen
DUNCAN DR NW	Taylor Jessie Mae Estate C/O Horace J Winfrey
2716 S MAIN ST	Byrd Hugh Edward
S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2751 S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2754 S MAIN ST	Bencivenga Gabriel Living Trust 7/09/02 Gabriel Bencivenga LLC
2879 N MAIN ST	Dennis Alvah Myers Revocable Living Trust
2961 MOON STATION RD	Schneider Edward R & Counts Gurdon W III
2971 MOON STATION RD	Odom David Stanley III & Jan G
2958 N MAIN ST	First Baptist Church Kennesaw c/o Dr. J Perry Fowler, Lead Pastor
2939 CHEROKEE ST	Sims Benjamin J
2098 CARRUTH ST	The Fourth Way LLC
3045 CHEROKEE ST	Richards Thomas R Sr Revocable Trust
3066 CHEROKEE ST	Varela Jose Bicet Murillo
3086 CHEROKEE ST	Larrys Legacy Properties LLC c/o Angela Gail Little
3119 CHEROKEE ST	Bright Futures Inc c/o Suzanne L. Jackson, CEO

ZONING CASE #: RZ2023-02(C)

UNIFIED DEVELOPMENT CODE - SECTION 4.02.03 - CENTRAL BUSINESS DISTRICT

A. Purpose and Intent.

1. The Central Business District (CBD) is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.

2. The classification is primarily intended for a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the Central Business District (CBD) is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw.

3. The CBD is designed to achieve the following:

    a. Create an environment where residents and visitors can live, work, meet, and play.
    b. Promote a balanced mix of retail, office-professional, entertainment, residential, civil, and cultural uses in the core downtown area.
    c. Allow for growth of a healthy economic business district.
    d. Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments.
    e. Ensure compatibility with the historic district to achieve architectural and design integrity and consistency.
    f. Provide accessible and sufficient parking that is unobtrusive by encouraging shared, underground, and deck parking and alternative modes of transportation including pedestrian and bicycles.
    g. Promote a pedestrian environment though sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity.
    h. Provide safe and accessible parks and public and private open space.

B. Lot size, setback and building height requirements. Within the CBD the following lot size and setback requirements shall apply.

1. Minimum lot size, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements of off-street parking, loading and unloading, and setback requirements, where applicable.

2. Maximum lot coverage: Not more than eighty-seven (87) percent of the area of any lot may be covered by buildings structures or storm water facilities.

3. Minimum setbacks:

    a. Front - Established to "build-to-line" which equals the averaged distance from the property lines measured from existing structures along right-of-way adjoining properties as measured from existing structures.
    b. Side - None, except when abutting a residential zoning district where there is no intervening right-of-way, the setbacks requirement is ten feet. Where alleys exist between districts, the setbacks shall be five feet from the property line/alley right-of-way.
    c. Rear - None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 25 feet.
    d. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

4. Maximum building height: Subject to the Historic District Design Guidelines

5. Maximum floor area ratio (FAR) - 1.10

    (Calculations for FAR: Floor Area/Lot Area = FAR)

C. Permitted Uses

1. General retail uses: antiques, animal hospitals, appliance store, arts and crafts, bakery, bicycle shop, book store, butcher, carpet and floor covering, cosmetics, draperies and slipcovers, fabric store, farmers market (fully enclosed and open-air), flower shop, food, fraternity and sorority houses/residence halls (must be university authorized dwellings), fruit/vegetable stand, garden supplies, gift shop/glassware, growler establishments, hardware store, home/office furnishings, ice cream shop, jewelry store, leather goods/luggage, massage therapy establishments, massage therapy associated with the following uses: as part of a salon service establishment and as part of a medical, chiropractic, or sports medicine establishment, medical and surgical equipment, music shop, nautical supplies, office supplies, pets and pet supplies, pharmacy, photographic equipment/supplies, spa and salon establishments, sporting goods, toy store.

2. Services and professional Uses: banks/financial institutions limited to one drive-through and/or automated transaction machines, interior decorating establishments, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, professional offices, sports medical physical therapy.

3. Services and facilities: Auction, barber/beauty shops and salons, bed and breakfast inn and residential-type inns, broadcast studios, butcher shops, caterers, dry cleaning and laundry pick-up stations limited to off-site processing for customer pick-up, exercise facilities (e.g., gyms and clubs), galleries, alternative wireless communications facilities (special land use approval required), government facilities including by not limited to the following: government offices, public works facilities, community centers, public parks, clubhouses, amphitheaters, hotels, laundromats limited to self-service facilities, libraries, motels, museums, newsstands, outdoor cafes, parking lot and garages (commercial or public), pet grooming, religious assemblies, restaurant excluding drive-in and drive through, rest/personal care/convalescent homes, small item repair, tailoring, tobacconist, taverns/cocktail lounges, vocational schools some examples being: arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling and karate-judo.

4. Residential uses: condominiums, mixed-use residential/commercial, single-family detached and townhomes.

5. The permitted uses under this section shall be allowed in such a way as to promote a diverse mixture of the uses so as to avoid concentrations of such uses within close proximity of which may cumulatively create a nuisance, safety or health hazard or parking problem that may negatively affect the overall financial stability of surrounding uses.

All retail and professional uses varied in nature that meet the CBD vision and adopted comprehensive plan and all other adopted planning studies for the City of Kennesaw that is not listed as a prohibited use under Section 4.02.03E.

D. **Special Exception Uses. Within the CBD the following uses shall be permitted by special exception as per Section 4.04.01:** cemeteries, private community centers, private schools or general and special education and religious assemblies' accessory cemeteries and schools.

E. Use Limitations. Within the CBD the following use limitations apply:

1. All projects located within the historic district shall meet the City of Kennesaw design review guidelines as may be amended from time to time.
2. No (new or used) car lots
3. No car repair shops to be established
4. No sexually oriented businesses as defined in the Kennesaw Code of Ordinances Business Licenses shall be allowed.
5. No overnight outside storage shall be allowed.
6. No more than five percent of total store inventory may be displayed outside.
7. All items stored outside shall be moveable to indoor without compromising accessibility to the building.

8. No items shall be displayed on paved areas or parking lots, except for temporary permits for special sales events not to exceed seven days more than four times per calendar year.
9. Items may be displayed on porches or adjacent to primary structures only in non-paved areas.
10. Sidewalk/yard sales shall only be conducted after issuance of the proper permit.
11. All abandoned or disposed items including recycling and trash shall be removed within three days.
12. No chemical manufacturing, storage or distribution shall be allowed.
13. No enameling, plating or paint (except for artist studios) shall be allowed.
14. No detention centers or halfway houses shall be allowed.
15. No tire shredding or recycling centers shall be allowed.
16. No manufacture or disposal of hazardous or radioactive waste materials shall be allowed.
17. No scrap yards shall be allowed.
18. No manufactured/mobile homes shall be allowed.
19. No commercial sand, gravel or other mineral extraction shall be allowed.
20. No indoor or outdoor shooting ranges shall be allowed.
21. No tattoo parlors shall be allowed.
22. No body piercing facilities, as a primary use shall be allowed.
23. No extended stay hotels/motels shall be allowed.
24. No chain link fences shall be permitted.
25. No overnight parking of commercial vehicles (except for mini-vans or cars) shall be allowed.
26. No uses that emit noxious odors, fumes or sounds shall be allowed.
27. No outside animal runs with any veterinary office or kennel shall be allowed.
28. No detention or retention or wet weather ponds allowed.
29. No gas stations to be established. The wholesale and retail sale of all fuel sources are governed by this restriction.
30. No automobile, truck, motorcycle or recreational vehicle rental facilities to be established
31. No drive-through amenity to be established in association with any eating and drinking establishments located within the Central Business District.
32. No funeral homes allowed.

F. Gateway Corridors:

1. Cherokee Street
2. Watts Drive
3. North Main Street (Old Hwy 41)
4. South Main Street (Old Hwy 41)
5. Summer Street

G. Residential Development Standards

1. <u>Condominiums:</u> Minimum floor area for all units - 1,000 square feet

2. Mixed use retail/residential with residential on second floor
    a. The non-residential portion of the development shall obtain a certificate of completion before the issuance of the certificates of occupancy for the last 20 percent of residential units for the residential portion.
    b. The gross floor area occupied by residential uses shall not exceed seventy-five (75) percent of the total gross floor area of the buildings or individual structures.
    c. Minimum floor area for all residential units - 1,000 square feet

3. Single family, detached: The minimum floor area of residential dwellings shall be 1,100 square feet.

4. Townhouses: The minimum floor area of all residential units - 1,000 square feet

5. For-Rent Residential Apartment units:

    a. To be allowed only in mixed use residential/commercial projects
    b. Rental apartment units will be allowed subject to specific development agreement conditions as part of the Central Business District project approval process as per UDC Section 4.02.03(H).
    c. Minimum floor area for all residential units in mixed use residential project to average 1,000 square feet.
    d. Units with a floor plan totaling the minimum of 850 square feet can be utilized for no more than 30 percent of the total apartment units for the project.

H. Approval Process for Projects:

1. City of Kennesaw staff shall conduct a minimum of one consultation with applicant to review project concept and factors to consider in the planning and design phase prior to initial site plan and architectural review.

2. Conceptual site plan and architectural review by City of Kennesaw staff

3. Submittal to the Kennesaw Downtown Development Authority (KDDA) for review and comment only.

4. Submittal to the Historic Preservation Commission (HPC) for certificate of appropriateness approval if within a historic district. If subject property is not in the historic district then concept approval will be required.

5. Site Plan review and approval by City of Kennesaw staff required.

6. Final plan approval by Mayor and Council

I. The site plan of the project shall be consistent with the City of Kennesaw adopted Comprehensive Plan, Depot Master Plan and LCI study.

J. The project shall be designed as to provide a proper transition, land use and design so as not to negatively affect surrounding properties.

K. The site plan of the project shall incorporate public space architectural and urban features consistent with the City wide Architectural Design Standards and the City of Kennesaw Historic District Design Standards including fountains, gardens, squares, courtyards, lighting, signage, and paving that blend the mixed uses.

L. Each applicant shall submit a business plan which contains at a minimum the following information:

1. Type of business
2. Projected market targeted
3. Projected customer generation
4. Plan on traffic control for ingress/egress of property
5. Study on similar uses in area
6. Projected economic impact to City of Kennesaw

M. General requirements:

1. Compliance to downtown redevelopment plan vision
2. A balanced mixture of uses to meet downtown redevelopment plan vision
3. Positive economic development impact
4. Architectural design and quality shall be consistent with City of Kennesaw Design Guidelines and compatible with the city's architectural heritage.
5. Pedestrian and vehicular connectivity shall be incorporated into site design.
6. The height of fences and walls located between the building façade and a street shall not exceed forty (40) inches and in other areas shall not exceed six (6) feet.
7. No barbed wire, razor wire, chain link or similar elements shall be visible from any street, public park, sidewalk, public or private open space or outdoor dining area.
8. Loading docks and dumpsters shall be entirely screened from view with vertically enclosed opaque walls.
9. Utilities shall be placed underground.
10. Building mechanical and accessory features:
    a. Shall be located to the side or rear of the principal structure or on rooftops and shall not be visible from any public open space or sidewalk area.
    b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.

11. Any project permitted within the CBD which proposes a lighted facility including signs, parking lots, and entrance ways shall have an approved lighting plan consistent with lighting styles utilized in the downtown streetscape design and approved under the City of Kennesaw Historic Design Standards and Citywide Design Guidelines.
12. All sign locations located within historic district will be subject to review and approval by the HPC.
    a. City staff will review and process the sign permit application as per design standards as set forth in Chapter 5.03.00 of the sign ordinance after review and approval from HPC.
    b. All temporary signs will be regulated as per Chapter 5.03.00.

N. Parking, road and access requirements. Overall parking plans for the entire project site shall be approved by city staff through the plan review process. All parking requirements can be provided off-site. No alley parking is permitted.

1. Angled on-street parking on both sides shall be permitted dependent upon site plan review and approval.
2. Rear access shall be provided to townhouse and multifamily garages, single-family dwelling garage commercial loading and service areas, where such access is feasible.
3. Bicycle or moped parking spaces are required as follows: All new non-residential uses shall provide one (1) such space for every twenty (20) automobile spaces but not less than one (1) space and new residential uses shall provide one (1) such space for every five (5) units. Such spaces shall be located a maximum distance of 100 feet from the primary pedestrian entrance.

O. Incentive/zoning bonuses.

1. Common access drives and access curb cuts: All projects incorporating common access drives for multiple parcels along the identified gateway corridors in this section will be granted an increase of floor area ratio by .10, subject to all other limitations.
2. Pedestrian linkage: All projects that promote pedestrian/bicycle pathways and inter-parcel access will be granted an increase of floor area ratio by .10

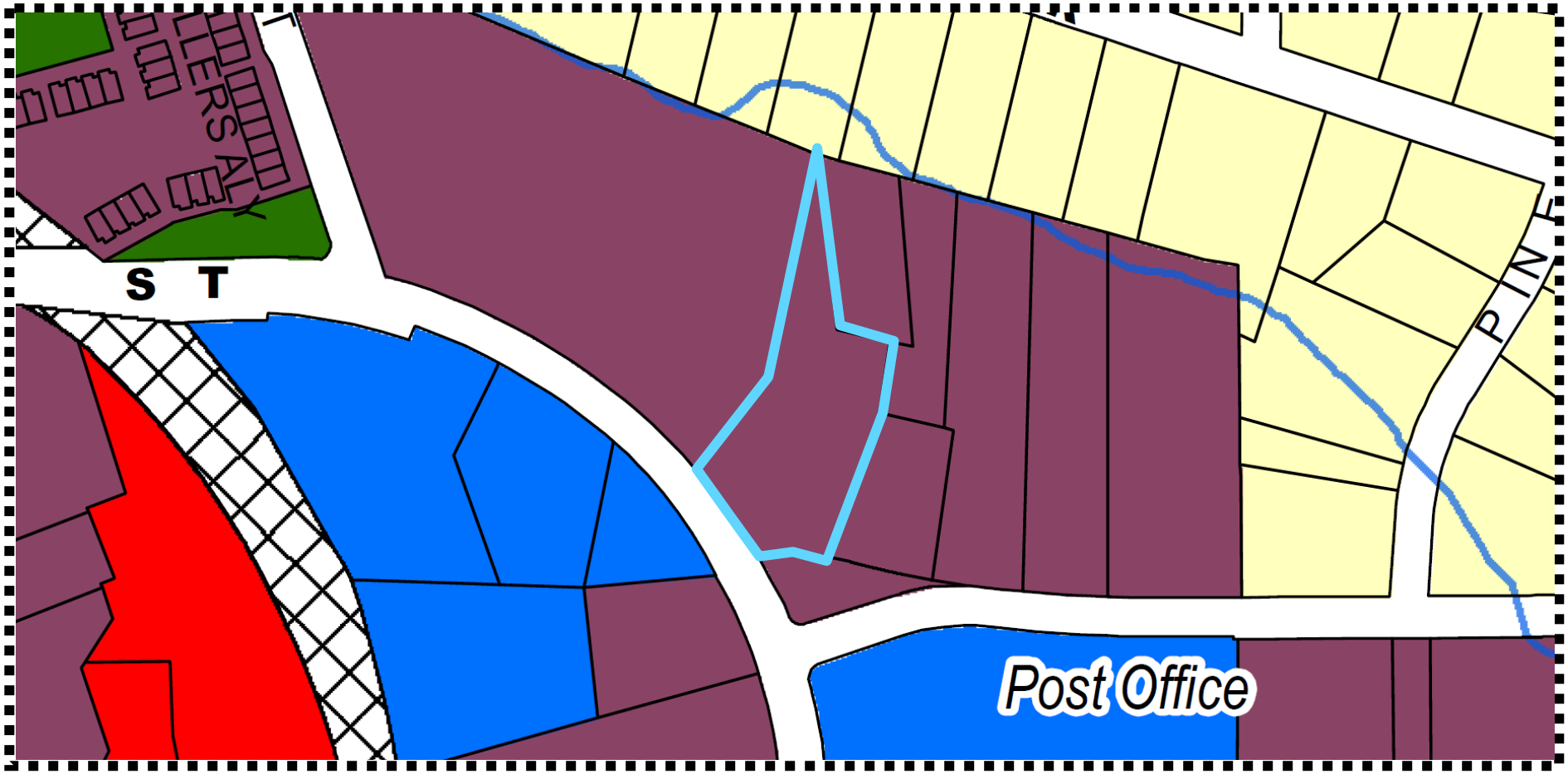
P. Landscaping design guidelines. All CBD project applications will include a landscape plan that has location and type for benches, waste receptacles, lighting, paving material, bicycle racks, newspaper stands, plant material, fencing, private open space, internal sidewalks and trails. The following components will be incorporated into the plan:

1. Use of sod on yard areas facing public right-of-way
2. Compliance to tree ordinance in UDC chapter three

(Ord. No. 2012-15, § 1, 12-17-12; Ord. No. 2015-05, § 5, 4-20-15; Ord. No. 2016-06,3-7-16; Ord. No. 2016-07, 3-7-16; Ord. No. 2016-21, 9-6-16)

FUTURE LAND USE MAP

ZONING CASE #: RZ2023-02(C)



Future Land Use

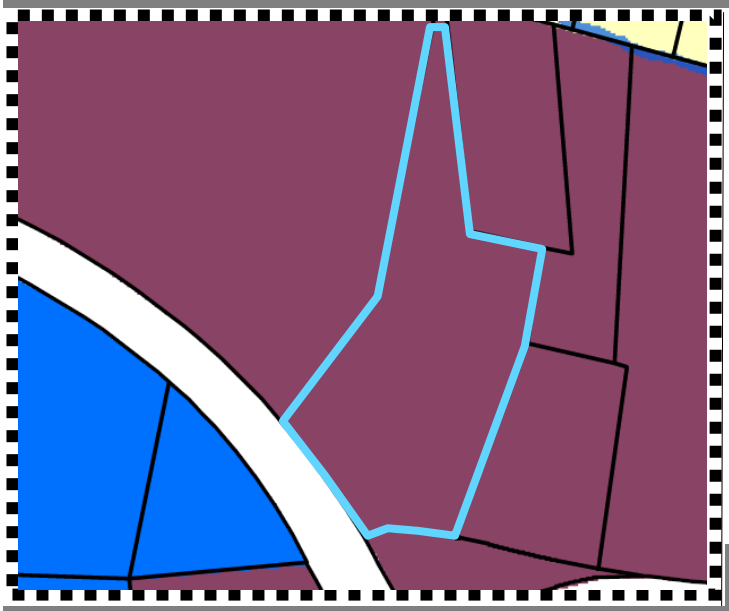
- NAC - Neighborhood Activity Center
- CAC - Community Activity Center
- DAC - Downtown Activity Center
- RAC - Regional Activity Center
- I - Industrial
- PI - Public Service/Institutional
- PRC - Park/Recreation/Conservation
- RL - Residential Low/Medium
- RH - Residential High
- PUD - Planned Unit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

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

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

KENNESAW 2022 COMPREHENSIVE PLAN UPDATE - FUTURE LAND USE



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.

LEGEND

- DAC - Downtown Activity Center
- PI - Public Service/Institutional
- RL - Residential Low/Medium

ACTIVITY CENTERS

Activity Centers are areas of commercial, office and residential land uses. These are located along major transportation corridors. New development should reflect the character of the existing development within these areas.

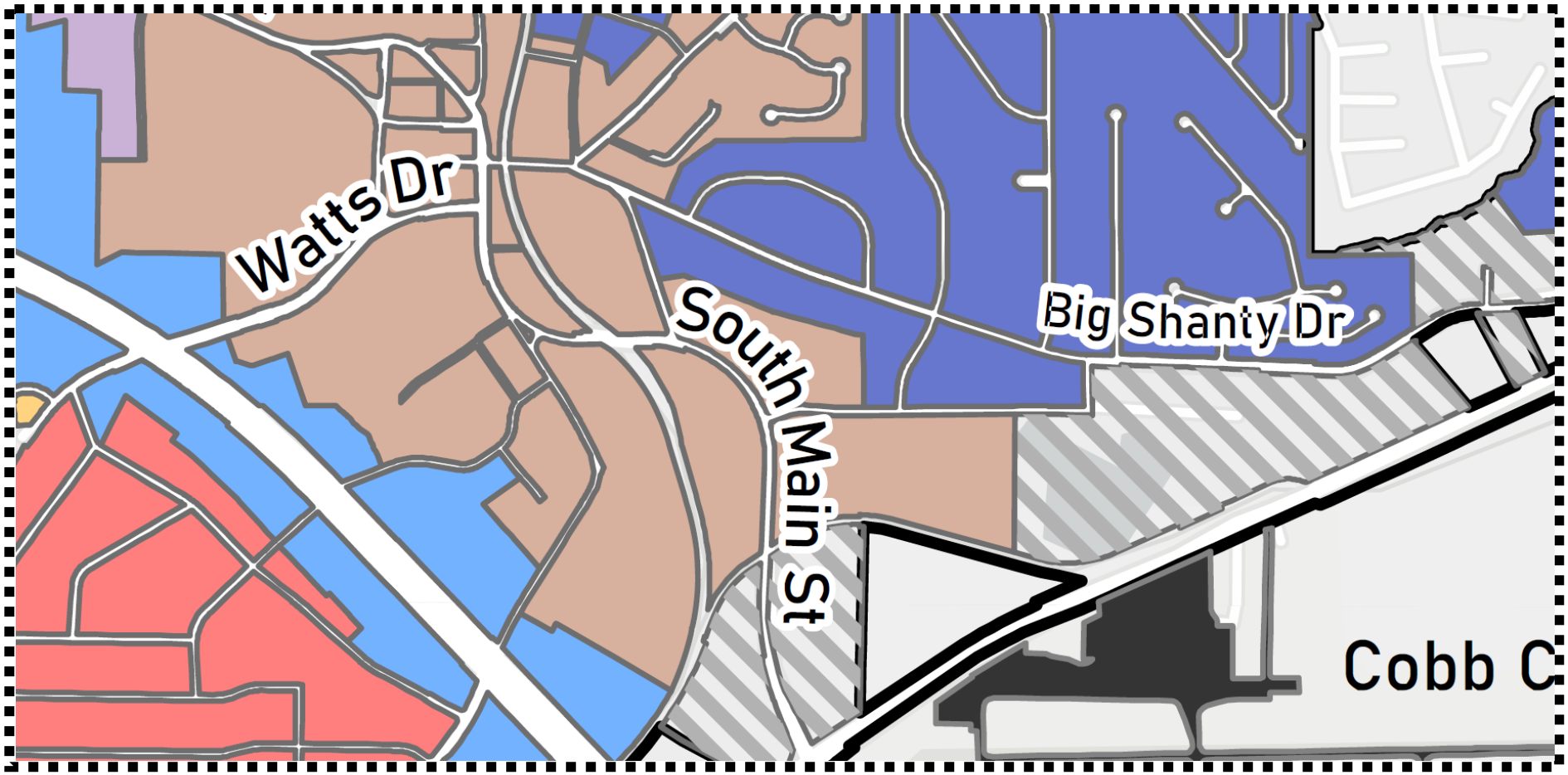
FUTURE LAND USE CATEGORY

DAC - DOWNTOWN ACTIVITY CENTER

This area is the traditional downtown of Kennesaw. For this area, the City of Kennesaw completed a Liveable Centers Initiative plan study in 2015 that should be used as the guiding plan.

COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-02(C)

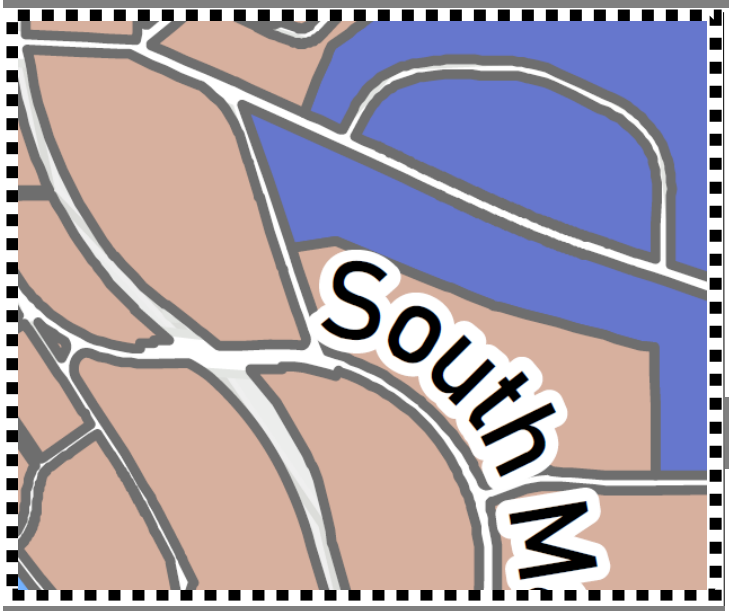


- Barrett and Old 41
- Campus Living
- Cherokee Street Commercial Corridor
- Cobb International Industrial Corridor
- Cobb Parkway Commercial Corridor
- East Pine Mountain Revitalization
- Historic Central Business District
- In-Town Living
- Jiles and Baker
- Kennesaw Due West
- Kennesaw Marketplace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

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

COMPREHENSIVE PLAN - AREAS



LEGEND

Historic Central Business District

In-Town Living

COMPATIBLE FUTURE LAND USE

- Downtown Activity Center (DAC)
- Public Service/Institutional (PI)
- Park/Recreation/Conservation (PRC)
- Residential High (RH)
- Residential Low (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.

HISTORIC CENTRAL BUSINESS DISTRICT

The Historic CBD area includes the Central Business District, the five historic districts and the study area of the City's Livable Centers Initiative (LCI). The area spans a distance along the northern edge of the Cobb Parkway Commercial Corridor from McCollum Parkway to near Jiles Road, northward to Matlock Drive on Moon Station Road, also northward to Pine Hill Drive on Cherokee Street and to South Main Street at McCollum Parkway.

Currently, this area is composed of a mix of land uses, historical and cultural resources, businesses, homes and neighborhoods and architectural styles and elements. Overall, this area is in the process of revitalization and reinvestment.

ZONING CASE #: RZ2023-02(C)

COMPREHENSIVE PLAN - POLICY MATRIX - HISTORIC CENTRAL BUSINESS DISTRICT

- Redevelopment projects should occur on a multi-parcel basis.
- Require inter-parcel access connectivity and shared access to control access flow to major roadways.
- Encourage the integration of public transportation hubs at nodal developments.
- Require developers to adhere to architectural and site development standards.
- Maintain adequate building and landscaping setbacks that promote safety and market visibility.
- Encourage a diverse mix of products and services.
- Follow Best Management Practices for stormwater management as defined in the Georgia Erosion and Sedimentation Act.
- Encourage the reuse of homes as businesses where appropriate.
- Have new development reflect the most recent architectural and design styles that complement adjacent neighborhoods.
- Adhere to the City's architectural and site design guidelines.
- Locate higher intensity businesses away from the edges to protect surrounding residential land uses.
- Locate lower intensity businesses towards the outer edges to provide a transitional buffer between higher-intensity uses and neighboring residential areas.
- Encourage neighborhood-friendly, low-impact retail commercial to be located adjacent to and visible from Jiles Road and Moon Station Road.
- Concentrate traditional commercial development along Cherokee Street and Main Street between Dallas Street and the CSX Overpass.
- Require inter-parcel access (or rear alleys) to control access flow to Main Street.
- New development should be constructed at human scale.
- Require the incorporation of CBD architectural elements and guidelines into new construction or redevelopment projects.
- Require office/retail operations to be located on the first or ground floor and residential elements to be located above the first or ground floor in mixed-use, multi-story development.
- Promote the use of shared parking lots and/ or parking decks. Parking lots and decks should be located behind structures.
- Encourage pedestrian access to downtown via sidewalks and trail systems.
- Use paving patterns, landscaping, lighting, bench seating and signage to improve pedestrian areas.
- Incorporate pedestrian amenities, such as benches and trash receptacles, into all development with public access.
- Connect neighborhoods to the local and regional network of greenspace and trails, available to pedestrians and bicycles, for both tourism and recreational purposes.
- Enhance the pedestrian-friendly environment by adding or improving sidewalks and creating multi-use trail/bike routes linking neighboring communities and major destinations, such as the Neighborhood Retail Centers and parks.
- Assure compatibility of infill development with adjacent homes, surrounding neighborhoods and businesses.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1
Roadway Name South Main Street **Roadway Classification** Arterial **Speed Limit** 25-MPH **Jurisdictional Control** City of Kennesaw **Minimum Right-of-Way Requirement** 80-feet minimum	

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 #: RZ2023-02(C)

ENVIRONMENTAL

Flood Hazard:
___ Yes
___ No
✓ Not Verified

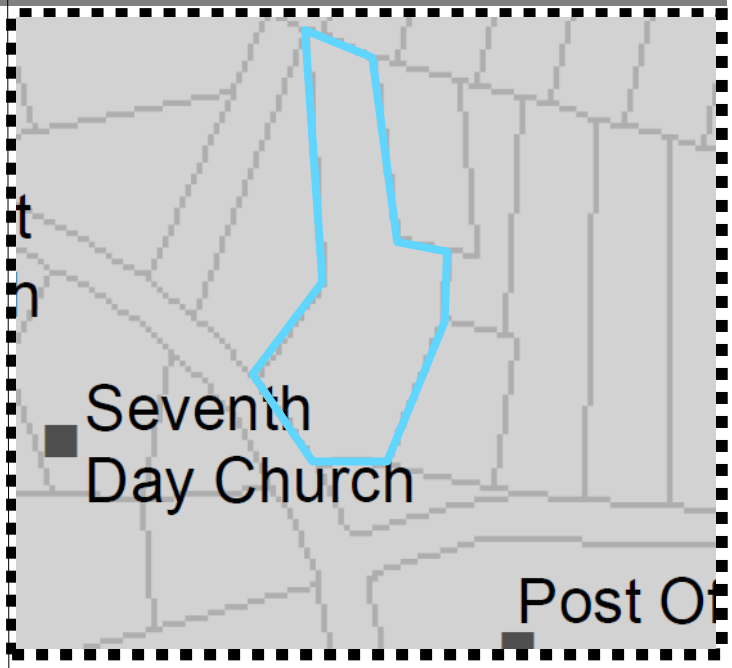
Wetlands:
___ Yes
___ No
✓ Not Verified

Drainage Basin:
✓ None
___ FEMA 100-year floodplain area
___ Flood Damage Prevention Ordinance[1]
___ 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 Area[3]
___ Chattahoochee River Corridor Tributary Area[4]
___ Georgia Erosion-Sediment Control Law and County Ordinance[5]
___ 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 Conditions: N/A

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas
0 435 870 1,740
Feet

2018 Flood Zones
- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property

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-feet 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 #: RZ2023-02(C)

COBB COUNTY SCHOOL DISTRICT

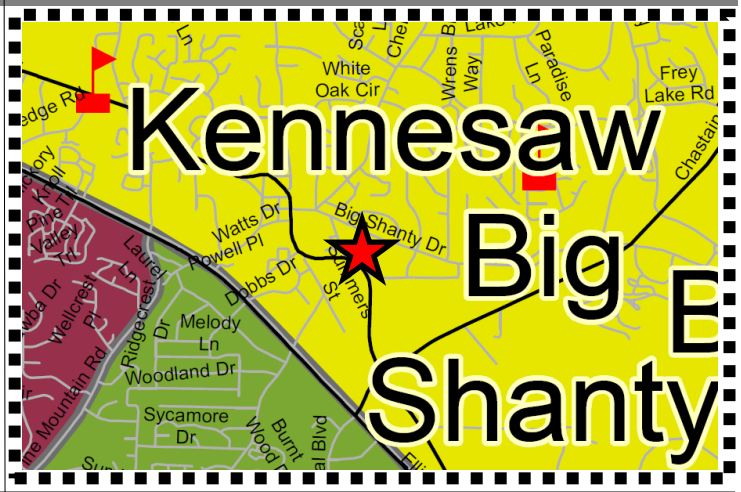
ELEMENTARY SCHOOL

School Name
Big Shanty Elementary School

Distance to School
1.8 miles

School Population
526 +/- students (2022-23)

ATTENDANCE ZONE MAP



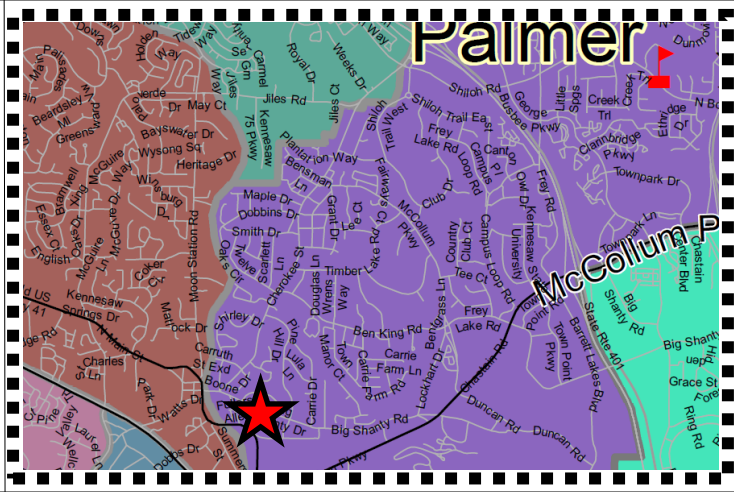
MIDDLE SCHOOL

School Name
Palmer Middle School

Distance to School
4.3 miles

School Population
875 +/- students (2022-23)

ATTENDANCE ZONE MAP



HIGH SCHOOL

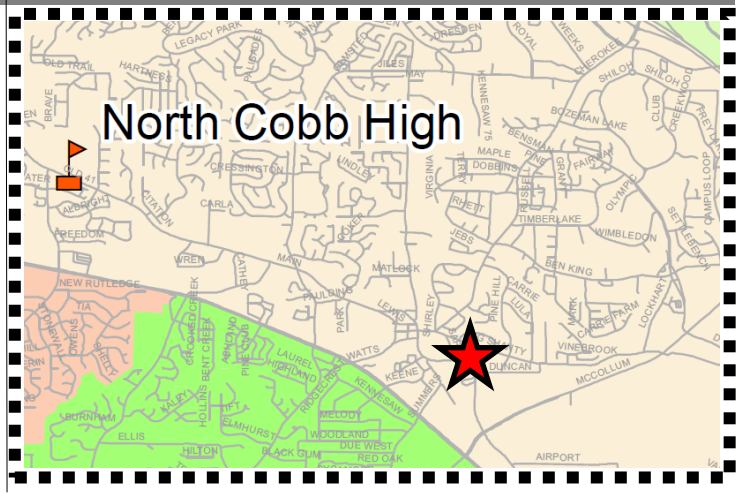
School Name
North Cobb High School

Distance to School
2.8 miles

School Population
2,631 +/- students (2022-23)

Student Population
Source: *www.publicschoolreview.com*

ATTENDANCE ZONE MAP



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(C)

PLANNING AND ZONING

Site Visit:
___ Yes
☑ No

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

Land Use Recommendation:
Single-family residential is a compatible use

Historic Preservation:
Not in a historic district

Cemetery Preservation:
No cemeteries on site

Required Parking:
N/A

DENSITY ANALYSIS

COMMERCIAL: None proposed
RESIDENTIAL: None proposed

TOTAL LAND AREA: 1.7 ACRES

Proposed Parking: None proposed

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL**

The Zoning Administrator recommends **approval** of case number #RZ2023-02(C)

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street.

This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the north. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street.

PLANNING COMMISSION RECOMMENDATION:

The Zoning Administrator recommends **approval** of case number #RZ2023-02(C)

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Meeting Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says “I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing".

III. New Business

1. **LU2023-01 –** Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

   - Chairman Bergwall proceeds to the first business item.
   - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says "Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

  - 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.
  - 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 public right-of-way.

- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
- Chairman Bergwall asks the applicant to come to the podium for comments.
- The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
- Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
- Commissioner Bodenhamer asks the applicant to make sure she signed in.
- Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
- Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

   RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City’s regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.

- Chairman Bergwall opens the floor up to public comment.

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD?
- Mr.Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states **"**The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)".
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states **"**It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district".
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states "As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District".

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds "One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property".
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states **"**As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District".
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph.It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues “The additional zoning conditions that staff is recommending is as follows:

    - General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
    - Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
    - Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
    - Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
    - If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

- The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.

- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community".
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

- Vice-Chairman Jackson asks if the property owner sent a letter to withdrawn the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there was some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitle. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completed different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

DRAFT

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Mr. Simmons introduces the last business item. He states **"**This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney".
   - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
   - Mr. Simmons says yes.
   - Chairman Bergwall asks if there are any comments from the public.
   - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
   - Mr. Simmons responds, "Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change".
   - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
   - Motion by Commissioner Greenall to approve the text amendment as presented.
   - Second by Vice-Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

- Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
- He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of an ORDINANCE authorizing a rezoning request of property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Case #RZ2023-02 (D).

Summary:

The property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), and consists of 2.61 +/- acres and lies in land lot 139 and taxparcel 59. This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the rezoning request as outlined by staff.

Recommendation:

The Zoning Administrator recommends approval of the rezoning request of the subject from Office Institutional (OI) to Central Business District (CBD).

Fiscal Impact:

Attachments:

1. ORDINANCE - City Owned Properties
2. RZ2023-02(D) - 2753 Watts Drive - Kennesaw Packet
3. RZ2023-02(D) Staff Report 2753 Watts Drive
4. 05-03-23 Planning Commission 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 VARIOUS CITY ZONINGS TO CITY CBD (CENTRAL BUSINESS DISTRICT) FOR PROPERTIES LOCATED WITHIN THE CITY LIMITS OF KENNESAW

WHEREAS, City of Kennesaw has made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designations from various City Zonings to City CBD (Central Business District) on parcels located within the City Limits as shown on Exhibit "A" (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on April 14, 2023 and April 21, 2023 of a public hearing before the Kennesaw Planning Commission held on May 3, 2023 and the Mayor and Council May 15, 2023; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal on May 3, 2023; and

WHEREAS, the Mayor and Council held a public hearing on this proposal on May 15, 2023; and

WHEREAS, the Mayor and Council have determined the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code and as reflected on the Central Business District boundary map and identified as Exhibit "B" (copy attached and made a part hereto).

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 designations from various City Zonings to City Central Business District for the following described properties:

All parcels of property as shown in Exhibit "A" and identified on district boundary map and shown as Exhibit "B" (copy of exhibit A & B attached and made a part hereto).

SECTION 2. 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 3. 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.

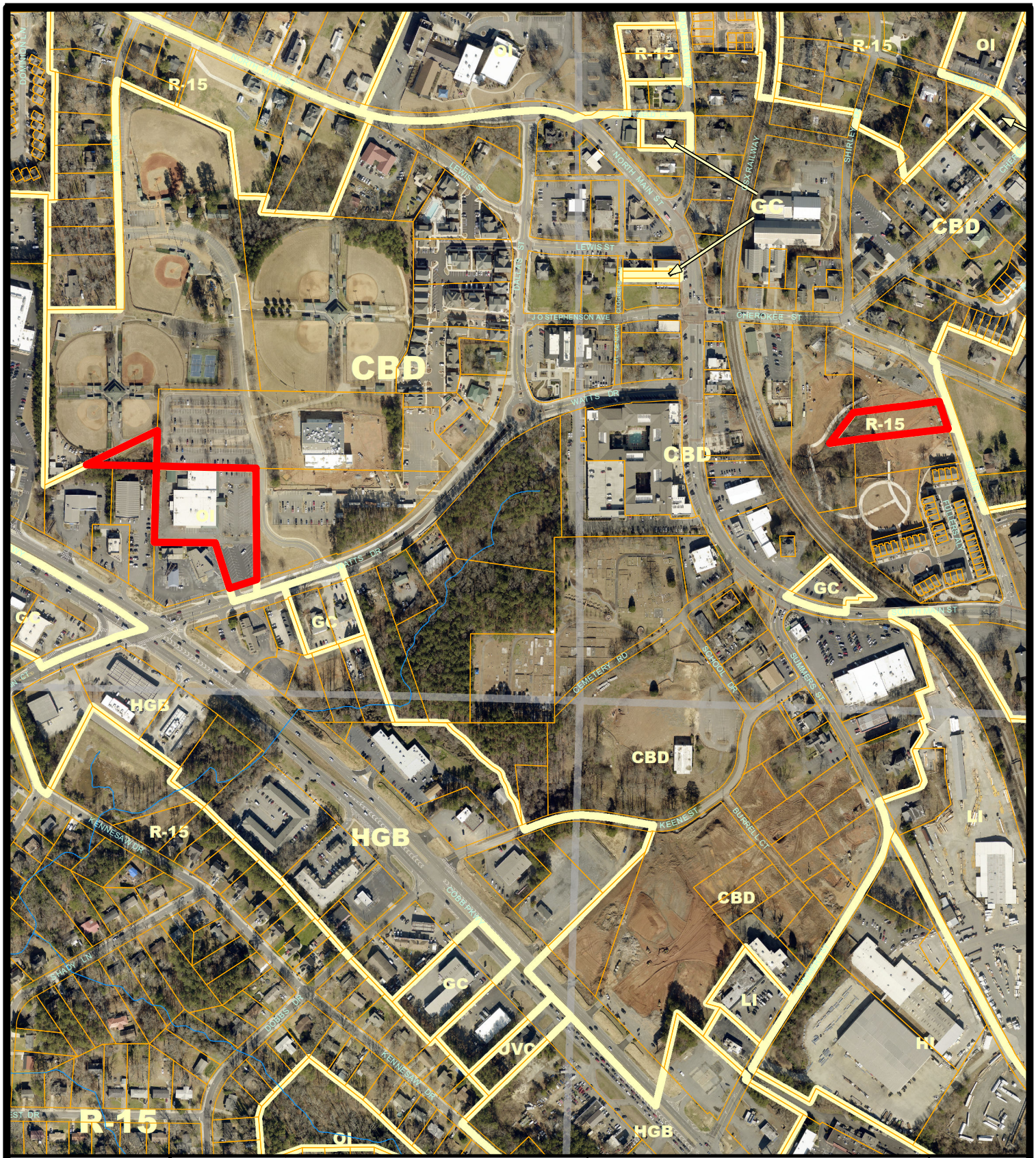
PASSED AND ADOPTED by the Kennesaw City Council on this ___day of May, 2023.

ATTEST: CITY OF KENNESAW:

_____ _____

Lea Alvarez, City Clerk Derek Easterling, Mayor

Exhibit A							
District	**Land Lot**	**Property Address**	**Parcel ID #**	**Current Zoning**	**Proposed Zoning**	**Mailing Address**	**Owner Name**
20	139	0 Cobb Parkway	20013900990	HGB	CBD	2529 J O Stephenson Ave	City of Kennesaw
20	139	2753 Watts Dr	20013900590	O&I	CBD	2529 J O Stephenson Ave	City of Kennesaw
20	138	2817 Sardis St	20013800770	R-15	CBD	2529 J O Stephenson Ave	City of Kennesaw



LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	Various	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

Various Parcels

Rezone to CBD (Phase 2)

Subject Property

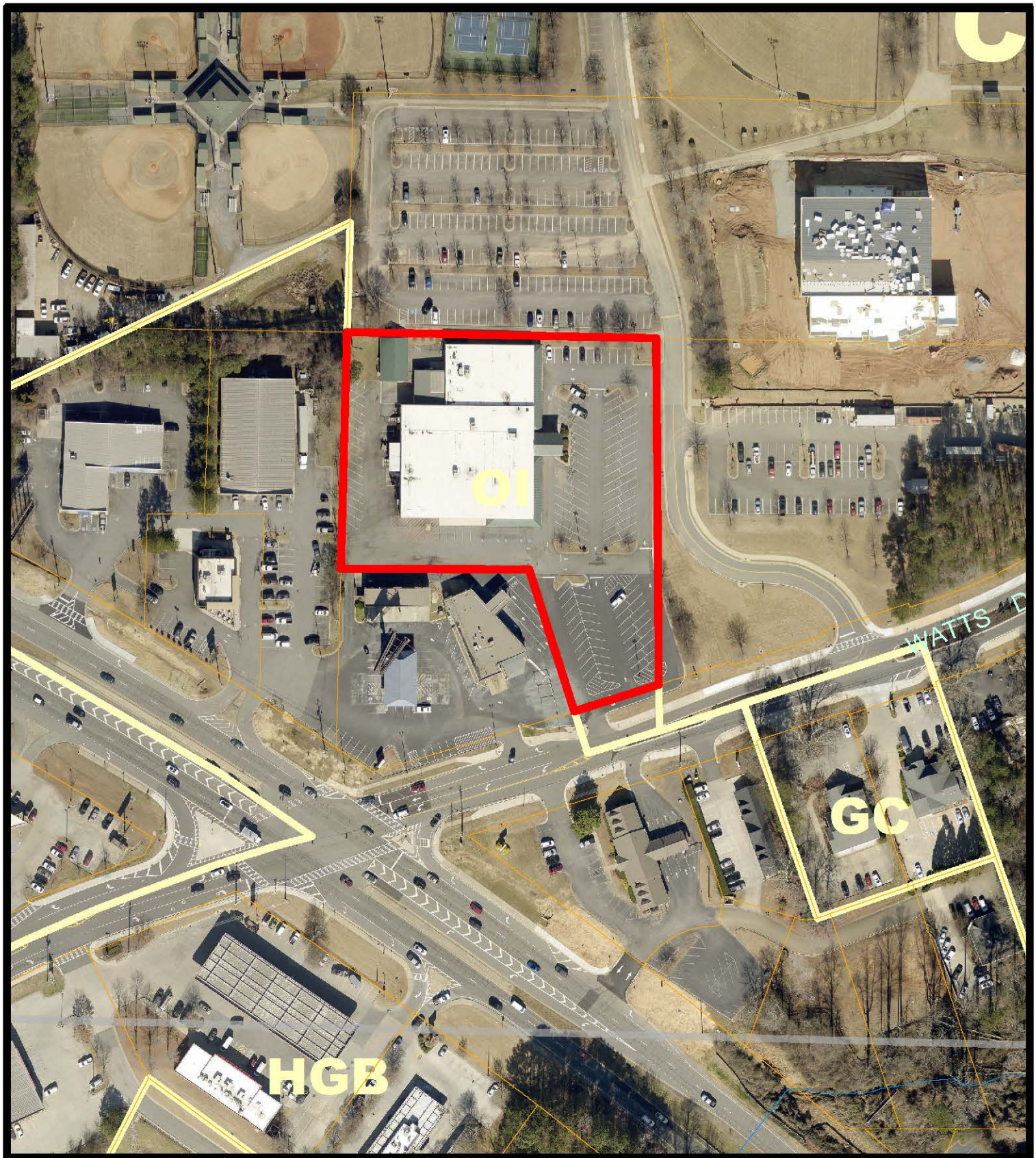
CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268

Derek Easterling, MAYOR
Lea Alvarez, CITY CLERK

Scale: 1 " = 467 '
Print Date: 5/2/2023
RZ2023-02A_Aerial Map

Agenda Item #2

- Case #: RZ2023-02(D)
- Address: 2753 Watts Drive or parcel number 20013900590
- Property Owner: City of Kennesaw
- Application Type:
  - Rezoning
    - Consideration for approval to rezone subject property from Office/Institutional (O&I) to Central Business District (CBD). Property is the current location of the Ben Robertson Community Center, consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.



LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	OI	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

2753 Watts Drive
Land Lot 139, Tax Parcel 59
Subject Property

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

Derek Easterling MAYOR
Lee Tumlin CITY CLERK

Scale: 1 " = 150 '
Print Date: 3/24/2023
RZ2023-02C_Aerial Map

Case #: RZ2023-02(D)

REZONING APPLICATION

Required Fee ~~$375.00~~ $0

Date Received 3/17/2023

Staff's Initials AT

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

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 N/A Staff's Initials AT

REZONING PROPERTY ADDRESS 2753 Watts Drive

Land Lot 139 Tax Parcel 59 Lot Size 2.56

Resident Population 0 Housing Units 0 Other Buildings 1

Zoning Request from:

Present Zoning OI To: CBD

For the purpose of: rezoning

APPLICANT EMAIL zoningdept@kennesaw-ga.gov Applicant Name: City of Kennesaw

Applicant Address 2529 J O Stephenson Avenue, Kennesaw, GA 30144

(Phone #) (770) 590-8268- Zoning Office

Applicant Signature _____ Date 4-13-23

Signed, sealed and delivered in presence of: Miranda Taylor 4-13-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 10-20-2024

REPRESENTIVE _____

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

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary **Date**

TITLEHOLDER: City of Kennesaw **(Phone #)** 770-424-8274

Signature: _____ **Address** 2529 J O Stepehenson Ave., Kennesaw, GA 30144

Signed, sealed and delivered in presence of: Miranda Taylor 4-13-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 10-20-2024

2753 Watts Drive (PIN: 20013900590)

4/20/2023, 1:20:10 PM

Parcels

Subject property

1:1,200

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.05 km

Web AppBuilder for ArcGIS
Copyright Cobb County. All rights reserved.

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

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 20 day of April, 2023

Applicant Signature: _____

[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 04/14/2023 in accordance with the application requirements.

4/20/23
Date

Applicant or Authorized Agent

Sworn and subscribed before me this 20th day of April 2023

Miranda Taylor
Notary Public Signature

[Notary Stamp]

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

City of Kennesaw, GA

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:

Rezoning from OI to CBD

The property referred to is located at:

2753 Watts Drive

and is within a 200 foot radius of your property. It is described as Land Lot 139 20th District, 2nd Section, Tax Parcel 59 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03 at 6:30 ~~7:00~~ p.m., and the Mayor and Council on 05/15 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.

Any questions, please contact:
Planning & Zoning Department
zoningdept@kennesaw-ga.gov
(770)-590-8268

Dated 4-13-23 Applicant

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # RZ2023-02

Rezone to Central Business District.

PURPOSE CBD Expansion Phase 2.

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

04.18.2023 09:16

State of Georgia, under the trade name: Dumpster Rental Smyrna and that the nature of said business is: provide roll off dumpsters for rent to commercial and residential customers and that said business is composed of the following: Robert Hamilton 2212 Yager Creek Drive Apt. E Charlotte, NC 28273
This 11th day of April, 2023
Connie Taylor
Clerk of Superior Court, Cobb County
4:14,21-2023

MDJ-3620
GPN-6
APPLICATION TO REGISTER A BUSINESS TO BE CONDUCTED UNDER A TRADE NAME
STATE OF GEORGIA
COUNTY OF COBB

The undersigned hereby certifies that they are conducting a business in the City of Smyrna, County of Cobb, State of Georgia under the name of: THE ATLANTIC VININGS and that the nature of the business is Apartment Rentals and that said business is composed of the following: (Partnership) Business address: BLUE ATLANTIC VININGS, LP 3385 Atlanta Rd SE Smyrna, GA 30080
This affidavit is made in compliance with Georgia Code Annotated Title 10 Chapter 1 Section 490.
4:14,21-2023

MDJ-3496
GPN-16
City of Acworth
Public Hearing

The City of Acworth hereby gives notice that a Public Hearing will be held to give consideration to a rezoning request by Rolling Thunder, LLC, for properties located in Land Lots 23 and 30, Parcels 1, 19, and 112 of the 20th District, 2nd Section of Cobb County, Georgia (3836 & 4643 Cowan Road and 4691 Old Cowan Road). The applicant is requesting to rezone the tract from RM-6; R-5 to RM-6, Multi-Family Residential.
The City of Acworth hereby gives notice that a Public Hearing will be held to give consideration to a rezoning request by Helen Hair Stamps Revocable Trust, owner) requesting rezoning from HI, R-20 to RRC for mixed use; retail, multifamily in Land Lots 175, 176, 283, and 284 of the 16th District. Located on the east and west side of River View Road, northeast of Veterans Memorial Highway (6324, 6330 River View Road).
Z-15 SDP ACQUISITIONS, LLC (McCamy Investments, L.P.; McCamy Properties, LLC; BK Properties, L.P.; VKEP-B, LLC owners) requesting rezoning from R-20, RA-4, GC, OI, NS, OS to PVC, OS for mixed Use; townhomes, multifamily, office, retail, warehouse in Land Lots 364, 365, 428, and 429 of the 16th District. Located on the south side of Chastain Road, on the west side of Chastain Meadows Parkway (Chastain Road, Chastain Meadows Parkway).

Temporary Land Use Permits

LUP-7 SANDY CLOUGH (Sandra L. Clough and Richard C. Clough, owners) requests a Temporary Land Use Permit (Renewal) to allow an artist's studio and the storage of art prints in Land Lot 336 of the 20th District. Located on the west side of Trail Road, north of the intersection of Trail Road and Midway Road (25 Trail Road).
LUP-8 ANDREW BECHTOLD (Andrew Boyd Bechtold, owner) requests a Temporary Land Use Permit to allow a photography studio in Land Lot 871 of the 17th District. Located on the west side of Old Virginia Court, north of Terrell Mill Road (1362 Old Virginia Court).

SPECIAL LAND USE PERMIT

SLUP-3 ALEXANDRIA HOLDINGS GROUP INC. (Lux Homes, LLC, owner) requests a Special Land Use Permit for used auto sales in Land Lot 37 of the 17th District. Located on the south side of Veterans Memorial Highway, west of Puckett Drive (621, 633, 651 Veterans Memorial Highway).
SLUP-4 RAY MURPHY (Ray Murphy, owner) requests a Special Land Use Permit (Renewal) for an automobile storage yards and wrecker services for damaged or confiscated vehicles in Land Lots 154 and 155 of the 17th District. Located on the northwest side of
at 6:30 P.M. and the Mayor and Council will hold a public hearing on May 15, 2023, at 6:30 P.M. Both meetings 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**.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.
Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live 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**.
4:14,21-2023

4:14,21-2023

MDJ-3594

GPN-16

City of Kennesaw

Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.

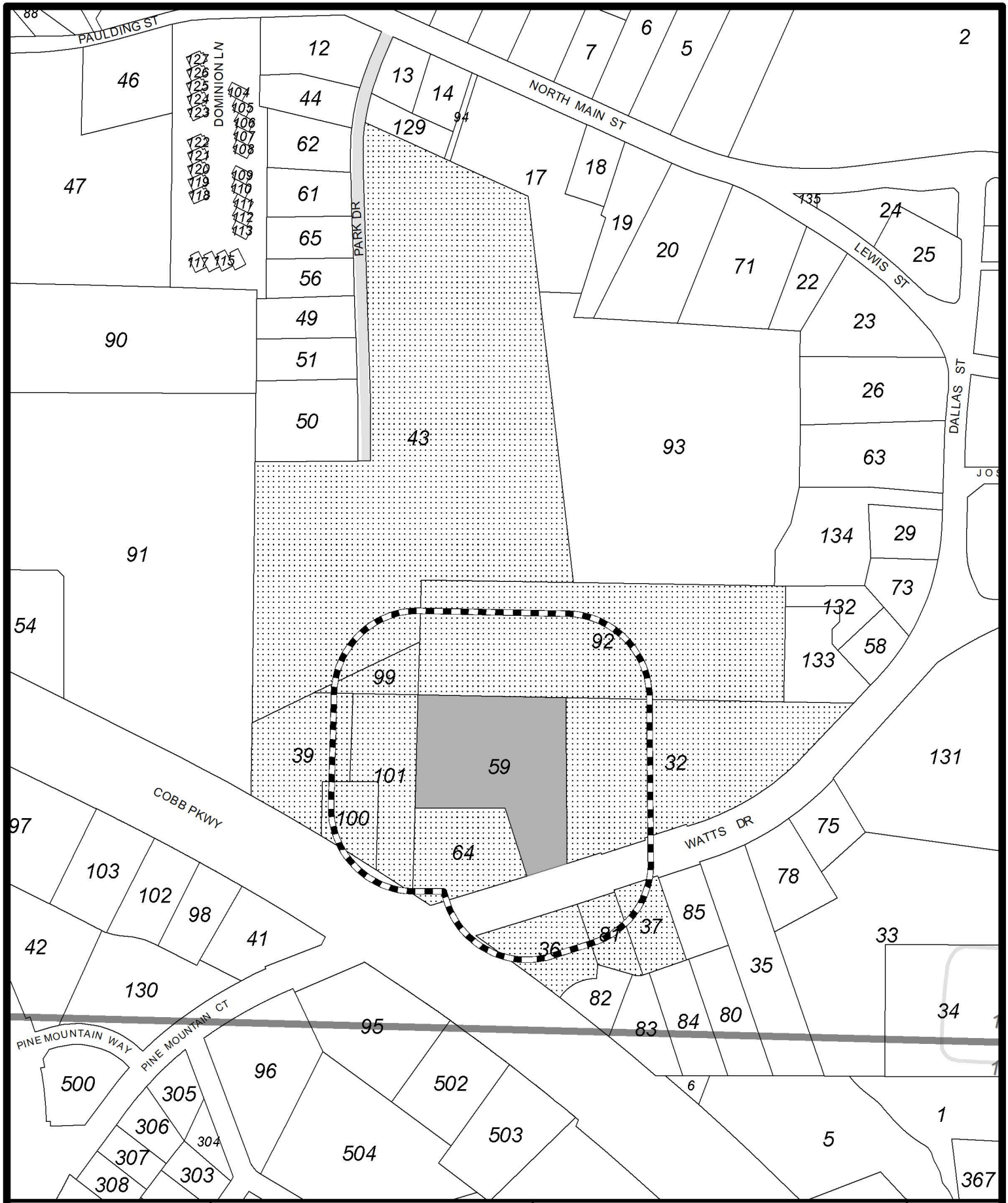
Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings to be held at 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Any interested persons may attend and be heard relative thereto.

Mayor and Council will be conducting their meeting in person as well as through Zoom Meeting and Facebook Live 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**.

4:14,21-2023

MDJ-3595


PAULDING ST
DOMINION LN
NORTH MAIN ST
PARK DR
LEWIS ST
DALLAS ST
COBB PKWY
WATTS DR
PINE MOUNTAIN WAY
PINE MOUNTAIN CT
Subject Parcel
200' Radius
Properties Notified
2753 Watts Drive
Land Lot 139,
Tax Parcel 59
RZ2023-02
200' PROPERTY NOTIFICATION
CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268
Date: 3/24/2023
RZ2023-02C Notification Map
1 " = 300 '

Tax Parcel - 20013900920
KENNESAW CITY OF
2529 J O STEPHENSON DR
KENNESAW GA 30144

Tax Parcel - 20013900640
TWO AUTO RE KENNESAW SH LLC
3060 PEACHTREE RD NW SUITE 960
ATLANTA GA 30305

Tax Parcel - 20013900370
BLUE PROJECT LLC
2750 WATS DR
KENNESAW GA 30144

Tax Parcel - 20013900390
DRP COMPANY INC
4308 W CAYUGA ST
TAMPA FL 33614-6951

Tax Parcel - 20013900360
VYSTAR CREDIT UNION
76 LAURA ST
JACKSONVILLE, FL 32202

Tax Parcel - 20013900810
SARAF RAHUL
2752 WATTS DR
KENNESAW GA 30144

Tax Parcel - 20013901000
MINYARD PROPERTIES LLC
59 ANGEL OAK TRL
DALLAS GA 30132

Tax Parcel - 20013900430
KENNESAW CITY OF
2539 PARK DR
KENNESAW GA 30144

Tax Parcel - 20013901010
DOLGENCORP INC 1757 C/O CTMI LLC
100 MISSION RDG
GOODLETTSVILLE TN 37072

Tax Parcel - 20013900320
KENNESAW CITY OF
2529 J O STEPHENSON DR
KENNESAW GA 30144

Tax Parcel - 20013900990
KENNESAW CITY OF
2529 J O STEPHENSON AVE
KENNESAW GA 30144

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 17, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(D)

Property Address
2753 Watts Drive
Applicant
City of Kennesaw
Representative
N/A
Property Owner
City of Kennesaw
Current Zoning
Office/Institutional (O&I)
Current Future Land Use Category
Park/Recreation/Conservation
Project Request: Rezone property to Central Business District (CBD)
Please see page 5 for project request description.

Aerial view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: No
Historic District: No
Cemetery: No **Floodplain:** No **Stream:** No
Parcel ID #: 20013900590
Land Lot #: 139 **Tax Parcel #:** 59
Land Area: 2.56 +/- acres
Existing Building Total SQFT: Unknown
Proposed Building SQFT: None
Proposed Streets: None

RECOMMENDATION

Staff Recommendation
Approval
Planning Commission Recommendation
Approval
Please see page 9 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: Park Drive
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation

South: Watts Drive
Zoning: Highway General Business (HGB)
Future Land Use: Commercial Activity Center

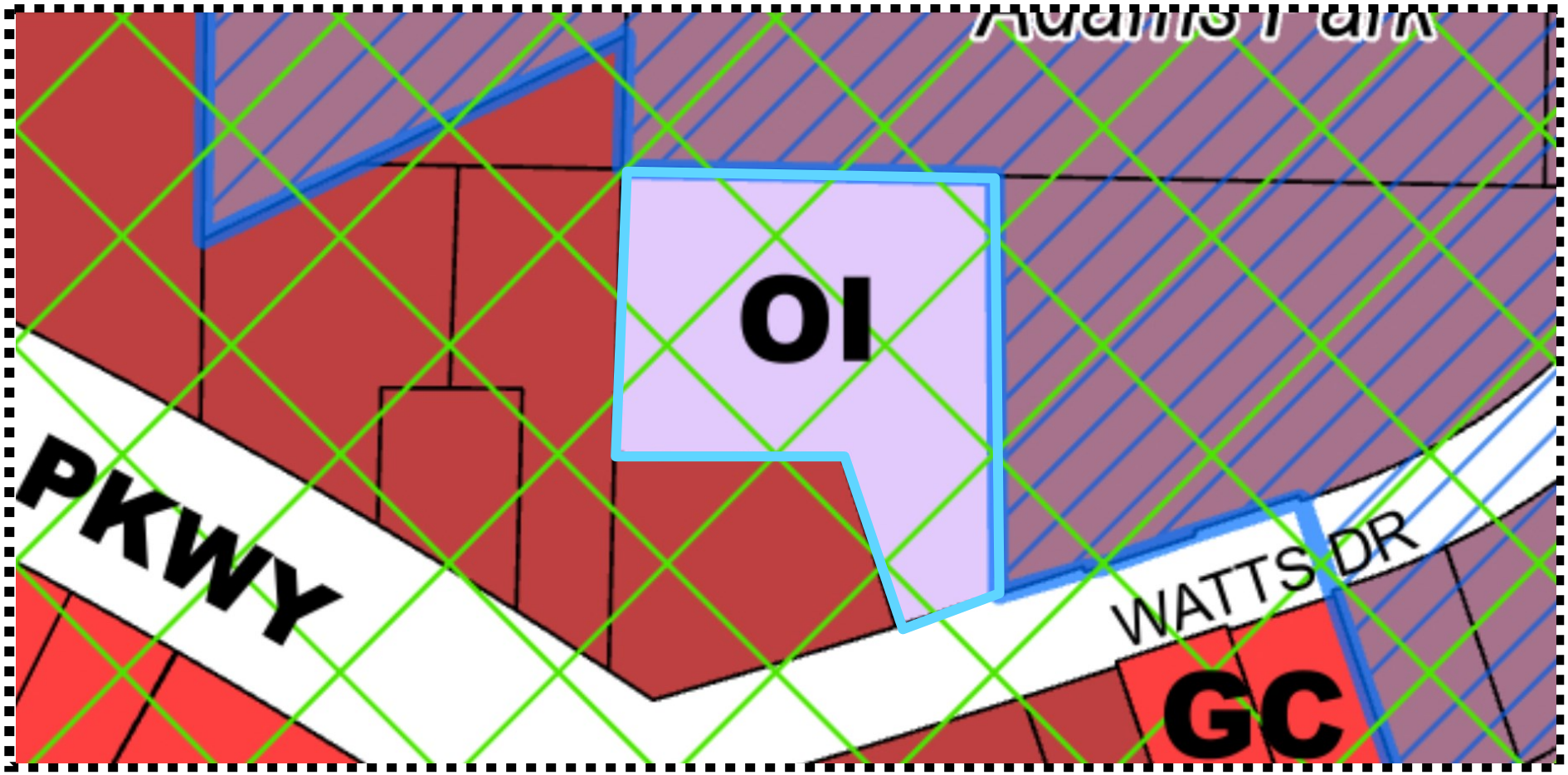
East: Watts Drive
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation

West: Cobb Parkway
Zoning: Highway General Business (HGB)
Future Land Use: Commercial Activity Center

Please see pages 2 - 4 for full maps.

ZONING MAP

ZONING CASE #: RZ2023-02(D)



Zoning Districts

CBD	HGB	OI	R-12	RA-5
CRC	HI	PBSH	R-15	RA-6
FST	LI	PSC	R-20	RM-8
GC	MHP	PUD-R	R-30	RM-12
NRC	NS	PVC	R-40	RM-16
		R-10	RA-4	UVC

Zoning Overlays

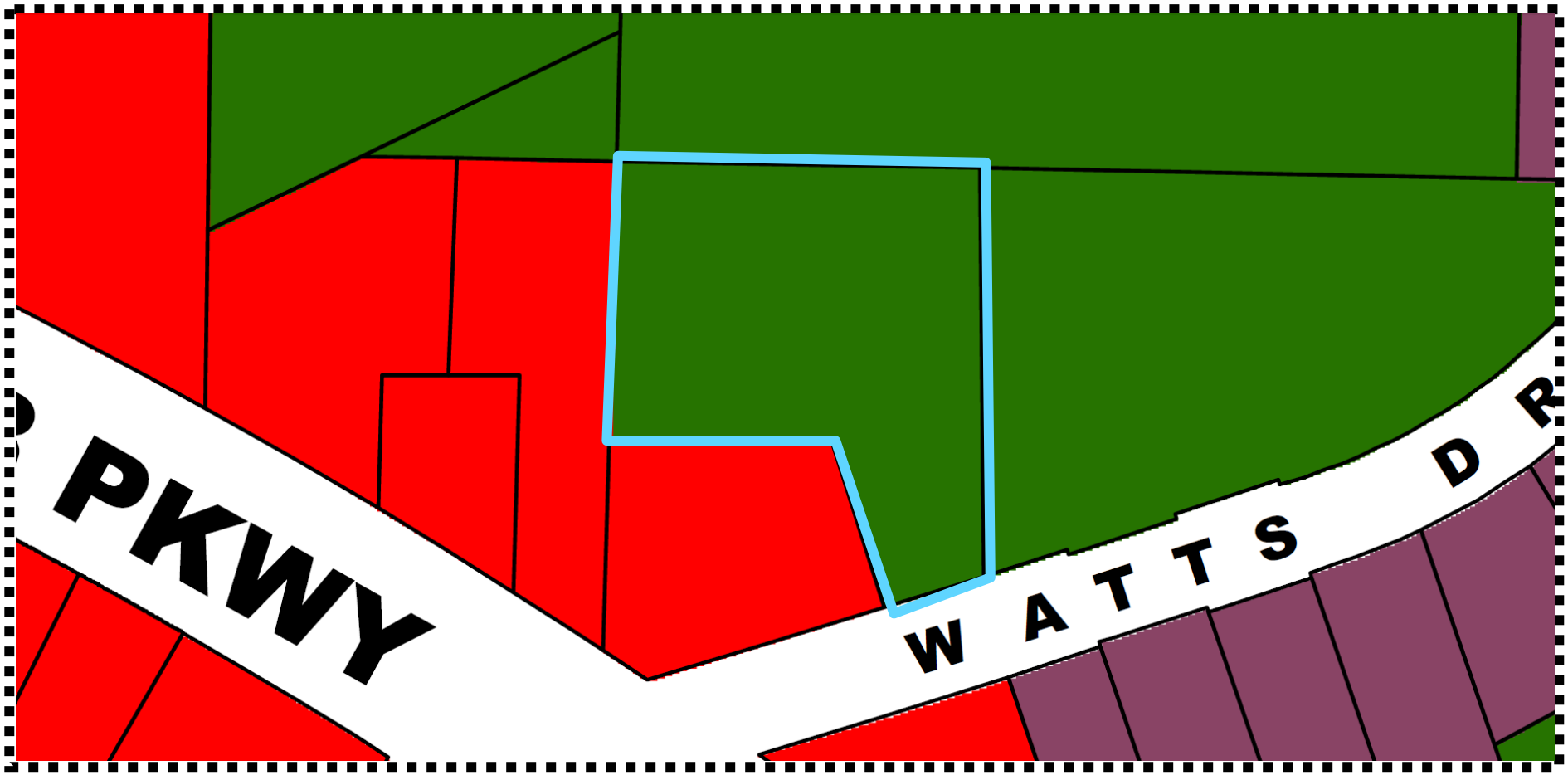
- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

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

2

FUTURE LAND USE MAP

ZONING CASE #: RZ2023-02(D)



Future Land Use

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

ZONING CASE #: RZ2023-02(D)

ADAMS PARK MASTER PLAN SITE PLAN (1990s)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(D)

DESCRIPTION OF ZONING REQUEST: **REZONING**

Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2.

Pre-Application Meeting
City initiated

Application Submitted
March 17, 2023

Fees Paid
$0

Certified Letters Mailed By
April 14, 2023

PROJECT INTENT

The intent of the project is to rezone the subject parcel located within Adams Park and owned by the City of Kennesaw. The property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

GOOGLE STREET VIEW

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(D)

THE CENTRAL BUSINESS DISTRICT (CBD)

CREATION OF THE CBD ZONING DISTRICT

The Central Business District zoning district was created on September 3, 2002 under ordinance #2002-35. The purpose of creating this district was to enact a comprehensive zoning district which covered properties within the City's downtown core. It continues today to aim at encouraging quality development and the preservation of the historical character of downtown Kennesaw. This ordinance laid down the design standards of the district within the Unified Development Code. No properties had been rezoned to CBD in 2002.

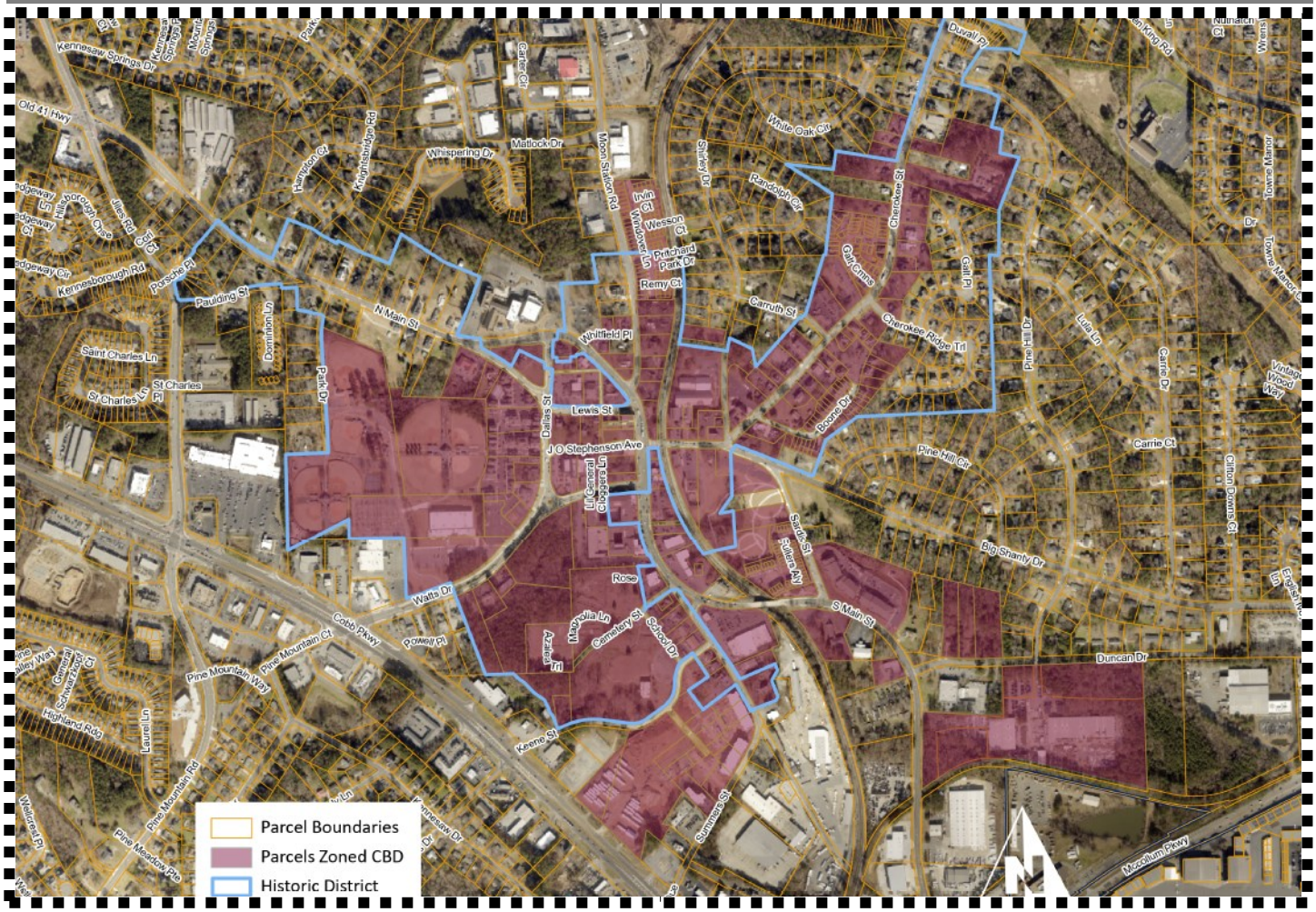
PHASE 1 - FEB. 2003 & OCT. 2005

Phase 1 was initiated in 2002-2003 and approved by Mayor and Council on February 18, 2003 under ordinance #2003-07, where various properties within the downtown core were rezoned to CBD. In 2005, another group of properties located in downtown Kennesaw were rezoned to CBD on October 17, 2005 under ordinance #2005-32.

PHASE 2 - MAY 2023

Phase 2 is being conducted in 2023, where, staff notified at least 25 property owners throughout downtown, inviting them to be a part of the CBD. Four private properties and three City of Kennesaw properties are up for rezoning.

CURRENT BOUNDARIES - CENTRAL BUSINESS DISTRICT AND HISTORIC DISTRICT MAP



PROPERTY OWNERS INVITED TO REZONE TO CBD

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

ZONING CASE #: RZ2023-02(D)

PHASE 2 - MAY 2023

PROPERTY ADDRESS	PROPERTY OWNER NAME
2750 WATTS DR	Blue Project LLC c/o Lisa Kirshenbaum
2748 WATTS DR	Depen Douglas D
2561 SUMMER ST	Hebah Inc c/o Taki Momin
2573 SUMMER ST	2573 Summers Street LLC c/o Steve Shakar
2001 DUNCAN DR NW	United States Postal Service Party
2006 DUNCAN DR NW	Winfrey Horace J Sr Executor Taylor Jessie Mae Estate
DUNCAN DR NW	Winfrey Horace & Bryant Gloristeen
DUNCAN DR NW	Taylor Jessie Mae Estate C/O Horace J Winfrey
2716 S MAIN ST	Byrd Hugh Edward
S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2751 S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2754 S MAIN ST	Bencivenga Gabriel Living Trust 7/09/02 Gabriel Bencivenga LLC
2879 N MAIN ST	Dennis Alvah Myers Revocable Living Trust
2961 MOON STATION RD	Schneider Edward R & Counts Gurdon W III
2971 MOON STATION RD	Odom David Stanley III & Jan G
2958 N MAIN ST	First Baptist Church Kennesaw c/o Dr. J Perry Fowler, Lead Pastor
2939 CHEROKEE ST	Sims Benjamin J
2098 CARRUTH ST	The Fourth Way LLC
3045 CHEROKEE ST	Richards Thomas R Sr Revocable Trust
3066 CHEROKEE ST	Varela Jose Bicet Murillo
3086 CHEROKEE ST	Larrys Legacy Properties LLC c/o Angela Gail Little
3119 CHEROKEE ST	Bright Futures Inc c/o Suzanne L. Jackson, CEO

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STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(D)

ENVIRONMENTAL

Flood Hazard:
___ Yes
___ No
✓ Not Verified

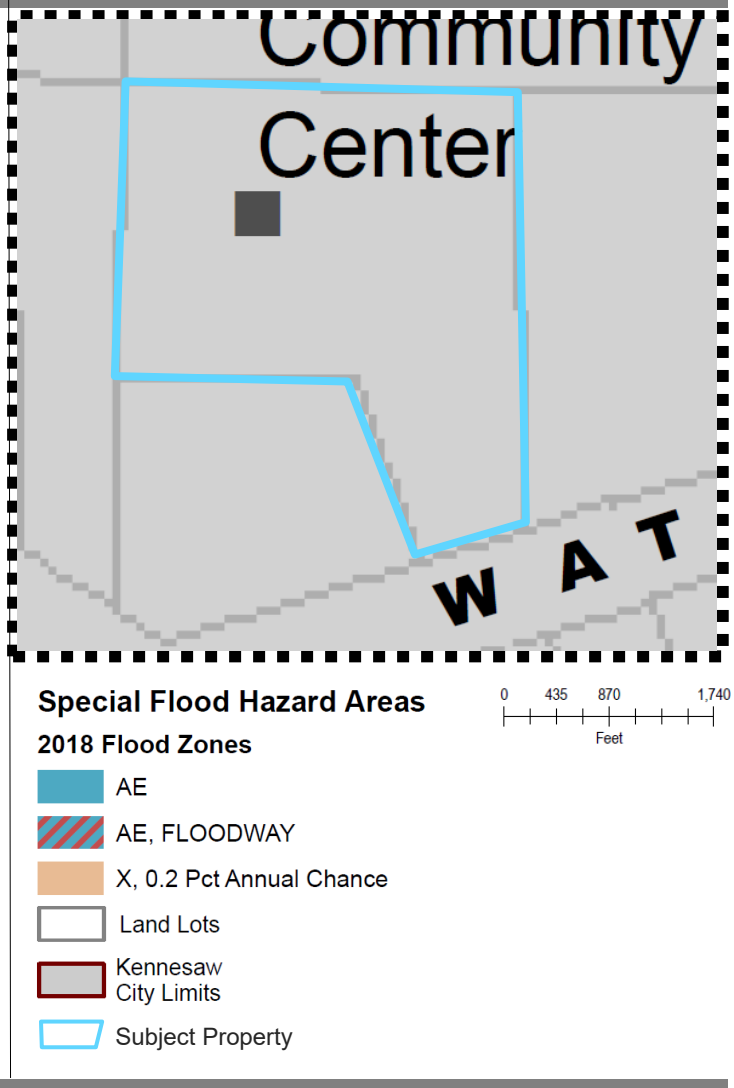
Wetlands:
___ Yes
___ No
✓ Not Verified

Drainage Basin:
___ FEMA 100-year floodplain area
___ Flood Damage Prevention Ordinance[1]
___ 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

Streambank Buffer Zone:
___ Metropolitan River Protection Area[3]
___ Chattahoochee River Corridor Tributary Area[4]
___ Georgia Erosion-Sediment Control Law and County Ordinance[5]
___ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
___ City Stream Buffer Ordinance

Public Works Conditions: 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-feet 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 #: RZ2023-02(D)

PLANNING AND ZONING

Site Visit:
___ Yes
_✓_ No

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

Land Use Recommendation:
Community center is a compatible use

Historic Preservation:
Not in a historic district; but adjacent to the Camp McDonald historic district

Cemetery Preservation:
No cemeteries on site

Required Parking:
N/A

DENSITY ANALYSIS

COMMERCIAL: None proposed
RESIDENTIAL: None proposed

TOTAL LAND AREA: 2.56 +/- ACRES

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL**

The Zoning Administrator recommends **approval** of case number #RZ2023-02(D).

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

This parcel is the location of the Ben Robertson Community Center owned by the City of Kennesaw and located within Adams Park. The intent behind bringing this parcel into the Central Business District is so that the entirety of Adams Park is one contiguous zoning district.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends **approval** of case number #RZ2023-02(D).

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Meeting Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says “I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing".

III. New Business

1. **LU2023-01 –** Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

   - Chairman Bergwall proceeds to the first business item.
   - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says "Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

  - 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.
  - 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 public right-of-way.

- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
- Chairman Bergwall asks the applicant to come to the podium for comments.
- The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
- Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
- Commissioner Bodenhamer asks the applicant to make sure she signed in.
- Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
- Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

   RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City’s regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.

- Chairman Bergwall opens the floor up to public comment.

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD?
- Mr.Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states **"**The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)".
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states **"**It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district".
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states "As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District".

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds "One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property".
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states **"**As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District".
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph.It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues “The additional zoning conditions that staff is recommending is as follows:

    - General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
    - Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
    - Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
    - Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
    - If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

- The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.

- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community".
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

- Vice-Chairman Jackson asks if the property owner sent a letter to withdrawn the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there was some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitle. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completed different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Mr. Simmons introduces the last business item. He states **"**This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney".
   - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
   - Mr. Simmons says yes.
   - Chairman Bergwall asks if there are any comments from the public.
   - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
   - Mr. Simmons responds, "Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change".
   - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
   - Motion by Commissioner Greenall to approve the text amendment as presented.
   - Second by Vice-Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

- Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
- He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of an ORDINANCE authorizing a rezoning request of property located at 2754 South Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel LivingTrust 7/9/02, Gabriel Bencivenga, LLC. Case #RZ2023-02 (E).

Summary:

The property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC) and consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188. This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the rezoning request as outlined by staff.

Recommendation:

The Zoning Administrator recommends approval to rezone the subject property from General Commercial (GC) to Central Business District.

Fiscal Impact:

Attachments:

1. ORDINANCE - 2754 S Main Street
2. RZ2023-02(E) - 2754 S Main Street - Bencivenga Packet
3. RZ2023-02(E) Staff Report 2754 S Main St
4. 05-03-23 Planning Commission 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 GENERAL COMMERCIAL (GC) TO CITY CENTRAL BUSINESS DISTRICT (CBD) FOR 2754 SOUTH MAIN STREET

WHEREAS, the City of Kennesaw has made an application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from **CITY GENERAL COMMERCIAL (GC) TO CITY CENTRAL BUSINESS DISTRICT (CBD);** for the property located at 2754 South Main Street, identified as the 20th District, Land Lot 138 Tax Parcel 188 containing 0.67 +/- acres (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on April 14, 2023 and April 21, 2023 of a public hearing before the Kennesaw Planning Commission held on May 3, 2023 and the Mayor and Council May 15, 2023; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal on May 3, 2023; and

WHEREAS, the Mayor and Council held a public hearing on this proposal on May 15, 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 GENERAL COMMERCIAL (GC) TO CITY CENTRAL BUSINESS DISTRICT (CBD)** for the following described property:

LEGAL DESCRIPTION
2754 SOUTH MAIN STREET

TRACT I:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 138, 20th District, 2nd Section City of Kennesaw, Cobb County, Georgia; and being more particularly described as follows:

Beginning at an iron stob and running southeast along the Dixie Highway now known as State Highway 293, running along 293 approximately 225 feet, more or less, to the intersection of the L & N Railroad, formerly W & A Railroad, north down the W & A Railroad to an iron stob a distance of 150 feet, more or less to an iron stob westerly along the property of D.C. Caylor the distance of 125 feet, more or less to point of beginning. Said tract of land being the same lands conveyed to the said D.C. Caylor August 25, 1945, and recorded in Deed Book 169, Page 84, Cobb County Records; then conveyed by D.C. Caylor to J.A. Keeter, G.L. Keeter an H.D. Davis on July 9, 1960, recorded in Deed Book 552, Page 38, Cobb County Records, and then conveyed to J.A. Keeter and G.L. Keeter to H.D. Davis on February 22, 1961.

Also, ALL, THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 138, 20th District, 2nd Section, Cobb County Georgia and being within the City of Kennesaw, and more particularly described as:

Beginning at a point on the east right of way of the Dixie Highway (also known as Route 3) where the land deeded to Davis et al, in Deed Book 552, Page 38 Cobb County Records, intersects with said right of way; thence running along said right of way in a northerly direction 125 feet to a point; thence easterly to a point on the railroad right of way; thence in a southerly direction along said right of way a distance of 125 feet to a point on the line of the property belonging now or formerly to Davis, et al, and thence running in a westerly direction along the property line of Davis, et al, a distance of 125 feet, more or less, to the point of beginning. Less and except that portion of Land Lot 138, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia conveyed by Harold D. Davis a/k/a H.D. Davis to the Department of Transportation by right of way deed dated June 11, 1973, recorded in Deed Book 1435, Page 37, Cobb County Records.

Parcel ID: 20013801880

SECTION 2. 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 3. 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 ___day of May, 2023.

ATTEST:

_____
Lea Alvarez, City Clerk

CITY OF KENNESAW:

_____
Derek Easterling, Mayor

Agenda Item #2

- Case #: RZ2023-02(E)
- Address: 2754 S Main Street or parcel number 20013801880
- Property Owner: Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC
- Application Type:
  - Rezoning
    - Consideration for approval to rezone subject property from General Commercial (GC) to Central Business District (CBD). Property has two commercial eating establishments within one building. It consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	GC	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

2754 S Main Street
Land Lot 138, Tax Parcel 188
Subject Property

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

Derek Easterling MAYOR
Lee Tumlin CITY CLERK

Scale: 1 " = 100 '
Print Date: 3/24/2023
RZ2023-02D_Aerial Map

Case #: RZ2023-02(E)

REZONING APPLICATION

Required Fee $0

Date Received 2/23/2023
Staff's Initials AT

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

Date of Consultation (if any/not required) N/A Staff's Initials AT

REZONING PROPERTY ADDRESS 2754 South Main Street, Kennesaw, GA 30144

Parcel ID Number: 20013801880 Land Lot 138 Tax Parcel 188 Lot Size 0.48 +/- acres

Current Use Commercial Buildings 1 Accessory Units 1

Current Zoning General Commercial (GC) To: Central Business District (CBD)

APPLICANT NAME City of Kennesaw, Georgia

Applicant E-mail zoningdept@kennesaw-ga.gov

Applicant Address 2529 J O Stephenson Avenue, Kennesaw, GA 30144

Phone # (770) 590-8268 - Zoning Office

Applicant Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary Date

Property Owner's
REPRESENTATIVE NAME (IF APPLICABLE) Steven J. Olsen, Esq.

Phone # [redacted] EMAIL Work # [redacted] Fax # [redacted]

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary Date

PROPERTY OWNER NAME (MUST CORRELATE TO NAME ON DEED): *

Property Owner E-mail [redacted]

Property Owner Mailing Address [redacted]

Phone # [redacted]

Property Owner Signature Gabriel Bencivenga Date FEB 24, 2023

Signed, sealed and delivered in presence of: Linda Daeschler

Notary Date

LINDA DAESCHLER NOTARY PUBLIC FULTON COUNTY, GEORGIA MY COMMISSION EXPIRES OCTOBER 20, 2026

* GABRIEL BENCIVENGA, TRUSTEE OF THE UNDER THE GABRIEL BENCIVENGA LIVING TRUST DATED JULY 9, 2002 (66.7% INTEREST AS TENANTS IN COMMON), and GABRIEL BENCIVENGA, LLC, A DELAWARE LIMITED LIABILITY COMPANY (33.3% INTEREST AS TENANTS IN COMMON),

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:

Rezoning from GC to CBD

The property referred to is located at:

2754 S Main Street

and is within a 200 foot radius of your property. It is described as Land Lot 138 20th District, 2nd Section, Tax Parcel 188 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03 at 6:30 ~~7:00~~ p.m., and the Mayor and Council on 05/15, 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.

Any questions, please contact:
Planning & Zoning Department
zoningdept@kennesaw-ga.gov
(770)-590-8268

Dated 4-13-23 Applicant

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

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 20 day of April, 2023

Applicant Signature: _____

[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 04/14/2023 in accordance with the application requirements.

4/20/23
Date

Applicant or Authorized Agent

Sworn and subscribed before me this 20th day of April 2023

Miranda Taylor
Notary Public Signature

[Notary Stamp]

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

BK: 15019 PG: 3665-3666
Filed and Recorded Jan-10-2013 09:04:57AM
DOC#: D2013-001946
Real Estate Transfer Tax Paid $362.00
03320120300142

REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

Return to:
Tilley, Deems, Helton & Trotter, LLC
P.O. Box 2943
Cartersville, GA 30120-1700
ATTN: Shep Helton
File No. 12121053

STATE OF GEORGIA
COUNTY OF BARTOW

WARRANTY DEED

THIS INDENTURE, made the **14th** day of **December, 2012** by and between **CENTURY BANK OF GEORGIA,** party or parties of the first part, hereinafter referred to as "Grantor", and **GABRIEL BENCIVENGA, TRUSTEE UNDER THE GABRIEL BENCIVENGA LIVING TRUST DATED JULY 9, 2002 (66.7% INTEREST AS TENANTS IN COMMON), and GABRIEL BENCIVENGA, LLC, A DELAWARE LIMITED LIABILITY COMPANY (33.3% INTEREST AS TENANTS IN COMMON),** party or parties of the second part, hereinafter referred to as "Grantee", the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural;

WITNESSETH

FOR AND IN CONSIDERATION of the sum of Ten Dollars in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has, and hereby does, grant, bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee,

TRACT I:
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 138, 20th District, 2nd Section City of Kennesaw, Cobb County, Georgia; and being more particularly described as follows: Beginning at an iron stob and running southeast along the Dixie Highway now known as State Highway 293, running along 293 approximately 225 feet, more or less, to the intersection of the L & N Railroad, formerly W & A Railroad, north down the W & A Railroad to an iron stob a distance of 150 feet, more or less, to an iron stob westerly along the property of D.C. Caylor the distance of 125 feet, more or less to point of beginning. Said tract of land being the same lands conveyed to the said D.C. Caylor August 25, 1945, and recorded in Deed Book 169, Page 84, Cobb County Records; then conveyed by D.C. Caylor to J.A. Keeter, G.L. Keeter an H.D. Davis on July 9, 1960, recorded in Deed Book 552, Page 38, Cobb County Records, and then conveyed to J.A. Keeter and G.L. Keeter to H.D. Davis on February 22, 1961. Also, ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 138, 20th District, 2nd Section, Cobb County Georgia and being within the City of Kennesaw, and more particularly described as
Beginning at a point on the east right of way of the Dixie Highway (also known as Route 3) where the land deeded to Davis et al, in Deed Book 552, Page 38 Cobb County Records, intersects with said right of way; thence running along said right of way in a northerly direction 125 feet to a point; thence easterly to a point on the railroad right of way; thence in a southerly direction along said right of way a distance of 125 feet to a point on the line of the property belonging now or formerly to Davis et al, and thence running in a westerly direction along the property line of Davis, et al, a distance of 125 feet, more or less, to the point of beginning. Less and except that portion of Land Lot 138, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia conveyed by Harold D. Davis a/k/a H.D. Davis to the Department of Transportation by right of way deed dated June 11, 1973, recorded in Deed Book 1435, Page 37, Cobb County Records.

TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of the rights, members and appurtenances thereof to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the Grantee and the heirs, legal representatives, successors and assigns of Grantee, forever, in FEE SIMPLE.

GRANTOR SHALL WARRANT and forever defend the right and title to said tract or parcel of land unto the Grantee and the heirs, legal representatives, successors and assigns of Grantee, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year first above written.

Signed, Sealed and Delivered
in the presence of:

(Unofficial Witness)

Michelle Vansciver
(Notary Public)

My Commission Expires:

(Notary Seal)

MICHELLE VANSCIVER
NOTARY PUBLIC
Polk County
State of Georgia
My Comm. Expires October 7, 2018

CENTURY BANK OF GEORGIA

By: _____ (L.S.)

Its: President / COO

Printed: 5/4/2023

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:
GABRIEL BENCIVENGA & DANIEL TOLEDO

BENCIVENGA GABRIEL LIVING TRUST
7/09/02
GABRIEL BENCIVENGA LLC

Payment Date: 9/20/2022

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2022	20013801880	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	$4,596.08	**$0.00**

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

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 #
20013801880	3/3-BOND - KENNESAW CITY	235948

Property Owner/Location/Description	Fair Market Value	Taxable Value
BENCIVENGA GABRIEL LIVING TRUST 7/09/02 GABRIEL BENCIVENGA LLC 2754 S MAIN ST	378,590	151,436

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	151,436		0		151,436		8.0000000		$1,211.49
BOND	151,436		0		151,436		1.5000000		$227.15

Exemptions:

Current Year Tax	$1,438.64
Interest	$0.00
Penalty	$0.00
Other Fees	$0.00
Payments Received	$1,438.64
Other Amounts Due	$0.00
Total Due	$0.00
Due Date	12/01/2022

Per House Bill 960, to arrive at the property tax interest rate, divide10.5% by 12, which equals .875%. This interest rate will continue to accrue on a monthly basis, based on an annual calculation of Federal Prime Rate (7.5%) plus 3%.

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.

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

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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.

Parcel ID:	20013801880
Amount Due:	$0.00
Bill#:	235948
Due Date:	12/01/2022

AMOUNT PAID

BENCIVENGA GABRIEL LIVING TRUST 7/09/02 GABRI

Jamaican Cafe
Fern Gully
Brown Stew-
Red Snapper
ackee and Saltfish
Fried Dumplings Festival
ntai Drinks:
ish Moss Sorrell ...
Try all of our
Favorites,
All Day!

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # RZ2023-02

PURPOSE Rezone to Central Business District.
CBD Expansion Phase 2.

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

04.18.2023 09:34

link: https://www.facebook.com/CityofKennesaw/
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.

Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live 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.
4:14,21-2023

4:14,21-2023

MDJ-3594

GPN-16

City of Kennesaw

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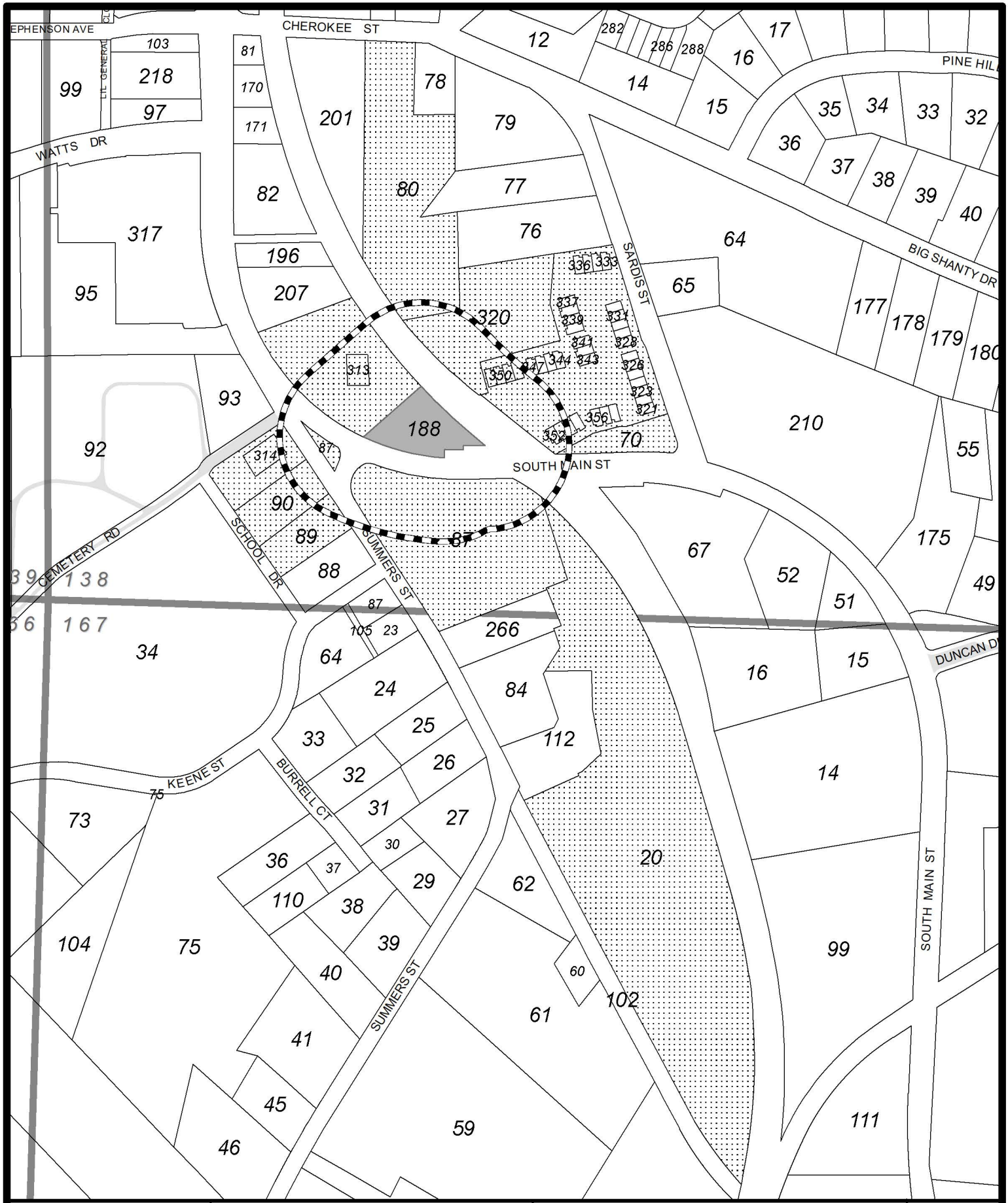
Any interested citizens are invited to email **kennesawcouncil@kennesaw-ga.gov**.

4:14,21-2023

MDJ-3595



Subject Parcel

200' Radius

Properties Notified

2754 S Main Street
Land Lot 138,
Tax Parcel 188

RZ2023-02
200' PROPERTY NOTIFICATION

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

Derek Easterling, MAYOR
Lea Alvarez, CITY CLERK

Date: 3/24/2023
RZ2023-02 Notification Map

1 " = 300 '

Tax Parcel - 20013800700
KENNESAW CITY OF
2539 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013800890
CARLILE KENNETH R SR
3820 VINEYARDS LAKE CIR
KENNESAW GA 30144

Tax Parcel - 20013801880
BENCIVENGA GABRIEL LIVING TRUST 7/09/02
GABRIEL BENCIVENGA LLC
1020 RIVERSIDE RD
ROSWELL GA 30076

Tax Parcel - 20013800800
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013800840
SHANTI KUNJ INC
2778 S MAIN ST
KENNESAW GA 30144-3549

Tax Parcel - 20013803140
BUTLER JOSHUA ANDREW
2741 SUMMERS ST NW
KENNESAW GA 30144

Tax Parcel - 20013800870
KENNESAW VILLAGE LLC
P O BOX 52167
ATLANTA GA 30355

Tax Parcel - 20013803530
ELIZABETH & GRADY BARNHILL LIVING TRUST
2204 FULLERS ALY
KENNESAW, GA 30144

Tax Parcel - 20016700200
PRO BUILD REAL ESTATE HOLDINGS LLC C/O
RYAN LLC
1999 BROADWAY STE 4100
DENVER CO 80202

Tax Parcel - 20013803540
WAGNER EDWARD
2202 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013803500
BARNES MICHAEL S
2305 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013800900
EVERY BLOOMING THING INC
1240 WOOLF VALLEY CT
ACWORTH GA 30102

Tax Parcel - 20013803510
BURTON LORI
2307 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013800910
BUTLER JOSHUA ANDREW
2741 SUMMERS ST
KENNESAW GA 30144

Tax Parcel - 20013803520
LARSSEN KAREN A & LOYA JESSICA LEIGH
2206 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013803490
HELLRIEGEL JENNIFER LYNN & CHARLES JOHN
2303 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013803200
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013803130
SHANTI KUNJ INC
2778 S MAIN ST
KENNESAW GA 30144-3549

Tax Parcel - 20013803470
BROWNSWORTH RONNIE & KENDRA NICOLE
2207 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013800740
TERRACES AT DEPOT PARK TOWNHOME
ASSOCIATION INC
701 WHITLOCK AVE SUITE K 46
MARIETTA GA 30064

Tax Parcel - 20013803480
CALOV STEVEN C
2301 FULLER'S ALY
KENNESAW GA 30144

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

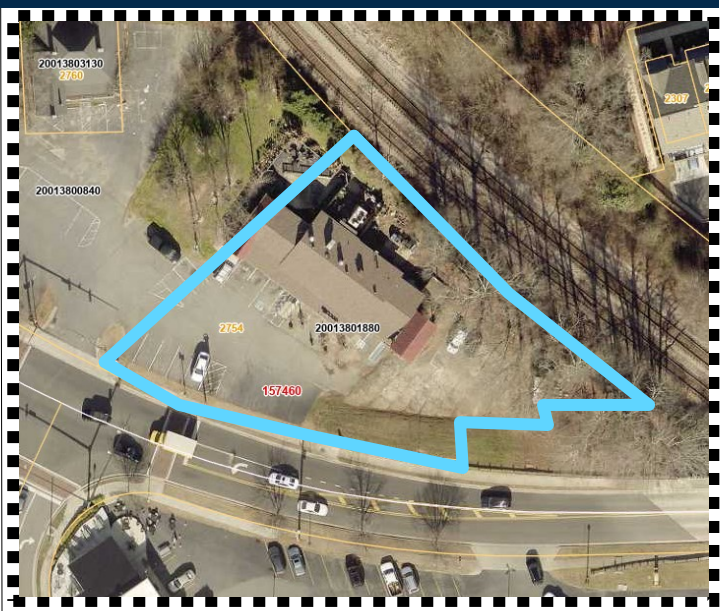
PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 17, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

Property Address
2754 S Main Street
Applicant
City of Kennesaw
Representative
N/A
Property Owner
Bencivenga Gabriel Living Trust 7/9/02
Current Zoning
General Commercial (GC)
Current Future Land Use Category
Downtown Activity Center
Project Request: Rezone property to Central Business District (CBD)
Please see page 4 for project request description.



Aerial view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: No
Historic District: No
Cemetery: No **Floodplain:** No **Stream:** No
Parcel ID #: 20013801880
Land Lot #: 138 **Tax Parcel #:** 188
Land Area: 0.48 +/- acres
Existing Building Total SQFT: 3,143 SQFT
Proposed Building SQFT: None
Proposed Streets: None

RECOMMENDATION

Staff Recommendation
Approval
Planning Commission Recommendation
Approval
Please see page 22 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: Cherokee Street
Zoning: Central Business District
Future Land Use: Park/Recreation/Conservation

South: South Main Street
Zoning: Central Business District
Future Land Use: Downtown Activity Center

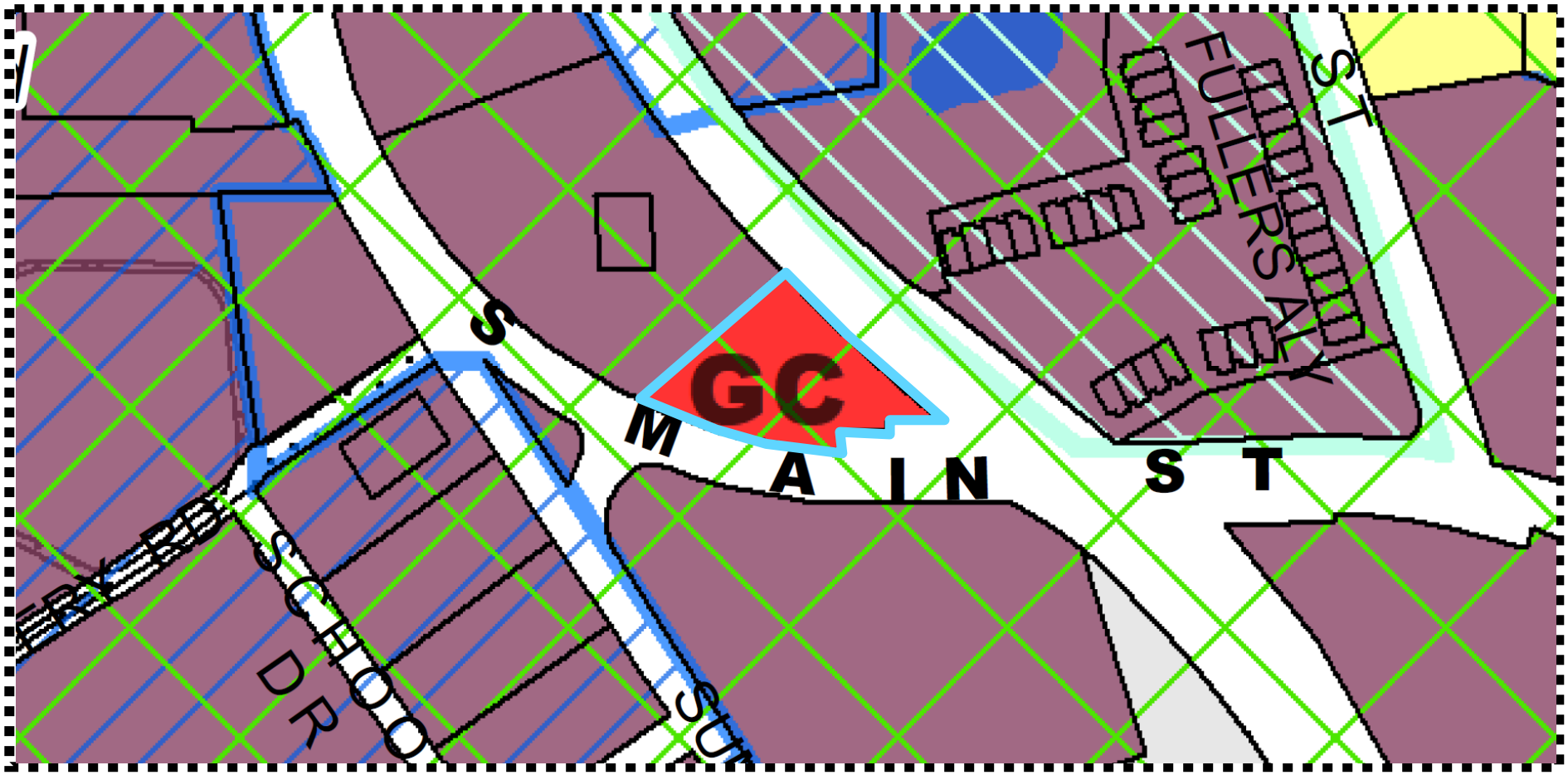
East: Sardis Street
Zoning: Central Business District
Future Land Use: Downtown Activity Center

West: South Main Street
Zoning: Central Business District
Future Land Use: Downtown Activity Center

Please see pages 2 - 3 for full maps.

ZONING MAP

ZONING CASE #: RZ2023-02(E)



Zoning Districts

CBD	HGB	OI	R-12	RA-5
CRC	HI	PBSH	R-15	RA-6
FST	LI	PSC	R-20	RM-8
GC	MHP	PUD-R	R-30	RM-12
NRC	NS	PVC	R-40	RM-16
		R-10	RA-4	UVC

Zoning Overlays

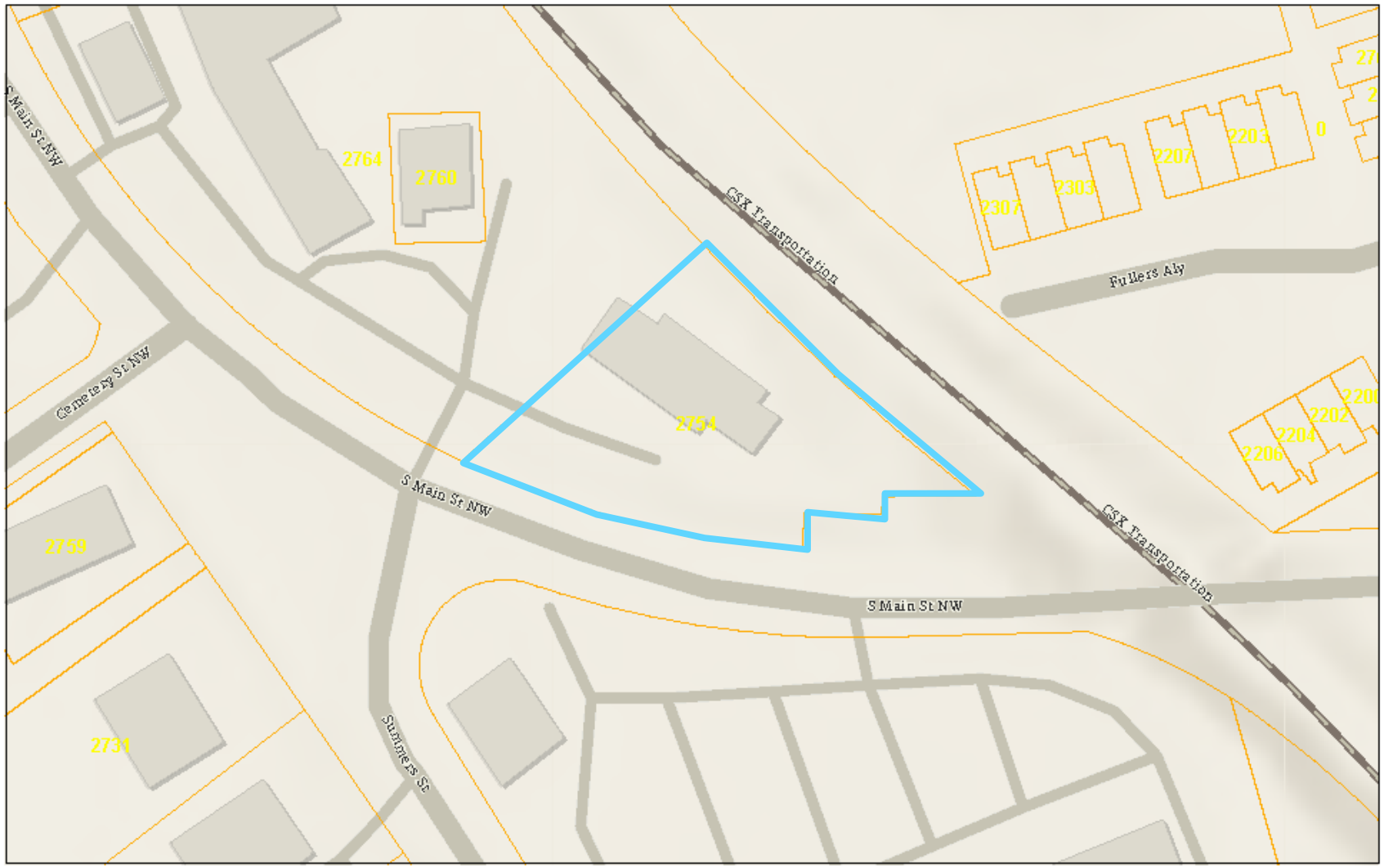
- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

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

2

SITE PLAN

ZONING CASE #: RZ2023-02(E)



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

DESCRIPTION OF ZONING REQUEST: **REZONING**

Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from the current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2.

PROJECT INTENT

The intent of the project is to rezone the subject parcel to Central Business District and currently owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC.

The property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

Pre-Application Meeting
City initiated

Application Submitted
March 17, 2023

Fees Paid
$0

Certified Letters Mailed By
April 14, 2023

PROPERTY DETAILS

Year Built: 1978
Structure: Retail Multiple Occupancy
Square Footage: 3,143
Historic District: No
Kennesaw Downtown Development Authority: Yes
Entertainment District: Yes

GOOGLE STREET VIEW

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

THE CENTRAL BUSINESS DISTRICT (CBD)

CREATION OF THE CBD ZONING DISTRICT

The Central Business District zoning district was created on September 3, 2002 under ordinance #2002-35. The purpose of creating this district was to enact a comprehensive zoning district which covered properties within the City's downtown core. It continues today to aim at encouraging quality development and the preservation of the historical character of downtown Kennesaw. This ordinance laid down the design standards of the district within the Unified Development Code. No properties had been rezoned to CBD in 2002.

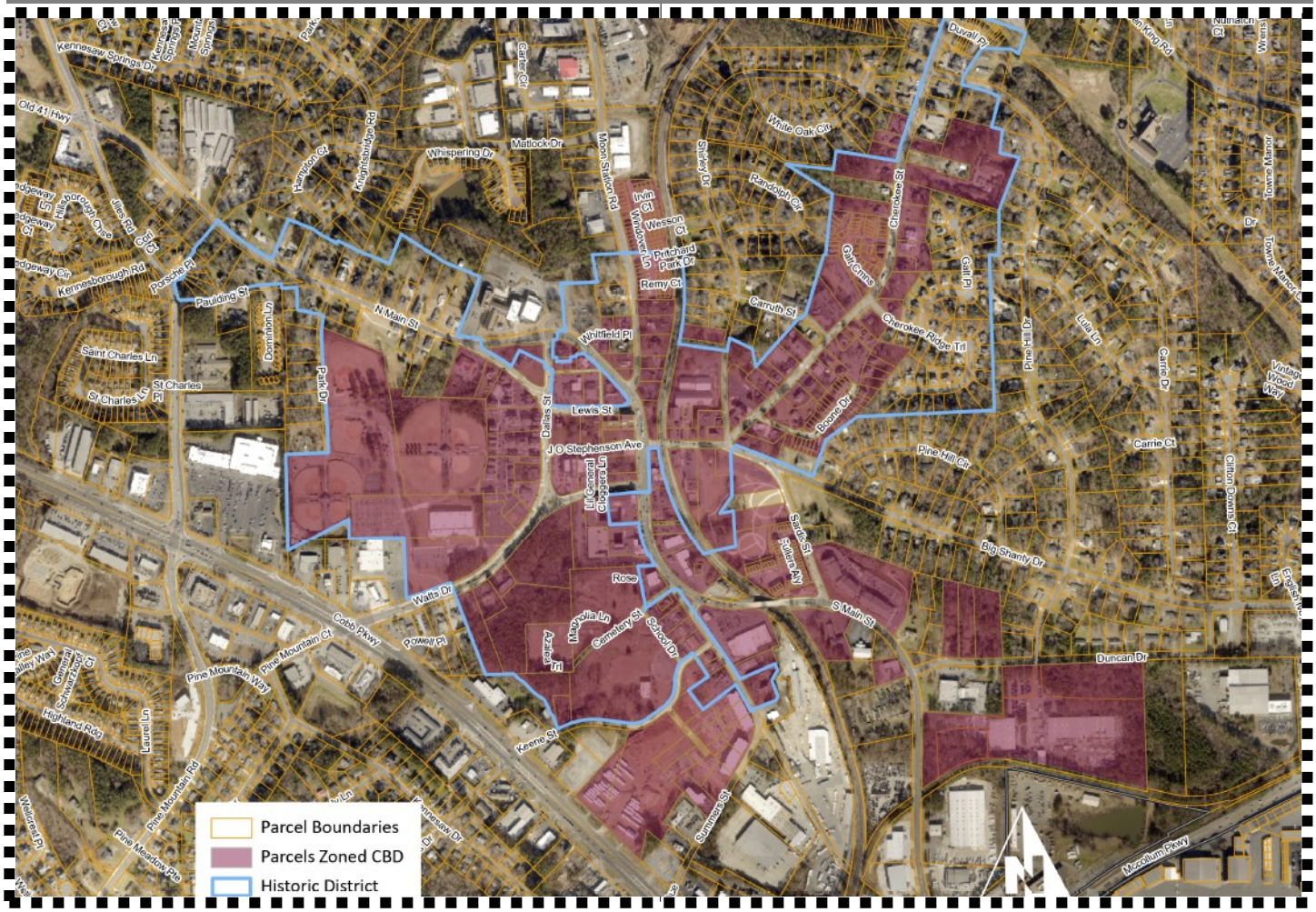
PHASE 1 - FEB. 2003 & OCT. 2005

Phase 1 was initiated in 2002-2003 and approved by Mayor and Council on February 18, 2003 under ordinance #2003-07, where various properties within the downtown core were rezoned to CBD. In 2005, another group of properties located in downtown Kennesaw were rezoned to CBD on October 17, 2005 under ordinance #2005-32.

PHASE 2 - MAY 2023

Phase 2 is being conducted in 2023, where, staff notified at least 25 property owners throughout downtown, inviting them to be a part of the CBD. Four private properties and three City of Kennesaw properties are up for rezoning.

CURRENT BOUNDARIES - CENTRAL BUSINESS DISTRICT AND HISTORIC DISTRICT MAP



PROPERTY OWNERS INVITED TO REZONE TO CBD

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

ZONING CASE #: RZ2023-02(E)

PHASE 2 - MAY 2023

PROPERTY ADDRESS	PROPERTY OWNER NAME
2750 WATTS DR	Blue Project LLC c/o Lisa Kirshenbaum
2748 WATTS DR	Depen Douglas D
2561 SUMMER ST	Hebah Inc c/o Taki Momin
2573 SUMMER ST	2573 Summers Street LLC c/o Steve Shakar
2001 DUNCAN DR NW	United States Postal Service Party
2006 DUNCAN DR NW	Winfrey Horace J Sr Executor Taylor Jessie Mae Estate
DUNCAN DR NW	Winfrey Horace & Bryant Gloristeen
DUNCAN DR NW	Taylor Jessie Mae Estate C/O Horace J Winfrey
2716 S MAIN ST	Byrd Hugh Edward
S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2751 S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2754 S MAIN ST	Bencivenga Gabriel Living Trust 7/09/02 Gabriel Bencivenga LLC
2879 N MAIN ST	Dennis Alvah Myers Revocable Living Trust
2961 MOON STATION RD	Schneider Edward R & Counts Gurdon W III
2971 MOON STATION RD	Odom David Stanley III & Jan G
2958 N MAIN ST	First Baptist Church Kennesaw c/o Dr. J Perry Fowler, Lead Pastor
2939 CHEROKEE ST	Sims Benjamin J
2098 CARRUTH ST	The Fourth Way LLC
3045 CHEROKEE ST	Richards Thomas R Sr Revocable Trust
3066 CHEROKEE ST	Varela Jose Bicet Murillo
3086 CHEROKEE ST	Larrys Legacy Properties LLC c/o Angela Gail Little
3119 CHEROKEE ST	Bright Futures Inc c/o Suzanne L. Jackson, CEO

ZONING CASE #: RZ2023-02(E)

UNIFIED DEVELOPMENT CODE - SECTION 4.02.03 - CENTRAL BUSINESS DISTRICT

A. Purpose and Intent.

1. The Central Business District (CBD) is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.

2. The classification is primarily intended for a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the Central Business District (CBD) is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw.

3. The CBD is designed to achieve the following:

    a. Create an environment where residents and visitors can live, work, meet, and play.
    b. Promote a balanced mix of retail, office-professional, entertainment, residential, civil, and cultural uses in the core downtown area.
    c. Allow for growth of a healthy economic business district.
    d. Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments.
    e. Ensure compatibility with the historic district to achieve architectural and design integrity and consistency.
    f. Provide accessible and sufficient parking that is unobtrusive by encouraging shared, underground, and deck parking and alternative modes of transportation including pedestrian and bicycles.
    g. Promote a pedestrian environment though sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity.
    h. Provide safe and accessible parks and public and private open space.

B. Lot size, setback and building height requirements. Within the CBD the following lot size and setback requirements shall apply.

1. Minimum lot size, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements of off-street parking, loading and unloading, and setback requirements, where applicable.

2. Maximum lot coverage: Not more than eighty-seven (87) percent of the area of any lot may be covered by buildings structures or storm water facilities.

3. Minimum setbacks:

    a. Front - Established to "build-to-line" which equals the averaged distance from the property lines measured from existing structures along right-of-way adjoining properties as measured from existing structures.
    b. Side - None, except when abutting a residential zoning district where there is no intervening right-of-way, the setbacks requirement is ten feet. Where alleys exist between districts, the setbacks shall be five feet from the property line/alley right-of-way.
    c. Rear - None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 25 feet.
    d. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

4. Maximum building height: Subject to the Historic District Design Guidelines

5. Maximum floor area ratio (FAR) - 1.10

    (Calculations for FAR: Floor Area/Lot Area = FAR)

C. Permitted Uses

1. General retail uses: antiques, animal hospitals, appliance store, arts and crafts, bakery, bicycle shop, book store, butcher, carpet and floor covering, cosmetics, draperies and slipcovers, fabric store, farmers market (fully enclosed and open-air), flower shop, food, fraternity and sorority houses/residence halls (must be university authorized dwellings), fruit/vegetable stand, garden supplies, gift shop/glassware, growler establishments, hardware store, home/office furnishings, ice cream shop, jewelry store, leather goods/luggage, massage therapy establishments, massage therapy associated with the following uses: as part of a salon service establishment and as part of a medical, chiropractic, or sports medicine establishment, medical and surgical equipment, music shop, nautical supplies, office supplies, pets and pet supplies, pharmacy, photographic equipment/supplies, spa and salon establishments, sporting goods, toy store.

2. Services and professional Uses: banks/financial institutions limited to one drive-through and/or automated transaction machines, interior decorating establishments, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, professional offices, sports medical physical therapy.

3. Services and facilities: Auction, barber/beauty shops and salons, bed and breakfast inn and residential-type inns, broadcast studios, butcher shops, caterers, dry cleaning and laundry pick-up stations limited to off-site processing for customer pick-up, exercise facilities (e.g., gyms and clubs), galleries, alternative wireless communications facilities (special land use approval required), government facilities including by not limited to the following: government offices, public works facilities, community centers, public parks, clubhouses, amphitheaters, hotels, laundromats limited to self-service facilities, libraries, motels, museums, newsstands, outdoor cafes, parking lot and garages (commercial or public), pet grooming, religious assemblies, restaurant excluding drive-in and drive through, rest/personal care/convalescent homes, small item repair, tailoring, tobacconist, taverns/cocktail lounges, vocational schools some examples being: arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling and karate-judo.

4. Residential uses: condominiums, mixed-use residential/commercial, single-family detached and townhomes.

5. The permitted uses under this section shall be allowed in such a way as to promote a diverse mixture of the uses so as to avoid concentrations of such uses within close proximity of which may cumulatively create a nuisance, safety or health hazard or parking problem that may negatively affect the overall financial stability of surrounding uses.

All retail and professional uses varied in nature that meet the CBD vision and adopted comprehensive plan and all other adopted planning studies for the City of Kennesaw that is not listed as a prohibited use under Section 4.02.03E.

D. **Special Exception Uses. Within the CBD the following uses shall be permitted by special exception as per Section 4.04.01:** cemeteries, private community centers, private schools or general and special education and religious assemblies' accessory cemeteries and schools.

E. Use Limitations. Within the CBD the following use limitations apply:

1. All projects located within the historic district shall meet the City of Kennesaw design review guidelines as may be amended from time to time.
2. No (new or used) car lots
3. No car repair shops to be established
4. No sexually oriented businesses as defined in the Kennesaw Code of Ordinances Business Licenses shall be allowed.
5. No overnight outside storage shall be allowed.
6. No more than five percent of total store inventory may be displayed outside.
7. All items stored outside shall be moveable to indoor without compromising accessibility to the building.

8. No items shall be displayed on paved areas or parking lots, except for temporary permits for special sales events not to exceed seven days more than four times per calendar year.
9. Items may be displayed on porches or adjacent to primary structures only in non-paved areas.
10. Sidewalk/yard sales shall only be conducted after issuance of the proper permit.
11. All abandoned or disposed items including recycling and trash shall be removed within three days.
12. No chemical manufacturing, storage or distribution shall be allowed.
13. No enameling, plating or paint (except for artist studios) shall be allowed.
14. No detention centers or halfway houses shall be allowed.
15. No tire shredding or recycling centers shall be allowed.
16. No manufacture or disposal of hazardous or radioactive waste materials shall be allowed.
17. No scrap yards shall be allowed.
18. No manufactured/mobile homes shall be allowed.
19. No commercial sand, gravel or other mineral extraction shall be allowed.
20. No indoor or outdoor shooting ranges shall be allowed.
21. No tattoo parlors shall be allowed.
22. No body piercing facilities, as a primary use shall be allowed.
23. No extended stay hotels/motels shall be allowed.
24. No chain link fences shall be permitted.
25. No overnight parking of commercial vehicles (except for mini-vans or cars) shall be allowed.
26. No uses that emit noxious odors, fumes or sounds shall be allowed.
27. No outside animal runs with any veterinary office or kennel shall be allowed.
28. No detention or retention or wet weather ponds allowed.
29. No gas stations to be established. The wholesale and retail sale of all fuel sources are governed by this restriction.
30. No automobile, truck, motorcycle or recreational vehicle rental facilities to be established
31. No drive-through amenity to be established in association with any eating and drinking establishments located within the Central Business District.
32. No funeral homes allowed.

F. Gateway Corridors:

1. Cherokee Street
2. Watts Drive
3. North Main Street (Old Hwy 41)
4. South Main Street (Old Hwy 41)
5. Summer Street

G. Residential Development Standards

1. <u>Condominiums:</u> Minimum floor area for all units - 1,000 square feet

2. Mixed use retail/residential with residential on second floor
    a. The non-residential portion of the development shall obtain a certificate of completion before the issuance of the certificates of occupancy for the last 20 percent of residential units for the residential portion.
    b. The gross floor area occupied by residential uses shall not exceed seventy-five (75) percent of the total gross floor area of the buildings or individual structures.
    c. Minimum floor area for all residential units - 1,000 square feet

3. Single family, detached: The minimum floor area of residential dwellings shall be 1,100 square feet.

4. Townhouses: The minimum floor area of all residential units - 1,000 square feet

5. For-Rent Residential Apartment units:

    a. To be allowed only in mixed use residential/commercial projects
    b. Rental apartment units will be allowed subject to specific development agreement conditions as part of the Central Business District project approval process as per UDC Section 4.02.03(H).
    c. Minimum floor area for all residential units in mixed use residential project to average 1,000 square feet.
    d. Units with a floor plan totaling the minimum of 850 square feet can be utilized for no more than 30 percent of the total apartment units for the project.

H. Approval Process for Projects:

1. City of Kennesaw staff shall conduct a minimum of one consultation with applicant to review project concept and factors to consider in the planning and design phase prior to initial site plan and architectural review.

2. Conceptual site plan and architectural review by City of Kennesaw staff

3. Submittal to the Kennesaw Downtown Development Authority (KDDA) for review and comment only.

4. Submittal to the Historic Preservation Commission (HPC) for certificate of appropriateness approval if within a historic district. If subject property is not in the historic district then concept approval will be required.

5. Site Plan review and approval by City of Kennesaw staff required.

6. Final plan approval by Mayor and Council

I. The site plan of the project shall be consistent with the City of Kennesaw adopted Comprehensive Plan, Depot Master Plan and LCI study.

J. The project shall be designed as to provide a proper transition, land use and design so as not to negatively affect surrounding properties.

K. The site plan of the project shall incorporate public space architectural and urban features consistent with the City wide Architectural Design Standards and the City of Kennesaw Historic District Design Standards including fountains, gardens, squares, courtyards, lighting, signage, and paving that blend the mixed uses.

L. Each applicant shall submit a business plan which contains at a minimum the following information:

1. Type of business
2. Projected market targeted
3. Projected customer generation
4. Plan on traffic control for ingress/egress of property
5. Study on similar uses in area
6. Projected economic impact to City of Kennesaw

M. General requirements:

1. Compliance to downtown redevelopment plan vision
2. A balanced mixture of uses to meet downtown redevelopment plan vision
3. Positive economic development impact
4. Architectural design and quality shall be consistent with City of Kennesaw Design Guidelines and compatible with the city's architectural heritage.
5. Pedestrian and vehicular connectivity shall be incorporated into site design.
6. The height of fences and walls located between the building façade and a street shall not exceed forty (40) inches and in other areas shall not exceed six (6) feet.
7. No barbed wire, razor wire, chain link or similar elements shall be visible from any street, public park, sidewalk, public or private open space or outdoor dining area.
8. Loading docks and dumpsters shall be entirely screened from view with vertically enclosed opaque walls.
9. Utilities shall be placed underground.
10. Building mechanical and accessory features:
    a. Shall be located to the side or rear of the principal structure or on rooftops and shall not be visible from any public open space or sidewalk area.
    b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.

11. Any project permitted within the CBD which proposes a lighted facility including signs, parking lots, and entrance ways shall have an approved lighting plan consistent with lighting styles utilized in the downtown streetscape design and approved under the City of Kennesaw Historic Design Standards and Citywide Design Guidelines.
12. All sign locations located within historic district will be subject to review and approval by the HPC.
    a. City staff will review and process the sign permit application as per design standards as set forth in Chapter 5.03.00 of the sign ordinance after review and approval from HPC.
    b. All temporary signs will be regulated as per Chapter 5.03.00.

N. Parking, road and access requirements. Overall parking plans for the entire project site shall be approved by city staff through the plan review process. All parking requirements can be provided off-site. No alley parking is permitted.

1. Angled on-street parking on both sides shall be permitted dependent upon site plan review and approval.
2. Rear access shall be provided to townhouse and multifamily garages, single-family dwelling garage commercial loading and service areas, where such access is feasible.
3. Bicycle or moped parking spaces are required as follows: All new non-residential uses shall provide one (1) such space for every twenty (20) automobile spaces but not less than one (1) space and new residential uses shall provide one (1) such space for every five (5) units. Such spaces shall be located a maximum distance of 100 feet from the primary pedestrian entrance.

O. Incentive/zoning bonuses.

1. Common access drives and access curb cuts: All projects incorporating common access drives for multiple parcels along the identified gateway corridors in this section will be granted an increase of floor area ratio by .10, subject to all other limitations.
2. Pedestrian linkage: All projects that promote pedestrian/bicycle pathways and inter-parcel access will be granted an increase of floor area ratio by .10

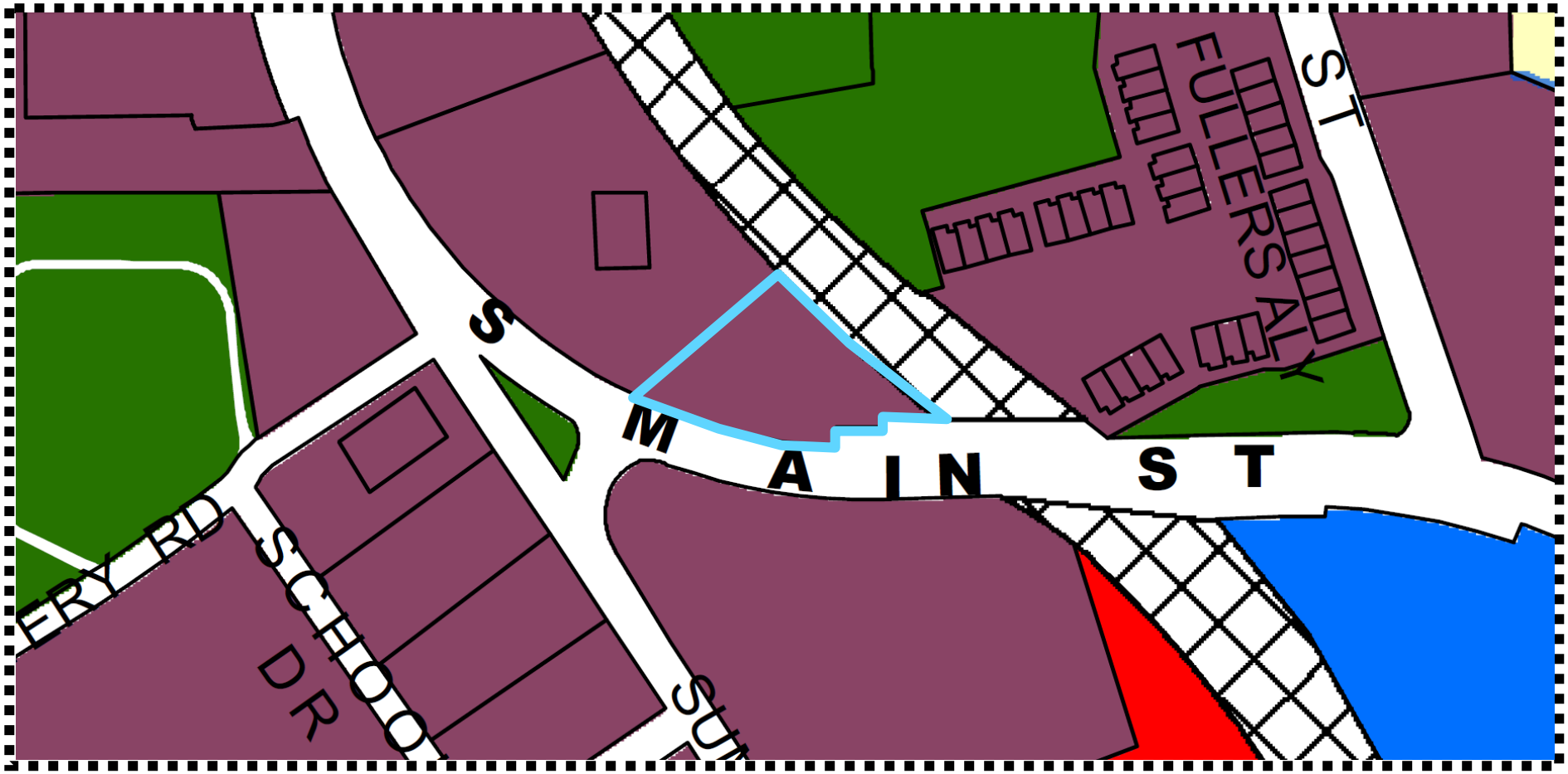
P. Landscaping design guidelines. All CBD project applications will include a landscape plan that has location and type for benches, waste receptacles, lighting, paving material, bicycle racks, newspaper stands, plant material, fencing, private open space, internal sidewalks and trails. The following components will be incorporated into the plan:

1. Use of sod on yard areas facing public right-of-way
2. Compliance to tree ordinance in UDC chapter three

(Ord. No. 2012-15, § 1, 12-17-12; Ord. No. 2015-05, § 5, 4-20-15; Ord. No. 2016-06,3-7-16; Ord. No. 2016-07, 3-7-16; Ord. No. 2016-21, 9-6-16)

FUTURE LAND USE MAP

ZONING CASE #: RZ2023-02(E)



Future Land Use

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

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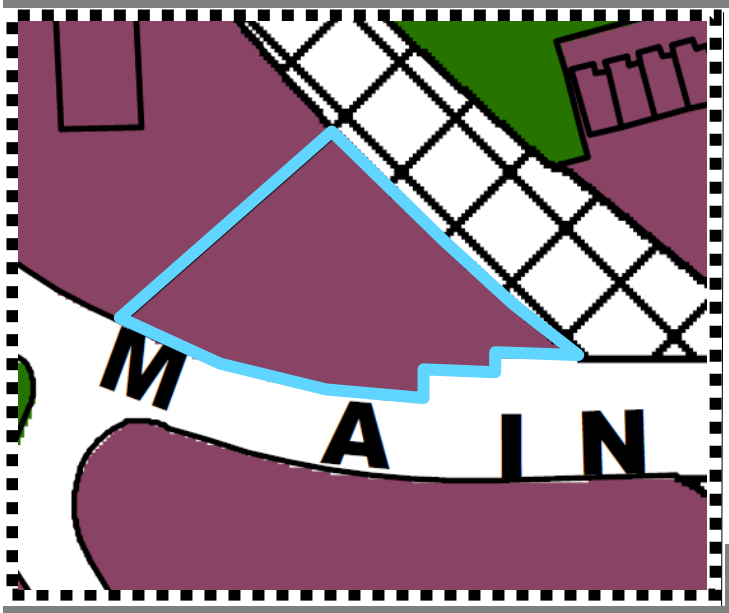
STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

KENNESAW 2022 COMPREHENSIVE PLAN UPDATE - FUTURE LAND USE



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.

LEGEND

- DAC - Downtown Activity Center
- PI - Public Service/Institutional
- CAC - Community Activity Center
- TCU - Transportation Communication Utilities

ACTIVITY CENTERS

Activity Centers are areas of commercial, office and residential land uses. These are located along major transportation corridors. New development should reflect the character of the existing development within these areas.

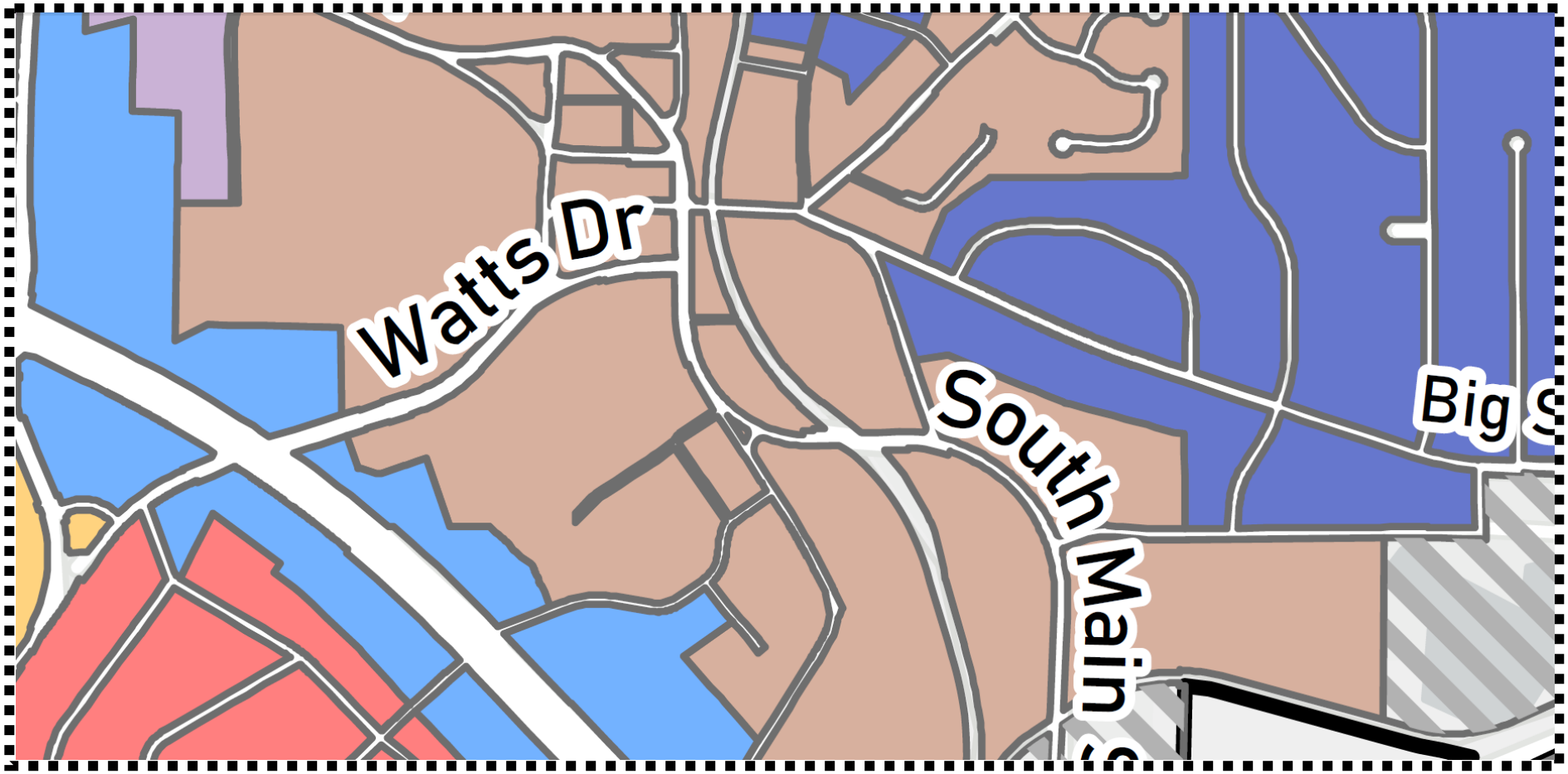
FUTURE LAND USE CATEGORY

DAC - DOWNTOWN ACTIVITY CENTER

This area is the traditional downtown of Kennesaw. For this area, the City of Kennesaw completed a Liveable Centers Initiative plan study in 2015 that should be used as the guiding plan.

COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-02(E)

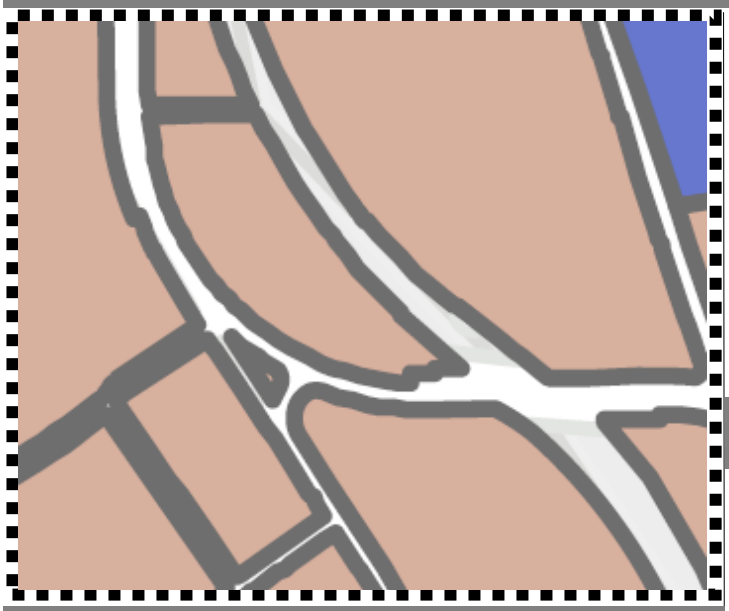


- Barrett and Old 41
- Campus Living
- Cherokee Street Commercial Corridor
- Cobb International Industrial Corridor
- Cobb Parkway Commercial Corridor
- East Pine Mountain Revitalization
- Historic Central Business District
- In-Town Living
- Jiles and Baker
- Kennesaw Due West
- Kennesaw Marketplace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

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

COMPREHENSIVE PLAN - AREAS



LEGEND

Historic Central Business District

In-Town Living

COMPATIBLE FUTURE LAND USE

- Downtown Activity Center (DAC)
- Public Service/Institutional (PI)
- Park/Recreation/Conservation (PRC)
- Residential High (RH)
- Residential Low (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.

HISTORIC CENTRAL BUSINESS DISTRICT

The Historic CBD area includes the Central Business District, the five historic districts and the study area of the City's Livable Centers Initiative (LCI). The area spans a distance along the northern edge of the Cobb Parkway Commercial Corridor from McCollum Parkway to near Jiles Road, northward to Matlock Drive on Moon Station Road, also northward to Pine Hill Drive on Cherokee Street and to South Main Street at McCollum Parkway.

Currently, this area is composed of a mix of land uses, historical and cultural resources, businesses, homes and neighborhoods and architectural styles and elements. Overall, this area is in the process of revitalization and reinvestment.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

COMPREHENSIVE PLAN - POLICY MATRIX - HISTORIC CENTRAL BUSINESS DISTRICT

Policy Matrix as defined within the 2022 Comprehensive Plan

- Redevelopment projects should occur on a multi-parcel basis.
- Require inter-parcel access connectivity and shared access to control access flow to major roadways.
- Encourage the integration of public transportation hubs at nodal developments.
- Require developers to adhere to architectural and site development standards.
- Maintain adequate building and landscaping setbacks that promote safety and market visibility.
- Encourage a diverse mix of products and services.
- Follow Best Management Practices for stormwater management as defined in the Georgia Erosion and Sedimentation Act.
- Encourage the reuse of homes as businesses where appropriate.
- Have new development reflect the most recent architectural and design styles that complement adjacent neighborhoods.
- Adhere to the City's architectural and site design guidelines.
- Locate higher intensity businesses away from the edges to protect surrounding residential land uses.
- Locate lower intensity businesses towards the outer edges to provide a transitional buffer between higher-intensity uses and neighboring residential areas.
- Encourage neighborhood-friendly, low-impact retail commercial to be located adjacent to and visible from Jiles Road and Moon Station Road.
- Concentrate traditional commercial development along Cherokee Street and Main Street between Dallas Street and the CSX Overpass.
- Require inter-parcel access (or rear alleys) to control access flow to Main Street.
- New development should be constructed at human scale.
- Require the incorporation of CBD architectural elements and guidelines into new construction or redevelopment projects.
- Require office/retail operations to be located on the first or ground floor and residential elements to be located above the first or ground floor in mixed-use, multi-story development.
- Promote the use of shared parking lots and/ or parking decks. Parking lots and decks should be located behind structures.
- Encourage pedestrian access to downtown via sidewalks and trail systems.
- Use paving patterns, landscaping, lighting, bench seating and signage to improve pedestrian areas.
- Incorporate pedestrian amenities, such as benches and trash receptacles, into all development with public access.
- Connect neighborhoods to the local and regional network of greenspace and trails, available to pedestrians and bicycles, for both tourism and recreational purposes.
- Enhance the pedestrian-friendly environment by adding or improving sidewalks and creating multi-use trail/bike routes linking neighboring communities and major destinations, such as the Neighborhood Retail Centers and parks.
- Assure compatibility of infill development with adjacent homes, surrounding neighborhoods and businesses.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1

Roadway Name
South Main Street

Roadway Classification
Arterial

Speed Limit
25-MPH

Jurisdictional Control
City of Kennesaw

Minimum Right-of-Way Requirement
80-feet minimum

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 #: RZ2023-02(E)

ENVIRONMENTAL

Flood Hazard:
___ Yes
___ No
✓ Not Verified

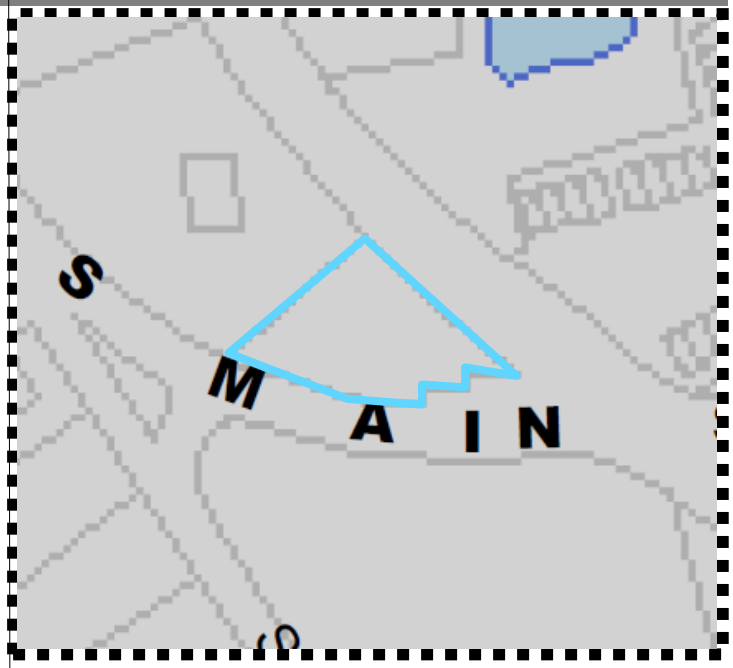
Wetlands:
___ Yes
___ No
✓ Not Verified

Drainage Basin:
✓ None
___ FEMA 100-year floodplain area
___ Flood Damage Prevention Ordinance[1]
___ 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 Area[3]
___ Chattahoochee River Corridor Tributary Area[4]
___ Georgia Erosion-Sediment Control Law and County Ordinance[5]
___ 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 Conditions: N/A

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas
0 435 870 1,740
Feet

2018 Flood Zones
- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property

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-feet 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 #: RZ2023-02(E)

COBB COUNTY SCHOOL DISTRICT

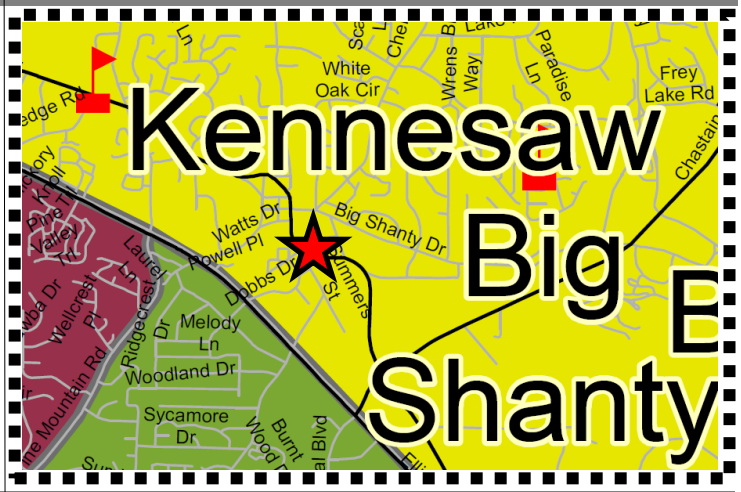
ELEMENTARY SCHOOL

School Name
Big Shanty Elementary School

Distance to School
1.8 miles

School Population
526 +/- students (2022-23)

ATTENDANCE ZONE MAP



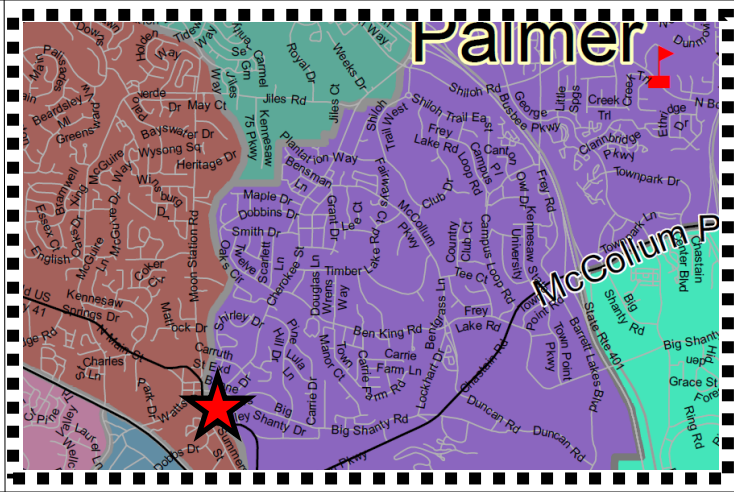
MIDDLE SCHOOL

School Name
Palmer Middle School

Distance to School
4.4 miles

School Population
875 +/- students (2022-23)

ATTENDANCE ZONE MAP



HIGH SCHOOL

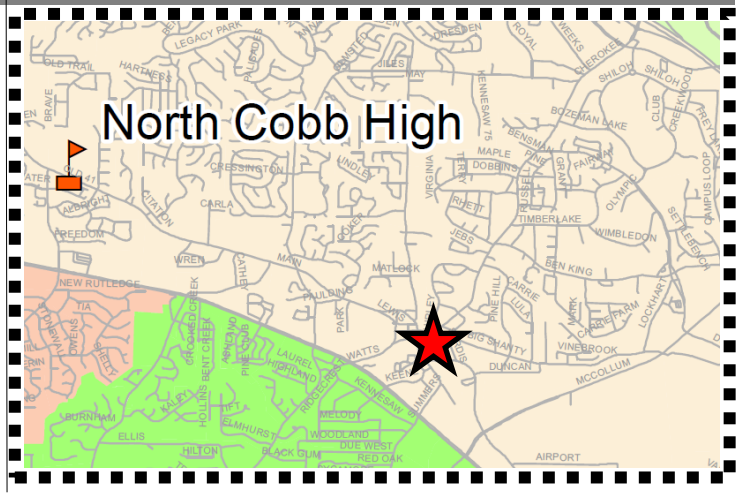
School Name
North Cobb High School

Distance to School
2.6 miles

School Population
2,631 +/- students (2022-23)

Student Population
Source: *www.publicschoolreview.com*

ATTENDANCE ZONE MAP



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(E)

PLANNING AND ZONING

Site Visit:
✓ Yes
___ No

Staff Member:
Name: Albert Trevino
Date of Visit: 4/28/2023

Land Use Recommendation:
Eating establishments are a compatible use

Historic Preservation:
Not in a historic district

Cemetery Preservation:
No cemeteries on site

Required Parking:
N/A

DENSITY ANALYSIS

COMMERCIAL: None proposed
RESIDENTIAL: None proposed

TOTAL LAND AREA: 0.4 +/- ACRES

Proposed Parking: Existing parking. None proposed

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL**

The Zoning Administrator recommends **approval** of case number #RZ2023-02(E)

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street.

Businesses and property along this portion of South Main Street are all zoned as Central Business District. Rezoning this piece will make the district contiguous and more attractive for current development or redevelopment to occur. Having a contiguous zoning district in downtown is in line with the adopted Livable Centers Initiative plan which was adopted in 2015.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends **approval** of case number #RZ2023-02(E)

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Meeting Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says “I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing".

III. New Business

1. **LU2023-01 –** Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

   - Chairman Bergwall proceeds to the first business item.
   - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says "Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

  - 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.
  - 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 public right-of-way.

- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
- Chairman Bergwall asks the applicant to come to the podium for comments.
- The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
- Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
- Commissioner Bodenhamer asks the applicant to make sure she signed in.
- Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
- Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

   RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City’s regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.

    - Chairman Bergwall opens the floor up to public comment.

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD?
- Mr.Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states **"**The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)".
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states **"**It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district".
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states "As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District".

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds "One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property".
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states **"**As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District".
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph.It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues “The additional zoning conditions that staff is recommending is as follows:
    - General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
    - Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
    - Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
    - Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
    - If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

- The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.

- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community".
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

- Vice-Chairman Jackson asks if the property owner sent a letter to withdrawn the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there was some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitle. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completed different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

DRAFT

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Mr. Simmons introduces the last business item. He states **"**This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney".
   - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
   - Mr. Simmons says yes.
   - Chairman Bergwall asks if there are any comments from the public.
   - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
   - Mr. Simmons responds, "Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change".
   - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
   - Motion by Commissioner Greenall to approve the text amendment as presented.
   - Second by Vice-Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

- Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
- He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of an ORDINANCE authorizing a rezoning request of property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Case #RZ2023-02 (F).

Summary:

The property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), and consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77. This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the rezoning request as outlined by staff.

Recommendation:

The Zoning Administrator recommends the rezoning of subject property from Single Family Residential R-15 to Central Business District District (CBD).

Fiscal Impact:

Attachments:

1. ORDINANCE - City Owned Properties
2. RZ2023-02(F) - 2817 Sardis Street - Depot Park Kennesaw Packet
3. RZ2023-02(F) Staff Report 2817 Sardis Street
4. 05-03-23 Planning Commission 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 VARIOUS CITY ZONINGS TO CITY CBD (CENTRAL BUSINESS DISTRICT) FOR PROPERTIES LOCATED WITHIN THE CITY LIMITS OF KENNESAW

WHEREAS, City of Kennesaw has made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designations from various City Zonings to City CBD (Central Business District) on parcels located within the City Limits as shown on Exhibit "A" (as more particularly described below); and

WHEREAS, notice was advertised in the Marietta Daily Journal on April 14, 2023 and April 21, 2023 of a public hearing before the Kennesaw Planning Commission held on May 3, 2023 and the Mayor and Council May 15, 2023; and

WHEREAS, the Kennesaw Planning Commission held a public hearing on this proposal on May 3, 2023; and

WHEREAS, the Mayor and Council held a public hearing on this proposal on May 15, 2023; and

WHEREAS, the Mayor and Council have determined the proposed amendment to the Official Zoning Map is in the public interest and meets the standards established in the Kennesaw Zoning Code and as reflected on the Central Business District boundary map and identified as Exhibit "B" (copy attached and made a part hereto).

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 designations from various City Zonings to City Central Business District for the following described properties:

All parcels of property as shown in Exhibit "A" and identified on district boundary map and shown as Exhibit "B" (copy of exhibit A & B attached and made a part hereto).

SECTION 2. 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 3. 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 ___day of May, 2023.

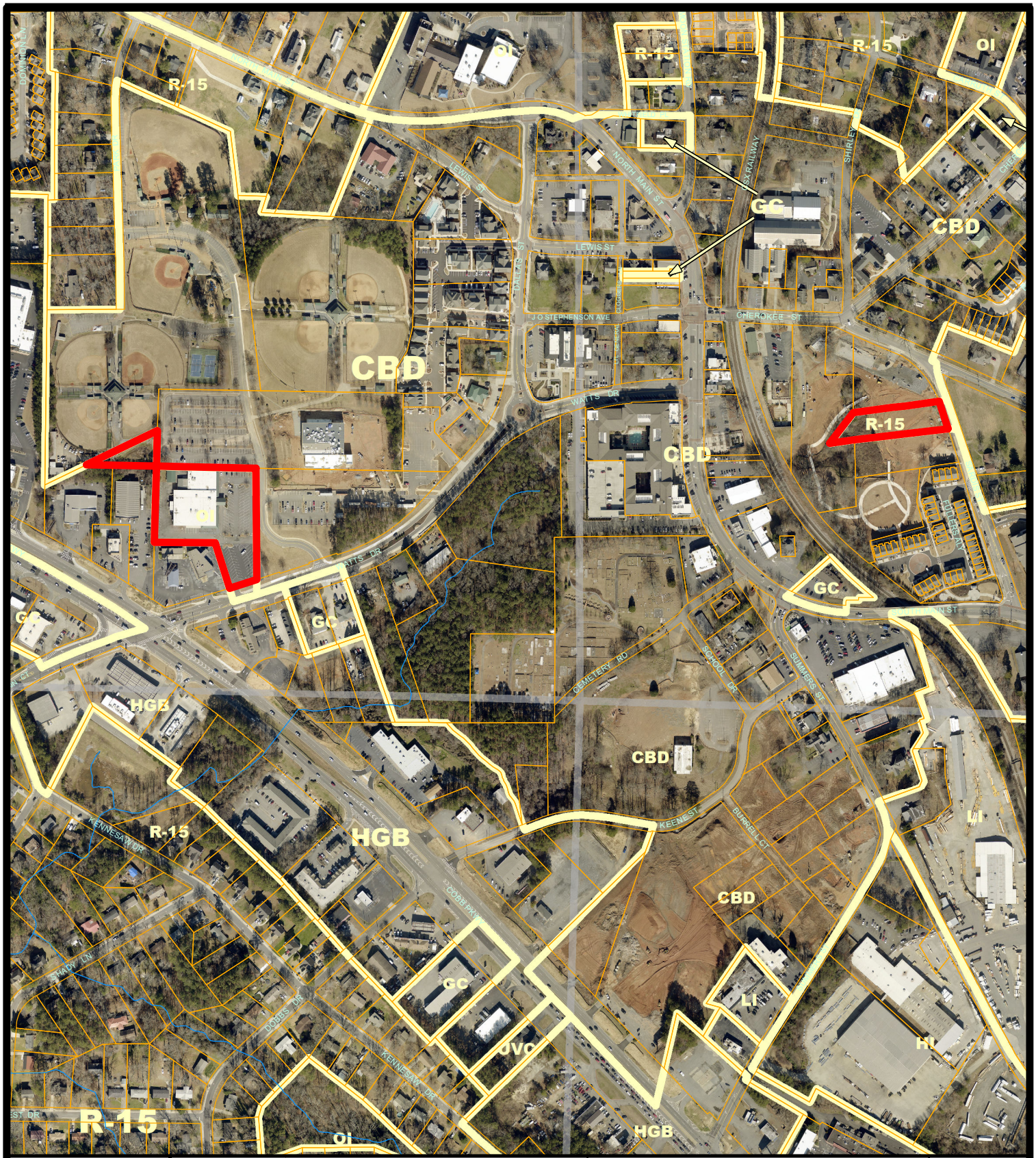
ATTEST:

_____
Lea Alvarez, City Clerk

CITY OF KENNESAW:

_____
Derek Easterling, Mayor

Exhibit A							
District	**Land Lot**	**Property Address**	**Parcel ID #**	**Current Zoning**	**Proposed Zoning**	**Mailing Address**	**Owner Name**
20	139	0 Cobb Parkway	20013900990	HGB	CBD	2529 J O Stephenson Ave	City of Kennesaw
20	139	2753 Watts Dr	20013900590	O&I	CBD	2529 J O Stephenson Ave	City of Kennesaw
20	138	2817 Sardis St	20013800770	R-15	CBD	2529 J O Stephenson Ave	City of Kennesaw



LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	Various	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

Various Parcels

Rezone to CBD (Phase 2)

Subject Property

City of Kennesaw GIS Department

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

Derek Easterling MAYOR
Lea Alvarez CITY CLERK

Scale: 1 " = 467 '
Print Date: 5/2/2023
RZ2023-02A_Aerial Map

Agenda Item #2

- Case #: RZ2023-02(F)
- Address: 2817 Sardis Street or parcel number 20013800770
- Property Owner: City of Kennesaw
- Application Type:
  - Rezoning
    - Consideration for approval to rezone subject property from R-15 (Single-Family Residential) to Central Business District (CBD). Property is vacant and located in Depot Park, consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	R-15	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

2817 Sardis Street
Land Lot 138, Tax Parcel 77
Subject Property

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

Derek Easterling MAYOR
Lee Tumlin CITY CLERK

Scale: 1 " = 150 '
Print Date: 3/24/2023
RZ2023-02E_Aerial Map

Case #: RZ2023-02(F)

REZONING APPLICATION

Required Fee ~~$375.00~~

$0 Date Received 3/17/2023

Staff's Initials AT

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

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 N/A Staff's Initials AT

REZONING PROPERTY ADDRESS 2817 Sardis Street

Land Lot 138 Tax Parcel 77 Lot Size 0.79

Resident Population 0 Housing Units 0 Other Buildings 0

Zoning Request from:

Present Zoning R-15 To: CBD

For the purpose of: rezoning from R-15 to CBD

APPLICANT EMAIL zoningdept@kennesaw-ga.gov Applicant Name: City of Kennesaw

Applicant Address 2529 J O Stephenson Avenue, Kennesaw, GA 30144

(Phone #) (770)-590-8268 -Zoning Office

Applicant Signature _____ Date 4-13-23

Signed, sealed and delivered in presence of: Miranda Taylor 4-13-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 10-20-2024

REPRESENTIVE _____

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

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary **Date**

TITLEHOLDER: City of Kennesaw **(Phone #)** _____

Signature: _____ **Address** _____

Signed, sealed and delivered in presence of: Miranda Taylor 4-13-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 10-20-2024

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:

Rezoning from R-15 to CBD

The property referred to is located at:

2817 Sardis Street

and is within a 200 foot radius of your property. It is described as Land Lot 138 20th District, 2nd Section, Tax Parcel 77 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03 at 6:30
~~7:00~~ p.m., and the Mayor and Council on 05/15 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.

Any questions, please contact:
Planning & Zoning Department
zoningdept@kennesaw-ga.gov
(770)-590-8268

Dated 4-13-23 Applicant

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

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 20 day of April, 2023

Applicant Signature: _____

[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 04/14/2023 in accordance with the application requirements.

4/20/23
Date

Applicant or Authorized Agent

Sworn and subscribed before me this 20th day of April 2023

Miranda Taylor
Notary Public Signature

[Notary Stamp]

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # RZ2023-02

PURPOSE Rezone to Central Business District. CBD Expansion Phase 2.

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

City of Kennesaw, GA

PLEASE LEASH AND PICK UP AFTER YOUR PET

KENNESAW CITY ORDINANCE:
SEC. 10-138 - SANITATION
SEC. 10-11 - CONTROL OF ANIMALS

04.18.2023 09:30

link: https://www.facebook.com/CityofKennesaw/
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.

Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live 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.
4:14,21-2023

4:14,21-2023

MDJ-3594

GPN-16

City of Kennesaw

Rezoning Request

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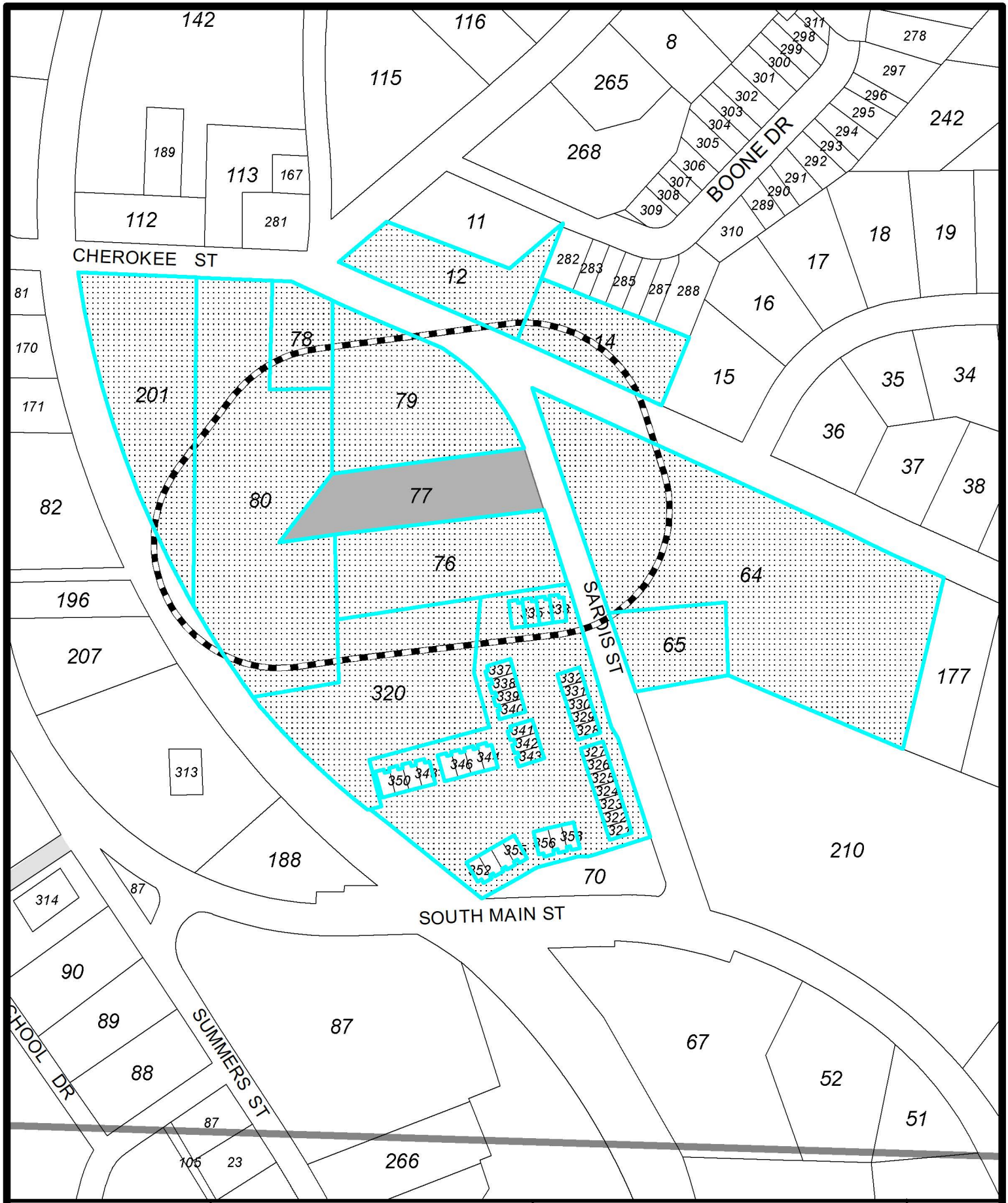
Mayor and Council will be conducting their meeting in person as well as through Zoom Meeting and Facebook Live and you can access the meeting via the following link: https://www.facebook.com/CityofKennesaw/

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

4:14,21-2023

MDJ-3595



Subject Parcel

200' Radius

Properties Notified

2817 Sardis Street
Land Lot 138,
Tax Parcel 77

RZ2023-02
200' PROPERTY NOTIFICATION

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

Derek Easterling, MAYOR
Lea Alvarez, CITY CLERK

Date: 3/24/2023
RZ2023-02E Notification Map

1 " = 200 '

Tax Parcel - 20013803330
PETERSON SEAN
2907 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013803360
CAGLE MARK ANTHONY & HAN LILING
2901 FULLER'S ALY
KENNESAW GA 30144

Tax Parcel - 20013803340
ROBINSON EVERETT LAMAR & JAYNA
2905 FULLERS ALY
KENNESAW GA 30144

Tax Parcel - 20013803350
MULLEN CHRISTOPHER L & SHELBY NICOLE
2903 FULLERS ALY
KENNESAW, GA 30144

Tax Parcel - 20013800760
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013800640
FERRIS PATRICK MARLON & ROBERT L
2080 BIG SHANTY DR
KENNESAW GA 30144

Tax Parcel - 20013800780
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013802010
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013800790
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013800120
LAST FAMILY TRUST
1025 ROSE CREEK DR STE 620-331
WOODSTOCK GA 30189

Tax Parcel - 20013800800
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013800140
FERRIS PATRICK M
2080 BIG SHANTY DR
KENNESAW GA 30144-2806

Tax Parcel - 20013800650
BUSH GARY GRAHAM & BUSH FREEDA LEACH
2790 SARDIS ST
KENNESAW GA 30144

Tax Parcel - 20013800740
TERRACES AT DEPOT PARK TOWNHOME
ASSOCIATION INC
701 WHITLOCK AVE SUITE K 46
MARIETTA GA 30064

Tax Parcel - 20013803200
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

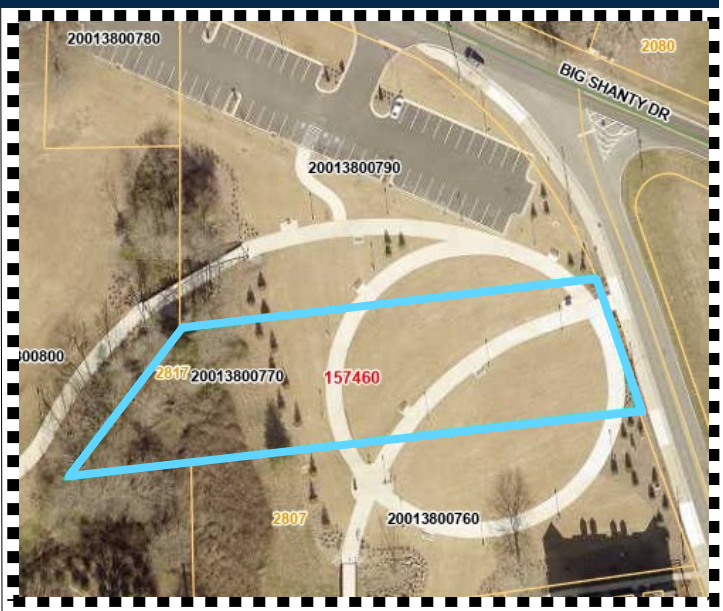
PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 17, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(F)

Property Address
2817 Sardis Street
Applicant
City of Kennesaw
Representative
N/A
Property Owner
City of Kennesaw
Current Zoning
R-15 (Single-Family Residential)
Current Future Land Use Category
Park/Recreation/Conservation
Project Request: Rezone property to Central Business District (CBD)
Please see page 5 for project request description.



Aerial view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: No
Historic District: No
Cemetery: No **Floodplain:** No **Stream:** No
Parcel ID #: 20013800770
Land Lot #: 138 **Tax Parcel #:** 77
Land Area: 0.793 +/- acres
Existing Building Total SQFT: Vacant
Proposed Building SQFT: None
Proposed Streets: None

RECOMMENDATION

Staff Recommendation
Approval
Planning Commission Recommendation
Approval
Please see page 9 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: Big Shanty Drive
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation

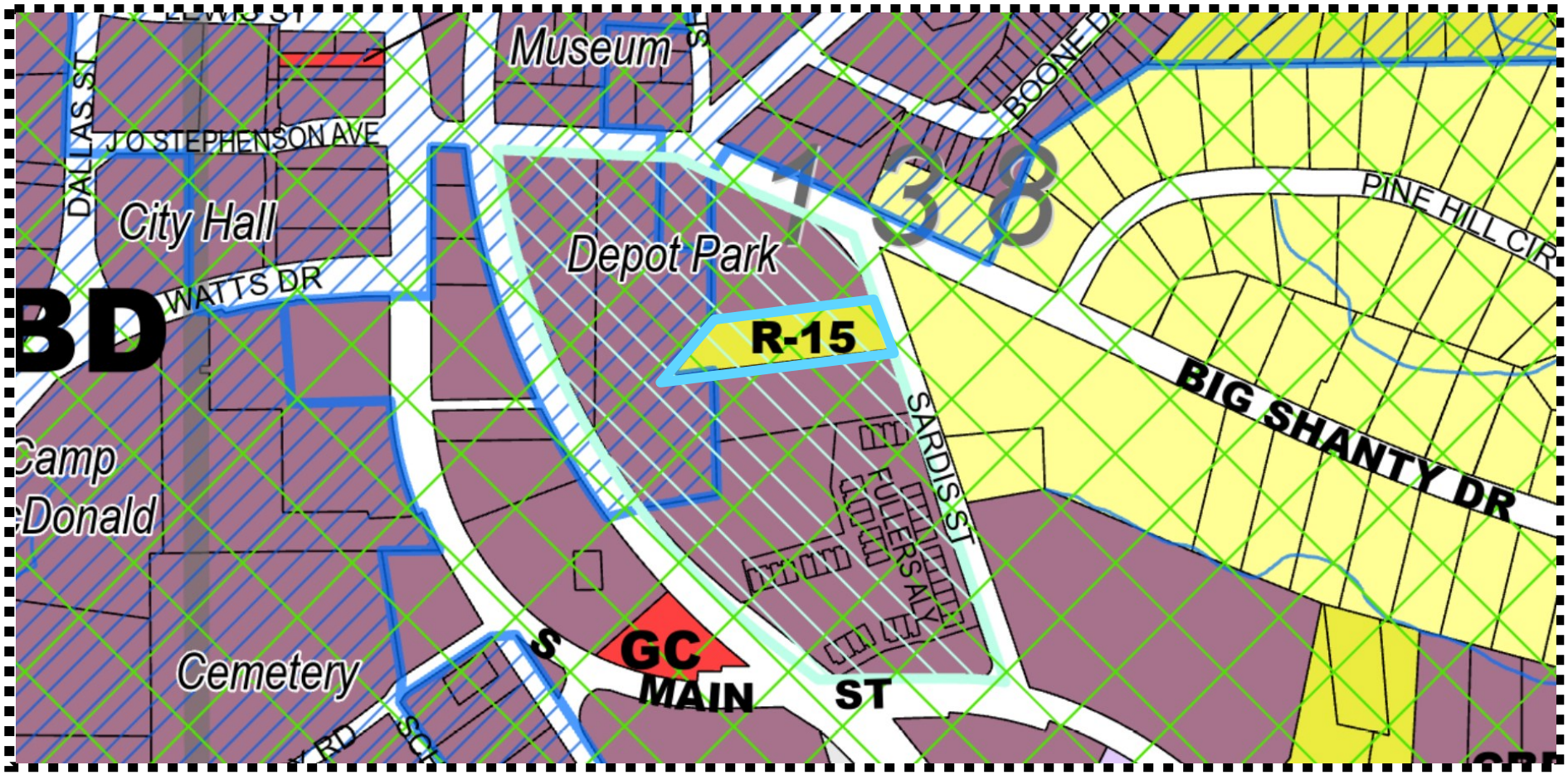
South: Fullers Alley
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation

East: Sardis Street
Zoning: R-20 (Single-Family Residential)
Future Land Use: Residential Low

West: South Main Street
Zoning: Central Business District (CBD)
Future Land Use: Park/Recreation/Conservation
Please see pages 2 - 4 for full maps.

CITY OF KENNESAW ZONING MAP

ZONING CASE #: RZ2023-02(F)



Zoning Districts

CBD	HGB	OI	R-12	RA-5
CRC	HI	PBSH	R-15	RA-6
FST	LI	PSC	R-20	RM-8
GC	MHP	PUD-R	R-30	RM-12
NRC	NS	PVC	R-40	RM-16
		R-10	RA-4	UVC

Zoning Overlays

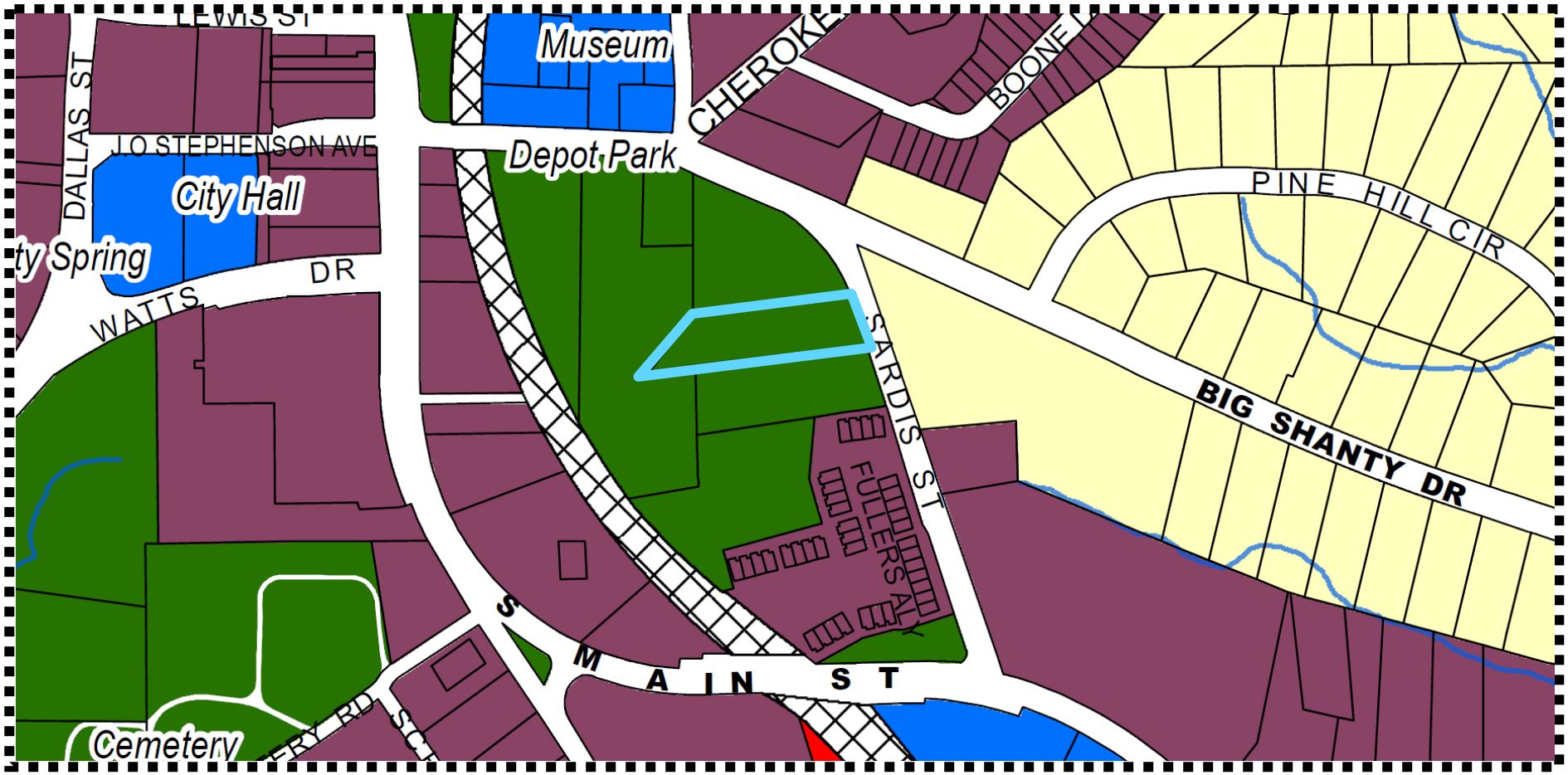
- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

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

2

CITY OF KENNESAW FUTURE LAND USE MAP

ZONING CASE #: RZ2023-02(F)



Future Land Use

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

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

DEPOT PARK MASTER PLAN

ZONING CASE #: RZ2023-02(F)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(F)

DESCRIPTION OF ZONING REQUEST: **REZONING**

Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2.

Pre-Application Meeting
City initiated

Application Submitted
March 17, 2023

Fees Paid
$0

Certified Letters Mailed By
April 14, 2023

PROJECT INTENT

The intent of the project is to rezone the subject parcel located within Depot Park and owned by the City of Kennesaw. The property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

GOOGLE STREET VIEW

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(F)

THE CENTRAL BUSINESS DISTRICT (CBD)

CREATION OF THE CBD ZONING DISTRICT

The Central Business District zoning district was created on September 3, 2002 under ordinance #2002-35. The purpose of creating this district was to enact a comprehensive zoning district which covered properties within the City's downtown core. It continues today to aim at encouraging quality development and the preservation of the historical character of downtown Kennesaw. This ordinance laid down the design standards of the district within the Unified Development Code. No properties had been rezoned to CBD in 2002.

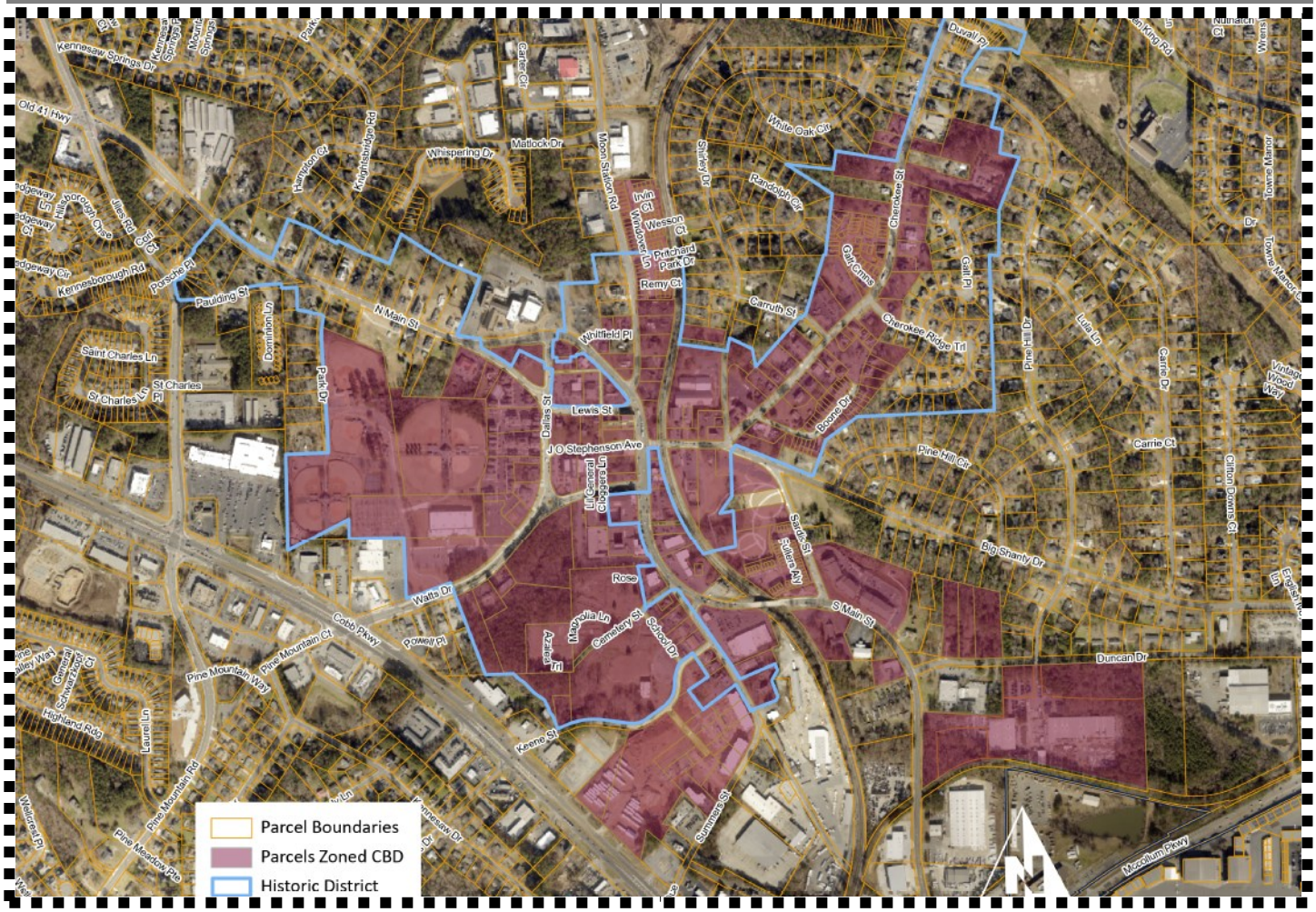
PHASE 1 - FEB. 2003 & OCT. 2005

Phase 1 was initiated in 2002-2003 and approved by Mayor and Council on February 18, 2003 under ordinance #2003-07, where various properties within the downtown core were rezoned to CBD. In 2005, another group of properties located in downtown Kennesaw were rezoned to CBD on October 17, 2005 under ordinance #2005-32.

PHASE 2 - MAY 2023

Phase 2 is being conducted in 2023, where, staff notified at least 25 property owners throughout downtown, inviting them to be a part of the CBD. Four private properties and three City of Kennesaw properties are up for rezoning.

CURRENT BOUNDARIES - CENTRAL BUSINESS DISTRICT AND HISTORIC DISTRICT MAP



PROPERTY OWNERS INVITED TO REZONE TO CBD

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

ZONING CASE #: RZ2023-02(F)

PHASE 2 - MAY 2023

PROPERTY ADDRESS	PROPERTY OWNER NAME
2750 WATTS DR	Blue Project LLC c/o Lisa Kirshenbaum
2748 WATTS DR	Depen Douglas D
2561 SUMMER ST	Hebah Inc c/o Taki Momin
2573 SUMMER ST	2573 Summers Street LLC c/o Steve Shakar
2001 DUNCAN DR NW	United States Postal Service Party
2006 DUNCAN DR NW	Winfrey Horace J Sr Executor Taylor Jessie Mae Estate
DUNCAN DR NW	Winfrey Horace & Bryant Gloristeen
DUNCAN DR NW	Taylor Jessie Mae Estate C/O Horace J Winfrey
2716 S MAIN ST	Byrd Hugh Edward
S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2751 S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2754 S MAIN ST	Bencivenga Gabriel Living Trust 7/09/02 Gabriel Bencivenga LLC
2879 N MAIN ST	Dennis Alvah Myers Revocable Living Trust
2961 MOON STATION RD	Schneider Edward R & Counts Gurdon W III
2971 MOON STATION RD	Odom David Stanley III & Jan G
2958 N MAIN ST	First Baptist Church Kennesaw c/o Dr. J Perry Fowler, Lead Pastor
2939 CHEROKEE ST	Sims Benjamin J
2098 CARRUTH ST	The Fourth Way LLC
3045 CHEROKEE ST	Richards Thomas R Sr Revocable Trust
3066 CHEROKEE ST	Varela Jose Bicet Murillo
3086 CHEROKEE ST	Larrys Legacy Properties LLC c/o Angela Gail Little
3119 CHEROKEE ST	Bright Futures Inc c/o Suzanne L. Jackson, CEO

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STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(F)

ENVIRONMENTAL

Flood Hazard:
___ Yes
___ No
✓ Not Verified

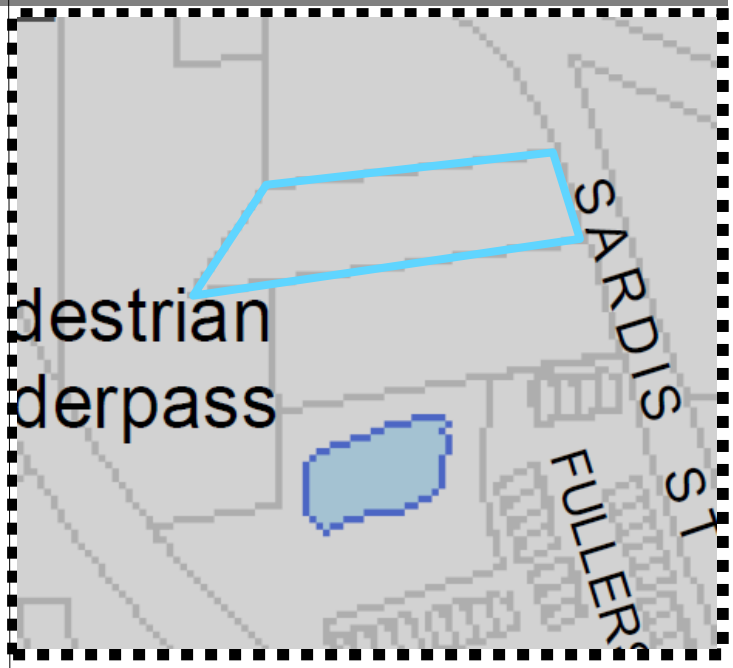
Wetlands:
___ Yes
___ No
✓ Not Verified

Drainage Basin:
___ FEMA 100-year floodplain area
___ Flood Damage Prevention Ordinance[1]
___ 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

Streambank Buffer Zone:
___ Metropolitan River Protection Area[3]
___ Chattahoochee River Corridor Tributary Area[4]
___ Georgia Erosion-Sediment Control Law and County Ordinance[5]
___ Georgia DNR Variance for work being done in 25-foot stream bank buffers (may be required)
___ City Stream Buffer Ordinance

Public Works Conditions: N/A

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas
0 435 870 1,740
Feet

2018 Flood Zones
- AE
- AE, FLOODWAY
- X, 0.2 Pct Annual Chance
- Land Lots
- Kennesaw City Limits
- Subject Property

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-feet 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 #: RZ2023-02(F)

PLANNING AND ZONING

Site Visit:
___ Yes
☑ No

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

Land Use Recommendation:
Open space is a compatible use

Historic Preservation:
Not in a historic district; but adjacent to the Big Shanty historic district

Cemetery Preservation:
No cemeteries on site

Required Parking:
N/A

DENSITY ANALYSIS

COMMERCIAL: None proposed
RESIDENTIAL: None proposed

TOTAL LAND AREA: 0.793 +/- ACRES

ZONING ADMINISTRATOR'S RECOMMENDATION: **APPROVAL**

The Zoning Administrator recommends **approval** of case number #RZ2023-02(F).

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

This parcel is the located in Depot Park and is owned by the City of Kennesaw. The intent in rezoning this parcel into the Central Business District is so that the entirety of Depot Park can be one contiguous zoning district.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends **approval** of case number #RZ2023-02(F).

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Meeting Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

- Before the floor is opened for the new business item, Chairman Bergwall informs the Planning Commission and public about the rules of engagement. He says “I will state the ground rules for our public hearing meeting this evening and be will be accessible upon request and incorporated into the minutes here too, as exhibit A. A persons both favoring and opposing the proposed agenda items will be provided an opportunity to address the Commission, the applicant for the zoning case or the applicants designated representative, if any, will be entitled to speak for a total of 10 minutes. They will speak first collectively. Those who oppose the proposed zoning case will then be permitted to speak for a total of 10 minutes and then those who are proponents of the zoning case will also be allotted a total of 10 minutes to speak. We'll get into a little more detail on that as

that unfolds. By a majority of vote, the Commission may increase the total time for speakers, provided that each side is given the same amount of time. If there is more than one speaker for a side, the chair will or presiding Commissioner may limit the time allowed to each individual speak. Other than the zoning applicant, be respectful of your time as you come up to make your comments. The zoning applicant may be given time after the public hearing is conducted for his or her rebuttal. Speakers must adhere to the common rules of the meeting. Prior to speaking, each speaker shall sign in first and then clearly state their full name and their current address. Each speaker shall speak only to factors pertinent to the proposed zoning application under consideration, and shall address remarks only to the Commission. During public comment, please note that all persons speaking shall refrain from commenting on issues that are unrelated to the zoning application on the agenda or making derogatory remarks. If this occurs, the presiding officer, the chairman of the Commission, may refuse a speaker the right to continue. After being cautioned, the speaker continues to violate the rules of the meeting they will be refused to speak any further. Ladies and gentlemen, you have heard our rules of conduct for the public hearing".

III. New Business

1. **LU2023-01 –** Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

   - Chairman Bergwall proceeds to the first business item.
   - Mr. Albert Trevino approaches the podium and introduces the new business item. Mr. Trevino says "Good evening Planning Commissioners. This first agenda item tonight is for a land use permit application submitted by Ann Moormann located at 1205 Mountain Springs Drive and zoned R-10 (single-family residential). Ms. Moormann is requesting to obtain a home occupational business license to make soaps and bath related products. The city offers two types of residential business licenses: a limited home occupational license and a regular home occupational license. Due to the activities that are involved in creating these products, it exceeds the allotted rules for the limited home occupational license. She is here before you tonight for your consideration to approve a land use permit request to obtain a regular home occupational license. The applicant has supplied us with a product list that includes soaps, bath bombs, solid bubble bath bars, shampoo bars, shower steamer bars and lip balm. These products are crafted by the applicant with the list of ingredients that the applicant has provided you all within your agenda packets. In addition, the applicant has provided us with pictures of her work space and of the equipment that she uses which includes: impulse sealer, immersion blender, hand mixer, heat gun, bur grinder and hot plate. Most if not all of these items are commonly found

within a household. Once the products are created, the applicant will sell her products through multiple avenues. She intends to sell at craft fairs and farmers markets as well as online through social media. Online orders will be delivered via local carrier services. The applicant has ensured staff that customers will not be allowed to pick up orders in person at her place of residence. The applicant's ultimate goal would be to sell her products wholesale or at consignment shops. If the land use permit request is approved, the permit is valid for 24-months per section 4.04.05 of the Unified Development Code. Staff is recommending approval with the following conditions:

  - 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.
  - 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 public right-of-way.

- Finally, for the record, proper notification for this land use permit application has been executed. Legal ads ran in the Marietta Daily Journal on April 14th and 21st. A public notice sign was posted on the property on April 18, 2023 and certified letters were mailed to all property owners within 200-feet of the property".
- Chairman Bergwall asks the applicant to come to the podium for comments.
- The applicant, Mrs. Ann Moorman comes to the podium and introduces herself and lets the Commission know she will take any questions they have.
- Chairman Bergwall opens the floor to public comment. After no response he closes the floor to public comment.
- Commissioner Bodenhamer asks the applicant to make sure she signed in.
- Chairman Bergwall asks if there are any other questions or comments from the Commission. After no response he closes the floor for questions and calls for a motion in regard to the land use permit with the conditions as outlined by staff.
- Motion by Vice-Chairman Jackson to approve the land use permit application with conditions.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

   RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned

Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino introduces the next item of business and states “So agenda item 2 tonight is for the rezoning of seven properties from the current zoning category to our Central Business District. Each item was applied for by the City of Kennesaw, and each address will be of course, heard and voted on separately. So just to give a preface to this item, I'd like to start by going back to the origins of the Central Business District and why it was created. The City of Kennesaw created this district back in 2002, which laid the groundwork for a brand new comprehensive mixed-use zoning district that allows for a mixture of uses that are appropriate for a city's downtown. It also allows for flexibility and design standards, which means that design driven building placement is encouraged and reviewed. Also, standards on beautification of downtown, such as incorporating plazas, benches, lighting and art. The CBD zoning district continues today to aim and encourage quality development. It also aims at the preservation of our historical character of downtown Kennesaw. Council adopted the zoning district in 2002. In 2003, the city initiated a grand rezoning effort to invite various property owners throughout the downtown core to be a part of this progressive measure. More than 100 property owners agreed, and the city was able to apply this new zoning. Category throughout the downtown core of Kennesaw. In 2005, another attempt was made to bring more property owners into the Central Business District. About 30 more property owners agreed to be rezoned to CBD. Fast forward to present day, downtown Kennesaw has seen its successes through various projects both large and small and needless to say, downtown is thriving, but there is still more work to be done. We are here before you tonight because in January 2023, the City mailed out invitation letters to another round of property owners who own property in downtown Kennesaw to be a part of the CBD district. The goal for this is to plug in the holes where there are islands of residential and commercial districts surrounded by or adjacent to the Central Business District and to expand the Central Business District. Zoning case #RZ2023-02(A) is to rezone a city owned property. It is a vacant parcel so for the record I will identify it as 20013900990. The property is a vacant detention pond located in Adams Park. This detention pond appears to have been created in the late 1990s and early 2000s. It captures the water runoff from Adams Park and it is also connected to the City’s regional detention pond facility located at 4025 Kennesaw Drive NW which is directly behind the QT gas station on Cobb Parkway and Pine Mountain Court. All this water funnels to the smaller pond as well as a regional. Our goal here is to create a contiguous zoning category for Adams Park. This is the last portion that remain a different category than Adams Park, which is CBD. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(A)”.

- Chairman Bergwall opens the floor up to public comment.

- Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if the detention facility still be active and if it would be moved underground.
- Mr. Trevino answers that the detention facility will remain as is and the city will not be selling the property. The detention pond is city owned and will remain.
- Chairman Bergwall asks if there are any other questions from the public. After no response, he moves to ask if the Commissioners have any questions.
- Commissioner Bodenhamer asks if the property is ever sold it would be sold as one designation including the detention pond.
- Mr. Trevino responds and states the city has no intentions of ever selling a public domain and public park.
- Chairman Bergwall asks if there are any other questions from the Commissioners. After no response, he says he will entertain a motion
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Mr. Trevino states “The next item of new business, zoning case number RZ2023-02(B) is to rezone the property located at 2681 S Main Street currently owned by Old South Village LLC c/o Kodiak Ventures. The mobile home park was built in the early 1980s. It was purchased by the current owner in 2015. During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street. South Main Street has seen a recent boom of activity with the current land clearing of 2652 S Main Street which will make room for multi-family residential, single-family townhomes and commercial establishments as well as the approved rezoning for thirty-five townhome unit subdivision at 1972, 1994 & 2004 Duncan Drive. Rezoning this piece from Mobile Home Park to Central Business District will allow the property owner the opportunities seen of its neighbors for future growth in greater housing densities, housing types and commercial businesses on

Main Street. There are no pending or current plans for development for this mobile home park at this time. The mobile home park may carry on as a mobile home park. The Central Business District will still allow for new manufactured homes to be placed within this park if there are vacant spaces and under the guidance of the property owner. This rezoning is only to change the zoning designation from Mobile Home Park to Central Business District which will allow for a more contiguous zoning designation on South Main Street. For any future plans that may come into our office, staff would help facilitate that applicant or developer to go through our Central Business District Project application process. This process must meet all of the codes and standards found within the CBD zoning ordinance under section 4.02.03. The new development shall abide by the policies found within the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. The CBD project approval process is a three-step process. The applicant submits plans for development and it must go through the Kennesaw Downtown Development Authority for review and recommendation, the Historic Preservation Commission for review and recommendation and finally to Mayor and Council for a decision. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(B)".

- Chairman Bergwall asks if this property were to be rezoned from the MHP to CBD, can it remain as a mobile home park and is that only if it stays in the ownership of the current owner or can someone else buy the property and maintain it as a mobile home park?
- Mr. Trevino responds another owner could come in and continue the mobile home park use and maintain it.
- Chairman Bergwall asks if mobile home park an acceptable use in CBD?
- Mr.Trevino responds it is not but would be a grandfathered use for the CBD district so we would allow it because it is existing.
- Chairman Bergwall opens the floor to public comment. After no response, he moves to comments from the Commission.
- Commissioner Bodenhamer asks if the mobile home park were to be torn down if the grandfather clause disappear.
- Mr. Trevino states that once the occupancy and CO change from mobile home park to something else, then the grandfather clause disappears.
- Chairman Bergwall asks if there are any other questions from the Commission. After no response he proceeds to call to entertain a motion.
- Motion by Commissioner Vande Zande to approve as presented.

- Second by Commissioner Patterson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Mr. Trevino states **"**The next item of new business, zoning case number RZ2023-02(C) is to rezone the property located at 2716 S Main Street currently owned by Reverend Hugh E. Byrd. The property has an existing occupied single-family detached home. It is a four sided brick home built in 1966. It contains 1,687 square feet and has 2 accessory buildings, most likely sheds in the rear. The structure is not designated as historic nor is located within the historic district. The property is located within the Kennesaw Downtown Development Authority (KDDA) district and it is not located within the entertainment district. It is currently zoned R-15 (Single-Family Residential) and consists of 1.27 +/- acres. This property is nestled along the intersection of South Main Street and Duncan Drive. The existing senior apartment complex known as "The Enclave" is next door to the northwest and there are three vacant parcels to the east of the property. Mr. Byrd does not own the three vacant parcels to the East. Staff did mail out invitation letters to those property owners, however, we do not receive a response to partake in the CBD rezoning. This rezoning is only for the property located at 2716 S Main Street. By rezoning this parcel to CBD it would help establish a more contiguous zoning pattern along South Main Street. There are no plans pending or submitted to the City for this property at this time. This is merely just a zoning change from single-family to CBD. Any future proposed new development shall abide by the policies found within the UDC, the 2022 Comprehensive Plan Update Policy Matrix for the Historic Central Business District Area, as well as be compatible to the Historic District Design Standards as adopted and referenced by the Kennesaw Historic Preservation Commission. Anything new will have to go through the formal CBD Project approval three-step process. Staff ran legal ads in the MDJ on April 14th and 21st. A public notice sign was posted on the property on April 18th and certified letters were mailed to all property owners within 200-feet of the property. Staff is recommending approval for RZ2023-02(C)".
- Chairman Bergwall adds in there are three other parcels on the side of the property that will remain R-15 and under a different owner.
- Mr. Trevino responds that we were unable to get ahold of the owner for those properties for this rezoning and they are not on the agenda tonight. There is a property to the right that was approved for 35 unit townhomes back in 2021 and still in the works.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve as presented.

- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Mr. Darryl Simmons introduces the next business item. He states **"**It is the Ben Robertson Community Center. This is the final piece as part of the Adams Park facility that is not in the Central Business District and is part of the proposed expansion of the Central Business. As noted before, the detention pond, which was to the left of the property, has been rezoned. This facility is part of the overall Adams Park facility and it will remain in ownership and operation under the City of Kennesaw in perpetuity. The staff analysis support lays out the location of the Ben Robertson Center in relation to the rest of the park. The city staff recommends approval of the rezoning to again continue the contiguity and make it contiguous. The Central Business District and making all of the Adams Park facilities under one zoning district".
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission. After no response he moves to entertain a motion.
- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer.
- Second by Vice-Chairman Jackson.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Mr. Darryl Simmons introduces the next business item. He states "As mentioned before in the preamble, this property was given the invitation back in 2003, they opted out at that time as their right to do so. As the downtown developed and started to be revitalized again, phase two is to reach out to all of the property owners and asking for a second invitation to come into the city of Kennesaw's Central Business District. As you noted in the packet, there are two existing businesses. One is the Fern Gully Jamaican restaurant and the other one is a Thai restaurant. Fern Gully was established back in 2017 and a Thai restaurant was established back in 2012.

Well, as you can see in the location, it is totally surrounded by the Central Business District. We feel that as part of the contiguity for downtown, this is a great opportunity to fill that hole along Main St. as mentioned before. The properties that are the commercial with an existing business will continue. This rezoning will not affect the operation or the rights of the property owner to continue the business. It is going to continue under central business district, if rezoned, there is no grandfathering required because eating and drinking establishments are allowed by right in the Central Business District anyway. So the recommendation from staff is to recommend the rezoning of this property and to allow the businesses to continue on under the Central Business District".

- Chairman Bergwall opens the floor to public comment.
- Citizen, Danny Toledo (4041 Single Post Lane Roswell, GA), comes to the podium and says his uncle is the property owner of the property in question and wants to know what long term benefits he can see by the changing of zoning.
- Mr. Simmons responds "One of the biggest benefits of being in the Central Business District is flexibility regarding setbacks. In other words, if the property owner wishes to redevelop the property or add on square footage, or add to the back of the property you would not be subject to the standard zoning setback regulations, the Central Business District is design driven. It gives the property owner more flexibility as far as how to design additions or improvements to the property".
- Mr. Toldeo asks if a restaurant or apartments an option.
- Mr. Simmons says yes but there are specific guidelines for apartments in the Central Business District.
- Citizen, Fred Moore (3001 N Main Street), comes to the podium and makes the comment that he and other citizens in the community are concerned and realize that there is a large increase in high density across the city and they would like to not see that increase. Kennesaw isn't the small village that it used to be and there are apartments everywhere.
- Chairman Bergwall states the Commission is a citizen advisory board and have no control over the increase in density and understands the communities concerns and these cases are heard on a case by case basis.
- Mr. Toldeo states the property owner has no desire to change what is currently there and wants to keep it with the restaurants.
- Chairman Bergwall asks if there are any questions from the Commissioners.
- Commissioner Bodenhamer asks for the website where you can see all the zonings in the city.

- Mr. Simmons responds the zoning dashboard on the city's website under the GIS tab and introduces one of the creators and the GIS specialist Jon Paul Faix that is in the audience.
- Mr. Simmons states the purpose of the zoning dashboard is to show the ratio and breakdown of single-family residential and multi-family in the city.
- Commissioner Bodenhamer advises the public to visit the website and says compared to the other surrounding cities, Kennesaw has a much smaller ratio of residential and it is not as large as it seems.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Vice-Chairman Jackson calls for a motion to approve the rezoning application as presented.
- Second by Commissioner Vande Zande.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Mr. Darryl Simmons introduces the next business item. He states **"**As you can see in the aerial, this is going to be the property that was purchased by the City of Kennesaw. It was a former homestead of a family in Kennesaw. This parcel was purchased as part of our improvement, not just along Sardis Street but also as part of a key element in expanding the contiguous portion of Depot Park. As you can see this property is now part of a permanent addition to the Depot Park. The parcel has been absorbed into the redevelopment and creation of Depot Park and the last remaining item is to again clear up the zoning to make it more contiguous instead of the original R-15 zoning, since that use has gone away. It is no longer used for single family residential. It is now part of the Depot Park. It will always be part of Depot Park and this again is to continue the contiguity and cleaning up of our Central Business District".
- Chairman Bergwall asks if this parcel is going to be a part of the amphitheater.
- Mr. Simmons says that is further over from this parcel. The amphitheater is under construction right now and in a few months you will actually see the boundaries start to come out of the ground but this is on the other side. We do recommend approval.
- Chairman Bergwall opens the floor to public comment. After no response he moves to questions or comments from the Commission.
- Commissioner Vande Zande asks why this parcel took so long to be rezoned and not included when the rest of the park was done.
- Mr. Simmons says there were many other issues dealing with transportation and there were particular deadlines that needed to be met and that was the main focus for the Depot part. There were some setbacks that pushed the timeline back so a

rezoning wasn't the priority at that time. The Depot Park improvements and creation were top priority.

- Vice-Chairman Jackson makes the suggestion of reducing the speed limit in the parking lot of the Depot Park from 35-mph to 25-mph.It is a good idea to have everything in the central business district at 25.
- Commissioner Bodenhamer asks if that is something the city controls
- Mr. Simmons says yes and he will definitely relay the comment to the City Manager and the Police Department to see what the procedures are.
- Chairman Bergwall asks are there any other questions or comments from the Commission. After no response he moves to entertain a motion.
- Motion by Commissioner Greenall to approve the rezoning application as presented.
- Second by Commissioner Bodenhamer.
- Chairman Bergwall proceeds with a roll call for approval.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Mr. Darryl Simmons introduces the next business item. He states "I would like to give you some background on this particular request, as Mr. Trevino mentioned, we sent out letters of invitation to a number of parcels. We identified this property as being close to or adjacent to the Central Business District. The property owner, Ms. Collier responded that she would be in favor of being considered to be included in the Central Business District. This property, as noted, is in the Historic District on North Main Street. The North Main Historic District goes back down towards Lewis Street. It is the WB Adams house built in 1907. It has gone through some changes over the years such as ownership, the use, inside and outside improvements like the color of the home. One of the interesting things staff realized about this location is that it is on the cusp of two things. One you're leaving the central business district along, Lewis and Main Street. It is directly next to our budding residential character of North Main Street, which is predominantly residential and very well maintained. One of the things that we take into consideration with each rezoning consideration is the fact that we try to balance the needs of the Community, the concerns of the Community as well as the needs and the concerns for the property owner. Through this process hopefully find out what is appropriate here. Obviously the central business district has a long list of allowed uses, some of which would cause concern for anyone within the immediate area. Before I go any further, I want to make sure I mentioned for the record that we did receive emails of opposition. The first one that was dated April 18th was written and submitted to the city by Mr. Dane Thomas, and he wrote.

Letter of opposition regarding and his concern for this rezoning application and recommends and disagrees with the proposal and he asked that this this rezoning application be denied. The second. E-mail was a collaborative e-mail with signatures from concerned citizens and residents of North Main Street. It was dated April 27th, 2023, and there was an attachment of all of the signatures of property owners along Main Street from 2981 all the way through 3001 North Main Street. The e-mail or the letter gave specific concerns regarding the rezoning application and that was entered into the record. I would also like to mention that we did attempt to receive an e-mail that was prepared and sent by Miss Cindy Thomas. I spoke to her on the phone. She did try to resend it. I did not receive it, but she is in attendance and she'll have the opportunity during public comment to reiterate her concerns for the records. I just want to make sure that that was placed in the record before I continue my presentation. As you can see up on the monitor, the blue indicates the current historic district for North Main Street and it extends beyond the subject property we're discussing this evening down Lewis St. almost touching at Dallas Rd. The reason I'm mentioning that is the North Main Street, though predominantly residential, does have more than one type of residential component to it and there is one portion that is commercial. The real issue here is what is the appropriate use or types of uses for this. Obviously there's a couple of things that would make the retail as a challenge for this property. One, the limited access to the property. Two, if you look across the street, there is a church directly across the street. Close proximity to church would rule out alcohol license or any type of alcohol application for this location. A couple of definitive things I want to state because of the location is this. The 2022 update to our comprehensive plan clearly identified this property as being in the downtown activity center, which means that this rezoning request is in line with the currently adopted comp plan. It also says all the properties north of this property is in low density residential and there is no intent or even a consideration for any further encroachment up North Main Street. I know that is a concern for citizens. I want to make sure I definitively say that on record that there had never been or has been any discussions for any type of change in the North Main Street residential area. It is a protected by our comp plan. It's protected by our Historic District standards to be residential in nature. The second thing is this property has a historic home or structure on it. There were discussions in the past from developers wanting to add townhomes, apartments, two, three story flats, tiny homes, etc. We've had a number of requests and proposals, all have been thrown out and rejected. The primary function here is it is an established historic structure in the Historic District and the character is to preserve that property whether it's in CBD or residential. This structure is going to stay and is going to be maintained under our Historic District standards. I just wanted to make sure that was clearly stated. Staff realized in our staff analysis that we went through line by line and we looked at some of the questionable central business district uses that we felt would not be appropriate at this location if the rezoning is considered. We went through a number of things,

including, of course, multifamily, townhomes, massage therapy, retail, or growlers. There's a number of things, and as part of our recommendation, we're going to clearly state some of the uses that are strictly prohibited as additional restrictions if this is to be considered. I had the opportunity to talk with some of the citizens prior to this meeting, and I did listen, we did understand the concerns because there's obvious pride in this community. The city of Kennesaw is very proud of the historic districts and this is one of the few remaining districts that kept the character through today and we want to make sure that is not undermined in any way through any actions by the City of Kennesaw. I wanted to make sure that I state that because my tenure here, we know exactly what our responsibilities are, and that is to maintain and preserve the character of our existing neighborhoods and at the same time open up opportunities for property owners. In this case, this property is heading into downtown and we felt that it is an appropriate location to consider bringing the central business district given what's immediately to the South of the property and also what some of the uses that cannot be entertained there. I would like to state the recommendations from staff with some very specific zoning conditions, if the city of Kennesaw wishes to consider this rezoning.

- Chairman Bergwall grants Mr. Simmons additional time for this application with no objection from the other Commissioners.
- Mr. Simmons continues “The additional zoning conditions that staff is recommending is as follows:

    - General retail uses prohibited: animals hospitals, butchers, bakeries, fraternity and sorority house, residence halls, growlers establishments, massage therapy establishments, Pets stores
    - Service and professional uses prohibited: banks and other financial institutions, medical and dental laboratories.
    - Services and facilities uses prohibited: auction houses, bed and breakfast inns and residential type inns, broadcast studios, butcher shops, caterers, alternative wireless communication facilities, hotels, laundromats, motels, hotels, parking lot and garages, commercial or public, pet boarding, tobacco shops, taverns, cocktail lounges, eating and drinking establishments.
    - Residential uses prohibited: condominiums, mixed-use, residential, commercial, townhomes and apartments.
    - If the property is brought into the Central Business District prior to occupancy, a minimum 20 foot landscaping buffer zone shall be established along any property line that abuts a single family residential district prior to issuance of a certificate of occupancy. This is part of the Central Business District Ordinance as it is currently adopted.

- The WB Adams House must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation design standards and the review process.

- We understand the sensitivity of the location. We also understand that what we have is a vacant piece of property that the city would like to see occupied, whether by a family and/or a business. The Central Business District would not restrict this house to be used as residential. It does open up opportunities for more flexible occupants that would give a greater probability for occupancy or sale. We do understand the issues and concerns from our citizens and we are hoping that we can find a common ground somewhere in the middle. Hopefully through this process and through this continued discussion and of course the Planning Commission's insightful questions to staff and the Community".
- Chairman Bergwall asks for those in the public that have comments or questions to come forward to the podium and sign in. More time will be given to the citizens.
- Citizen, Kimberly Watkins (2975 N Main Street) comes to the podium and reads a letter from her and neighbors opposing the rezoning of this property and details how this is a viable single family neighborhood that the city should acknowledge and protect.
- Citizen, James Stewart (2975 N Main Street) comes to the podium and expresses his denial for the rezoning and says he is concerned about what a thriving business would do to the families in the neighborhood there encroaching into what is traditionally and historically been a family neighborhood.
- Citizen Madeline Orochena (2981 N Main Street) comes to the podium and expresses denial for the rezoning and says houses like theirs are hard to find and rezoning this home would price out any residential buyers who want to make the historic district their forever home.
- Citizen John Powell (3410 Jiles Rd & 3015 N Main Street) comes to the podium and says his denial for the rezoning.
- Citizen Jerry Weeks (property owner on Main Street) comes to the podium and expresses his denial for the rezoning. He says he has been in Kennesaw 77 years and appreciates everyone coming to show support.
- Citizen Mary Kline (2995 N Main Street) comes to the podium and expresses her denial for the rezoning. She says there is no need for this home to be vacant and it should remain residential and a historic home.
- Chairman Bergwall asks are there any questions or comments from the public. After no response he asks if the property owner is present and would like to speak in favor of the rezoning. After no response he moves to take questions or comments from the Commission.

- Vice-Chairman Jackson asks if the property owner sent a letter to withdrawn the application.
- Mr. Simmons says no it was a concerned citizen trying to send an email of opposition and there was some technical issues with receiving it. The citizen, Cindy Michael is in the audience and he spoke with her before the meeting to hear her concerns.
- Commissioner Bodenhamer asks the question if this building were to become commercial what standards it would be held to since the CBD standards and historic district standards overlap.
- Mr. Simmons says it would be held in the historic district standards regarding the architecture and all the contributing elements must remain. It will be subject to the building standards for a commercial occupancy such as ADA ramp access, parking lots and handicap parking. Internal improvements would be needed as well to fit commercial standards. A freestanding sign would be entitle. Both standards would have to be upheld central business district and historic district. There are several examples around Kennesaw that match this description. The intent is to not create a high traffic or high volume area.
- Commissioner Bodenhamer makes reference to the future use map and what is current in the area. According to the comp plan is supposed to stay residential and the city would be subjected to litigation if they went against the comp plan and added something completed different. The comp plan is really a city's guide.
- Mr. Simmons states the state of Georgia allows all the jurisdictions every five years to go through an amendment for things like this. The comp plan was written by input from those in the community through meetings and surveys and the city put it together.
- Commissioner Patterson asks if this rezoning doesn't get approved if this will be revisited when it comes time to create a new comp plan.
- Mr. Simmons states staff would take feedback from the community and decide on something everyone can live with.
- Chairman Bergwall says the best use for this property is finding balance for the community.
- Commissioner Vande Zande states it would have been great to hear from the property owner and why they chose to rezone.
- Commissioner Greenall states the property hasn't been publicly put up for sale but there has been interest expressed in buying it so it isn't left vacant.
- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Mr. Simmons introduces the last business item. He states **"**This item is simply just to bring our sign ordinance that's pertaining to campaign signs in alignment with the OC GA standard. In the OC GA16-7-5A.A2 it states in part that no municipal, county or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed, or the number of signs which may be displayed on private property for which permission has been granted. Under that section there was a conflict in our sign ordinance that was identified and our city attorney drafted the text amendments that would bring it more in line with the state statutes. There were exemptions and the sections that are proposed to be inserted refers back to OC GA16-7-58.82 in all four of the sections, and it's pretty much says the same thing. This section in the sign ordinance does not apply to political campaign signs, which are governed by the O.C.G.A standard. We added additional language which talks about the general sign location. Our protocol is no sign should be on our public right away and with this text amendment we wanted to make sure it was clearly written. No sign shall be erected on or encroached on any public right away except as authorized by governmental unit or agencies. Of course they went on into more detail on setbacks and what is allowed in easements. The main purpose is to make sure that the sign ordinance is in alignment with the OG code dealing with campaign signs. We recommend approval of the text amendment as submitted and reviewed by our city attorney".
   - Chairman Bergwall confirms if signs can't be on the public right of way but the owner has to provide prior approval that it is allowed to be on their property.
   - Mr. Simmons says yes.
   - Chairman Bergwall asks if there are any comments from the public.
   - Citizen, Fred Moore (3001 N Main Street), comes to the podium to ask if there is a time limit for political signs and can't have a sign up all year.
   - Mr. Simmons responds, "Yes, the way the current code reads says between the date of qualification and finally termination of each ballot issue or candidate of a political election. Each lot may display an unlimited number of standard informational signs so what they took out was the time period. O.C. G.A clearly states that the municipality cannot regulate the length of time a political sign can be displayed so that is the change".
   - Chairman Bergwall asks are there any questions or comments from the Commission. After no response he moves to entertain a motion for approval.
   - Motion by Commissioner Greenall to approve the text amendment as presented.
   - Second by Vice-Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

- Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

- Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
- He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of an ORDINANCE authorizing a rezoning request of property located at 2971 North Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Case #RZ2023-02 (G).

Summary:

The property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), and consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20. This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately. This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to deny the rezoning request by a 4-1 vote. Commissioner Bodenhamer opposed the decision of denial.

Recommendation:

The Zoning Administrator recommends withdrawing the application.

Fiscal Impact:

Attachments:
1. 2971 N Main Street - WITHDRAW REQUEST
2. RZ2023-02(G) - 2971 N Main Street - Collier-Packet
3. RZ2023-02(G) Staff Report 2971 N Main St
4. 05-01-23 Planning Commission Action Minutes
5. Citizen E-mails for Rezoning of 2971 N. Main Street - Redacted
6. Citizen Letter for Rezoning of 2971 N. Main Street

From: Darryl Simmons
Sent: Thursday, May 4, 2023 10:53 AM
To: Jeff Drobney; Marty Hughes
Cc: Albert Trevino
Subject: FW: 2971 N Main Street

Will change staff recommendation to withdraw application

From: Kathy Collier [redacted]
Sent: Thursday, May 4, 2023 10:37 AM
To: Darryl Simmons <dsimmons@kennesaw-ga.gov>; [redacted]
Subject: 2971 N Main Street

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

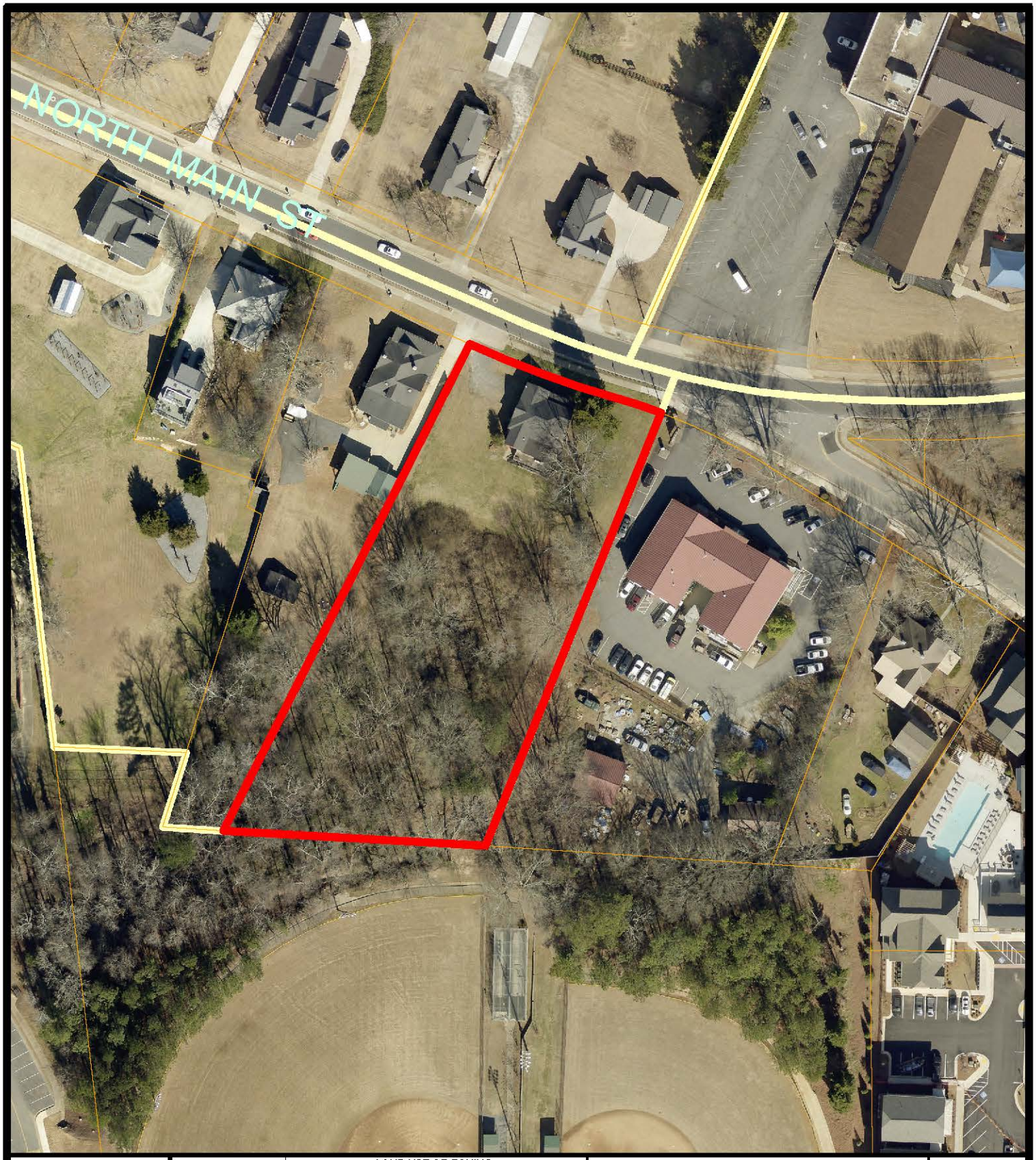
I would like to withdraw my request for rezoning of 2971 N Main Street, Kennesaw.

Thank you.

Kathy Collier

Agenda Item #2

- Case #: RZ2023-02(G)
- Address: 2971 N Main Street or parcel number 20013900200
- Property Owner: David & Kathryn Collier
- Application Type:
  - Rezoning
    - Consideration for approval to rezone subject property from R-15 (Single-Family Residential) to Central Business District (CBD). Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.



LAND CASES		LAND USE OR ZONING FROM	TO
AV	RZ2023-02	R-15	CBD
AX	LU		
DX			
HBR			
SLUP			
ZV			

AV – Administrative Variance
AX – Annexation
DX – De-annexation
HBR – Historic Board Review
LU – Land Use
RZ – Re-zoning
SLUP – Special Land Use
ZV – Variance

R-10 ZONING
KENNESAW CITY LIMITS
COBB COUNTY
99 LAND LOT

2971 N Main Street
Land Lot 139, Tax Parcel 20
Subject Property

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

Derek Easterling MAYOR
Lee Tumlin CITY CLERK

Scale: 1 " = 100 '
Print Date: 4/10/2023
RZ2023-02H_Aerial Map

Case #: RZ2023-02 (G)

REZONING APPLICATION

Required Fee $0

Date Received 4-10-2023
Staff's Initials AT

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

Date of Consultation (if any/not required) N/A Staff's Initials AT

REZONING PROPERTY ADDRESS 2971 N. MAIN STREET

Parcel ID Number: 20013900200 Land Lot 139 Tax Parcel ___ Lot Size 1.6 ACRES

Current Use RESIDENTIAL (VACANT) Buildings 1 Accessory Units 0

Current Zoning RESIDENTIAL To: Central Business District (CBD)

APPLICANT NAME City of Kennesaw, Georgia

Applicant E-mail zoningdept@kennesaw-ga.gov

Applicant Address 2529 J O Stephenson Avenue, Kennesaw, GA 30144

Phone # (770) 590-8268 - Zoning Office

Applicant Signature _____ Date 4-20-23

Signed, sealed and delivered in presence of: Miranda Taylor 4-20-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 10-20-2024

REPRESENTIVE NAME (IF APPLICABLE) _____

Phone # _____ Work # _____ Fax # _____

Representative Signature _____ Date _____

Signed, sealed and delivered in presence of: _____

Notary **Date**

PROPERTY OWNER NAME (MUST CORRELATE TO NAME ON DEED): KATHRYN COLLIER

Property Owner E-mail [redacted]

Property Owner Mailing Address [redacted]

Phone # [redacted]

Property Owner Signature Kathryn A. Collier Date Apr. 10, 2023

Signed, sealed and delivered in presence of: Miranda Taylor 4-10-23

Notary **Date**

MIRANDA TAYLOR NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 10-20-2024

250 PD

WARRANTY DEED—FORM 36

American Se[illegible] Atlanta, Ga.

STANDARD WARRANTY DEED

STATE OF GEORGIA,

'81 JAN 28 AM 9

Cobb County.

THIS INDENTURE, made this 31st day of October

in the year of our Lord One Thousand Nine Hundred and eighty

between JAMES E. ALLEN

of the State of Georgia and County of Cobb of the first part

and DAVID COLLIER and KATHRYN A. COLLIER, Joint Tenants with Survivorship

of the State of Georgia and County of Cobb of the second part

WITNESSETH: That the said part y of the first part, for and in consideration of the sum of

TEN AND 00/100 ($10.00) and other good and valuable consideration---------- DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged ha s granted, bargained, sold and conveyed and by these presents do es grant, bargain, sell and convey unto the said part ies of the second part, their heirs and assigns, all that tract or parcel of land lying and being in Land Lot 139 of the 20th District, 2nd Section, Cobb County, Georgia, as shown on plat of survey by Lane S. Bishop dated January 4, 1978, a copy of which is recorded in Plat Book 69, page 184, Cobb County records, being more particularly described as follows:

BEGINNING at an iron pin found in the following manner: BEGIN at the intersection of the centerline of Dallas Street with the southwesterly right of way of Lewis Street and run thence northwesterly 703 feet along the southwesterly right of way of Lewis Street and continuing along the southwesterly right of way of Georgia Highway No. 293 to an iron pin and the TRUE POINT OF BEGINNING; FROM THE POINT OF BEGINNING THUS ESTABLISHED, thence south 17 degrees 45 minutes 20 seconds west 356.72 feet to an iron pin; thence south 87 degrees 10 minutes west 211 feet to an iron pin; thence north 22 degrees 35 minutes east 280 feet to an iron pin; thence north 23 degrees 33 minutes east 150 feet to an iron pin at the southwesterly right of way of Georgia Highway No. 293; thence south 70 degrees 42 minutes 20 seconds east 115 feet along the southwesterly right of way of Georgia Highway No. 293 to an iron pin; thence south 68 degrees 00 minutes east 43 feet along the southwesterly right of way of Georgia Highway No. 293 to an iron pin and the point of BEGINNING.

This conveyance is subject to a Deed to Secure Debt in favor of Pilgrim Mortgage Corporation in the original principal amount of $36,000.00 and dated January 12, 1978.

12.00 PD

Cobb County, Georgia
Real Estate Transfer Tax
Paid $ 12.00
Date 1-28-81
Jack L. Graham
Clerk of Superior Court

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of it the said part ies of the second part, their heirs and assigns forever, IN FEE SIMPLE.

And the said part y of the first part, for his heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part ies of the second part, their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part y of the first part ha s hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed and delivered in the presence of

Susan L. Williams
WITNESS

Dawn R. Purdy
NOTARY PUBLIC
Notary Public, Georgia, State at Large
My Commission Expires Jan. 4, 1981

N.P. SEAL

James E. Allen (Seal)
JAMES E. ALLEN

(Seal)

(Seal)

(Seal)

(Seal)

478

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 #
20013900200	3/3-BOND - KENNESAW CITY	235380

Property Owner/Location/Description	Fair Market Value	Taxable Value
COLLIER DAVID & KATHRYN A 2971 N MAIN ST	205,030	82,012

Levies	Taxable Value	-	Exemptions	=	Net Assessment	X	Tax Rate	=	Net Tax
KENNESAW CITY	82,012		0		82,012		8.0000000		$656.09
BOND	82,012		0		82,012		1.5000000		$123.02

Exemptions:

Current Year Tax	$779.11
Interest	$0.00
Penalty	$0.00
Other Fees	$0.00
Payments Received	$779.11
Other Amounts Due	$0.00
Total Due	$0.00
Due Date	12/01/2022

Per House Bill 960, to arrive at the property tax interest rate, divide10.5% by 12, which equals .875%. This interest rate will continue to accrue on a monthly basis, based on an annual calculation of Federal Prime Rate (7.5%) plus 3%.

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.

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

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Parcel ID:	20013900200
Amount Due:	$0.00
Bill#:	235380
Due Date:	12/01/2022

AMOUNT PAID

COLLIER DAVID & KATHRYN A

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:

Rezoning from R-15 to CBD

The property referred to is located at:

2971 N Main Street

and is within a 200 foot radius of your property. It is described as Land Lot 139 20th District, 2nd Section, Tax Parcel 20 in the City of Kennesaw.

The said application will come up for hearing before the Planning Commission on 05/03 at 6:30 ~~7:00~~ p.m., and the Mayor and Council on 05/15 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.

Any questions, please contact:
Planning & Zoning Department
zoningdept@kennesaw-ga.gov
(770)-590-8268

Dated 4-13-23 Applicant

CAMPAIGN DISCLOSURE REPORT[1] BY APPLICANT[2]

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 20 day of April, 2023

Applicant Signature: _____

[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 04/14/2023 in accordance with the application requirements.

4/20/23
Date

Applicant or Authorized Agent

Sworn and subscribed before me this 20th day of April 2023

Miranda Taylor
Notary Public Signature

[Notary Stamp]

MIRANDA TAYLOR
NOTARY PUBLIC
My Commission Expires
10-20-2024
COBB COUNTY, GEORGIA

CITY OF KENNESAW
LAND USE NOTICE

APPLICATION # RZ2023-02

PURPOSE Rezone to Central Business District.
CBD Expansion Phase 2.

DATE OF PUBLIC MEETING: 5/3/2023 TIME: 6:30PM

DATE OF PUBLIC MEETING: 5/15/2023 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

04.18.2023 09:39

link: https://www.facebook.com/CityofKennesaw/
Any interested citizens are invited to email kennesawcouncil@kennesaw-ga.gov.
4:14,21-2023

MDJ-3594
GPN-16
City of Kennesaw
Rezoning Request

Notice is hereby given that the City of Kennesaw shall hold public hearings to give consideration for a rezoning request submitted by the City of Kennesaw. Said request is to change the zoning of the following properties from their current zoning designation to Central Business District: 0 Cobb Parkway (Parcel Number 20013900990), 2681 S Main Street, 2716 S Main Street, 2753 Watts Drive, 2754 S Main Street, 2817 Sardis Street and 2971 N Main Street. This is a city initiated rezoning, phase 2, to expand the downtown Central Business District zoning district.

Said meetings shall be held before the Planning Commission on May 3, 2023 at 6:30PM and the Mayor and Council will hold a public hearing on May 15, 2023 at 6:30PM both meetings 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 as well as through Zoom Meeting and Facebook Live 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.
4:14,21-2023

4:14,21-2023

MDJ-3594

GPN-16

City of Kennesaw

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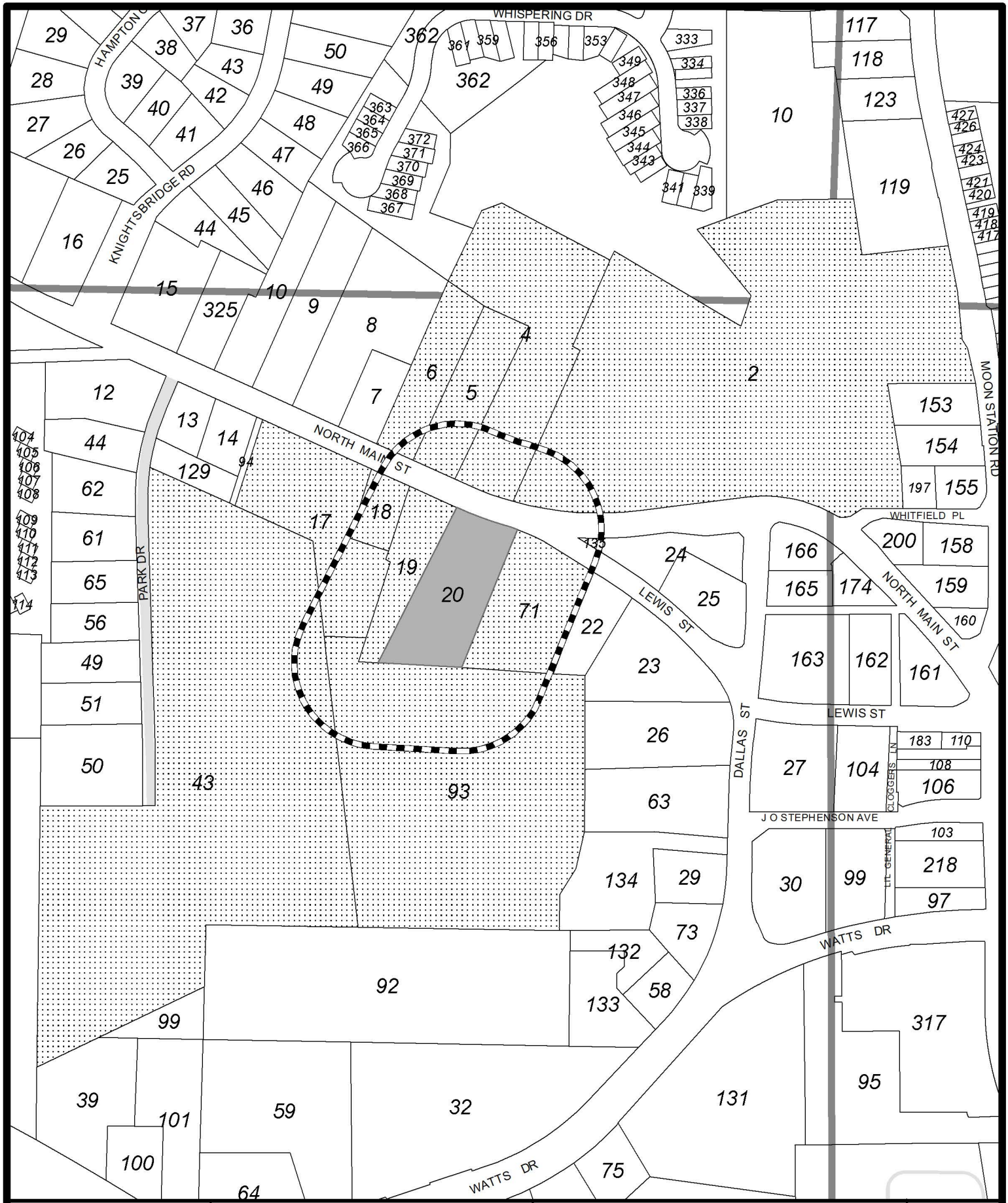
4:14,21-2023

MDJ-3595


WHISPERING DR
HAMPTON CT
KNIGHTSBRIDGE RD
NORTH MAIN ST
PARK DR
LEWIS ST
DALLAS ST
WHITFIELD PL
MOON STATION RD
J O STEPHENSON AVE
CLOGGERS LN
LIL GENERAL
WATTS DR
Subject Parcel
200' Radius
Properties Notified
2971 N Main Street
Land Lot 139,
Tax Parcel 20
RZ2023-02
200' PROPERTY NOTIFICATION
RZ2023-02H Notification Map
Date: 4/10/2023
CITY OF KENNESAW
PLANNING & ZONING DEPT.
770-590-8268
Derek Easterling MAYOR
Lea Alvarez CITY CLERK
1 " = 300 '

Tax Parcel - 20013900710
SHANKLIN JEANNE L
719 CEDAR CREEK WAY
WOODSTOCK GA 30189

Tax Parcel - 20013900190
WATKINS KIMBERLY C & STEWART JAMES R
2975 NW MAIN ST
KENNESAW GA 30144

Tax Parcel - 20013900180
OROCHENA ORLANDO & MADELYN
2981 N MAIN ST NW
KENNESAW GA 30144

Tax Parcel - 20013900930
KENNESAW CITY OF
2529 J O STEPHENSON DR
KENNESAW GA 30144

Tax Parcel - 20013900040
SHELTON WILLIAM DAVID & DIANE EDWARDS
2966 N MAIN ST NW
KENNESAW GA 30144

Tax Parcel - 20013900430
KENNESAW CITY OF
2539 PARK DR
KENNESAW GA 30144

Tax Parcel - 20013900020
FIRST BAPTIST CHURCH KENNESAW
2958 MAIN ST
KENNESAW GA 30144

Tax Parcel - 20013900170
WEEKS JERRY F
3199 OLD 41 HWY
KENNESAW GA 30144

Tax Parcel - 20013901350
CITY OF KENNESAW
2529 J O STEPHENSON AVE
KENNESAW GA 30144

Tax Parcel - 20013900050
SHERRILL JEANETTE GABLE & ROBERT DWAIN
& STOWE DONNA ELAINE
2972 N MAIN ST NW
KENNESAW GA 30144

Tax Parcel - 20013900060
THOMAS DANE & MILLER KRISTIN
2976 N MAIN ST NW
KENNESAW GA 30144-2735

Tax Parcel - 20013900200
COLLIER DAVID & KATHRYN A
660 N BOOTH RD
KENNESAW GA 30144

ZONING ADMINISTRATOR
DARRYL SIMMONS

ASSISTANT ZONING ADMINISTRATOR/PLANNER
ALBERT TREVINO

CONTACT US

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

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

COMMUNITY DEVELOPMENT
Planning and Zoning

2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

MAYOR AND COUNCIL
MAY 15, 2023

PLANNING COMMISSION
MAY 3, 2023

LEGAL ADVERTISEMENTS
APRIL 14 & 21, 2022

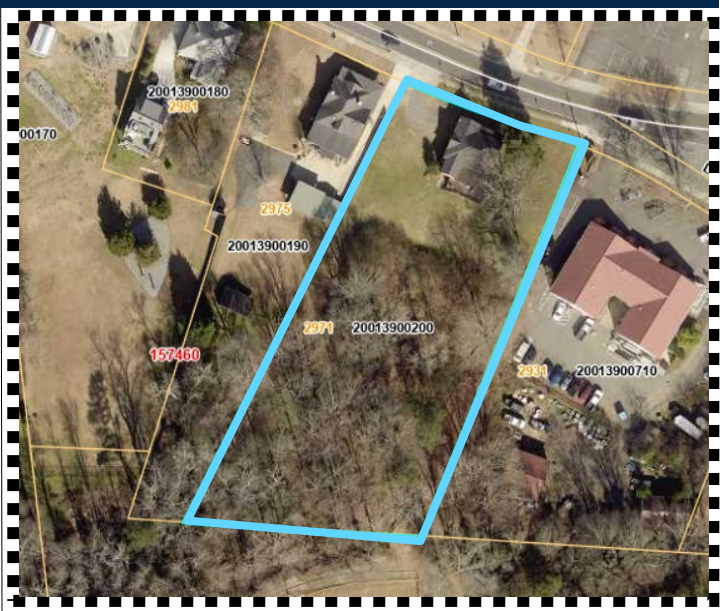
PUBLIC NOTICE SIGN
APRIL 18, 2023

APPLICATION SUBMITTED
MARCH 17, 2023

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

Property Addresses
2971 N Main Street
Applicant
City of Kennesaw
Representative
N/A
Property Owner
David & Katheryn Collier
Current Zoning
R-15 (Single-Family Residential)
Current Future Land Use Category
Downtown Activity Center
Project Request: Rezone property to Central Business District (CBD)
Please see page 4 for project request description.



Aerial view of subject property (Cobb Tax Assessor)

PROPERTY DETAILS

Within 1/2 mi from Unincorporated Cobb Co: No
Historic District: Yes
Cemetery: No **Floodplain:** No **Stream:** No
Parcel ID #: 20013900200
Land Lot #: 139 **Tax Parcel #:** 20
Land Area: 1.6 +/- acres
Existing Building Total SQFT: 1,671 SQFT
Proposed Building SQFT: None
Proposed Streets: None

RECOMMENDATION

Staff Recommendation
Withdraw with prejudice
Planning Commission Recommendation
Deny

Please see page 22 for basis for recommendation.

ADJACENT PROPERTY DETAILS

Surrounding Zoning Dist. and Future Land Use

North: N Main Street
Zoning: R-20 (Single-Family)
Future Land Use: Park/Recreation/Conservation

South: Park Drive
Zoning: Central Business District
Future Land Use: Downtown Activity Center

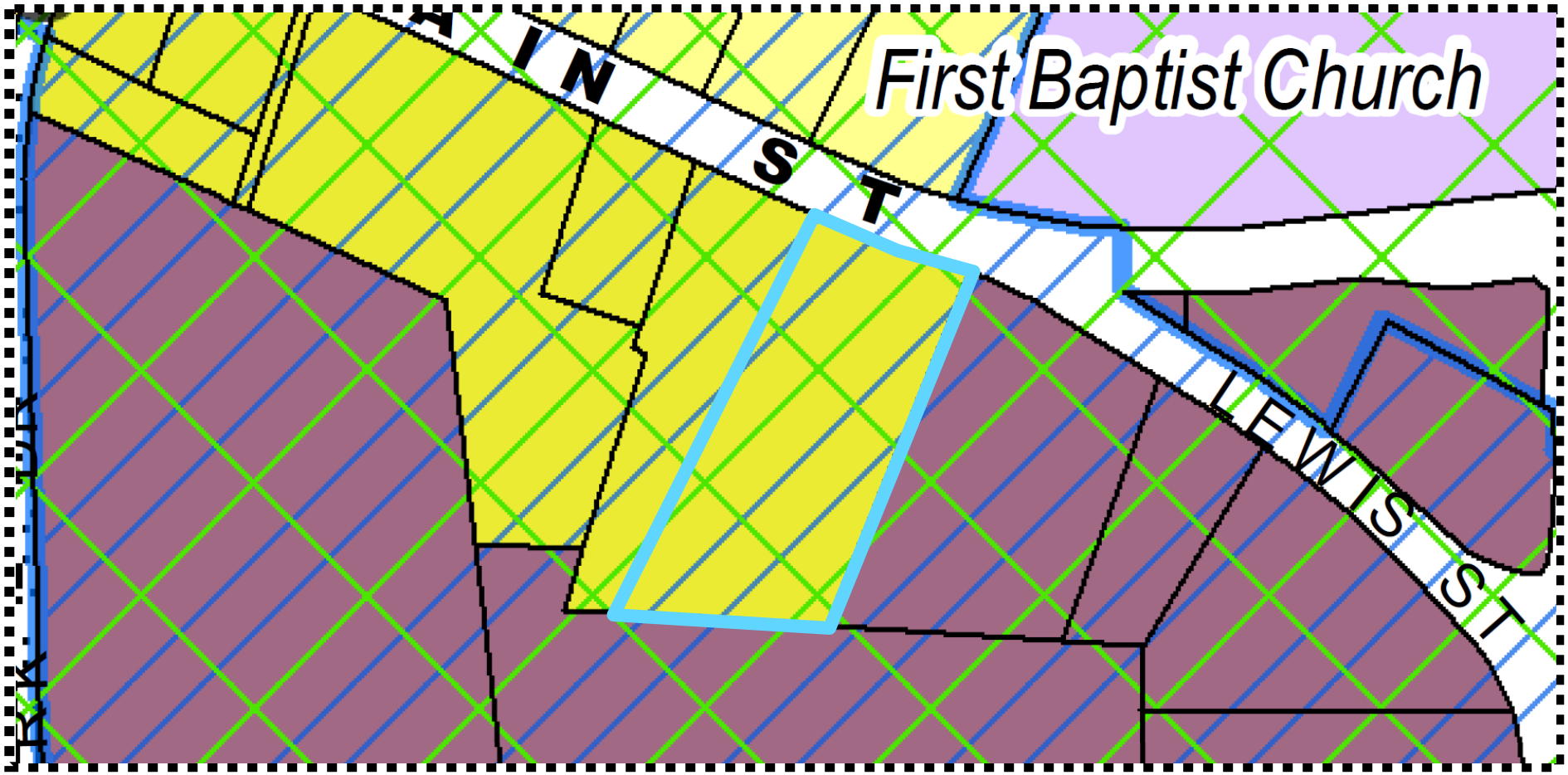
East: Lewis Street
Zoning: Central Business District
Future Land Use: Downtown Activity Center

West: Park Drive
Zoning: R-15 (Single-Family)
Future Land Use: Downtown Activity Center

Please see pages 2 - 3 for full maps.

ZONING MAP

ZONING CASE #: RZ2023-02(G)



Zoning Districts

CBD	HGB	OI	R-12	RA-5
CRC	HI	PBSH	R-15	RA-6
FST	LI	PSC	R-20	RM-8
GC	MHP	PUD-R	R-30	RM-12
NRC	NS	PVC	R-40	RM-16
		R-10	RA-4	UVC

Zoning Overlays

- Airport Hazard District
- Historic Districts
- Historic Preservation Village
- Senior Living

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

2

SITE PLAN

ZONING CASE #: RZ2023-02(G)

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

DESCRIPTION OF ZONING REQUEST: **REZONING**

Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from the current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2.

PROJECT INTENT

The intent of the project is to rezone the subject parcel to Central Business District. It is currently owned by David & Kathryn Collier.

The property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

Pre-Application Meeting
City initiated

Application Submitted
March 17, 2023

Fees Paid
$0

Certified Letters Mailed By
April 14, 2023

PROPERTY DETAILS

Year Built: 1910
Style: Ranch
Square Footage: 1,671
Historic District: Yes
Kennesaw Downtown Development Authority: No
Entertainment District: No

GOOGLE STREET VIEW

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

THE CENTRAL BUSINESS DISTRICT (CBD)

CREATION OF THE CBD ZONING DISTRICT

The Central Business District zoning district was created on September 3, 2002 under ordinance #2002-35. The purpose of creating this district was to enact a comprehensive zoning district which covered properties within the City's downtown core. It continues today to aim at encouraging quality development and the preservation of the historical character of downtown Kennesaw. This ordinance laid down the design standards of the district within the Unified Development Code. No properties had been rezoned to CBD in 2002.

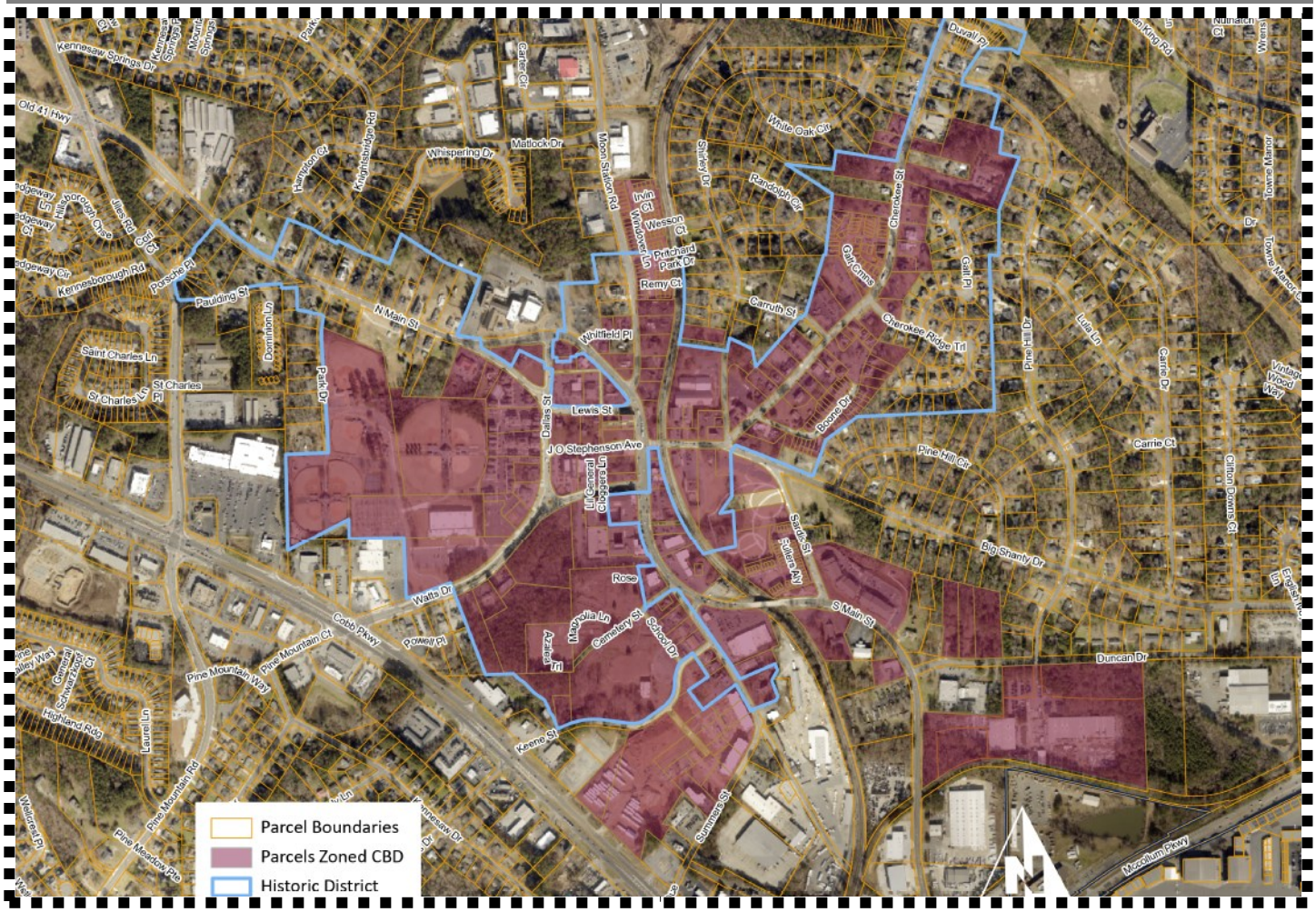
PHASE 1 - FEB. 2003 & OCT. 2005

Phase 1 was initiated in 2002-2003 and approved by Mayor and Council on February 18, 2003 under ordinance #2003-07, where various properties within the downtown core were rezoned to CBD. In 2005, another group of properties located in downtown Kennesaw were rezoned to CBD on October 17, 2005 under ordinance #2005-32.

PHASE 2 - MAY 2023

Phase 2 is being conducted in 2023, where, staff notified at least 25 property owners throughout downtown, inviting them to be a part of the CBD. Four private properties and three City of Kennesaw properties are up for rezoning.

CURRENT BOUNDARIES - CENTRAL BUSINESS DISTRICT AND HISTORIC DISTRICT MAP



PROPERTY OWNERS INVITED TO REZONE TO CBD

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

ZONING CASE #: RZ2023-02(G)

PHASE 2 - MAY 2023

PROPERTY ADDRESS	PROPERTY OWNER NAME
2750 WATTS DR	Blue Project LLC c/o Lisa Kirshenbaum
2748 WATTS DR	Depen Douglas D
2561 SUMMER ST	Hebah Inc c/o Taki Momin
2573 SUMMER ST	2573 Summers Street LLC c/o Steve Shakar
2001 DUNCAN DR NW	United States Postal Service Party
2006 DUNCAN DR NW	Winfrey Horace J Sr Executor Taylor Jessie Mae Estate
DUNCAN DR NW	Winfrey Horace & Bryant Gloristeen
DUNCAN DR NW	Taylor Jessie Mae Estate C/O Horace J Winfrey
2716 S MAIN ST	Byrd Hugh Edward
S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2751 S MAIN ST	South Atlantic Conference Association Of Seventh Day Adventists Incorporated c/o Calvin B. Preston, CEO
2754 S MAIN ST	Bencivenga Gabriel Living Trust 7/09/02 Gabriel Bencivenga LLC
2879 N MAIN ST	Dennis Alvah Myers Revocable Living Trust
2961 MOON STATION RD	Schneider Edward R & Counts Gurdon W III
2971 MOON STATION RD	Odom David Stanley III & Jan G
2958 N MAIN ST	First Baptist Church Kennesaw c/o Dr. J Perry Fowler, Lead Pastor
2939 CHEROKEE ST	Sims Benjamin J
2098 CARRUTH ST	The Fourth Way LLC
3045 CHEROKEE ST	Richards Thomas R Sr Revocable Trust
3066 CHEROKEE ST	Varela Jose Bicet Murillo
3086 CHEROKEE ST	Larrys Legacy Properties LLC c/o Angela Gail Little
3119 CHEROKEE ST	Bright Futures Inc c/o Suzanne L. Jackson, CEO

ZONING CASE #: RZ2023-02(G)

UNIFIED DEVELOPMENT CODE - SECTION 4.02.03 - CENTRAL BUSINESS DISTRICT

A. Purpose and Intent.

1. The Central Business District (CBD) is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.

2. The classification is primarily intended for a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the Central Business District (CBD) is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw.

3. The CBD is designed to achieve the following:

    a. Create an environment where residents and visitors can live, work, meet, and play.
    b. Promote a balanced mix of retail, office-professional, entertainment, residential, civil, and cultural uses in the core downtown area.
    c. Allow for growth of a healthy economic business district.
    d. Incorporate aesthetically compatible design from gateway points to the core of the city to improve the aesthetics of street and built environments.
    e. Ensure compatibility with the historic district to achieve architectural and design integrity and consistency.
    f. Provide accessible and sufficient parking that is unobtrusive by encouraging shared, underground, and deck parking and alternative modes of transportation including pedestrian and bicycles.
    g. Promote a pedestrian environment though sidewalk-oriented buildings and attractive street-facing façades that encourage pedestrian activity.
    h. Provide safe and accessible parks and public and private open space.

B. Lot size, setback and building height requirements. Within the CBD the following lot size and setback requirements shall apply.

1. Minimum lot size, widths and depths: None. It is the intent that each enterprise or use be located on a site commensurate with its use and sufficient to meet the requirements of off-street parking, loading and unloading, and setback requirements, where applicable.

2. Maximum lot coverage: Not more than eighty-seven (87) percent of the area of any lot may be covered by buildings structures or storm water facilities.

3. Minimum setbacks:

    a. Front - Established to "build-to-line" which equals the averaged distance from the property lines measured from existing structures along right-of-way adjoining properties as measured from existing structures.
    b. Side - None, except when abutting a residential zoning district where there is no intervening right-of-way, the setbacks requirement is ten feet. Where alleys exist between districts, the setbacks shall be five feet from the property line/alley right-of-way.
    c. Rear - None, except when abutting a residential district where there is no intervening right-of-way the setback requirement is 25 feet.
    d. Where an alley exists between districts, the setback shall be five feet from the property line/alley right-of-way.

4. Maximum building height: Subject to the Historic District Design Guidelines

5. Maximum floor area ratio (FAR) - 1.10

    (Calculations for FAR: Floor Area/Lot Area = FAR)

C. Permitted Uses

1. General retail uses: antiques, animal hospitals, appliance store, arts and crafts, bakery, bicycle shop, book store, butcher, carpet and floor covering, cosmetics, draperies and slipcovers, fabric store, farmers market (fully enclosed and open-air), flower shop, food, fraternity and sorority houses/residence halls (must be university authorized dwellings), fruit/vegetable stand, garden supplies, gift shop/glassware, growler establishments, hardware store, home/office furnishings, ice cream shop, jewelry store, leather goods/luggage, massage therapy establishments, massage therapy associated with the following uses: as part of a salon service establishment and as part of a medical, chiropractic, or sports medicine establishment, medical and surgical equipment, music shop, nautical supplies, office supplies, pets and pet supplies, pharmacy, photographic equipment/supplies, spa and salon establishments, sporting goods, toy store.

2. Services and professional Uses: banks/financial institutions limited to one drive-through and/or automated transaction machines, interior decorating establishments, medical and dental clinics, medical and dental laboratories, photographic studios, printing and publishing, professional offices, sports medical physical therapy.

3. Services and facilities: Auction, barber/beauty shops and salons, bed and breakfast inn and residential-type inns, broadcast studios, butcher shops, caterers, dry cleaning and laundry pick-up stations limited to off-site processing for customer pick-up, exercise facilities (e.g., gyms and clubs), galleries, alternative wireless communications facilities (special land use approval required), government facilities (including by not limited to the following: government offices, public works facilities, community centers, public parks, clubhouses, amphitheaters), hotels, laundromats limited to self-service facilities, libraries, motels, museums, newsstands, outdoor cafes, parking lot and garages (commercial or public), pet grooming, religious assemblies, restaurant excluding drive-in and drive through, rest/personal care/convalescent homes, small item repair, tailoring, tobacconist, taverns/cocktail lounges, vocational schools some examples being: arts and crafts, business, beauty, dancing, driving, gymnastics, photography, modeling and karate-judo.

4. Residential uses: condominiums, mixed-use residential/commercial, single-family detached and townhomes.

5. The permitted uses under this section shall be allowed in such a way as to promote a diverse mixture of the uses so as to avoid concentrations of such uses within close proximity of which may cumulatively create a nuisance, safety or health hazard or parking problem that may negatively affect the overall financial stability of surrounding uses.

All retail and professional uses varied in nature that meet the CBD vision and adopted comprehensive plan and all other adopted planning studies for the City of Kennesaw that is not listed as a prohibited use under Section 4.02.03E.

D. **Special Exception Uses. Within the CBD the following uses shall be permitted by special exception as per Section 4.04.01:** cemeteries, private community centers, private schools or general and special education and religious assemblies' accessory cemeteries and schools.

E. Use Limitations. Within the CBD the following use limitations apply:

1. All projects located within the historic district shall meet the City of Kennesaw design review guidelines as may be amended from time to time.
2. No (new or used) car lots
3. No car repair shops to be established
4. No sexually oriented businesses as defined in the Kennesaw Code of Ordinances Business Licenses shall be allowed.
5. No overnight outside storage shall be allowed.
6. No more than five percent of total store inventory may be displayed outside.
7. All items stored outside shall be moveable to indoor without compromising accessibility to the building.

8. No items shall be displayed on paved areas or parking lots, except for temporary permits for special sales events not to exceed seven days more than four times per calendar year.
9. Items may be displayed on porches or adjacent to primary structures only in non-paved areas.
10. Sidewalk/yard sales shall only be conducted after issuance of the proper permit.
11. All abandoned or disposed items including recycling and trash shall be removed within three days.
12. No chemical manufacturing, storage or distribution shall be allowed.
13. No enameling, plating or paint (except for artist studios) shall be allowed.
14. No detention centers or halfway houses shall be allowed.
15. No tire shredding or recycling centers shall be allowed.
16. No manufacture or disposal of hazardous or radioactive waste materials shall be allowed.
17. No scrap yards shall be allowed.
18. No manufactured/mobile homes shall be allowed.
19. No commercial sand, gravel or other mineral extraction shall be allowed.
20. No indoor or outdoor shooting ranges shall be allowed.
21. No tattoo parlors shall be allowed.
22. No body piercing facilities, as a primary use shall be allowed.
23. No extended stay hotels/motels shall be allowed.
24. No chain link fences shall be permitted.
25. No overnight parking of commercial vehicles (except for mini-vans or cars) shall be allowed.
26. No uses that emit noxious odors, fumes or sounds shall be allowed.
27. No outside animal runs with any veterinary office or kennel shall be allowed.
28. No detention or retention or wet weather ponds allowed.
29. No gas stations to be established. The wholesale and retail sale of all fuel sources are governed by this restriction.
30. No automobile, truck, motorcycle or recreational vehicle rental facilities to be established
31. No drive-through amenity to be established in association with any eating and drinking establishments located within the Central Business District.
32. No funeral homes allowed.

F. Gateway Corridors:

1. Cherokee Street
2. Watts Drive
3. North Main Street (Old Hwy 41)
4. South Main Street (Old Hwy 41)
5. Summer Street

G. Residential Development Standards

1. <u>Condominiums:</u> Minimum floor area for all units - 1,000 square feet

2. Mixed use retail/residential with residential on second floor
    a. The non-residential portion of the development shall obtain a certificate of completion before the issuance of the certificates of occupancy for the last 20 percent of residential units for the residential portion.
    b. The gross floor area occupied by residential uses shall not exceed seventy-five (75) percent of the total gross floor area of the buildings or individual structures.
    c. Minimum floor area for all residential units - 1,000 square feet

3. Single family, detached: The minimum floor area of residential dwellings shall be 1,100 square feet.

4. Townhouses: The minimum floor area of all residential units - 1,000 square feet

5. For-Rent Residential Apartment units:

    a. To be allowed only in mixed use residential/commercial projects
    b. Rental apartment units will be allowed subject to specific development agreement conditions as part of the Central Business District project approval process as per UDC Section 4.02.03(H).
    c. Minimum floor area for all residential units in mixed use residential project to average 1,000 square feet.
    d. Units with a floor plan totaling the minimum of 850 square feet can be utilized for no more than 30 percent of the total apartment units for the project.

H. Approval Process for Projects:

1. City of Kennesaw staff shall conduct a minimum of one consultation with applicant to review project concept and factors to consider in the planning and design phase prior to initial site plan and architectural review.

2. Conceptual site plan and architectural review by City of Kennesaw staff

3. Submittal to the Kennesaw Downtown Development Authority (KDDA) for review and comment only.

4. Submittal to the Historic Preservation Commission (HPC) for certificate of appropriateness approval if within a historic district. If subject property is not in the historic district then concept approval will be required.

5. Site Plan review and approval by City of Kennesaw staff required.

6. Final plan approval by Mayor and Council

ZONING CASE #: RZ2023-02(G)

UNIFIED DEVELOPMENT CODE - SECTION 4.02.03 - CENTRAL BUSINESS DISTRICT

I. The site plan of the project shall be consistent with the City of Kennesaw adopted Comprehensive Plan, Depot Master Plan and LCI study.

J. The project shall be designed as to provide a proper transition, land use and design so as not to negatively affect surrounding properties.

K. The site plan of the project shall incorporate public space architectural and urban features consistent with the City wide Architectural Design Standards and the City of Kennesaw Historic District Design Standards including fountains, gardens, squares, courtyards, lighting, signage, and paving that blend the mixed uses.

L. Each applicant shall submit a business plan which contains at a minimum the following information:

1. Type of business
2. Projected market targeted
3. Projected customer generation
4. Plan on traffic control for ingress/egress of property
5. Study on similar uses in area
6. Projected economic impact to City of Kennesaw

M. General requirements:

1. Compliance to downtown redevelopment plan vision
2. A balanced mixture of uses to meet downtown redevelopment plan vision
3. Positive economic development impact
4. Architectural design and quality shall be consistent with City of Kennesaw Design Guidelines and compatible with the city's architectural heritage.
5. Pedestrian and vehicular connectivity shall be incorporated into site design.
6. The height of fences and walls located between the building façade and a street shall not exceed forty (40) inches and in other areas shall not exceed six (6) feet.
7. No barbed wire, razor wire, chain link or similar elements shall be visible from any street, public park, sidewalk, public or private open space or outdoor dining area.
8. Loading docks and dumpsters shall be entirely screened from view with vertically enclosed opaque walls.
9. Utilities shall be placed underground.
10. Building mechanical and accessory features:
    a. Shall be located to the side or rear of the principal structure or on rooftops and shall not be visible from any public open space or sidewalk area.
    b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.

11. Any project permitted within the CBD which proposes a lighted facility including signs, parking lots, and entrance ways shall have an approved lighting plan consistent with lighting styles utilized in the downtown streetscape design and approved under the City of Kennesaw Historic Design Standards and Citywide Design Guidelines.
12. All sign locations located within historic district will be subject to review and approval by the HPC.
    a. City staff will review and process the sign permit application as per design standards as set forth in Chapter 5.03.00 of the sign ordinance after review and approval from HPC.
    b. All temporary signs will be regulated as per Chapter 5.03.00.

N. Parking, road and access requirements. Overall parking plans for the entire project site shall be approved by city staff through the plan review process. All parking requirements can be provided off-site. No alley parking is permitted.

1. Angled on-street parking on both sides shall be permitted dependent upon site plan review and approval.
2. Rear access shall be provided to townhouse and multifamily garages, single-family dwelling garage commercial loading and service areas, where such access is feasible.
3. Bicycle or moped parking spaces are required as follows: All new non-residential uses shall provide one (1) such space for every twenty (20) automobile spaces but not less than one (1) space and new residential uses shall provide one (1) such space for every five (5) units. Such spaces shall be located a maximum distance of 100 feet from the primary pedestrian entrance.

O. Incentive/zoning bonuses.

1. Common access drives and access curb cuts: All projects incorporating common access drives for multiple parcels along the identified gateway corridors in this section will be granted an increase of floor area ratio by .10, subject to all other limitations.
2. Pedestrian linkage: All projects that promote pedestrian/bicycle pathways and inter-parcel access will be granted an increase of floor area ratio by .10

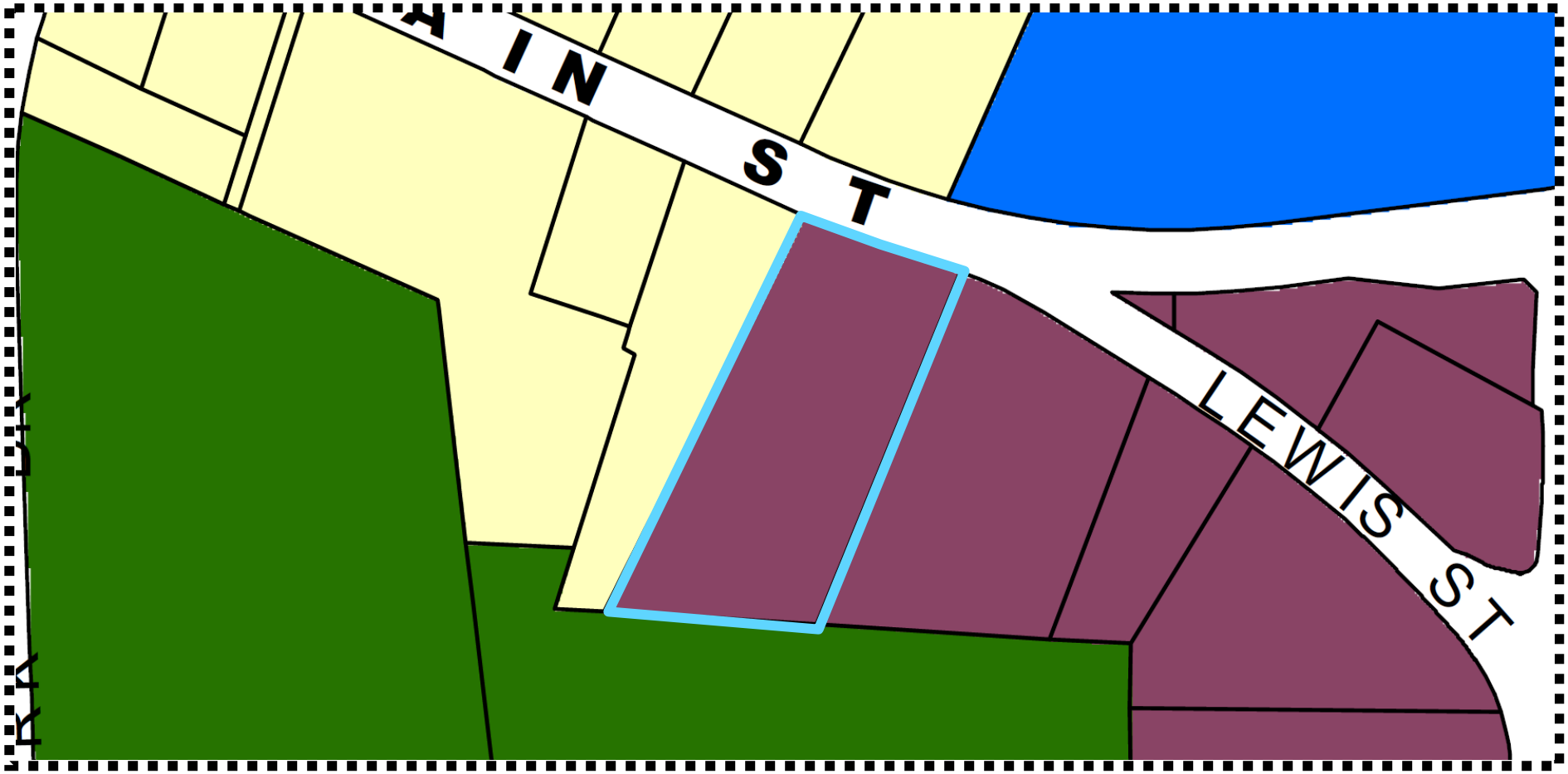
P. Landscaping design guidelines. All CBD project applications will include a landscape plan that has location and type for benches, waste receptacles, lighting, paving material, bicycle racks, newspaper stands, plant material, fencing, private open space, internal sidewalks and trails. The following components will be incorporated into the plan:

1. Use of sod on yard areas facing public right-of-way
2. Compliance to tree ordinance in UDC chapter three

(Ord. No. 2012-15, § 1, 12-17-12; Ord. No. 2015-05, § 5, 4-20-15; Ord. No. 2016-06,3-7-16; Ord. No. 2016-07, 3-7-16; Ord. No. 2016-21, 9-6-16)

FUTURE LAND USE MAP

ZONING CASE #: RZ2023-02(G)



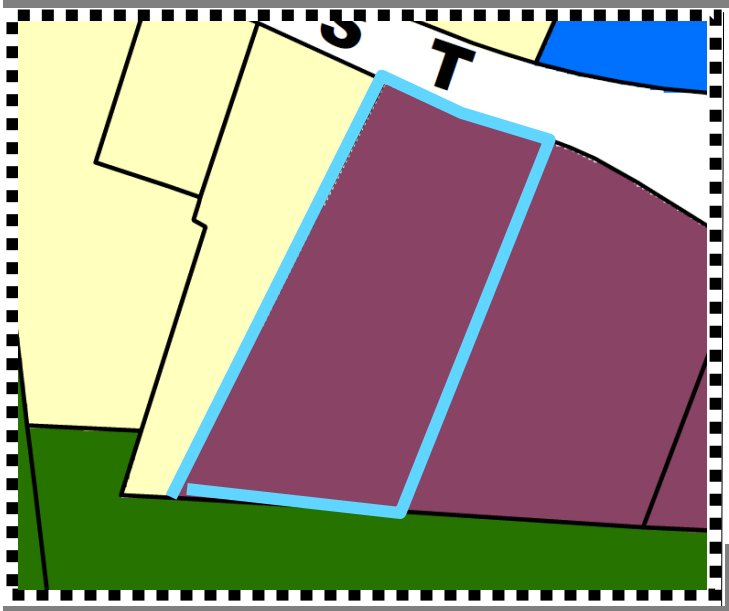
Future Land Use

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

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

KENNESAW 2022 COMPREHENSIVE PLAN UPDATE - FUTURE LAND USE



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.

LEGEND

- DAC - Downtown Activity Center
- PI - Public Service/Institutional
- PRC - Park/Recreation/Conservation
- RL - Residential Low/Medium

ACTIVITY CENTERS

Activity Centers are areas of commercial, office and residential land uses. These are located along major transportation corridors. New development should reflect the character of the existing development within these areas.

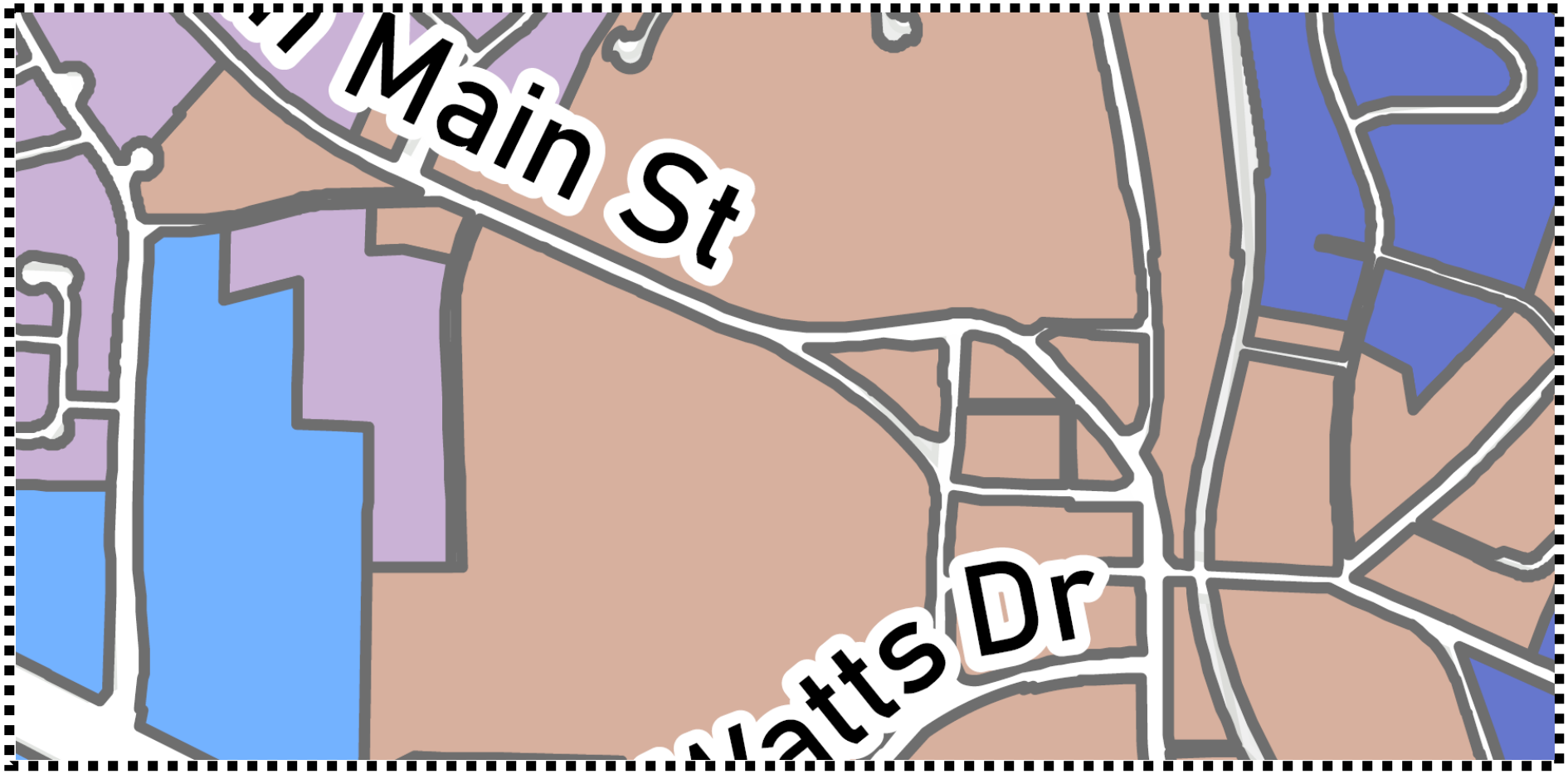
FUTURE LAND USE CATEGORY

DAC - DOWNTOWN ACTIVITY CENTER

This area is the traditional downtown of Kennesaw. For this area, the City of Kennesaw completed a Liveable Centers Initiative plan study in 2015 that should be used as the guiding plan.

COMPREHENSIVE PLAN AREAS MAP

ZONING CASE #: RZ2023-02(G)

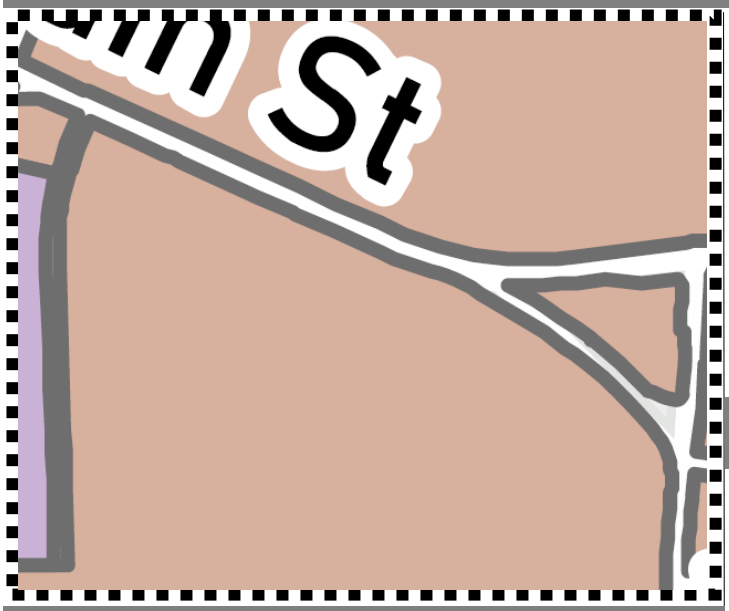


- Barrett and Old 41
- Campus Living
- Cherokee Street Commercial Corridor
- Cobb International Industrial Corridor
- Cobb Parkway Commercial Corridor
- East Pine Mountain Revitalization
- Historic Central Business District
- In-Town Living
- Jiles and Baker
- Kennesaw Due West
- Kennesaw Marketplace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

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

COMPREHENSIVE PLAN - AREAS



LEGEND

Historic Central Business District

Jiles and Baker

COMPATIBLE FUTURE LAND USE

- Downtown Activity Center (DAC)
- Public Service/Institutional (PI)
- Park/Recreation/Conservation (PRC)
- Residential High (RH)
- Residential Low (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.

HISTORIC CENTRAL BUSINESS DISTRICT

The Historic CBD area includes the Central Business District, the five historic districts and the study area of the City's Livable Centers Initiative (LCI). The area spans a distance along the northern edge of the Cobb Parkway Commercial Corridor from McCollum Parkway to near Jiles Road, northward to Matlock Drive on Moon Station Road, also northward to Pine Hill Drive on Cherokee Street and to South Main Street at McCollum Parkway.

Currently, this area is composed of a mix of land uses, historical and cultural resources, businesses, homes and neighborhoods and architectural styles and elements. Overall, this area is in the process of revitalization and reinvestment.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

COMPREHENSIVE PLAN - POLICY MATRIX - HISTORIC CENTRAL BUSINESS DISTRICT

Policy Matrix as defined within the 2022 Comprehensive Plan

- Redevelopment projects should occur on a multi-parcel basis.
- Require inter-parcel access connectivity and shared access to control access flow to major roadways.
- Encourage the integration of public transportation hubs at nodal developments.
- Require developers to adhere to architectural and site development standards.
- Maintain adequate building and landscaping setbacks that promote safety and market visibility.
- Encourage a diverse mix of products and services.
- Follow Best Management Practices for stormwater management as defined in the Georgia Erosion and Sedimentation Act.
- Encourage the reuse of homes as businesses where appropriate.
- Have new development reflect the most recent architectural and design styles that complement adjacent neighborhoods.
- Adhere to the City's architectural and site design guidelines.
- Locate higher intensity businesses away from the edges to protect surrounding residential land uses.
- Locate lower intensity businesses towards the outer edges to provide a transitional buffer between higher-intensity uses and neighboring residential areas.
- Encourage neighborhood-friendly, low-impact retail commercial to be located adjacent to and visible from Jiles Road and Moon Station Road.
- Concentrate traditional commercial development along Cherokee Street and Main Street between Dallas Street and the CSX Overpass.
- Require inter-parcel access (or rear alleys) to control access flow to Main Street.
- New development should be constructed at human scale.
- Require the incorporation of CBD architectural elements and guidelines into new construction or redevelopment projects.
- Require office/retail operations to be located on the first or ground floor and residential elements to be located above the first or ground floor in mixed-use, multi-story development.
- Promote the use of shared parking lots and/ or parking decks. Parking lots and decks should be located behind structures.
- Encourage pedestrian access to downtown via sidewalks and trail systems.
- Use paving patterns, landscaping, lighting, bench seating and signage to improve pedestrian areas.
- Incorporate pedestrian amenities, such as benches and trash receptacles, into all development with public access.
- Connect neighborhoods to the local and regional network of greenspace and trails, available to pedestrians and bicycles, for both tourism and recreational purposes.
- Enhance the pedestrian-friendly environment by adding or improving sidewalks and creating multi-use trail/bike routes linking neighboring communities and major destinations, such as the Neighborhood Retail Centers and parks.
- Assure compatibility of infill development with adjacent homes, surrounding neighborhoods and businesses.

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

TRANSPORTATION DATA

ROAD #1	AERIAL OF ROAD #1
Roadway Name North Main Street **Roadway Classification** Arterial **Speed Limit** 25-MPH **Jurisdictional Control** City of Kennesaw **Minimum Right-of-Way Requirement** 80-feet minimum	

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 #: RZ2023-02(G)

ENVIRONMENTAL

Flood Hazard:
___ Yes
___ No
✓ Not Verified

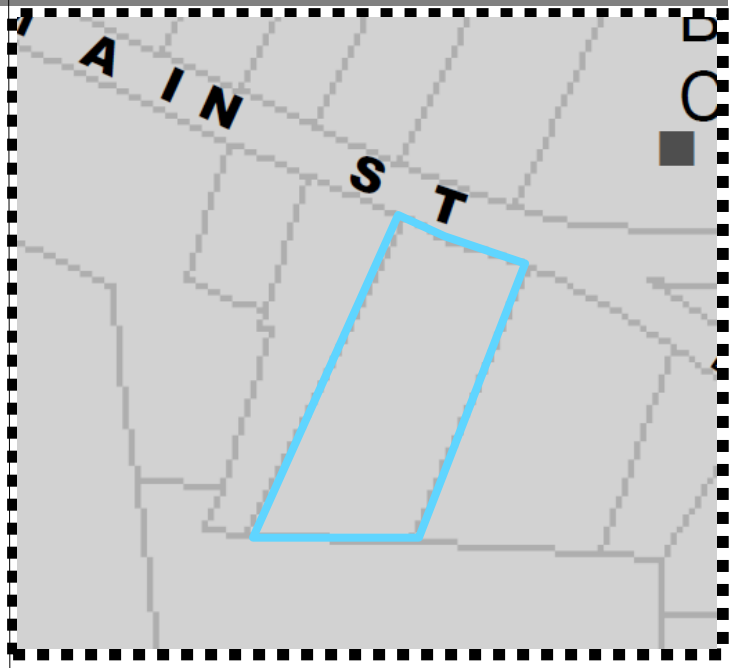
Wetlands:
___ Yes
___ No
✓ Not Verified

Drainage Basin:
✓ None
___ FEMA 100-year floodplain area
___ Flood Damage Prevention Ordinance[1]
___ 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 Area[3]
___ Chattahoochee River Corridor Tributary Area[4]
___ Georgia Erosion-Sediment Control Law and County Ordinance[5]
___ 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 Conditions: N/A

FEMA FLOOD ZONE MAP



Special Flood Hazard Areas
0 435 870 1,740
Feet

2018 Flood Zones
AE
AE, FLOODWAY
X, 0.2 Pct Annual Chance
Land Lots
Kennesaw City Limits
Subject Property

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-feet 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 #: RZ2023-02(G)

COBB COUNTY SCHOOL DISTRICT

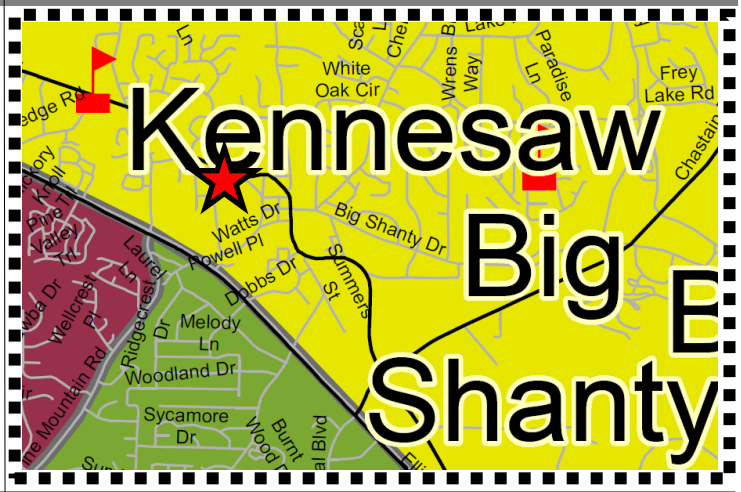
ELEMENTARY SCHOOL

School Name
Kennesaw Elementary School

Distance to School
0.8 miles

School Population
612 +/- students (2022-23)

ATTENDANCE ZONE MAP



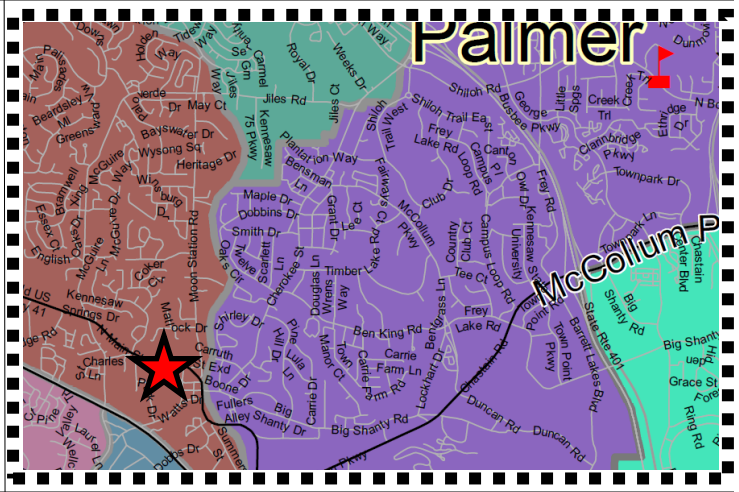
MIDDLE SCHOOL

School Name
Awtrey Middle School

Distance to School
2.2 miles

School Population
685 +/- students (2022-23)

ATTENDANCE ZONE MAP



HIGH SCHOOL

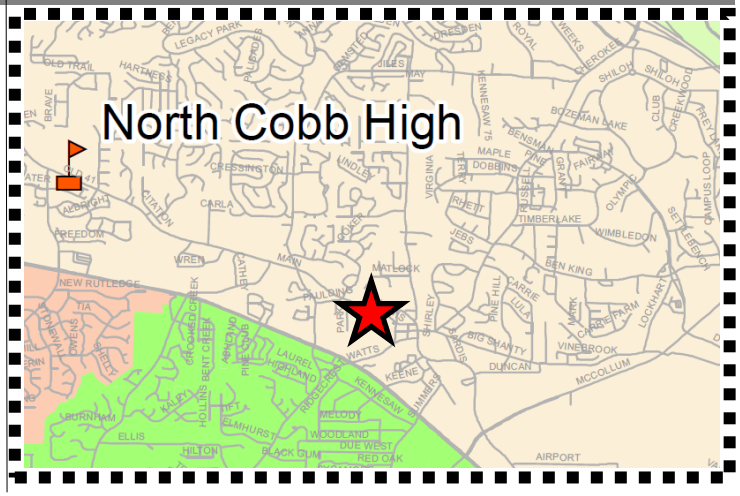
School Name
North Cobb High School

Distance to School
2.0 miles

School Population
2,631 +/- students (2022-23)

Student Population
Source: *www.publicschoolreview.com*

ATTENDANCE ZONE MAP



STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

PLANNING AND ZONING	DENSITY ANALYSIS
Site Visit: ✔ Yes ___ No	**Staff Member:** Name: Albert Trevino Date of Visit: 4/28/2023
Land Use Recommendation: **Single-Family Residential is a compatible use**	**COMMERCIAL:** None proposed **RESIDENTIAL:** None proposed
Historic Preservation: Located in the North Main Street historic district.	**TOTAL LAND AREA:** 1.6 +/- ACRES
Cemetery Preservation: No cemeteries on site	**Proposed Parking:** Existing parking. None proposed
Required Parking: N/A	

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

The Zoning Administrator recommends **approval with conditions** of case number #RZ2023-02(G).

Zoning Conditions:

1. The following uses shall be prohibited:
    a. General retail uses: animal hospitals, butcher, fraternity and sorority houses/residence halls, growler establishments, massage therapy establishments, pet stores
    b. Services and professional uses: banks/financial institutions, medical and dental laboratories
    c. Services and facilities: auction, bed and breakfast inn and residential-type inns, broadcast studios, butcher shops, caterers, alternative wireless communications facilities, hotels, laundromats limited to self-service facilities, motels, parking lot and garages (commercial or public), pet boarding, tobacconist, taverns/cocktail lounges
    d. Residential uses: condominiums, mixed-use residential/commercial and townhomes
2. A minimum twenty-foot landscape buffer zone shall be established along any property line abutting a single family residential district prior to the issuance of a certificate of occupancy.
3. The existing historic structure (also known as the W.B. Adams House) must be preserved and any repairs must be done in full compliance with the adopted Historic Preservation Commission, Historic District Design Standards (2006).

STAFF ANALYSIS REPORT

ZONING CASE #: RZ2023-02(G)

BASIS FOR ZONING ADMINISTRATOR'S RECOMMENDATION

During the 2022 Comprehensive Plan update adopted in June 2022, staff along with the input of the community through two public engagement meetings, coordinated efforts to expand the boundaries of downtown Kennesaw. The result of this decision can be seen within the Future Land Use Map as the Downtown Activity Center was carried down on South Main Street.

Acquiring this piece of property into the Central Business District meets the intent of the 2022 Comprehensive Plan update by expanding the Downtown Activity Center as well as meets the goals of the Downtown Livable Centers Initiative plan adopted in 2015.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommends to **deny** case number #RZ2023-02(G).

UPDATED ZONING ADMINISTRATOR'S RECOMMENDATION (5/4/2023): **WITHDRAW**

On May 4, 2023, Staff received an e-mail from Ms. Kathy Collier formally requesting to withdraw the rezoning application (#RZ2023-02G) for 2971 N Main Street.

The Zoning Administrator recommends to **withdraw with prejudice** the rezoning application case number #RZ2023-02(G).

MAYOR AND COUNCIL DECISION:

To be determined on May 15, 2023

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Action Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

III. New Business

1. **LU2023-01** – Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

    - Chairman Bergwall calls for a motion to approve the land use permit with the conditions as outlined by staff.
    - The conditions of approval state:

- 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.
- 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 public right-of-way.

- Motion by Vice-Chairman Jackson. Second by Commissioner Vande Zande.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Bodenhamer.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Vande Zande. Second by Commissioner Patterson.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall. Second by Commissioner Bodenhamer.

- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer. Second by Vice-Chairman Jackson.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Vande Zande.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall. Second by Commissioner Bodenhamer.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Chairman Bergwall calls for a motion to approve the text amendment as presented.
   - Motion by Commissioner Greenall. Second by Vice Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

   - Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

   - Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
   - He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

From: Dane Thomas [redacted]

Sent: Tuesday, April 18, 2023 10:32 AM

To: Zoningdept

Subject: Rezoning of 2971 N. Main Street

Attachments: Screenshot_20230417-203641~3.png

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I live within 200 ft of the property at 2971 N. Main Street and received a letter yesterday that the city has applied to have the property rezoned to commercial. I'm curious as to why it is the city applying for this and not the property owner? Myself and others that live in the historic homes on N. Main Street had been told by city officials in the past that none of the historic homes on this street would ever be rezoned to commercial.

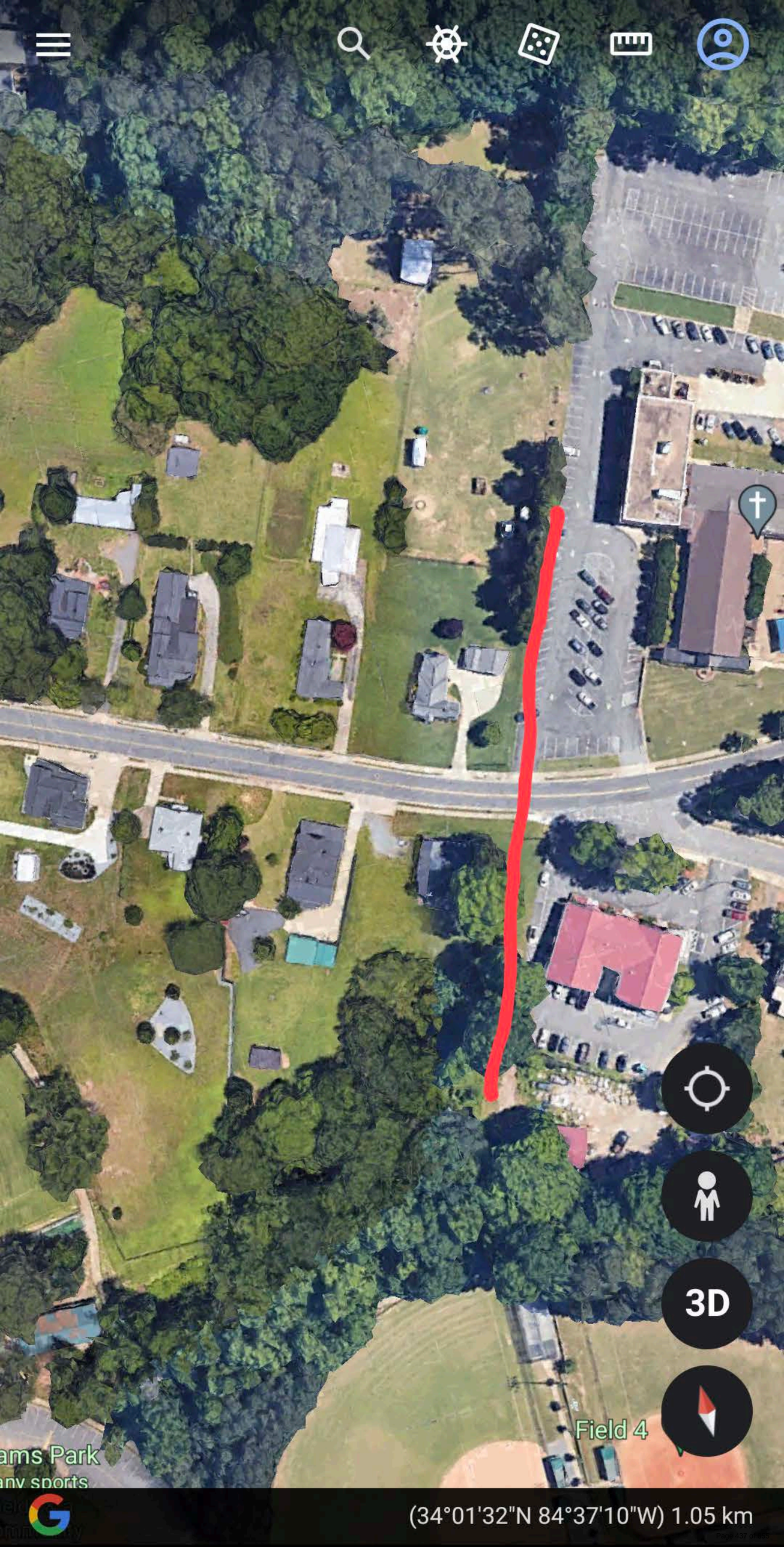
At the moment there is a very clear line where the Central Business District ends and residential homes begin (see attached). If the property at 2971 is added to the CBD where is the new line? At that point what is to stop the house next door or across the street from applying to be commercial since they will then be adjacent to a commercial property? I would say it's unfair to deny the same request for these properties at that point by the precident that would be set by rezoning 2971 which ultimately could snowball into the entire street becoming commercial years down the road.

From what I've gathered it seems this request is coming from the owners' desire to sell the property for a higher price with it being considered commercial. While I think anyone can relate to wanting to sell their house for more money I don't think it is sufficient justification for the house to be rezoned. If the city does consider that to be a valid reason I'll certainly be asking the city to apply for me to rezone my house if/when we decide to sell. I've also never seen any attempt by the current owners to sell the property as residential in my 7 years on the street.

In short, I disagree with this proposal and ask what justification does the city see in doing this? Is it due to the property being next to a business? If that's the case this would open the door for all of N. Main to eventually go commercial unless the city just arbitrarily chooses what can and can't be rezoned.

Thank you,

Dane Thomas


Field 4
3D
(34°01'32"N 84°37'10"W) 1.05 km

From: Darryl Simmons
Sent: Tuesday, May 2, 2023 11:33 AM
To: Ron and Cindi Michael
Cc: Albert Trevino
Subject: RE: RZ2023-02 (G)

No attachment

-----Original Message-----
From: Ron and Cindi Michael <[redacted]
Sent: Tuesday, May 2, 2023 8:20 AM
To: Darryl Simmons <dsimmons@kennesaw-ga.gov>
Cc: Ron Michael <[redacted]
Subject: RZ2023-02 (G)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Darry,

Attached is a letter opposing the RZ2023-02(G) application for 2971 N Main Street. I request that it be forwarded to the commission members for their review prior to the upcoming meeting, and that it be attached to the record for this application.

Thanks so much.

Cindi Michael
[redacted]

Cindi Michael
Kennesaw, GA 30144

May 2, 2023
Kennesaw Planning Commission
Kennesaw, GA 30144

RE: RZ2023-02 (G) … 2971 N Main Street rezoning from R-15 to CBD

Dear Commissioners,

I first came to the Kennesaw, in 1979, to teach in the old Kennesaw Elementary School on Keene Street. At the time I arrived in Kennesaw, it was predominately a residential town, with a very small downtown area.

In 2002, my husband and I purchased a lot on North Main Street because it was a beautiful pocket of old turn-of-the-century homes, with grassy front yards and beckoning front porches. We built a modern day home that blends in appropriately and is an example of what can be done with the open areas of this historic neighborhood, if held to the standards of a residential property, as we were. At that time, from the Adams House at 2971 N Main St, up to 3011 N Main Street, the end of the historic district, all of the homes on North Main Street were residential and most were occupied. Since then many of the homes have new owners. Many have been remodeled and updated to make this a thriving neighborhood of families interested in preserving its historic character. Fourteen of the homes in this residential neighborhood are well over one hundred years old and represent the true historic residential nature of the small town of Kennesaw. This pocket of Kennesaw was never a business district, let alone a Central Business District.

Having served on the Historic Preservation Commission for several years, I know that it is their responsibility to protect the historic structures of the city along with the characteristic rhythm and pattern of the individual parcels in the surrounding area. Most cities and towns have at least one small area of historic homes that are protected from commercial use and development. The North Main Street R-15 & R-20 parcels from 2971 up to at least 3007 North Main Street should be recognized and protected as such.

In my opinion, if you approve this application for rezoning to CBD, and follow the infill plan laid out in the LCI's Historic CBD Overlay, the residential historic North Main St neighborhood, as Kennesaw has known it for well over a hundred years, will slowly become Cherokee Street, Moon Station Road, Summers Street, and Dallas Street with uncharacteristic infill, commercial businesses, and few, if any, single-family homes. I appeal to you to protect this small pocket of R-15 & R-20 parcels that are a true representation of Historic Residential Kennesaw, in its purest form.

I request you **deny** the rezoning application for 2971 N Main Street.
If you choose to approve it, I request you stipulate that it must be developed or remodeled to the strict single-family residential standards, in character with the neighborhood, that I and others on this street have been held to.

Sincerely,

Cindi Michael
[redacted]

Historic Structures on North Main Street as listed in Kennesaw's Comprehensive Plan
2971 N Main St - W. B.Adams House - circa 1907
2972 N Main St - G C Scroggs House - circa 1930
2975 N Main St - Thompson-Wooten House - circa 1920
2976 N Main St - McRea House - circa 1902
2981 N Main St - G R Skelton House - circa 1908
2982 N Main St - J V Smith House - circa 1907
2985 N Main St - W H Weeks House - circa 1916
2986 N Main St - Mrs. M V Skelton House - circa 1905
2990 N Main St - J R Skelton House - circa 1909
2996 N Main St - E M Skelton House - circa 1902
3000 N Main St - John E Cagle House - circa 1906
3001 N Main St - James Pyron House - circa 1908
3002 N Main St - I S Morgan House - circa 1903
3007 N Main St - Charles F Morgan House - circa 1895

North Main Street Neighborhood
Kennesaw, Georgia 30144
April 27, 2023

Kennesaw Planning Commission
RE: 2971 North Main Street rezoning application RZ2023-02

Dear Commission Members,

We, as residents of North Main Street, have no desire to see our neighborhood become commercial. We studied the city documents and information that we found available to us at this time. Based on that information, we have the following opinions to submit for your consideration.

The parcel in this application (2971 N Main St) is currently zoned R-15. The city map of this area shows all the North Main Street Historic District parcels located on North Main St are currently zoned single-family R-15/R-20. All but one of the remaining homes located on North Main St and in the historic district, are currently occupied or being renovated for occupation as single-family homes. It's our opinion that this is a viable single-family neighborhood that the city should acknowledge and protect.

We believe that changing the zoning for this parcel to CBD would put it into a commercial category of uses that would require renovation or remodeling to be driven by business needs that are not compatible with the character of this historic North Main St single-family residential neighborhood. For example:

1. Installation of an ADA compliant ramp
2. Installation of an appropriate hard surface marked parking area for commercial use
3. Installation of non-historic porch railings for public safety
4. Installation of business signs, and usage of banners, waving flags, etc.
5. The potential development as a multi-family parcel. Precedent for this has already been set at both the historic Stanley-Lewis House at 2891 Lewis Street, and the historic Galt House at 2985 Cherokee Street.

The city's application for this historic district describes the North Main Street Historic District in the following way: "*The houses are fairly evenly distributed along the street and vary in their setbacks. A large, two-story, country-style late-nineteenth-century house (Lot 23) and a one-story Victorian farmhouse with outbuildings (#11) anchor the southeast and northwest ends of the district.*" The anchor house on Lot 23 is now buried inside the Dallas St project hidden from view and no longer has the appearance of a typical historic single-family residence. The application goes on to relate the significance of the district saying: "*The North Main Street Historic District is significant as an intact historic residential development along one of the principal highways leading to downtown Kennesaw.*" This parcel, Lot 20, on the North Main Street Historic District Inventory, is also listed in the city Comp Plan as a Historic Structure in the North Main Street District. It is also identified as a contributing structure in the city's HPC's review that was done for this district. All this justifies keeping this parcel strictly residential maintaining the current R-15 zoning.

Cherokee St was a residential area many decades ago, but commercial uses came to Cherokee St and now its historic homes are predominately commercial with signage and paved parking lots in lieu of traditional yards. Summers St was also a residential area years ago, but again, now commercial with signage, banners, and limited grassy yards.

We believe that the end of Lewis St is the natural end point for the CBD. Bringing the CBD around the corner from Lewis St to North Main St brings the slow expansion of "business" and all its non-historic features to a "historic residential development". It will be the end of this thriving single-family neighborhood. Look at the 2015 LCI "Historic CBD" overlay map which shades half our district as CBD. Read its purpose and the plans for its development. Then drive by the Stanley-Lewis house, the Galt house, and up North Main St. There is a significant difference.

In closing we request:

1) The denial of the rezoning of this parcel from R-15 to CBD, as it would negatively impact the character of the North Main Street Historic District, that was described as an "intact historic residential development".
2) That the homes on North Main Street be recognized by the city as a single-family residential area and be protected as such.
3) That this parcel be removed from the Downtown Activity Center (DAC) and the North Main Street Historic District residential parcels that are currently included in the "Historic Central Business District" should be removed from those classifications as they should not fall under the impact of commercial guidelines in any way but be treated solely as single-family residential properties.
4) Should you decide not to deny this application, we request that the opportunity to add stipulations to any motion to approve.

Sincerely yours,

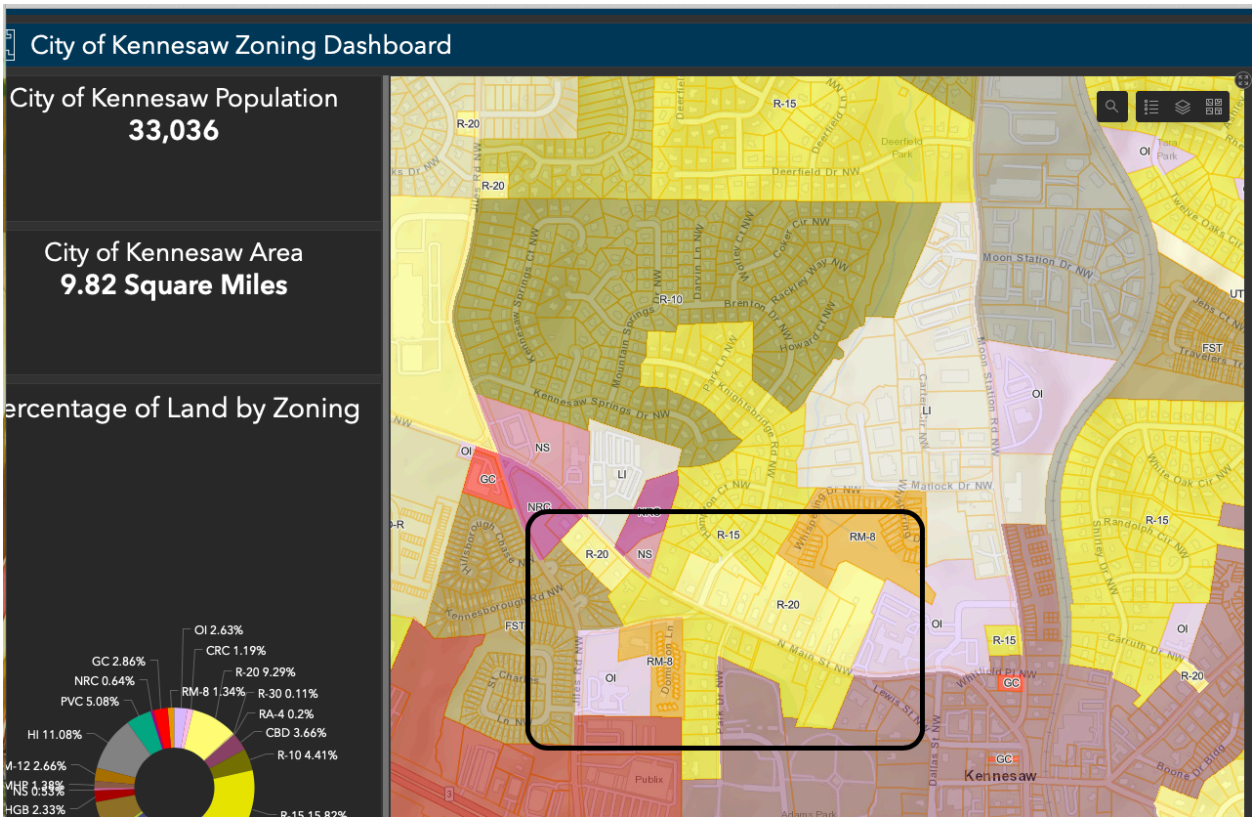
Residents of North Main Street Historic District
See attached signature sheet

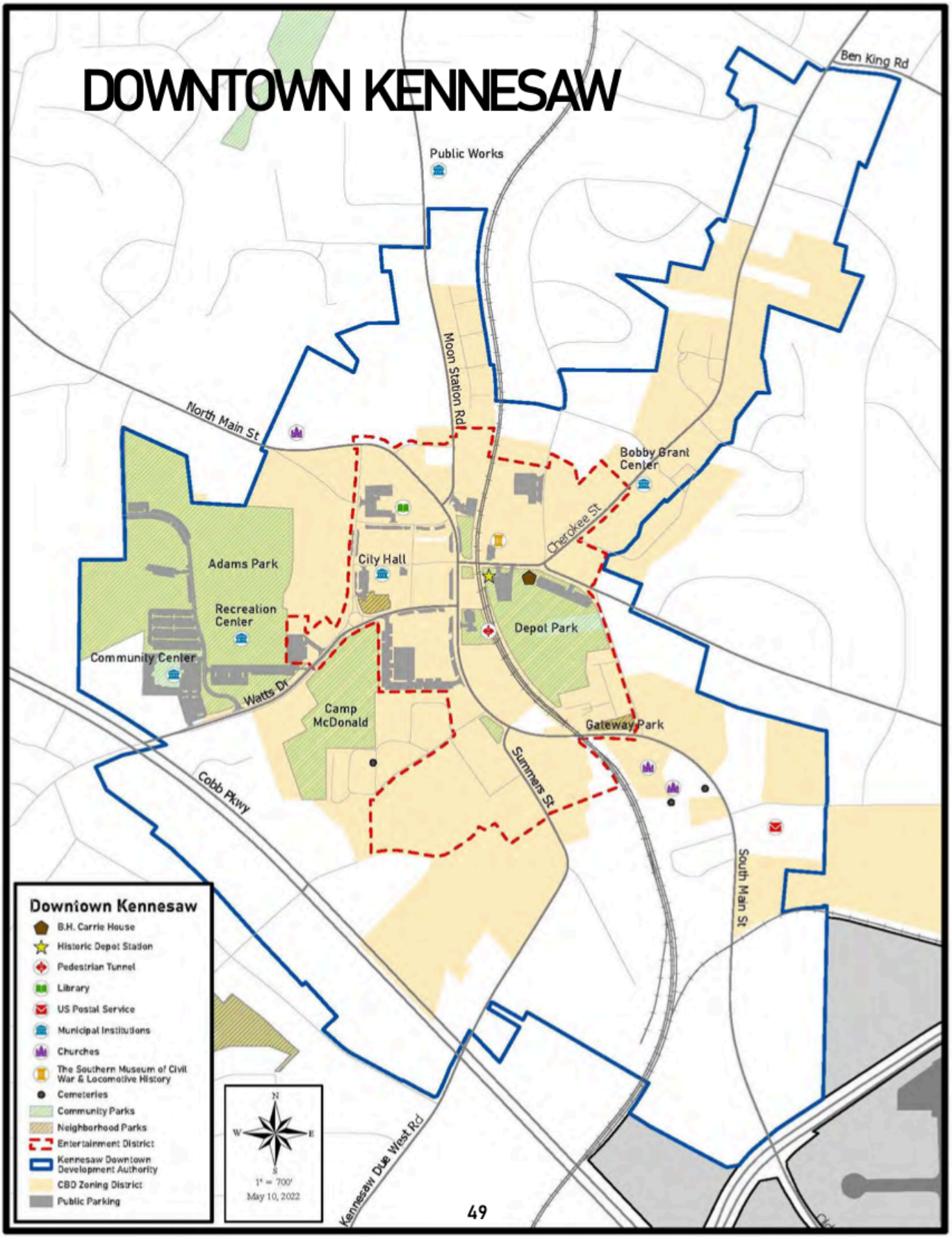
Reference material attached:
Zoning Dashboard Map of North Main Street R-15/R-20 Parcels
City of Kennesaw 2022 Comprehensive Plan Update
Downtown Kennesaw LCI Plan - July 2015
National Register of Historic Places Inventory - Nomination Form North Main Street Historic District

We, the undersigned residents of the North Main Street Historic District, agree with the attached letter regarding the rezoning 2917 N Main Street.

Street Number	Signature
2981	
#2975	Dr. Kimberly Watkins + Randy Stewart
2976	+ Dane Thomas
2986	
2982	
2990	Brittany Haugen + John Haugen
2995	+ Dean Klein
2985	
3000	
3000	
2998	Cindi Michael
2972	
2996	Andrea A. Comito
3001	& Helen Moore

Zoning Dashboard: North Main Street Parcels Currently Zoned R-15 & R-20




DOWNTOWN KENNESAW
Ben King Rd
Public Works
Moon Station Rd
North Main St
Bobby Grant Center
Cherokee St
Adams Park
City Hall
Recreation Center
Depot Park
Community Center
Watts Dr
Camp McDonald
Gateway Park
Summers St
Cobb Pkwy
South Main St
Kennesaw Due West Rd
Downtown Kennesaw
B.H. Carrie House
Historic Depot Station
Pedestrian Tunnel
Library
US Postal Service
Municipal Institutions
Churches
The Southern Museum of Civil War & Locomotive History
Cemeteries
Community Parks
Neighborhood Parks
Entertainment District
Kennesaw Downtown Development Authority
CBD Zoning District
Public Parking
N
W
E
S
1" = 700'
May 10, 2022
49

United States Department of the Interior
Heritage Conservation and Recreation Service

National Register of Historic Places Inventory—Nomination Form

[redacted]

NORTH MAIN STREET HISTORIC DISTRICT

Name: North Main Street Historic District, Kennesaw, Cobb County, Georgia

Location:

Along either side of North Main Street for a distance of two-fifths of a mile northwest from Dallas Street.

Owner: Multiple ownership (see attached list)

Description:

The North Main Street Historic District consists of mid- to late-nineteenth-century and early-twentieth-century residences along either side of North Main Street. The houses, all modestly scaled, range from plantation plain to neoclassical, with a predominance of late-nineteenth-century hip- and gable-roofed Victorian cottages. The houses are fairly evenly distributed along the street and vary in their setbacks. A large, two-story, country-style late-nineteenth-century house (Lot 23) and a one-story Victorian farmhouse with outbuildings (#11) anchor the southeast and northwest ends of the district. There is only one non-contributing property in the district -- a small contemporary house at 13 North Main Street [see photographs 13-21].

Significance:

The North Main Street Historic District is significant as an intact historic residential development along one of the principal highways leading to downtown Kennesaw. In terms of transportation, the district has as its organizing element one of Kennesaw's principal nineteenth-century wagon roads, and one which follows to a large degree the alignment of the old Peachtree Trail. In terms of agriculture, the district includes a largely intact Victorian farmstead at the edge of town (Lot 11), which represents the type of relatively small-scale farming operations common to this part of Georgia. In terms of commerce, the district contains at its southeastern end the Stanley-Lewis House, ca. 1896 (Lot 23), one of the largest houses in town and the home of J.G. Lewis, the town banker, cotton-gin owner, mayor, and leading citizen during the early-twentieth century. In terms of architecture, the district includes a fine collection of modest, country-townhouses ranging from plantation

[continued]

plain to neoclassical with a concentration of Victorian cottages. In terms of community development, the district demonstrates the type of residential street development that took place between the middle of the nineteenth century and the early-twentieth century in small country towns of northwest Georgia.

Acreage: 27 acres

Verbal Boundary Description:

The boundary of the North Main Street Historic District is identified and described by a heavy black line on the attached map of the Kennesaw multiple-resource area. This boundary circumscribes the area of intact historic residential development. To the southeast is the downtown area; to the northwest are a few modern tract houses and the open countryside; to the north is generally open land and a small subdivision; and to the south is generally open land and a city park and recreation area.

UTM References:

A	Zone 16	E719310	N3767430
B	Zone 16	E719505	N3767610
C	Zone 16	E720040	N3767375
D	Zone 16	E720040	N3767190
E	Zone 16	E719680	N3767200

[continued]

Property Owners - North Main Street Historic District

Streets and Lot Numbers	Owners and Mailing Addresses
21	Ernest O. and Pauline S. Mabry, 2931 Lewis Street, Kennesaw, Ga. 30144
20	Same as above
19	Mrs. Eleanor S. Bozeman, 3011 N. Main Street, Kennesaw, Ga. 30144
18	Corinne Scott, 1427 Gordon Street, Atlanta, Ga. 30300
17	William P. Weeks, 2085 N. Main Street, Kennesaw, Ga. 30144
15	Lloyd Marlin Jones, 3002 N. Main Street, Kennesaw, Ga. 30144
14	Roy and Joyce Braket, 869 Worley Drive, Marietta, Ga. 30066
13	T.J. Eckstrom, 2997 N. Main Street, Kennesaw, Ga. 30144
12	Parks and Wanda Coker, 3001 Paulding Drive, Kennesaw, Ga. 30144
11	Harry L. Bozeman, 3007 N. Main Street, Kennesaw, Ga. 30144
22	Katy P. Hilderbrand, 2927 Lewis Street, Kennesaw, Ga. 30144
16	William P. Weeks, 2085 N. Main Street, Kennesaw, Ga. 30144
15	Same as above
10	Jimmy H. Moss, 2996 N. Main Street, Kennesaw, Ga. 30144
8	Mrs. Jewel Scroggs, 2986 N. Main Street, Kennesaw, Ga. 30144
9	Gordon L. Coker, 2990 N. Main Street, Kennesaw, Ga. 30144
7	Mrs. Savilla T. Ellis, 2982 N. Main Street, Kennesaw, Ga. 30144
6	Stephen L. and Brenda R. Shelton, 2976 N. Main Street, Kennesaw, Ga. 30144
5	R.J. Sherrill, 2972 N. Main Street, Kennesaw, Ga. 30144
4	L.L. Shelton, 2966 N. Main Street, Kennesaw, Ga. 30144
Lewis Street	
22	Katy P. Hilderbrand, 2927 Lewis Street, Kennesaw, Ga. 30144
25	Doyle West, 2926 Lewis Street, Kennesaw, Ga. 30144
23	Inez Lewis, 2891 Lewis Street, Kennesaw, Ga. 30144

North Main Street District

2940 Dallas St. - Eidson House (1895)

2971 N Main St. - W.B. Adams House (1907)

2972 N Main St. - G.C. Scroggs House (1930)

2975 N Main St. - Thompson-Wooten House (1920)

2976 N Main St. - McRea House (1902)

2981 N Main St. - G.R. Skelton House (1908)

2982 N Main St. - J.V. Smith House (1907)

2985 N Main St. - W.H. Weeks House (1916)

2986 N Main St. - Mrs. M.V. Skelton House (1905)

2990 N Main St. - J.R. Skelton House (1909)

2996 N Main St. - E.M. Skelton House (1902)

3000 N Main St. - John E. Cagle House (1906)

3001 N Main St. - James Pyron House (1908)

3002 N Main St. - I.S. Morgan House (1903)

3007 N Main St. - Charles F. Morgan House (1895)

3031 N Main St. - Robertson House (1951)

Summers Street District

0 Cemetery St. - Kennesaw Cemetery (1863)

6997 Keene St. - Kennesaw School (1938)

2676 Summers St. - Hill Manor House (1900)

2689 Summers St. - Burrell House (1898-1908)

2695 Summers St. - C.S. Baldwin House (1908)

2701 Summers St. - E.E. Keen House (1949)

2731 Summers St. - H.M. Gatlin House (1886)

2741 Summers St. - Butler House (1908)

Legend

White = still standing (year built)

Yellow = demolished (year built)

Source: Fort Mountain Preservation Services (2004)

Kennesaw Methodist Church

Source: Rick Kienel

Apotheos Roastery & The 1808

Protecting Our Cultural Resources

Investing in the past can produce financial benefits. Historic preservation is a developmental strategy, providing one of the best methods available to accomplish revitalization and development in cities and towns (Fogerty 1982).

During both open houses, people who participated in the historic preservation exercise showed overwhelming support in protecting Kennesaw's cultural and historic resources.

Real progress in revitalization begins when a community identifies with its historic architecture and with the concept of historic preservation as a developmental strategy (Fogerty 1982).

The City of Kennesaw and developers who wish to participate within the Historic Central Business District area should seek out preservation programs, projects and development strategies that tie its historic architecture with economic opportunities inherent in the historic building stock.

Any new development proposal or existing exterior improvements within the five historic districts must be reviewed by the Kennesaw Historic Preservation Commission using the Kennesaw Historic Design Standards as adopted in 2006.

What is Historic Preservation?

Historic preservation is place making through identification, evaluation and conservation of components of the built environment that convey historic significance for the enjoyment and education of the community now and in the future.

AREAS POLICY MATRIX

City of Kennesaw, GA
Honoring Our Heritage - Forging Our Future

Policy	Kennesaw Areas	Commercial & Industrial								Residential									
		Cobb Parkway Commercial Corridor	Cherokee Street Commercial Corridor	Cobb International Industrial Corridor	Kennesaw Marketplace	Historic Central Business District	McCollum Industrial Corridor	Moon Station Industrial Corridor	Ridenour	Barrett and Old 41	Campus Living	East Pine Mountain Revitalization	In-Town Living	Jiles and Baker	Kennesaw Due West	North Cherokee	Swift-Cantrell	West Pine Mountain
23. Locate lower intensity businesses towards the outer edges to provide a transitional buffer between higher-intensity uses and neighboring residential areas.				X		X		X		X								
24. Promote transitional buffering between all industrial/warehouse operations and surrounding neighborhoods.				X			X											
25. Promote open space and tree preservation.							X		X	X	X	X	X	X	X	X		X
26. Require truck parking along the sides or rear of the structures.		X	X	X	X		X	X										
27. Encourage retail operations to locate closer to Moon Station Road corridor.								X										
28. Encourage neighborhood-friendly, low-impact retail commercial to be located adjacent to and visible from Jiles Road and Moon Station Road.						X												
29. Concentrate traditional commercial development along Cherokee Street and Main Street between Dallas Street and the CSX Overpass.						X												
30. Require inter-parcel access (or rear alleys) to control access flow to Main Street.						X												
31. New development should be constructed at human scale.						X											X	
32. Require the incorporation of CBD architectural elements and guidelines into new construction or redevelopment projects.						X												

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2.3 Land Use and Zoning

This section describes existing land use, future land use, zoning, character areas, and historic districts within the study area. Maps and information as found in the City of Kennesaw's Comprehensive Plan are the basis for this analysis. The information found within this section provides an understanding of land use conditions and the City's goals and aspirations for future development within the study area.

Existing Land Use

The City of Kennesaw Existing Land Use Map, per the 2006-2026 Comprehensive Plan, is provided in Figure 2.3a. Within the study area, the existing land uses, as based on the Georgia Department of Community Affairs "Standard Land Use Classification System", include Community Activity Center; Public Service/Institutional; Downtown Activity Center; Central Business District; Park/Recreation/Conservation; Industrial; Neighborhood Activity Center; and Residential Low/Medium.

Community Activity Center (CAC)

The Community Activity Center category aims to meet the immediate needs of several neighborhoods or communities. Encouraged land uses include low to medium intensity office, retail, and commercial services. Within the study area, parcels adjacent to Cobb Parkway and a portion of the Moon Station Road are considered Community Activity Center existing land uses. Cobb Parkway is home to retail and commercial uses, including strip mall retail centers, automobile services, restaurants and motels.

Public Service/Institutional

The purpose of this category is to illustrate public or semi-public land uses in the City, including public parks, cultural, community service, and institutional land uses. Within the study area's existing land uses, the Martha Moore School, the City Cemetery, and other city owned land is included in this category.

Downtown Activity Center (DAC)

The Downtown Activity Center's purpose is to reinforce the unique role and character of the downtown area. New development and redevelopment are encouraged to be compatible in use, scale, and appearance with the City's Downtown Activity Center. Within the existing land use map, the DAC includes much of the property along Main Street, Depot Park and surrounding parcels, Adams Park, and Camp McDonald Park.

Central Business District (CBD)

The Central Business District as identified in the existing land use map, is at the core of Downtown. Much of the CBD, as identified in Figure 2.3a, is being redeveloped into the Main Street Mixed Use Development, as described in Section 2.2.

Park/Recreation/Conservation

The purpose of this category is to illustrate the public or semi-public land uses in the City, focused on parks and recreation areas. Included in the Existing Land Use Map is the Ben Robertson Community Center.

Industrial

The purpose of the Industrial category is to provide for areas that can support light industrial, office/warehouse, and distribution uses as well as heavy industrial and manufacturing, providing regional-serving job centers. Industrial existing land uses, within the study area are focused at the southern end of Main Street, where it parallel's the railroad track, with additional industrial existing land use at Main Street and Moon Station Road, which is actually the current site of Kennesaw First Baptist Church.

Neighborhood Activity Center (NAC)

The purpose of the Neighborhood Activity Center category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores. Within the existing land use map areas defined as NAC include parcels along Cherokee Street and smaller retail parcels south on Main Street, near McCollum Parkway.

Residential Low/Medium

The purpose of the Low/Medium Density Residential category is to provide for areas that are suitable for low to moderate density housing between one (1) and four (4) dwelling units per acre. There are few residential low/medium parcels within the study area, although the majority of this existing land use is identified adjacent to Cherokee Street, where land uses, in general, become more residential.

Future Land Use

The City of Kennesaw Future Land Use Map, per the 2006-2026 Comprehensive Plan, is provided in Figure 2.3b. Within the study area, the existing land uses as based on the Georgia Department of Community Affairs "Standard Land Use Classification System", include: Community Activity Center; Public Service/ Institutional; Downtown Activity Center; Park/Recreation/ Conservation; Industrial; Neighborhood Activity Center; and Residential Low/Medium.

Community Activity Center (CAC)

The Community Activity Center category aims to meet the immediate needs of several neighborhoods or communities. Encouraged land uses include low to medium intensity office, retail, and commercial services. Within the study area, identified parcels on the future land use map, align very closely with the existing land use map. CAC land uses are primarily located adjacent to Cobb Parkway with a portion of the Moon Station Road included.

Public Service/Institutional

The purpose of this category is to illustrate public or semi-public land uses in the City, including public parks, cultural, community service, and institutional land uses. Similar to existing land uses, future public service/institutional land uses include the Martha Moore School, the City Cemetery, and other city owned land is included in this category. City Hall's current location at Watts Drive and Dallas Street, is included in the future land use map.

Downtown Activity Center (DAC)

The Downtown Activity Center's purpose is to reinforce the unique role and character of the downtown area. New development and redevelopment are encouraged to be compatible in use, scale, and appearance with the City's Downtown Activity Center. The future land use map's DAC parcels align closely with the existing land use map, with much of the DAC including property along Main Street, including the existing land use map's Central Business District designation. Depot Park and surrounding parcels, Camp McDonald Park, and parcels adjacent to Adams Park are also included.

Park/Recreation/Conservation

The purpose of this category is to illustrate the public or semi-public land uses in the City, focused on parks and recreation areas. The Future Land Use map similar to the Existing Land Use map includes Ben Robertson Community Center and adds Adams Park.

Industrial

The purpose of the Industrial category is to provide for areas that can support light industrial, office/warehouse, and distribution uses as well as heavy industrial and manufacturing, providing regional-serving job centers. In the future land use map, fewer parcels are identified as Industrial compared to the Existing Land Use map, The only parcel identified is located near Summers Street and the railroad track, the current site of Pro-Build.

Neighborhood Activity Center (NAC)

The purpose of the Neighborhood Activity Center category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores. Similar to the Existing Land Use map, the Future Land Use map defines NAC parcels mainly along Cherokee Street and south on Main Street, near McCollum Parkway.

Residential Low/Medium

The purpose of the Low/Medium Density Residential category is to provide for areas that are suitable for low to moderate density housing between one (1) and four (4) dwelling units per acre. Residential low/medium parcels in the Future Land Use map, similar to the Existing Land Use map, are few and confined to the northern boundaries of the study area, particularly adjacent to Cherokee Street and the northern portion of Main Street.

2015 LCI - pg 23 - Map Identifying the Downtown Activity Center Parcels

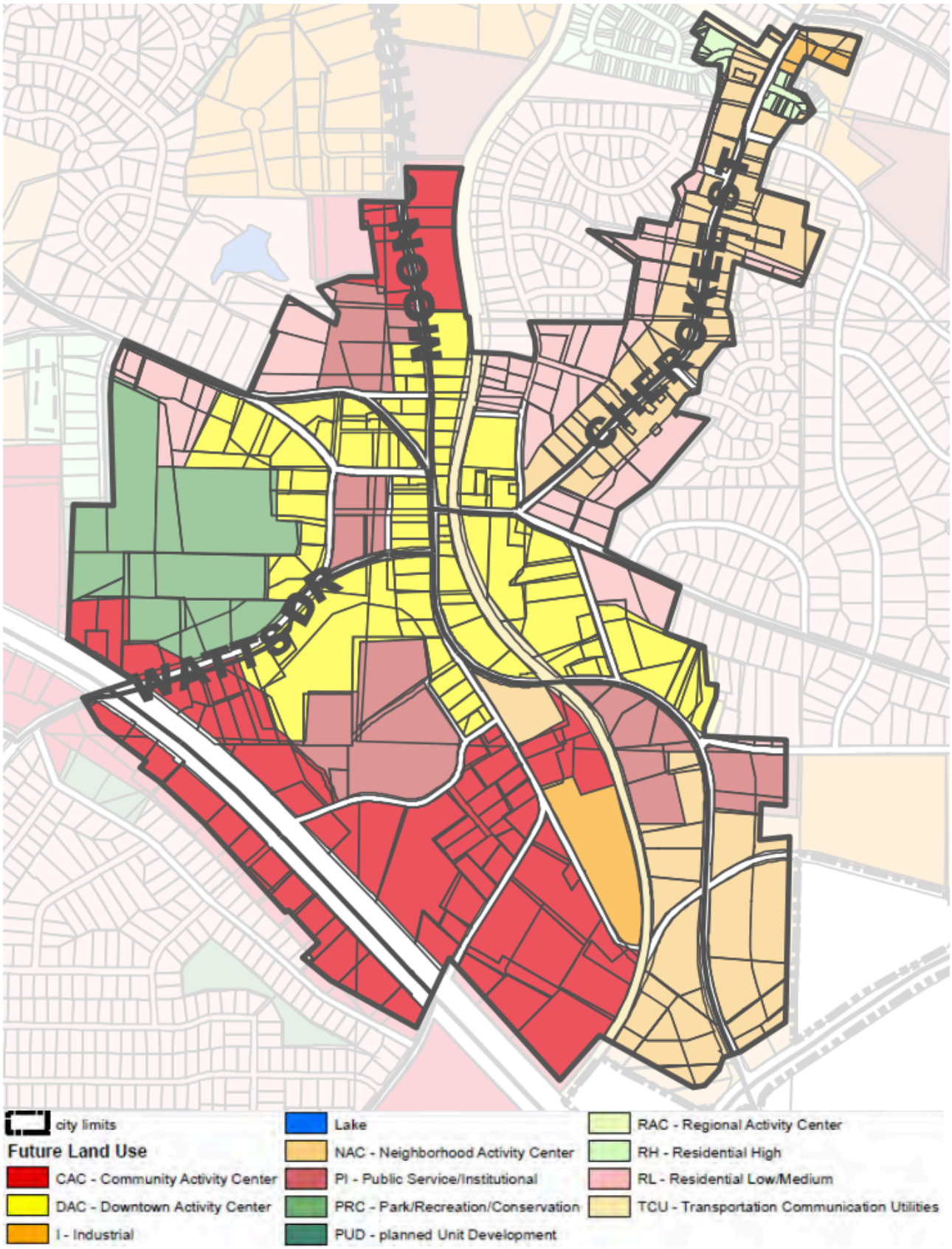

Figure 2.3b: Future Land Use Map

Zoning

Existing Zoning is displayed in Figure 2.3c. Following is more information on each zoning district found in the study area.

The City of Kennesaw is currently undergoing zoning updates, focused on Downtown and Cherokee Street, via the City of Kennesaw Design Based Code. Once approved this new code document will supersede the existing zoning regulations.

Historic District Overlay (HIS)

The historical and architectural heritage of Kennesaw is among its most valued and important assets. The purpose of the Kennesaw Historic District (HIS) is to promote the cultural, economic and general welfare of the city, and the preservation and protection of the old, historic or architecturally worthy structures in quaint areas or neighborhoods which impact a distinct aspect of the city and which serve as visible reminders of the cultural, social, economic and architectural heritage of the city, the state, and the nation. A large portion of the study area is within the Historic District Overlay. Parcels within the historic district are overseen by the Kennesaw Historic Preservation Commission and guided by the Historic Preservation Commission's Design Standards.

Historic Preservation District Overlay

The HPV district is established to set aside certain properties for the purpose of providing an area that will be designed and used as a historic village. The classification is primarily intended for properties located within Land Lot 138, 20th District, 2nd Section, and is bounded on the North by Cherokee Street and Big Shanty Road, on the east by Sardis Street, on the South by Old Highway 41, and on the West by CSX Railroad. Parcels within this historic district are also overseen by the Kennesaw Historic Preservation Commission and guided by the Historic Preservation Commission's Design Standards.

Central Business District (CBD)

The CBD is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area. The classification is primarily intended as a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the CBD is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw. Much of the study area is within the Central Business District zone. A mix of uses is encouraged in this district to create a live, work, meet, and play environment.

Highway General Business District (HGB)

The HGB district is established to provide locations for commercial and service uses which are oriented toward general and specialty service businesses and interstate and state highway travelers. This zoning district aligns Cobb Parkway.

General Commercial District (GC)

The GC district is established to provide locations for retail commercial and service uses which are oriented towards a diverse range of businesses that are service and product intensive with a need for major road access and visibility. Several GC parcels are found within the study area, mostly on the south edge, adjacent to Cobb Parkway and McCollum Parkway.

Office/Institutional district (OI)

The OI district is established to provide locations for non-retail commercial uses such as offices and financial institutions. The OI district is designed primarily to provide for four story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step down nodal zoning away from more intensive commercial uses. There are several OI parcels through out the study area, particularly on the edges of the CBD.

Heavy Industrial District (HI)

The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum and petrochemical storage, warehousing. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such to ensure compatibility with surrounding properties. There are several HI parcels near Cobb Parkway and Kennesaw Due West Road, where ProBuild is currently located.

Light Industrial District (LI)

The LI district is established to provide locations for light industrial uses such as low intensity automobile repair and service, commercial greenhouses, distribution centers, warehouse and storage, transportation terminals. When located on the perimeter of an industrial node, the LI dis-

2015 LCI - pg 25 - Map of CBD - All North Main Street parcels are outside district

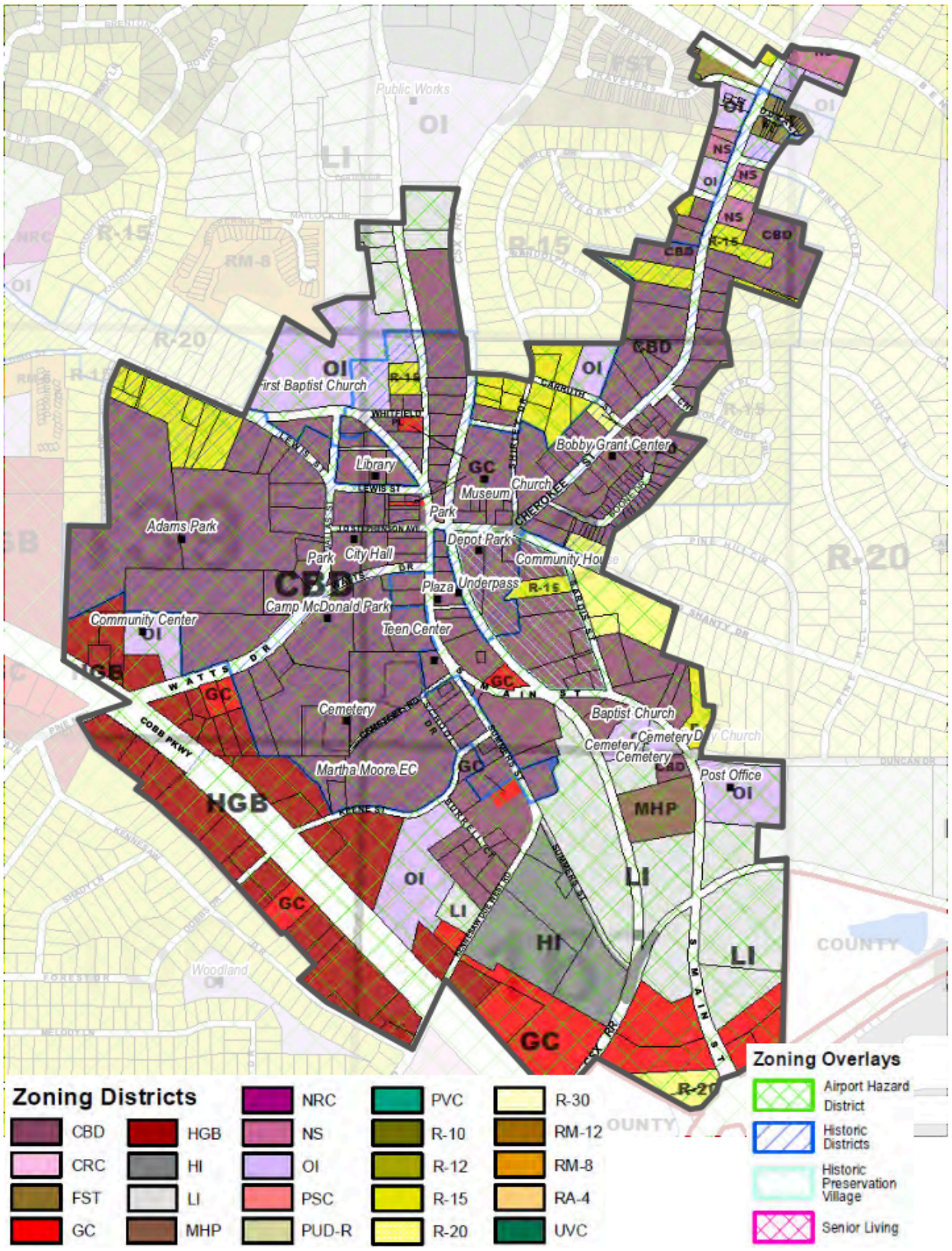

Figure 2.3c: Zoning Map

Facts and Analysis

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trict should provide for uses that are low in intensity and scale such to ensure compatibility with surrounding properties. LI parcels, within the study area, are located in the south-east portion of the study area, near the railroad tracks and Main Street. There are also several LI parcels along Moon Station Road.

Mobile Home Park District (MHP)

This district is established to provide areas where mobile home parks may be appropriate. There is one MHP parcel within the study area, along Main Street, currently occupied by the Old South Village mobile home park.

Neighborhood Shopping District (NS)

The NS district is established to provide locations for specialized and/or limited low intensity shopping facilities which are on properties delineated within a neighborhood activity center, community activity center, or regional activity center as defined and shown on the City of Kennesaw Comprehensive Plan, and as may be amended from time to time. These convenience shopping facilities should have low intensity retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require purchasing with a minimum of consumer travel. There are several NS parcels along Cherokee Street, within the study area.

Single-Family residential district - 15,000 sf (R-15)

The R-15 single-family residential district is intended to provide suitable areas for single-family, detached dwellings at medium densities as defined by the City of Kennesaw Comprehensive Land Use Plan, with access to both public water and sewerage. There are several R-15 parcels on the periphery of the study area.

Character Areas

Character areas, as defined in the 2006-2026 Comprehensive Plan are shown in Figure 2.3d. Character area planning focuses on the way an area looks and how it functions. Applying development strategies to character areas in Kennesaw can preserve existing areas and help others function better and become more attractive. They help guide future development through policies and implementation strategies that are tailored to each situation. Following is more information on each character area found within the study area.

Historic Central Business District (CBD)

Currently, this area is composed of a mix of land uses, historical and cultural resources, businesses, homes and neighborhoods and architectural styles and elements. Overall, much of this area is in need of revitalization. Without a plan for growth, an unstructured commercial fabric with aging structures, vacant buildings, and an insufficient retail core, has evolved.

Cobb Parkway Commercial Corridor

The Cobb Parkway Commercial Corridor is the most significant commercial corridor in Kennesaw. The corridor's appearance and function has been affected by vacated structures or structures that are in disrepair. Generally, there are no unifying architectural features, gateways, or impressionable spaces or buildings that identify this corridor with a unique sense of place that is characteristic of Kennesaw; however, several segments of this corridor show promise.

In-Town Living

The In-Town Living character area is defined by neighborhoods that are located within a short distance of the Historic CBD- generally less than one mile from a boundary. In most cases In-Town Living houses and neighborhoods are within walking distance of the downtown area. With recreational, entertainment, retail and cultural opportunities located in the CBD, residents could benefit from these amenities without venturing far from home thus having the "In-Town Living" experience.

Future development in this area is limited as most of the parcels have all been developed for housing. However, given the tenure of the homes, redevelopment may become an option if homes fall into disrepair. Redevelopment should occur on multi-parcel levels to be most effective. If redevelopment occurs, the type of redevelopment should be closely affiliated and complementary

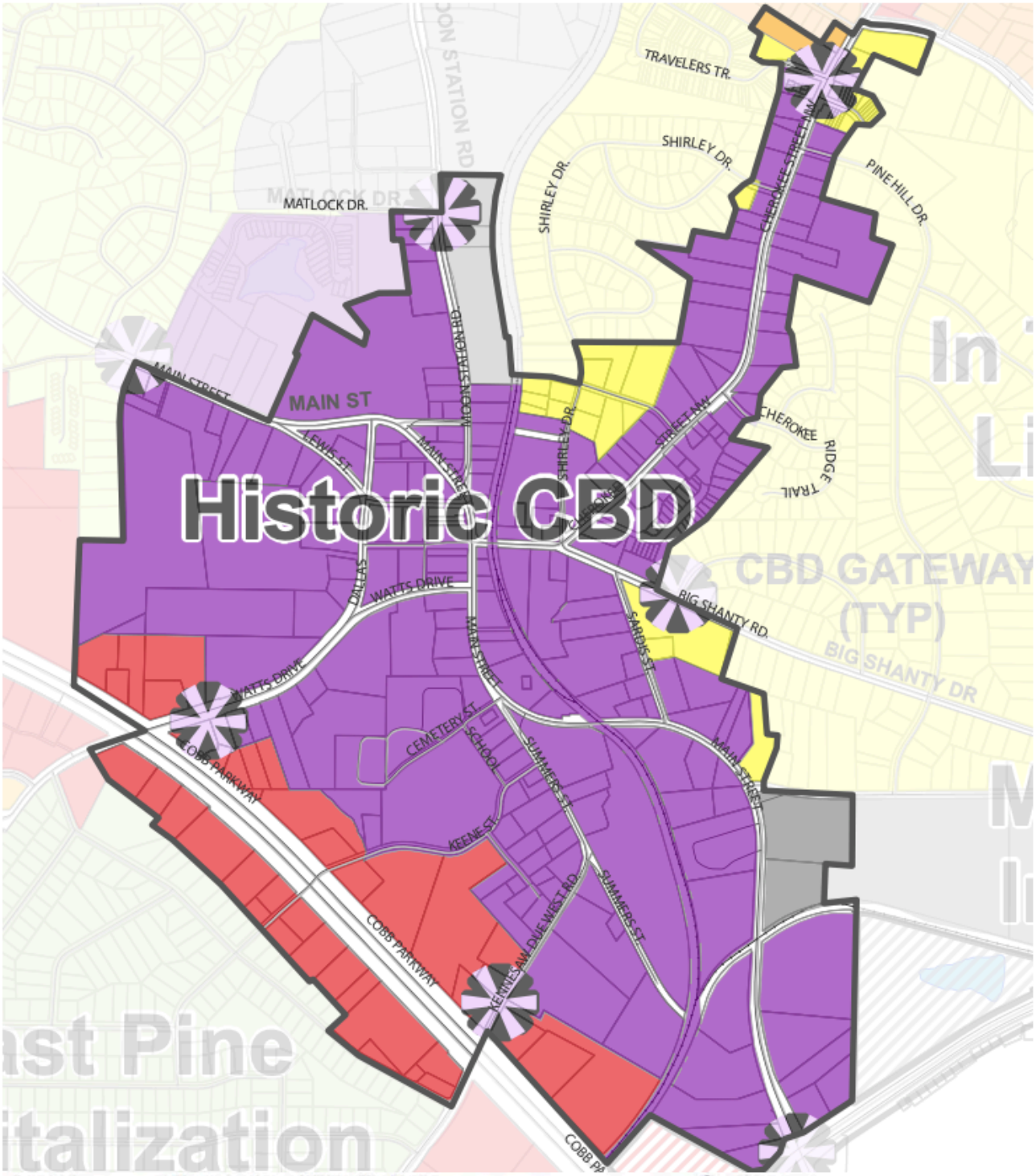


Figure 2.3d: Character Area Map

with the redevelopment activities in the Historic CBD and surrounding homes and neighborhoods.

McCollum Parkway Industrial

The McCollum Parkway Industrial character area is located along a one mile section of McCollum Parkway from near Old Highway 41 east to Big Shanty Drive. There currently exists a broad mix of uses which are generally low to moderate in impact. Many of the structures have been built in the last ten to twenty years. Most of the structures are constructed metal buildings with brick or stones facades that face McCollum parkway. Access to McCollum Parkway is typically via individual driveways except for the small, light industrial operations located on Big Shanty Drive. The large, spacious parcels and lower impact businesses provide a transition buffer between McCollum Airport to the south and the In-Town Living character area directly to the north.

Future development in this area should maintain a low to moderate industrial land use and impact. Natural landscape buffers should be maintained between parcels, but more so between the In-Town Living character area to the north.

Moonstation Industrial

The Moonstation Industrial character area is a 1-1/2 mile segment of light industrial development located between Moonstation Road and the CSX rail line, directly north of the CBD. A portion of this area is also located along a short section of Jiles Road between Moonstation Road and Royal Drive near the Cherokee Street Commercial Corridor. This area is comprised primarily of small to medium sized, low impact manufacturing, distribution and office warehouse developments. Some neighborhood commercial uses are scattered within the character area.

Future development of this area should focus on filling the existing vacant office and warehouse space that is available. Signage and building appearance should become more standard with emphasis on improving overall aesthetics.

Historic Districts

The National Registry of Historic Places recognized four (4) Historic Districts and one (1) Historic Site within the study area. Refer to Figure 2.3e for the Historic Districts and Site Map.

The Historic Preservation Commission shall evaluate all properties as designated on the Official Historic Properties Map of the City of Kennesaw, and the Official Zoning Map of the City of Kennesaw. Historic District Design Standards are enforced within these districts.

The four (4) National Register Historic Districts in Downtown Kennesaw include:

North Main Street

The North Main Street Historic District is a predominantly historic residential district.

Cherokee Street

Cherokee Street Historic District is was the principle wagon trail into the City.

Big Shanty

Big Shanty Historic District is at the heart of the historic districts and the City's original name.

Summers Street

The Summers Street Historic District contains historic properties and structures along Summers Street.

Camp McDonald

The Camp McDonald Historic Site is the former Confederate army training camp. 7.5 acres of this site, east of Watts Drive, was purchased by Cobb County and with the help of Friends of Camp McDonald, a Master Plan for this park has been created to conserve the site while providing walking and hiking amenities.

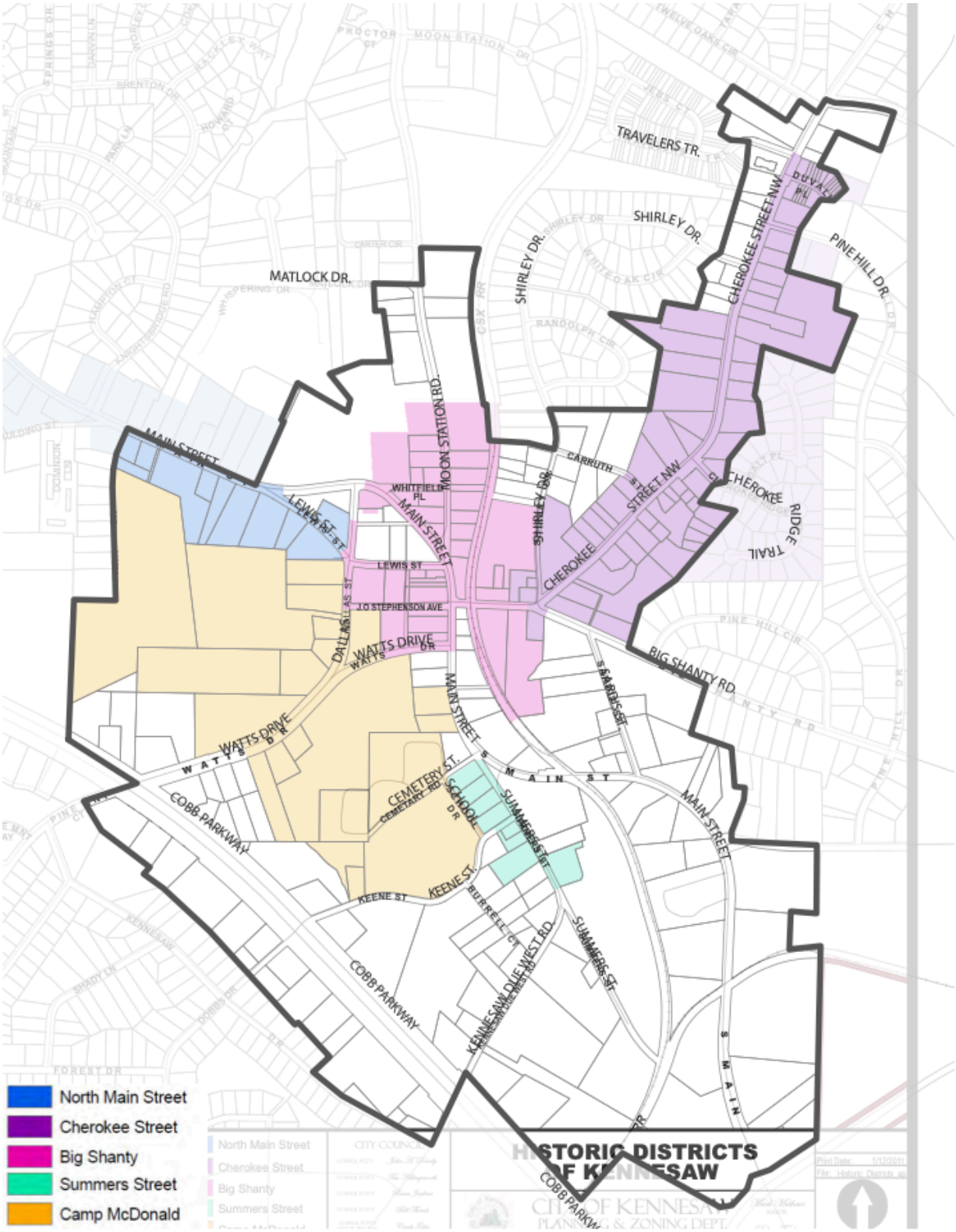


Figure 2.3e: Historic Districts Map

4.2 Main Street Infill

Main Street has historically been the primary retail and restaurant corridor in Downtown Kennesaw. In recent years a few historic buildings have been renovated into new restaurant and retail uses, drawing more patrons to Main Street. Continued infill and redevelopment along this corridor, in a manner that aligns with the historic character, is vital to the economic prosperity and growth of Downtown. Examples of successful main streets, which are economically thriving and activated with a 24-hour population, are pictured in Figure 4.2a. These images showcase successful main streets with 2-3 story historic buildings, a sense of enclosure created by having buildings on both sides of the street, parallel parking, a mix of old and new buildings, wide and attractive sidewalks, and streets lined with trees.

Downtown Kennesaw's Main Street Infill is recommended to meet the following requirements, in accordance with the Kennesaw Design Based Code, currently being produced at the writing of this report:

Height: 3 stories, with potential height bonuses of up to a maximum of 4 stories;

Setbacks: 15' maximum front setbacks; 0' maximum side setback; 3' maximum rear setback;

Density: 10 units/acre minimum, 30 units/acre maximum, with potential density bonuses of up to 50 units/acre.

In order to accomplish the recommended Main Street infill, the following action steps are recommended. The following numbering, L1, L2, etc., references numbering in the Implementation Section 5.0.

- **L1: Design Based Code**: Adopt the Kennesaw Design Based Code, underway as of the writing of this report, for Downtown Kennesaw to support concepts, densities, and building heights to meet recommendations for Main Street infill development as identified in this report.
- **H1-H4: Housing Initiatives**: The City of Kennesaw has a diverse population with a wide range of ages from young families to college students to active seniors. In order to accommodate the different housing needs of this unique population, it is recommended that the City of Kennesaw incorporate Housing Initiatives into the Design Based Code. These initiatives aim to provide housing options that accommodate all incomes and space needs. Initiatives include:

Senoia, Georgia

New Britain, Connecticut

Figure 4.2a: Main Street Examples

North Main Street Neighborhood
Kennesaw, Georgia 30144
April 27, 2023

Kennesaw Planning Commission
RE: 2971 North Main Street rezoning application RZ2023-02

Dear Commission Members,

We, as residents of North Main Street, have no desire to see our neighborhood become commercial. We studied the city documents and information that we found available to us at this time. Based on that information, we have the following opinions to submit for your consideration.

The parcel in this application (2971 N Main St) is currently zoned R-15. The city map of this area shows all the North Main Street Historic District parcels located on North Main St are currently zoned single-family R-15/R-20. All but one of the remaining homes located on North Main St and in the historic district, are currently occupied or being renovated for occupation as single-family homes. It's our opinion that this is a viable single-family neighborhood that the city should acknowledge and protect.

We believe that changing the zoning for this parcel to CBD would put it into a commercial category of uses that would require renovation or remodeling to be driven by business needs that are not compatible with the character of this historic North Main St single-family residential neighborhood. For example:

1. Installation of an ADA compliant ramp
2. Installation of an appropriate hard surface marked parking area for commercial use
3. Installation of non-historic porch railings for public safety
4. Installation of business signs, and usage of banners, waving flags, etc.
5. The potential development as a multi-family parcel. Precedent for this has already been set at both the historic Stanley-Lewis House at 2891 Lewis Street, and the historic Galt House at 2985 Cherokee Street.

The city's application for this historic district describes the North Main Street Historic District in the following way: "*The houses are fairly evenly distributed along the street and vary in their setbacks. A large, two-story, country-style late-nineteenth-century house (Lot 23) and a one-story Victorian farmhouse with outbuildings (#11) anchor the southeast and northwest ends of the district.*" The anchor house on Lot 23 is now buried inside the Dallas St project hidden from view and no longer has the appearance of a typical historic single-family residence. The application goes on to relate the significance of the district saying: "*The North Main Street Historic District is significant as an intact historic residential development along one of the principal highways leading to downtown Kennesaw.*" This parcel, Lot 20, on the North Main Street Historic District Inventory, is also listed in the city Comp Plan as a Historic Structure in the North Main Street District. It is also identified as a contributing structure in the city's HPC's review that was done for this district. All this justifies keeping this parcel strictly residential maintaining the current R-15 zoning.

Cherokee St was a residential area many decades ago, but commercial uses came to Cherokee St and now its historic homes are predominately commercial with signage and paved parking lots in lieu of traditional yards. Summers St was also a residential area years ago, but again, now commercial with signage, banners, and limited grassy yards.

We believe that the end of Lewis St is the natural end point for the CBD. Bringing the CBD around the corner from Lewis St to North Main St brings the slow expansion of "business" and all its non-historic features to a "historic residential development". It will be the end of this thriving single-family neighborhood. Look at the 2015 LCI "Historic CBD" overlay map which shades half our district as CBD. Read its purpose and the plans for its development. Then drive by the Stanley-Lewis house, the Galt house, and up North Main St. There is a significant difference.

In closing we request:

1) The denial of the rezoning of this parcel from R-15 to CBD, as it would negatively impact the character of the North Main Street Historic District, that was described as an "intact historic residential development".
2) That the homes on North Main Street be recognized by the city as a single-family residential area and be protected as such.
3) That this parcel be removed from the Downtown Activity Center (DAC) and the North Main Street Historic District residential parcels that are currently included in the "Historic Central Business District" should be removed from those classifications as they should not fall under the impact of commercial guidelines in any way but be treated solely as single-family residential properties.
4) Should you decide not to deny this application, we request that the opportunity to add stipulations to any motion to approve.

Sincerely yours,

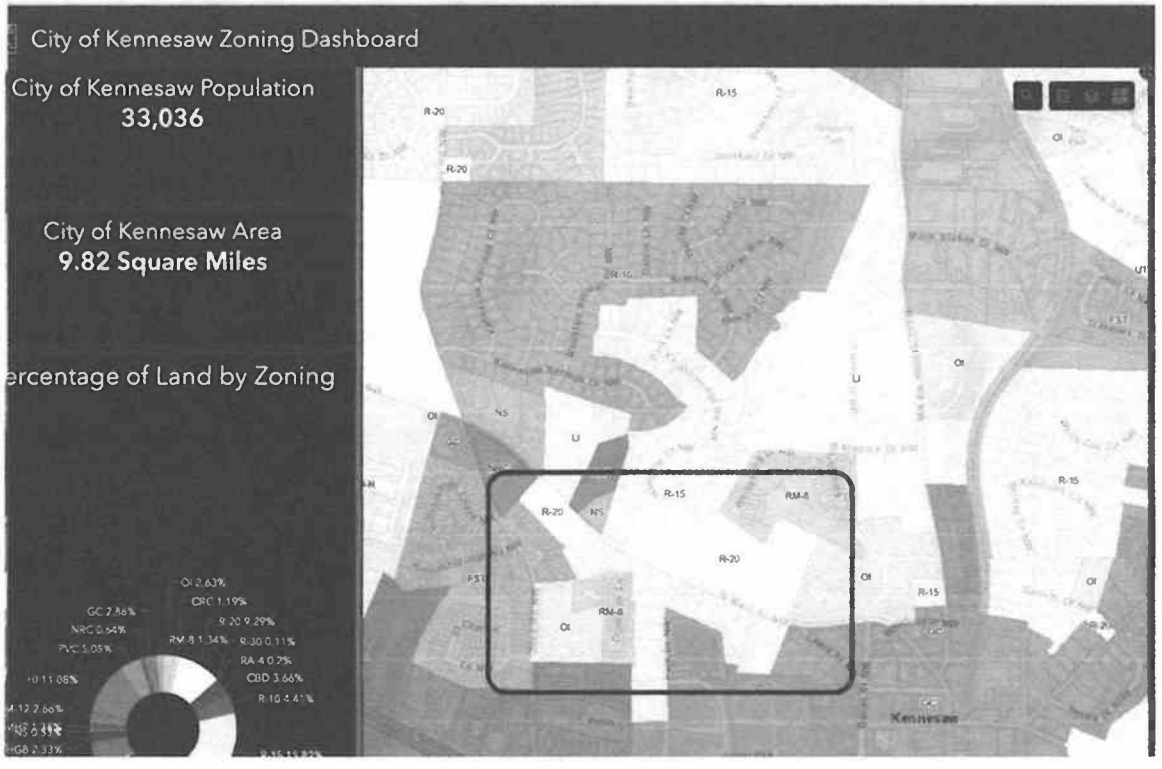
Residents of North Main Street Historic District
See attached signature sheet

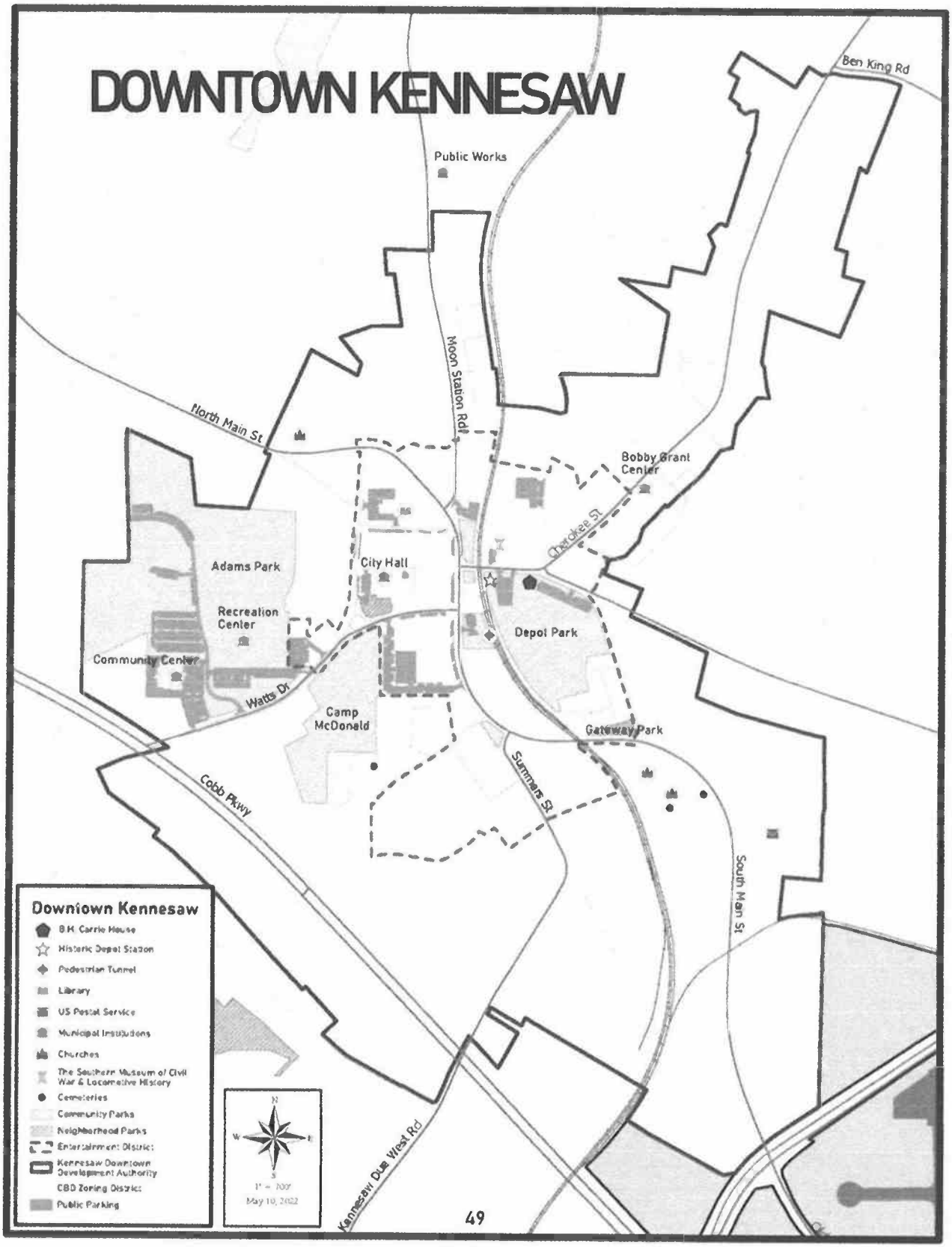
Reference material attached:
Zoning Dashboard Map of North Main Street R-15/R-20 Parcels
City of Kennesaw 2022 Comprehensive Plan Update
Downtown Kennesaw LCI Plan - July 2015
National Register of Historic Places Inventory - Nomination Form North Main Street Historic District

We, the undersigned residents of the North Main Street Historic District, agree with the attached letter regarding the rezoning 2917 N Main Street.

Street Number	Signature
2981	[illegible] + [illegible]
#2975	Dr. Kimberly Watkins + Randy Stewart
2976	[illegible] + Dane Thomas
2986	[illegible]
2982	Cattie Mackey
2990	Brittany Haugen + John Haugen
2995	Mary Klein + Dean Klein
2985	Jerry F. Weeks
3000	[illegible]
3000	Welcome [illegible]
2998	Cindi Michael
2972	Jeanette Sherrill
2996	[illegible] Andrea A. Counts
3001	[illegible] & Helen Moore
3002	[illegible] & Christy Chandler

Zoning Dashboard: North Main Street Parcels Currently Zoned R-15 & R-20




DOWNTOWN KENNESAW
Ben King Rd
Public Works
Moon Station Rd
North Main St
Bobby Grant Center
Cherokee St
Adams Park
City Hall
Recreation Center
Community Center
Watts Dr
Depot Park
Camp McDonald
Gateway Park
Summers St
Cobb Pkwy
South Main St
Kennesaw Due West Rd
Downtown Kennesaw
B.H. Carrie House
Historic Depot Station
Pedestrian Tunnel
Library
US Postal Service
Municipal Institutions
Churches
The Southern Museum of Civil War & Locomotive History
Cemeteries
Community Parks
Neighborhood Parks
Entertainment District
Kennesaw Downtown Development Authority
CBD Zoning District
Public Parking
1" = 700'
May 10, 2022
49

NORTH MAIN STREET HISTORIC DISTRICT

Name: North Main Street Historic District, Kennesaw, Cobb County, Georgia

Location:

Along either side of North Main Street for a distance of two-fifths of a mile northwest from Dallas Street.

Owner: Multiple ownership (see attached list)

Description:

The North Main Street Historic District consists of mid- to late-nineteenth-century and early-twentieth-century residences along either side of North Main Street. The houses, all modestly scaled, range from plantation plain to neoclassical, with a predominance of late-nineteenth-century hip- and gable-roofed Victorian cottages. The houses are fairly evenly distributed along the street and vary in their setbacks. A large, two-story, country-style late-nineteenth-century house (Lot 23) and a one-story Victorian farmhouse with outbuildings (#11) anchor the southeast and northwest ends of the district. There is only one non-contributing property in the district -- a small contemporary house at 13 North Main Street [see photographs 13-21].

Significance:

The North Main Street Historic District is significant as an intact historic residential development along one of the principal highways leading to downtown Kennesaw. In terms of transportation, the district has as its organizing element one of Kennesaw's principal nineteenth-century wagon roads, and one which follows to a large degree the alignment of the old Peachtree Trail. In terms of agriculture, the district includes a largely intact Victorian farmstead at the edge of town (Lot 11), which represents the type of relatively small-scale farming operations common to this part of Georgia. In terms of commerce, the district contains at its southeastern end the Stanley-Lewis House, ca. 1896 (Lot 23), one of the largest houses in town and the home of J.G. Lewis, the town banker, cotton-gin owner, mayor, and leading citizen during the early-twentieth century. In terms of architecture, the district includes a fine collection of modest, country-town houses ranging from plantation

[continued]

plain to neoclassical with a concentration of Victorian cottages. In terms of community development, the district demonstrates the type of residential street development that took place between the middle of the nineteenth century and the early-twentieth century in small country towns of northwest Georgia.

Acreage: 27 acres

Verbal Boundary Description:

The boundary of the North Main Street Historic District is identified and described by a heavy black line on the attached map of the Kennesaw multiple-resource area. This boundary circumscribes the area of intact historic residential development. To the southeast is the downtown area; to the northwest are a few modern tract houses and the open countryside; to the north is generally open land and a small subdivision; and to the south is generally open land and a city park and recreation area.

UTM References:

A	Zone 16	E719310	N3767430
B	Zone 16	E719505	N3767610
C	Zone 16	E720040	N3767375
D	Zone 16	E720040	N3767190
E	Zone 16	E719680	N3767200

[continued]

Property Owners - North Main Street Historic District

Streets and Lot Numbers	Owners and Mailing Addresses
21	Ernest O. and Pauline S. Mabry, 2931 Lewis Street, Kennesaw, Ga. 30144
20	Same as above
19	Mrs. Eleanor S. Bozeman, 3011 N. Main Street, Kennesaw, Ga. 30144
18	Corinne Scott, 1427 Gordon Street, Atlanta, Ga. 30300
17	William P. Weeks, 2085 N. Main Street, Kennesaw, Ga. 30144
15	Lloyd Marlin Jones, 3002 N. Main Street, Kennesaw, Ga. 30144
14	Roy and Joyce Braket, 869 Worley Drive, Marietta, Ga. 30066
13	T.J. Eckstrom, 2997 N. Main Street, Kennesaw, Ga. 30144
12	Parks and Wanda Coker, 3001 Paulding Drive, Kennesaw, Ga. 30144
11	Harry L. Bozeman, 3007 N. Main Street, Kennesaw, Ga. 30144
22	Katy P. Hilderbrand, 2927 Lewis Street, Kennesaw, Ga. 30144
16	William P. Weeks, 2085 N. Main Street, Kennesaw, Ga. 30144
15	Same as above
10	Jimmy H. Moss, 2996 N. Main Street, Kennesaw, Ga. 30144
8	Mrs. Jewel Scroggs, 2986 N. Main Street, Kennesaw, Ga. 30144
9	Gordon L. Coker, 2990 N. Main Street, Kennesaw, Ga. 30144
7	Mrs. Savilla T. Ellis, 2982 N. Main Street, Kennesaw, Ga. 30144
6	Stephen L. and Brenda R. Shelton, 2976 N. Main Street, Kennesaw, Ga. 30144
5	R.J. Sherrill, 2972 N. Main Street, Kennesaw, Ga. 30144
4	L.L. Shelton, 2966 N. Main Street, Kennesaw, Ga. 30144
Lewis Street	
22	Katy P. Hilderbrand, 2927 Lewis Street, Kennesaw, Ga. 30144
25	Doyle West, 2926 Lewis Street, Kennesaw, Ga. 30144
23	Inez Lewis, 2891 Lewis Street, Kennesaw, Ga. 30144

North Main Street District

2940 Dallas St. - Eidson House (1895)

2971 N Main St. - W.B. Adams House (1907)

2972 N Main St. - G.C. Scroggs House (1930)

2975 N Main St. - Thompson-Wooten House (1920)

2976 N Main St. - McRea House (1902)

2981 N Main St. - G.R. Skelton House (1908)

2982 N Main St. - J.V. Smith House (1907)

2985 N Main St. - W.H. Weeks House (1916)

2986 N Main St. - Mrs. M.V. Skelton House (1905)

2990 N Main St. - J.R. Skelton House (1909)

2996 N Main St. - E.M. Skelton House (1902)

3000 N Main St. - John E. Cagle House (1906)

3001 N Main St. - James Pyron House (1908)

3002 N Main St. - I.S. Morgan House (1903)

3007 N Main St. - Charles F. Morgan House (1895)

3031 N Main St. - Robertson House (1951)

Summers Street District

0 Cemetery St. - Kennesaw Cemetery (1863)

6997 Keene St. - Kennesaw School (1938)

2676 Summers St. - Hill Manor House (1900)

2689 Summers St. - Burrell House (1898-1908)

2695 Summers St. - C.S. Baldwin House (1908)

2701 Summers St. - E.E. Keen House (1949)

2731 Summers St. - H.M. Gatlin House (1886)

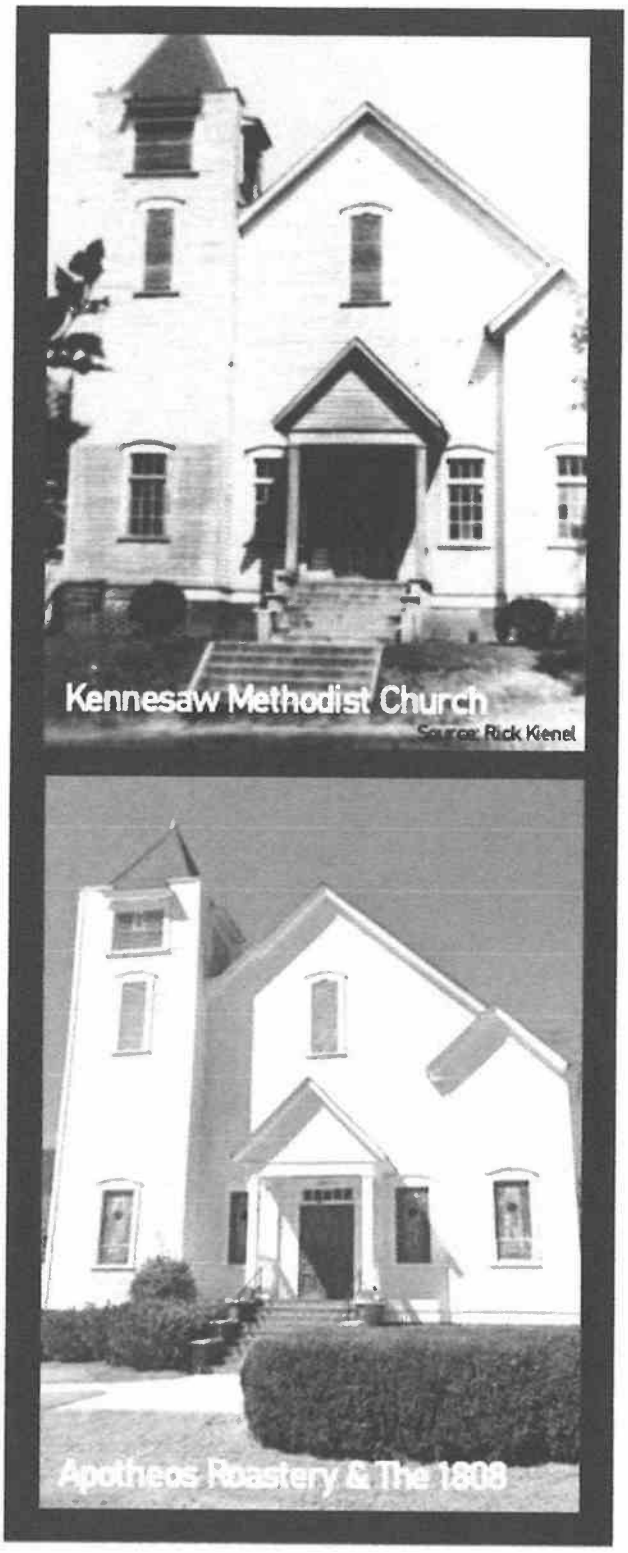
2741 Summers St. - Butler House (1908)

Legend

White • still standing (year built)

Yellow • demolished (year built)

Source: Fort Mountain Preservation Services (2004)



Protecting Our Cultural Resources

Investing in the past can produce financial benefits. Historic preservation is a developmental strategy, providing one of the best methods available to accomplish revitalization and development in cities and towns (Fogerty 1982).

During both open houses, people who participated in the historic preservation exercise showed overwhelming support in protecting Kennesaw's cultural and historic resources.

Real progress in revitalization begins when a community identifies with its historic architecture and with the concept of historic preservation as a developmental strategy (Fogerty 1982).

The City of Kennesaw and developers who wish to participate within the Historic Central Business District area should seek out preservation programs, projects and development strategies that tie its historic architecture with economic opportunities inherent in the historic building stock.

Any new development proposal or existing exterior improvements within the five historic districts must be reviewed by the Kennesaw Historic Preservation Commission using the Kennesaw Historic Design Standards as adopted in 2006.

What is Historic Preservation?

Historic preservation is place making through identification, evaluation and conservation of components of the built environment that convey historic significance for the enjoyment and education of the community now and in the future.

AREAS POLICY MATRIX

City of Kennesaw, GA

Policy	Kennesaw Areas	Cobb Parkway Commercial Corridor	Cherokee Street Commercial Corridor	Cobb International Industrial Corridor	Kennesaw Marketplace	Historic Central Business District	McCollum Industrial Corridor	Moon Station Industrial Corridor	Ridenour	Barrett and Old 41	Campus Living	East Pine Mountain Revitalization	In-Town Living	Jiles and Baker	Kennesaw Due West	North Cherokee	Swift-Cantrell	West Pine Mountain
		Commercial & Industrial								Residential								
23. Locate lower intensity businesses towards the outer edges to provide a transitional buffer between higher-intensity uses and neighboring residential areas.				X		X		X		X								
24. Promote transitional buffering between all industrial/warehouse operations and surrounding neighborhoods.				X			X											
25. Promote open space and tree preservation.							X		X	X	X	X	X	X	X	X		X
26. Require truck parking along the sides or rear of the structures.		X	X	X	X		X	X										
27. Encourage retail operations to locate closer to Moon Station Road corridor.								X										
28. Encourage neighborhood-friendly, low-impact retail commercial to be located adjacent to and visible from Jiles Road and Moon Station Road.						X												
29. Concentrate traditional commercial development along Cherokee Street and Main Street between Dallas Street and the CSX Overpass.						X												
30. Require inter-parcel access (or rear alleys) to control access flow to Main Street.						X												
31. New development should be constructed at human scale.						X											X	
32. Require the incorporation of CBD architectural elements and guidelines into new construction or redevelopment projects.						X												

2.3 Land Use and Zoning

This section describes existing land use, future land use, zoning, character areas, and historic districts within the study area. Maps and information as found in the City of Kennesaw's Comprehensive Plan are the basis for this analysis. The information found within this section provides an understanding of land use conditions and the City's goals and aspirations for future development within the study area.

Existing Land Use

The City of Kennesaw Existing Land Use Map, per the 2006-2026 Comprehensive Plan, is provided in Figure 2.3a. Within the study area, the existing land uses, as based on the Georgia Department of Community Affairs "Standard Land Use Classification System", include Community Activity Center; Public Service/Institutional; Downtown Activity Center; Central Business District; Park/Recreation/Conservation; Industrial; Neighborhood Activity Center; and Residential Low/Medium.

Community Activity Center (CAC)

The Community Activity Center category aims to meet the immediate needs of several neighborhoods or communities. Encouraged land uses include low to medium intensity office, retail, and commercial services. Within the study area, parcels adjacent to Cobb Parkway and a portion of the Moon Station Road are considered Community Activity Center existing land uses. Cobb Parkway is home to retail and commercial uses, including strip mall retail centers, automobile services, restaurants and motels.

Public Service/Institutional

The purpose of this category is to illustrate public or semi-public land uses in the City, including public parks, cultural, community service, and institutional land uses. Within the study area's existing land uses, the Martha Moore School, the City Cemetery, and other city owned land is included in this category.

Downtown Activity Center (DAC)

The Downtown Activity Center's purpose is to reinforce the unique role and character of the downtown area. New development and redevelopment are encouraged to be compatible in use, scale, and appearance with the City's Downtown Activity Center. Within the existing land use map, the DAC includes much of the property along Main Street, Depot Park and surrounding parcels, Adams Park, and Camp McDonald Park.

Central Business District (CBD)

The Central Business District as identified in the existing land use map, is at the core of Downtown. Much of the CBD, as identified in Figure 2.3a, is being redeveloped into the Main Street Mixed Use Development, as described in Section 2.2.

Park/Recreation/Conservation

The purpose of this category is to illustrate the public or semi-public land uses in the City, focused on parks and recreation areas. Included in the Existing Land Use Map is the Ben Robertson Community Center.

Industrial

The purpose of the Industrial category is to provide for areas that can support light industrial, office/warehouse, and distribution uses as well as heavy industrial and manufacturing, providing regional-serving job centers. Industrial existing land uses, within the study area are focused at the southern end of Main Street, where it parallel's the railroad track, with additional industrial existing land use at Main Street and Moon Station Road, which is actually the current site of Kennesaw First Baptist Church.

Neighborhood Activity Center (NAC)

The purpose of the Neighborhood Activity Center category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores. Within the existing land use map areas defined as NAC include parcels along Cherokee Street and smaller retail parcels south on Main Street, near McCollum Parkway.

Residential Low/Medium

The purpose of the Low/Medium Density Residential category is to provide for areas that are suitable for low to moderate density housing between one (1) and four (4) dwelling units per acre. There are few residential low/medium parcels within the study area, although the majority of this existing land use is identified adjacent to Cherokee Street, where land uses, in general, become more residential.

Future Land Use

The City of Kennesaw Future Land Use Map, per the 2006-2026 Comprehensive Plan, is provided in Figure 2.3b. Within the study area, the existing land uses as based on the Georgia Department of Community Affairs "Standard Land Use Classification System", include: Community Activity Center; Public Service/ Institutional; Downtown Activity Center; Park/Recreation/ Conservation; Industrial; Neighborhood Activity Center; and Residential Low/Medium.

Community Activity Center (CAC)

The Community Activity Center category aims to meet the immediate needs of several neighborhoods or communities. Encouraged land uses include low to medium intensity office, retail, and commercial services. Within the study area, identified parcels on the future land use map, align very closely with the existing land use map. CAC land uses are primarily located adjacent to Cobb Parkway with a portion of the Moon Station Road included.

Public Service/Institutional

The purpose of this category is to illustrate public or semi-public land uses in the City, including public parks, cultural, community service, and institutional land uses. Similar to existing land uses, future public service/institutional land uses include the Martha Moore School, the City Cemetery, and other city owned land is included in this category. City Hall's current location at Watts Drive and Dallas Street, is included in the future land use map.

Downtown Activity Center (DAC)

The Downtown Activity Center's purpose is to reinforce the unique role and character of the downtown area. New development and redevelopment are encouraged to be compatible in use, scale, and appearance with the City's Downtown Activity Center. The future land use map's DAC parcels align closely with the existing land use map, with much of the DAC including property along Main Street, including the existing land use map's Central Business District designation. Depot Park and surrounding parcels, Camp McDonald Park, and parcels adjacent to Adams Park are also included.

Park/Recreation/Conservation

The purpose of this category is to illustrate the public or semi-public land uses in the City, focused on parks and recreation areas. The Future Land Use map similar to the Existing Land Use map includes Ben Robertson Community Center and adds Adams Park.

Industrial

The purpose of the Industrial category is to provide for areas that can support light industrial, office/warehouse, and distribution uses as well as heavy industrial and manufacturing, providing regional-serving job centers. In the future land use map, fewer parcels are identified as Industrial compared to the Existing Land Use map. The only parcel identified is located near Summers Street and the railroad track, the current site of Pro-Build.

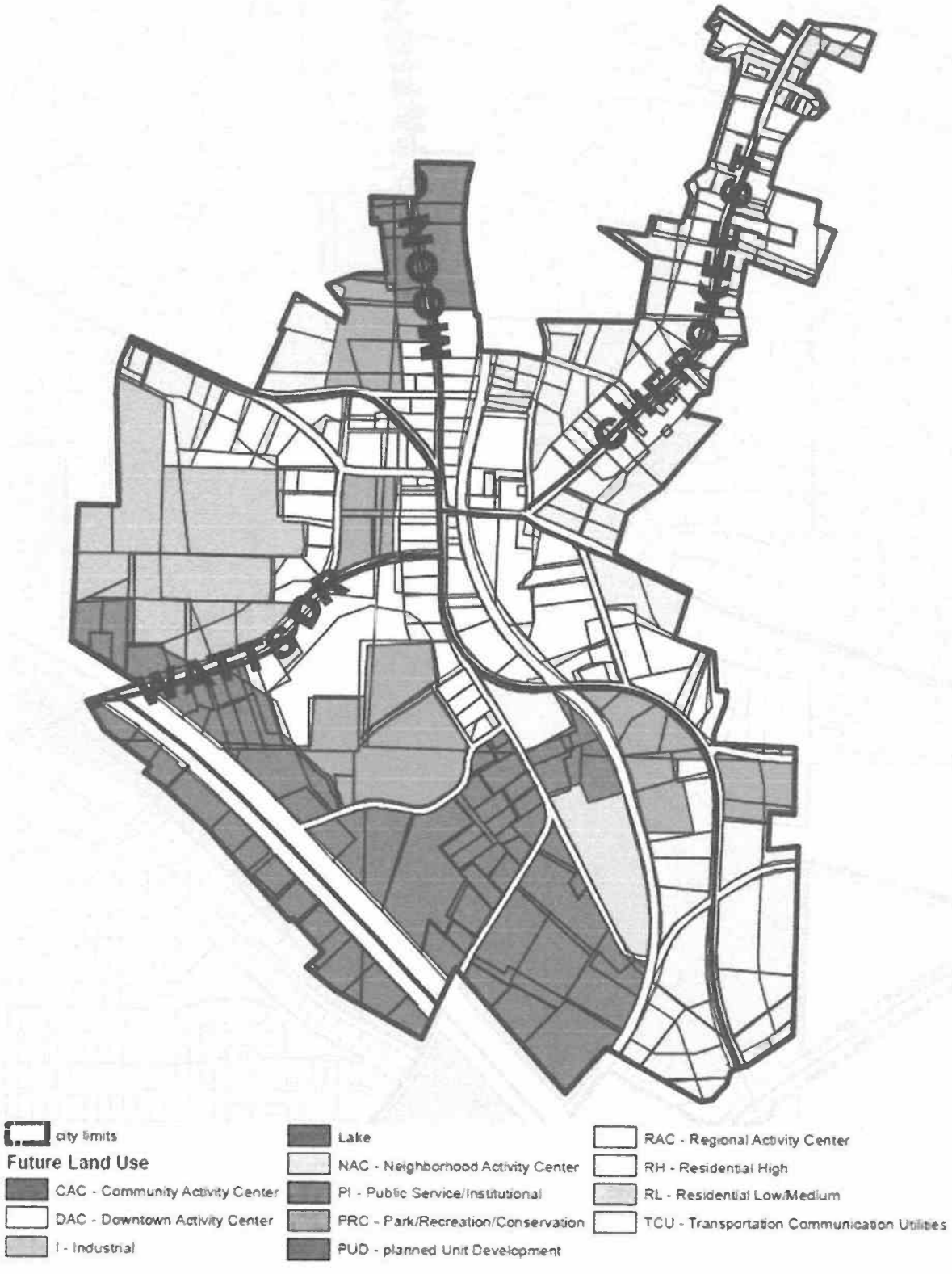
Neighborhood Activity Center (NAC)

The purpose of the Neighborhood Activity Center category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores. Similar to the Existing Land Use map, the Future Land Use map defines NAC parcels mainly along Cherokee Street and south on Main Street, near McCollum Parkway.

Residential Low/Medium

The purpose of the Low/Medium Density Residential category is to provide for areas that are suitable for low to moderate density housing between one (1) and four (4) dwelling units per acre. Residential low/medium parcels in the Future Land Use map, similar to the Existing Land Use map, are few and confined to the northern boundaries of the study area, particularly adjacent to Cherokee Street and the northern portion of Main Street.

2015 LCI - pg 23 - Map Identifying the Downtown Activity Center Parcels



Zoning

Existing Zoning is displayed in Figure 2.3c. Following is more information on each zoning district found in the study area.

The City of Kennesaw is currently undergoing zoning updates, focused on Downtown and Cherokee Street, via the City of Kennesaw Design Based Code. Once approved this new code document will supersede the existing zoning regulations.

Historic District Overlay (HIS)

The historical and architectural heritage of Kennesaw is among its most valued and important assets. The purpose of the Kennesaw Historic District (HIS) is to promote the cultural, economic and general welfare of the city, and the preservation and protection of the old, historic or architecturally worthy structures in quaint areas or neighborhoods which impact a distinct aspect of the city and which serve as visible reminders of the cultural, social, economic and architectural heritage of the city, the state, and the nation. A large portion of the study area is within the Historic District Overlay. Parcels within the historic district are overseen by the Kennesaw Historic Preservation Commission and guided by the Historic Preservation Commission's Design Standards.

Historic Preservation District Overlay

The HPV district is established to set aside certain properties for the purpose of providing an area that will be designed and used as a historic village. The classification is primarily intended for properties located within Land Lot 138, 20th District, 2nd Section, and is bounded on the North by Cherokee Street and Big Shanty Road, on the east by Sardis Street, on the South by Old Highway 41, and on the West by CSX Railroad. Parcels within this historic district are also overseen by the Kennesaw Historic Preservation Commission and guided by the Historic Preservation Commission's Design Standards.

Central Business District (CBD)

The CBD is established in order to preserve and protect the cultural and historic aspects of downtown Kennesaw and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area. The classification is primarily intended as a focal point for upscale retail trade, tourism, and financial and public uses. The intent of the CBD is to develop a compact core to encourage and facilitate pedestrian movement and provide convenient access to the amenities of Historic Downtown Kennesaw. Much of the study area is within the Central Business District zone. A mix of uses is encouraged in this district to create a live, work, meet, and play environment.

Highway General Business District (HGB)

The HGB district is established to provide locations for commercial and service uses which are oriented toward general and specialty service businesses and interstate and state highway travelers. This zoning district aligns Cobb Parkway.

General Commercial District (GC)

The GC district is established to provide locations for retail commercial and service uses which are oriented towards a diverse range of businesses that are service and product intensive with a need for major road access and visibility. Several GC parcels are found within the study area, mostly on the south edge, adjacent to Cobb Parkway and McCollum Parkway.

Office/Institutional district (OI)

The OI district is established to provide locations for non-retail commercial uses such as offices and financial institutions. The OI district is designed primarily to provide for four story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step down nodal zoning away from more intensive commercial uses. There are several OI parcels through out the study area, particularly on the edges of the CBD.

Heavy Industrial District (HI)

The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum and petrochemical storage, warehousing. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such to ensure compatibility with surrounding properties. There are several HI parcels near Cobb Parkway and Kennesaw Due West Road, where ProBuild is currently located.

Light Industrial District (LI)

The LI district is established to provide locations for light industrial uses such as low intensity automobile repair and service, commercial greenhouses, distribution centers, warehouse and storage, transportation terminals. When located on the perimeter of an industrial node, the LI dis-

We, the undersigned Kennesaw residents, do hereby protest the rezoning of Land Lot 139, 20th District, 2nd Section, Tax Parcel 20 in the City of Kennesaw from R-15 to CBD (application #RZ2023-02). The property referred to is located at 2971 N Main Street NW and listed as a contributing structure within the N Main Street Historic District.

•We, the local area residents who will face consequences of the requested rezoning, request the land use remain single family residential, R-15.
•We seek to maintain and preserve the last remaining historic residential corridor into downtown and to retain the small town charm of our community.

If this rezoning is detrimental to you and/or those around you, and you would like to have it denied, PLEASE SIGN THIS PETITION!

If you would like to continue supporting this cause, there will be public hearings before the Planning Commission on Wednesday, May 3rd at 6:30pm and the Mayor and Council on Monday, May 15th at 6:30pm in the City Hall Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, Georgia. Please include an active email address for updates as these dates draw closer or may change.
This petition is designed for City of Kennesaw citizen signatures.

Signature	Name	Address	Date	Email
	Jim Hobbs	1115 K. Spring Dr.	4-22-23	[redacted]
	Judy Hobbs	"	"	
	Andrea A. Counts	2996 N. MAIN	4/26/23	
	Gurdan Counts	"	"	
	Madelyn Orochena	2981 N Main Street	5/1/23	
	Mary Klein	2995 N. Main St.	5/1/23	
	Jerry Weeks	2985 N. Main ST	5/1/23	

Signature	Name	Address	Date	Email
[illegible]	VALERIE DIBBLE	3000 N. MAIN ST	5/1/23	[redacted]
[illegible]	DELOSS DIBBLE	3000 N. MAIN ST	5/1/23	
[illegible]	Orlando Orochena	2981 N Main St	5/1/23	
[illegible]	Logan Hawkins	2849 Dallas St	5/2/23	
[illegible]	Brent Chandler	3002 North Main St	5/2/23	
[illegible]	John Powell mg, Herkhans	3015 N Main St	5/3/23	
[illegible]	John Powell	3410 Jiles rd	5/3/23	

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This petition is designed for City of Kennesaw citizen signatures.

Signature	Name	Address	Date	Email
Cathy Taylor	Cathy Taylor	1821 Waterside Dr	4/22/23	[redacted]
Charles Taylor	Charles Taylor	1821 Waterside Dr.	4/22/23	
Ryan Strache	Ryan Strache	2627 Lone oak trl.	4/22/23	
Brittney Brunet	Brittney Brunet	2624 Lone oak Trl.	4/22/23	
Brittany Steele	Brittany Steele	2627 Lone Oak Trl.	4/22/23	
Helen Moore	Helen Moore	3001 N. Main St. NW	4/26/23	
Fred Moore	Fred Moore	3001 N. Main St.	4/26/23	

Signature	Name	Address	Date	Email
	Kyle Carlson	2529 Park Dr Apt B	5/1/23	[redacted]
	Elise Reardon	2529 Park Dr Apt B	5/1/23	
	NICK BANDY	2529 PARK DR. APT A	5/1/23	
	ELISA HARRISON	2529 PARK DR APT A	5/1/23	
	[illegible]	2554 Park Dr	5/1/23	
Diane Slaton	Diane Slaton	2579 Park Dr. NW	5/1/23	
	Danielle Mason	2820 Saint Charles Ln	5/1/23	
	Phillip Mason	2820 Saint Charles Ln	5/1/23	
	Luis Morales	404 569 8535	5/1/23	
	Lorraine Martin	1002 Knightsbridge	5/1/23	
	Larry Brogdon	1000 Knightsbridge Ct	5-1-23	
	Mike Schneider	1007 Hampton Ct	5-1-23	
	Grace Hannah	1004 Hampton Ct	5/1/23	
	Jon Hamer	1004 Hampton Ct	5/1/23	
	Jimmie Nelson	1006 Hampton Ct	5/1/23	
	Mike Smith	2001 Knightsbridge	5-1-23	

Signature	Name	Address	Date	Email
Joshua Torrence	Joshua Torrence	2004 Knights bridge road	5/1/23	
Dianne Holden	Dianne Holden	2006 Knights br Rd	5/1/23	

We, the undersigned Kennesaw residents, do hereby protest the rezoning of Land Lot 139, 20th District, 2nd Section, Tax Parcel 20 in the City of Kennesaw from R-15 to CBD (application #RZ2023-02). The property referred to is located at 2971 N Main Street NW and listed as a contributing structure within the N Main Street Historic District.

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This petition is designed for City of Kennesaw citizen signatures.

Signature	Name	Address	Date	Email
Dr. Kimberly Watkins	Dr. Kimberly Watkins	2975 N. Main St NW Kennesaw 30144	4/21/23	[redacted]
Randy Stewart	Randy Stewart	2975 N. Main St NW Kennesaw, GA 30144	4/21/23	
Marian Anderson	Marian Anderson	1065 Rackley Way NW Kennesaw, GA 30144	4/22/23	
Kate Houston	Kate Houston	3000 Cori Court Kennesaw GA 30144	4/22/23	
H. Lacour	Holly Lacour	3025 Windover Ln Kennesaw, 30144	4/22/23	
[illegible]	Dr. John Thornhill	2390 Deerfield Drive Kennesaw, GA. 30144	4/22/23	
[illegible]	TANJU BAYRAMOGLU	3191 Canoe Ct. Kennesaw, GA 30144	4-22-23	

Signature	Name	Address	Date	Email
Alexa Carrillo	Alexa Carrillo	3191 Canoe Ct Kennesaw, GA 30144	4-22-23	[redacted]
Jeanne Young	Jeanne Young	3149 Kirkwood Dr Kennesaw, GA 30144	4/22/23	
Mary F. Miller	Mary Miller	3905 Collier Trace Kennesaw, GA 30144	4-22-23	
Philip Keebler	[illegible]	1831 Mountain Lake Dr 30152	4-22-23	
Julie Boniger	[illegible]	4350 Sentinel PL 30144	4/25/23	
Jeremy Clemons	Jeremy Clemons	1060 Kennesaw Springs Dr Kennesaw Ga 30144	5/1/23	
Jessica F Clemons	Jessica F Clemons	1060 Kennesaw Springs Dr Kennesaw GA 30144	5/1/23	
Denise Davidson	Denise Davidson	1055 Kennesaw Springs Dr.	5/1/23	
Tamatha L Bowman	TAMATHA L Bowman	1015 Kennesaw Springs Kennesaw, GA 30144	5/1/23	
Laron Johnson	Laron Johnson	1005 Kennesaw Springs Dr. NW	5/1/23	
Paul Wolford	Paul Wolford & Geraldine Wolford	1000 Kennesaw Springs Dr. Kennesaw, Ga 30144	5/1/23	
Geraldine A. Wolford	"	"	"	
C. Arrington	Clinton Arrington	1020 Kennesaw Springs Dr Kennesaw GA	5/1/23	
Cindy Arrington	Cindy Arrington	" "	5/1/23	
[illegible]	Santonu Ghosh	1040 Kennesaw Springs Dr. Kennesaw, GA	5/1/23	
Marguerite Eulen	M. ARGUERITE EULIN	1070 KENNESAW SPRINGS DR.	5/1/23	

Signature	Name	Address	Date	Email
	Blake Topper	1065 Kennesaw Springs Dr	05/01/23	[redacted]
	Joe Vondra	2570 Kennesaw Springs Ct	05/01/23	

Signature	Name	Date	Address	Email
Brittany Haugen	Brittany Haugen	4/22/2023	2990 N Main St NW Kennesaw, GA 30144	[redacted]
Jessica collie	Jessica collie	4/22/2023	2986 n Main Street kennesaw ga 30144	
Colby Collie	Colby	4/22/2023	2986 North Main Street, kennesaw, ga 30144	
Joshua butela	Josh Butela	4/22/2023	2102 Winsburg Dr. Nw Kennesaw GA 30188	
Jessica Del Aguila	Jessica Del Aguila	4/22/2023	1425 Lady Slipper Court NW Kennesaw, Ga 30152	
Masiel Ricardo	Masiel Ricardo	4/22/2023	1214 Greenhouses patio Dr Kennesaw GA 30144	
Susana Cuya	Susana Cuya	4/23/2023	4693 , Rambling RD NE	
Daniel Greene	Daniel Greene	4/23/2023	5780 Stonehaven dr Kennesaw GA 30152	
Gregory Ranallo	Gregory Ranallo	4/23/2023	2809 Dominion Ln NW, Kennesaw, GA 30144	
Cindi Michael	Cindi Michael	3/22/1945	2998 N Main St NW, Kennesaw, GA 30144	
Alicia Reed	Alicia Reef	4/24/2023	5491 Deerfield Pl NW, Kennesaw, GA 30144	
Megan Holmes	Megan Holmes	4/25/2023	2171 Shillings Chase Dr	
Dane Thomas	Dane Thomas	4/25/2023	2976 N. Main Street NW Kennesaw, GA 30144	
CKauss	Courtney Kauss	4/25/2023	4216 Gramercy Main	
David Shelton	David Shelton	4/26/2023	2966 N Main St NW. Kennesaw	
Diane Shelton	Diane Shelton	4/26/2023	2966 N Main St NW. Kennesaw	
Frank Lacour	Frank Lacour	4/26/2023	3025 Windover Ln	
Kristin Thomas	Kristin Thomas	4/27/2023	2976 N Main St NW	
Joyce Greene	Joyce Greene	4/28/2023	1049 Coker Circle, Kennesaw GA 30144	
Jan Odom	Jan Odom	4/29/2023	2971 Moon Station Road	
David Odom	David Odom	4/29/2023	2971 Moon Station Road, Kennesaw	
Brittany Roberts	Brittany Roberts	4/29/2023	3123 Creekside Village Dr NW	
Brian Greene	Brian Greene	4/29/2023	1049 Coker Circle,Kennesaw, GA 30144	
Billie Hodan	Billie Hodan	4/30/2023	2135 Shillings Way NW, Kennesaw	
Jeannette Sherrill	Jeannette Sherrill	4/30/2023	2972 N Main St NW	
Isabella Girona	Isabella Girona	5/1/2023	2891 Lewis st	
Anthony Gutierrez	Anthony Gutierrez	5/1/2023	4016 Paloverde Drive	
Sarah Cooper	Sarah Cooper	5/1/2023	1006 Darvin Lane NW, Kennesaw, GA 30144	
Robin Thornhill	Robin Thornhill	5/1/2023	2390 Deerfield Dr Kennesaw Ga 30144	
Morgan Plont	Morgan	5/1/2023	2555 Park Dr	
Sherry A. Rosen	Sherry Rose	5/1/2023	1769 Waterside Drive, Kennesaw, GA 30152	
David Blinkhorn	David Blinkhorn	5/2/2023	2641 Butler Bridge Way Nw	
Colleen Christian	Colleen Christian	5/2/2023	217 Creel Chase NW Kennesaw, GA 30144	

Signature	Name	Date	Address	Email		
Najla Losch	Najla Losch	5/2/2023	3863 Allyn Drive Kennesaw	[redacted]		
Holly Vine	Holly Vine	5/2/2023	6040 Sand Wedge Circle			
Bryan McIntyre	Bryan McIntyre	5/2/2023	2381 Whispering Drive, Kennesaw, GA 30144			
Shelley ruiz	Shelley ruiz	5/2/2023	3067 Shirley drive			
Deny Application RZ2023-02	Tama Romero	5/2/2023	3005 Shirley Drive NW Kennesaw, GA 30144			
Nikki M Giamarino	Nikki M Giamarino	5/2/2023	3820 Aspen Springs NW, Kennesaw 30144			
Elias Barber	Elias Barber	5/3/2023	1051 Hillsborough Chase			
Beth Deters	Beth Deters	5/3/2023	4009 Knightsbridge Rd NW			
Kelly Thatcher	Kelly Thatcher	5/3/2023	2860 Boone Drive NW			
Justin Youtsey	Justin Youtsey	5/3/2023	2860 Boone Drive Kennesaw GA 30144			
Yes	Jonathan Klein	5/3/2023	3034 Shirley drive			

May 13, 2023

City of Kennesaw
Mayor & Council

RE: RZ2023-02 (G)

Dear Mayor and Council,

This application for rezoning has been withdrawn by the applicant. I would ask that any motion to accept this withdrawal specifically include the phrase "with prejudice." Even that allows for the owner to revisit this debate in another 12 months.

Additionally, I request that you take timely and appropriate actions to resolve the issues addressed in the North Main Street Neighborhood letter that should be contained in the records for this application. Mainly:

1. Recognizing all the North Main Street homes as a single-family residential area, and protecting them as such.

2. Removing 2971 North Main Street from the DAC.

3. Removing North Main Street residential parcels from the "Historic CBD."

Sincerely,

Cindi Michael
North Main Street Resident

Item Report

TO: The Honorable Mayor and City Council

FROM: Darryl Simmons, Zoning Administrator

DATE: May 15, 2023

TITLE: Approval of ORDINANCE to amend the Unified Development Code, Appendix A, Chapter 5 “Standards for Accessory and Temporary Uses,” Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage as submitted by the City of Kennesaw. Case #MISC2023-02.

Summary:

Consideration to amend the Unified Development Code, Appendix A, Chapter 5 “Standards for Accessory and Temporary Uses,” Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.This public hearing was advertised in the Marietta Daily Journal on April 14 & 21, 2023 and a public notice sign has been posted on-site. At their May 3rd, 2023 meeting, the Planning Commission voted to approve the text amendment as outlined by staff.

Recommendation:

The Zoning Administrator recommends the approval of the text amendment to the Unified Development Code.

Fiscal Impact:

Attachments:

1. ORDINANCE - Text Amendment
2. MISC2023-02 - Political Signs Text Amendment- Packet
3. 05-01-23 Planning Commission Action Minutes

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 5, APPENDIX A OF THE UNIFIED DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA, SO AS TO AMEND SECTIONS 5.03.14 AND 5.03.18 OF SAID CHAPTER REGARDING POLITICAL CAMPAIGN SIGNS WITHIN THE CITY LIMITS OF KENNESAW, GEORGIA.

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

SECTION 1. Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.14 of said Chapter by adding the following:

5.03.14 - General Sign Location

A. All signs shall be located on private property, except signs erected on public property by any authorized governmental entity. No sign shall be erected on or encroach on any public right of way, except as authorized by a governmental unit or agency.

B. Obstructions to doors, windows or fire escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress and egress from any door, window or fire escape.

C. Signs not to constitute traffic hazard. No sign or any part thereof, except authorized public signs, shall be located in any public right of way or public property unless authorized by the City of Kennesaw. No sign may be located any closer than 15 feet to an intersection as measured from the intersection of the two rights of way.

D. Setback. In any event, unless a more restrictive setback is specified in the conditions of zoning or otherwise in the zoning district in which the sign is located, all signs and parts of signs shall be set back at least five feet from the right of way of a private street or public roadway. No sign shall project over the right of way.

E. No privately owned sign shall be allowed in any easement, including but not limited to the following: (1) conservation easement; (2) dedicated greenspace; (3) facility easement (i.e. sanitary sewer, drainage, access/ egress); (4) City or County controlled and maintained easement.

F. **Political campaign signs are expressly prohibited on public property owned or otherwise under the control of the City of Kennesaw.**

G. **It shall be unlawful for any person to erect, place, or maintain within the dedicated right of way of any public road any sign, signal, or other device except as authorized by law or ordinance.**

H. **Any sign, signal, device, or other structure erected, placed, or maintained on the dedicated right of way of any public road in violation of paragraph (G) of this ordinance section or in violation of any ordinance adopted pursuant to paragraph (G) of this Code section is declared to be a public nuisance, and city officials may remove or direct the removal of the same.**

I. **Any person who violates paragraph (G) of this ordinance section shall be punished the same as for littering under Code Section 16-7-43. Any person who violates any other provision of this ordinance section shall be guilty of a misdemeanor and punished as set forth in the Kennesaw Code of Ordinances, Sec. 1-11. The remedies and penalties set forth herein are nonexclusive and the exercise of one or more of such remedies or penalties shall not preclude the exercise of another.**

(Ord. No. 2019-05 , § 2(Exh. B), 9-16-19)(State law references: O.C.G.A. §§ 16-7-58 and 32-6-51).

SECTION 2. **Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(A)(7) with the following:**

7. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

SECTION 3. **Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(B)(10) with the following:**

10. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

SECTION 4. **Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(C)(14) with the following:**

14. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

SECTION 5. Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(D)(14) with the following:

14. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

SECTION 6. BE IT ORDAINED THAT all ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

SECTION 7. BE IT FURTHER ORDAINED THAT should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 8. BE IT FURTHER ORDAINED THAT this ordinance shall become effective on _____, 2023, 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 ___ day of May 2023.

ATTEST:	**CITY OF KENNESAW**
_____	_____
Lea Alvarez, City Clerk	**Derek Easterling, Mayor**

Agenda Item #3

- Case #: MISC2023-02
- Address: Citywide
- Application Type:
  - Text amendment
    - 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, Chapter 5 “Standards for Accessory and Temporary Uses,” Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

TO: MAYOR AND COUNCIL

FROM: R. RANDALL BENTLEY, SR./JAMIE WINGLER

DATE: FEBRUARY 10, 2023

RE: SIGN ORDINANCE AMENDMENT

MEMORANDUM

We were asked to review whether Uniform Development Code, Sections 5.03.18(A)(7); (b)(10); (C)(14); and (D)(14) regarding Standard Information Signs, conflicted with the Official Code of Georgia Annotated. O.C.G.A. § 16-7-58(a)(2) states in part that: "no municipal, county, or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed or the number of signs which may be displayed on private property for which permission has been granted." Under this Code section, the City may not restrict the display of political campaign signs on private property.

The four sections of 5.03.18 in question are identical and state as follows: "Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. Exception: Between the date of qualification and final determination of each ballot issue or candidate of a political election, each such lot may display an unlimited number of standard informational signs. PSP, TSP and building permit are not required for any standard information sign." [Emphasis added]. Because they limit the time and number of political campaign signs that may displayed, these ordinance provisions appear to be in conflict with O.C.G.A. § 16-7-58(a)(2).

Therefore, we recommend the following amendment to the four code sections: "Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. ~~Exception: Between the date of qualification and final determination of each ballot issue or candidate of a political election, each such lot may display an unlimited number of standard informational signs.~~ PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2)."

Please find attached a proposed ordinance amendment incorporating the changes to the ordinance, in addition to changes proposed by Councilmember Ferris.

CITY OF KENNESAW, GEORGIA

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 5, APPENDIX A OF THE UNIFIED DEVELOPMENT CODE, OF THE CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA, SO AS TO AMEND SECTIONS 5.03.14 AND 5.03.18 OF SAID CHAPTER REGARDING POLITICAL CAMPAIGN SIGNS WITHIN THE CITY LIMITS OF KENNESAW, GEORGIA.

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

SECTION 1. Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.14 of said Chapter by adding the following:

5.03.14 - General Sign Location

A. All signs shall be located on private property, except signs erected on public property by any authorized governmental entity. No sign shall be erected on or encroach on any public right of way, except as authorized by a governmental unit or agency.

B. Obstructions to doors, windows or fire escapes. No sign shall be erected, relocated, or maintained so as to prevent free ingress and egress from any door, window or fire escape.

C. Signs not to constitute traffic hazard. No sign or any part thereof, except authorized public signs, shall be located in any public right of way or public property unless authorized by the City of Kennesaw. No sign may be located any closer than 15 feet to an intersection as measured from the intersection of the two rights of way.

D. Setback. In any event, unless a more restrictive setback is specified in the conditions of zoning or otherwise in the zoning district in which the sign is located, all signs and parts of signs shall be set back at least five feet from the right of way of a private street or public roadway. No sign shall project over the right of way.

E. No privately owned sign shall be allowed in any easement, including but not limited to the following: (1) conservation easement; (2) dedicated greenspace; (3) facility easement (i.e. sanitary sewer, drainage, access/ egress); (4) City or County controlled and maintained easement.

DRAFT

F. Political campaign signs are expressly prohibited on public property owned or otherwise under the control of the City of Kennesaw.

G. It shall be unlawful for any person to erect, place, or maintain within the dedicated right of way of any public road any sign, signal, or other device except as authorized by law or ordinance.

H. Any sign, signal, device, or other structure erected, placed, or maintained on the dedicated right of way of any public road in violation of paragraph (G) of this ordinance section or in violation of any ordinance adopted pursuant to paragraph (G) of this Code section is declared to be a public nuisance, and city officials may remove or direct the removal of the same.

I. Any person who violates paragraph (G) of this ordinance section shall be punished the same as for littering under Code Section 16-7-43. Any person who violates any other provision of this ordinance section shall be guilty of a misdemeanor and punished as set forth in the Kennesaw Code of Ordinances, Sec. 1-11. The remedies and penalties set forth herein are nonexclusive and the exercise of one or more of such remedies or penalties shall not preclude the exercise of another.

(Ord. No. 2019-05 , § 2(Exh. B), 9-16-19)(State law references: O.C.G.A. §§ 16-7-58 and 32-6-51).

SECTION 2. Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(A)(7) with the following:

7. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

SECTION 3. Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(B)(10) with the following:

10. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

SECTION 4. Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(C)(14) with the following:

DRAFT

14. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

<u>SECTION 5.</u> Chapter 5, Appendix A of the Unified Development Code, of the Code of Ordinances of the City of Kennesaw, Georgia, to amend section 5.03.18 of said Chapter by replacing paragraph 5.03.18(D)(14) with the following:

14. Standard Information Sign. Each lot less than one acre may display two standard information signs. Any lot greater than 1 acre may display two standard informational signs for every 250 feet of road frontage. PSP, TSP and building permit are not required for any standard information sign. Exception: This section does not apply to political campaign signs which are governed by O.C.G.A. § 16-7-58(a)(2).

SECTION 6. BE IT ORDAINED THAT all ordinances, parts of ordinances, or regulations in conflict herewith are repealed as of the effective date of this ordinance.

SECTION 7. BE IT FURTHER ORDAINED THAT should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 8. BE IT FURTHER ORDAINED THAT this ordinance shall become effective on _____, 2023, 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 ___ day of May 2023.

ATTEST: **CITY OF KENNESAW**

_____ _____

Lea Alvarez, City Clerk **Derek Easterling, Mayor**

DRAFT

8065 Planning Commission

MDJ-3595
GPN-16
CITY OF KENNESAW
PUBLIC NOTICE

Notice is hereby given that the City of Kennesaw shall hold public hearings to amend the Unified Development Code. The proposed amendment is to amend APPENDIX A "UNIFIED DEVELOPMENT CODE," CHAPTER 5 "STANDARDS FOR ACCESSORY AND TEMPORARY USES," SECTION 5.03.14 AND SECTION 5.03.18 OF SAID CHAPTER REGARDING POLITICAL CAMPAIGN SIGNS."

A copy of the amendment to the Unified Development Code is on file in the Office of Planning and Zoning during normal business hours, Monday-Friday from 8 a.m. to 5 p.m. for public viewing. The Planning Commission shall hold the first public hearing on May 3, 2023 at 6:30 p.m. with a final scheduled hearing and adoption by the Mayor and Council to be considered on May 15, 2023 at 6:30 p.m. Meetings will be held in the Kennesaw City Council Chambers, 2529 J.O. Stephenson Avenue, Kennesaw, GA. All interested persons may attend and be heard relative there to.

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**.

4:14,21-2023

MDJ-3597
GPN-13
CITY OF SMYRNA
ZONING AMENDMENT NOTICE
TO THE RESIDENTS AND
CITIZENS OF SMYRNA
LOCATION: 4788 & 4840
HANSON DRIVE &
PART OF 4838 S COBB DRIVE

Notice is herewith published in accordance with the Charter of the City of Smyrna that an application has been made by JASON LEWIS for a zoning amendment to amend the currently approved site plan, building elevations and density, at the property located in Land Lot 690 & 691 of the 17th District of the 2nd Section of Cobb County, Georgia.

THERE WILL BE NO LAND USE CHANGE FROM MIXED USE.

A hearing will be held before the Mayor and City Council of Smyrna at a regular meeting on Monday, May 15, 2023, at 7:00 p.m. in the Magnolia Room of the Community Center, 200 Village Green Circle, Smyrna, Georgia, 30080.

PROPERTY DESCRIPTION:
Property Address: 4788 & 4840 Hanson Drive, and part of 4838 S Cobb Drive
Parcel Identification Number: 17069100100, 17069000010, 17069000080 (partial)

4:14-2023

MDJ-3598
GPN-13
CITY OF SMYRNA
NOTICE OF MORATORIUM
ON AUTO SALES
AND SERVICE USES
TO THE RESIDENTS
AND CITIZENS OF SMYRNA
LOCATION: CITY WIDE

Notice is herewith published in accordance with the Charter of the City of Smyrna, the City Council concludes that it is necessary and desirable to adopt a moratorium for 180 days on applications seeking the issuance of a building permit or seeking to rezone a property to allow it to be used for automobile service stations, automobile parts and tire stores, automobile and truck sales and service, automobile repair (major and minor), emission and inspection stations, automobile wash services, automobile truck and trailer leasing, and to consider other amendments to the zoning ordinances regarding these uses. The moratorium would extend for no longer than six months beginning May 1, 2023, during which time the city would evaluate the citys existing standards on automotive uses.

A hearing will be held before the Mayor and City Council of Smyrna at a regular meeting on Monday, May 1, 2023, at 7:00 p.m. in the Magnolia Room of the Community Center, 200 Village Green Circle, Smyrna, Georgia, 30080.

PROPERTY DESCRIPTION:
Property Address: City Wide
Parcel Identification Number: All parcels

4:14-2023

MDJ-3603
GPN-13
CITY OF SMYRNA
VARIANCE NOTICE
TO THE RESIDENTS AND

8070 Probate

a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

KRISTIN POLAND
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
3:24,31;4:7,14-2023

MDJ-3034
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
GLENDA SANDBERG,
DECEASED
ESTATE NO. 07-P-1002-A
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: whom it may concern:

LISA SANDBERG BAECHER has petitioned to be appointed administrator of the estate of **GLENDA SANDBERG** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **April 24, 2023.**

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

KELLI L. WOLK
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
3:24,31;4:7,14-2023

MDJ-3035
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
JULIEN ENTEZARI,
DECEASED
ESTATE NO. 23-P-0422
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: whom it may concern:

PASCALE JOSEPH ENTEZARI has petitioned to be appointed administrator of the estate of **JULIEN ENTEZARI** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **April 24, 2023.**

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

KRISTIN POLAND
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
3:24,31;4:7,14-2023

MDJ-3036
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF

8070 Probate

setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

TARA C. RIDDLE
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
3:24,31;4:7,14-2023

MDJ-3039
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
DAVID EUGENE WHISENANT,
DECEASED
ESTATE NO. 23-P-0582
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: whom it may concern

BEVERLY ELIZABETH WHISENANT has petitioned to be appointed administrator of the estate of **DAVID EUGENE WHISENANT** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **April 24, 2023.**

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

KRISTIN POLAND
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090
770-528-1900
3:24,31;4:7,14-2023

MDJ-3040
GPN-18
IN THE PROBATE COURT
OF COBB COUNTY
STATE OF GEORGIA
IN RE: ESTATE OF
STACEY MCHANN WALKER,
DECEASED
ESTATE NO. 23-P-0590
PETITION FOR LETTERS
OF ADMINISTRATION
NOTICE

TO: whom it may concern

AVERY JOHNSON has petitioned to be appointed administrator of the estate of **STACEY MCHANN WALKER** deceased, of said county. (The petitioner has also applied for waiver of bond, waiver of reports, waiver of statements, and/or grant of certain powers contained in O.C.G.A. § 53-12-261.) All interested persons are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing, setting forth the grounds of any such objections, and must be filed with the Court on or before **April 24, 2023.**

BE NOTIFIED FURTHER: All objections to the petition must be in writing, setting forth the grounds of any such objections. All objections should be sworn to before a notary public or before a probate court clerk, and filing fees must be tendered with your objections, unless you qualify to file as an indigent party. Contact probate court personnel for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections are filed, the petition may be granted without a hearing.

KRISTIN POLAND
Judge of the Probate Court
By: Jennifer P. Ritchey,
Clerk of the Probate Court
32 Waddell Street
Marietta, GA 30090

City Hall
2529 J.O. Stephenson Avenue
Kennesaw, GA 30144

Commissioners:
Don Bergwall - Chairman,
Phillip Jackson - Vice-Chairman,
Lacey Ragus, Rebecca Patterson,
Trey Bodenhamer, Todd Vande Zande,
Carolyn Greenall

KENNESAW PLANNING COMMISSION

May 3, 2023 – 6:30 P.M. **Action Minutes** **City Hall Council Chambers**

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/. Comments made on Facebook Live will not be visible by City staff.

If you will 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 Mayor and Council unless otherwise noted.

Upcoming Mayor and Council Meeting: Monday, May 15, 2023 @ 6:30 P.M.

I. Call Meeting to Order/Roll Call

- Chairman Bergwall calls the meeting to order at 6:30 p.m.
- Roll Call: Don Bergwall, Phillip Jackson, Rebecca Patterson, Trey Bodenhamer, Todd Vande Zande, and Carolyn Greenall
- Absent: Commissioner Lacey Ragus
- Staff present: Darryl Simmons (Zoning Administrator) and Albert Trevino (Assistant Zoning Administrator and Planner)
- Applicant present: Mrs. Ann Moorman (homeowner for case LU2023-01)

II. Approval of Meeting Minutes: March 1, 2023

- Chairman Bergwall calls for a motion to approve the March 1, 2023 Meeting Minutes as submitted.
- Motion by Commissioner Bodenhamer, Second by Commissioner Greenall
- All in favor, 5-0. **Meeting Minutes approved**.

III. New Business

1. **LU2023-01** – Consideration for approval of a land use permit request located at 1205 Mountain Springs Drive as submitted by Ann Moormann. Said request is for obtaining a home occupation business license for making soaps and bath related products. Property is zoned R-10 (Single-Family Residential), consists of 0.2 +/- acres and lies in land lot 128 tax parcel 278.

    - Chairman Bergwall calls for a motion to approve the land use permit with the conditions as outlined by staff.
    - The conditions of approval state:

- 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.
- 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 public right-of-way.

- Motion by Vice-Chairman Jackson. Second by Commissioner Vande Zande.
- **All in favor 5-0. Motion Approved.**

2. **RZ2023-02 –** Consideration for approval to rezone seven properties as submitted by the City of Kennesaw. Said request is to change the zoning from their current zoning designation to Central Business District (CBD). This is a city initiated rezoning project known as the CBD Expansion Project Phase 2. Each property address will be heard separately.

RZ2023-02 (A) – Consideration for approval to rezone subject property located at 0 Cobb Parkway or parcel number 20013900990 and owned by the City of Kennesaw. Property is a vacant detention pond located in Adams Park. It is currently zoned Highway General Business (HGB), consists of 0.36 +/- acres and lies in land lot 139 and tax parcel 99.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Bodenhamer.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (B) – Consideration for approval to rezone subject property located at 2681 S Main Street or parcel number 20016700140 and owned by Old South Village, LLC c/o Kodiak Ventures. Property is an existing mobile home community known as “Old South Village.” The property consists of approximately 30 +/- mobile home lots. It is currently zoned Mobile Home Park (MHP), consists of 3.6 +/- acres and lies in land lot 167 and tax parcel 14.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Vande Zande. Second by Commissioner Patterson.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (C) – Consideration for approval to rezone subject property located at 2716 S Main Street or parcel number 20013801750 and owned by Hugh E. Byrd. Property currently has an occupied single-family detached home. It is currently zoned R-15 (Single-Family Residential), consists of 1.27 +/- acres and lies in land lot 139 and tax parcel 99.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall. Second by Commissioner Bodenhamer.

- **All in favor 5-0. Motion Approved.**

RZ2023-02 (D) – Consideration for approval to rezone subject property located at 2753 Watts Drive or parcel number 20013900590 and owned by the City of Kennesaw. Property is the current location of the Ben Robertson Community Center. It is currently zoned Office/Institutional (O&I), consists of 2.61 +/- acres and lies in land lot 139 and tax parcel 59.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Bodenhamer. Second by Vice-Chairman Jackson.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (E) – Consideration for approval to rezone subject property located at 2754 S Main Street or parcel number 20013801880 and owned by Bencivenga Gabriel Living Trust 7/9/02, Gabriel Bencivenga, LLC. Property has two commercial eating establishments within one building. It is currently zoned General Commercial (GC), consists of 0.67 +/- acres and lies in land lot 138 and tax parcel 188.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Vande Zande.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (F) – Consideration for approval to rezone subject property located at 2817 Sardis Street or parcel number 20013800770 and owned by the City of Kennesaw. Property is vacant and located in Depot Park. It is currently zoned R-15 (Single-Family Residential), consists of 0.9 +/- acres and lies in land lot 138 and tax parcel 77.

- Chairman Bergwall calls for a motion to approve the rezoning application as presented.
- Motion by Commissioner Greenall. Second by Commissioner Bodenhamer.
- **All in favor 5-0. Motion Approved.**

RZ2023-02 (G) – Consideration for approval to rezone subject property located at 2971 N Main Street or parcel number 20013900200 and owned by David & Kathryn Collier. Property currently has an unoccupied historic single-family detached home located in the North Main Street historic district. It is currently zoned R-15 (Single-Family Residential), consists of 1.5 +/- acres and lies in land lot 139 and tax parcel 20.

- Chairman Bergwall calls for a motion to deny the rezoning application as presented.
- Motion by Vice-Chairman Jackson. Second by Commissioner Patterson
- **4-1 in favor of denial. Motion Denied.**
    - Commissioner Bodenhamer opposed the decision for denial.

3. **MISC2023-02** – 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, Chapter 5 "Standards for Accessory and Temporary Uses," Section 5.03.14 and Section 5.03.18 of said chapter regarding political campaign signage.

   - Chairman Bergwall calls for a motion to approve the text amendment as presented.
   - Motion by Commissioner Greenall. Second by Vice Chairman Jackson.
   - **All in favor 5-0. Motion Approved.**

IV. Zoning Administrator & Staff Comments

1. CivicPlus Civic Clerk – New program for meeting agendas, minutes and recordings

   - Mr. Trevino speaks about the new program Civic Clerk that is being launched by the City Clerk's office as an organized and user friendly way to access meeting agendas, minutes, and recording. Links will be sent out to the Commissioners in order to access meeting agendas on the civic clerk site. This will start on the next scheduled Planning Commission meeting.

2. Commissioner City e-mail accounts and City internet policy form

   - Mr. Trevino lets the Commissioners know that there city email accounts have been created and ready for them to use. They are informed to sign a city internet policy form agreeing to the policy on conducting business using city email accounts
   - He thanks everyone for a job well done.

V. Adjourn

- **Adjourn 8:42 p.m.**

DRAFT

Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: May 15, 2023

TITLE: Approval of the April 24, 2023 City Council work session minutes.

Summary:

Recommendation:

City Clerk recommends approval.

Fiscal Impact:

Attachments:
1. 04-24-23 Work Session Minutes

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 Minutes
April 24, 2023 6:30 PM
Council Chambers

I. INVOCATION

II. PLEDGE OF ALLEGIANCE

III. CALL TO ORDER

Mayor Derek Easterling called the regularly scheduled Work Session to order at 6:30 P.M. from the Council Chambers and via Facebook Live. Mayor Pro Tem Viars, Councilmember Burnette, Councilmember Ferris, Councilmember Jones, and Councilmember Sinclair were present in the Chambers. Staff present: City Manager Jeff Drobney, Assistant City Attorney Sam Hensley, Jr., City Clerk Lea Alvarez, Business License Manager Derek Cox, Finance Director Gina Auld, Public Works Director Ricky Stewart, and Building and Facilities Manager Robbie Balenger.

IV. 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. The City of Kennesaw will be transitioning from NovusAgenda to CivicClerk on May 2, 2023. All public meeting information and documentation will be available via the new public portal accessible under the Minutes tab on our website at www.kennesaw-ga.gov/publicmeetings. Users will also be able to subscribe to all public meetings to receive said information and documentation straight to their email inbox.

City Clerk Lea Alvarez provided a brief presentation on how to access the new CivicClerk public meetings portal when it goes live on May 2, 2023 via www.kennesaw-ga.gov/publicmeetings (**See Exhibit A**).

V. PRESENTATIONS

VI. COMMENT/BUSINESS FROM THE FLOOR

VII. OLD BUSINESS

VIII. NEW BUSINESS

A. Authorization to reschedule the Monday, July 3, 2023 Mayor and Council regular meeting to Wednesday, July 5, 2023 pursuant to the Kennesaw Code of Ordinances Section 2-26.

This year, the July 3, 2023 Mayor and Council regular meeting will coincide with the city's Salute to America event. Because of the event and its corresponding road closures, the city would like to reschedule the July 3, 2023 Mayor and Council meeting to Wednesday, July 5, 2023. Kennesaw Code of Ordinances Section 2-26 states, in part, "in addition thereto, the mayor and council may set such additional regular meeting dates by providing at least seven days' notice of their intention and upon majority vote of the council." The time and location will remain the same.

The City Clerk recommends Council authorize the rescheduling of the Monday, July 3, 2023 regular meeting at 6:30 PM in the City Hall Council Chambers to Wednesday, July 5, 2023 at 6:30 PM in the City Hall Council Chambers.

Mayor Derek Easterling explained the Monday, July 3, 2023 regular City Council meeting coincides with the city's Salute to America event. In accordance with Kennesaw Code of Ordinances Section 2-26, Mayor Easterling requested a vote at the regular meeting to reschedule the Monday, July 3, 2023 meeting to Wednesday, July 5, 2023.

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

IX. COMMITTEE AND BOARD REPORTS

X. PUBLIC HEARING(S)

Swearing-in of any witnesses or individuals offering comments on any of the following items.

A. Approval of ORDINANCE to amend Chapter 6 "Alcoholic Beverages," Sections 6-1, 6-43, 6-45, 6-63, and 6-70 of the Kennesaw Code of Ordinances.

This ordinance amends Chapter 6 as follows: Section 6-1 adds the City Manager definition, Section 6-43 incorporates language from State law pertaining to distance requirements for the retail package of distilled spirits, Section 6-45 defines "Delivery of a Copy", Section 6-63 clarifies the procedure for suspension and revocation, and Section 6-70 clarifies grounds for denial of a server permit. A legal ad was published in the April 21, 2023 edition of the Marietta Daily Journal and another will be published in the April

28, 2023 edition as well. The ordinance has been reviewed by the City Attorney. The Finance Director recommends approval.

Business License Manager Derek Cox presented an ordinance to amend Chapter 6 “Alcoholic Beverages,” Sections 6-1, 6-43, 6-45, 6-63, and 6-70 of the Kennesaw Code of Ordinances. Mr. Cox gave a brief overview of the proposed changes within the ordinance.

B. Approval of ORDINANCE to amend Chapter 22 "Businesses", Article IX "Massage Therapy Businesses", Sections 22-1, 22-218, 22-219, 22-221, 22-225, 22-228, and 22-231 of the Kennesaw Code of Ordinances.

This ordinance amends Chapter 22 “Businesses” Article IX “Massage Therapy Businesses” as follows: Section 22-1 defines “Delivery of a Copy”, Section 22-218 adds language excluding duly licensed massage therapists from background checks and fingerprints per State law and adds language that requires the business owner to keep a copy of all licenses including State massage licenses and work permits on the licensed premises, Section 22-219 removes the health certificate qualification when applying for a massage therapy business license, Section 22-221 clarifies grounds for denial, suspension, or revocation, Section 22-225 clarifies record of treatment requirements, Section 22-228 incorporates language from State law pertaining to massages by unlicensed persons, and Section 22-231 provides work permit requirements for massage business employees not licensed by the State of Georgia. A legal ad was published in the April 21, 2023 edition of the Marietta Daily Journal and another will be published in the April 28, 2023 edition as well. The ordinance has been reviewed by the City Attorney. The Finance Director recommends approval.

Business License Manager Derek Cox presented an ordinance to amend Chapter 22 "Businesses", Article IX "Massage Therapy Businesses", Sections 22-1, 22-218, 22-219, 22-221, 22-225, 22-228, and 22-231 of the Kennesaw Code of Ordinances. Mr. Cox gave a brief overview of the proposed changes within the ordinance.

Councilmember Ferris asked if there is a requirement in our ordinances that someone has to be on site with a state-issued license at all times. Mr. Cox responded Councilmember Ferris was correct. There must be a state-licensed massage therapist on site at all times massages are given.

XI. CONSENT AGENDA

A. Approval of the April 10, 2023 Mayor and City Council work session minutes.

B. Approval of the April 17, 2023 Mayor and City Council regular meeting minutes.

DEPARTMENT REPORTS

XII. GENERAL AND ADMINISTRATIVE

GINA AULD, Finance Director

A. Accept the Audit Report for Fiscal Year Ended September 30, 2022, for the City of Kennesaw as presented by Mauldin and Jenkins, LLC.

The audit report is presented to the Mayor and Council each year. This report is for the Fiscal Year Ended September 30, 2022, as presented by Mauldin and Jenkins, LLC. Finance Director recommends acceptance of the report.

Finance Director Gina Auld shared with Council Mauldin and Jenkins, LLC will be present at the regular meeting next week to present the audit report for the fiscal year ending September 30, 2022.

XVII. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
NIKKI MCGRAW, 911 Communications

XVI. INFORMATION TECHNOLOGY

RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, Systems Administration Specialist

XV. PUBLIC WORKS

RICKY STEWART, Public Works Director
ROBBIE BALENGER, Facilities Manager

A. Approval of RESOLUTION for a Cooperation Agreement for Requalification of Urban County CDBG Program between Cobb County and the City of Kennesaw and to authorize the Mayor to sign said agreement.

Cobb County is required to requalify as an Urban County every three years. The requalification allows the Cobb County CDBG Office to be the lead entity for the Cobb Urban County CDBG Program. As part of the requalification, the County requests that the municipalities within the County provide documentation that they intend to participate in the program. By participating in the program, the municipalities seek funds directly through the County and avoid the need to compete for funds statewide with the Georgia Department of Community Affairs. The Public Works Director recommends approval and requests authorization for the Mayor to sign the agreement.

Public Works Director Ricky Stewart presented a resolution for a Cooperation Agreement for Requalification of Urban County Community Development Block Grant (CDBG) Program between Cobb County and the City of Kennesaw and to authorize the Mayor to sign said agreement. Mr. Stewart explained the CDBG program is requalified every three years. As part of the requalification, the County

requests that the municipalities within the County provide documentation that they intend to participate in the program rather than competing statewide for CDBG funds.

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

B. Request to Surplus and Dispose of Vehicles and Equipment.

The City has surplus vehicles and equipment that need to be disposed. These items are considered surplus by purchase of replacements or due to repairs that are more costly than value. Staff will attempt to sell the surplus items in the open market; however, if no bids are received, the items will be sold as scrap metal. The surplus items are as follows:

Year	Make / Model	VIN Number / Serial Number	Department
2005	John Deere 450G	T0450GF842712	Public Works
2007	Freightliner M2	1FVACXCSO7HY04350	Public Works
2013	Ford Interceptor	1FAHP2M84DG110403	Police
2013	Ford Interceptor	1FAHP2M86DG110404	Police

The Public Works Director recommends declaring the aforementioned vehicles and equipment as surplus.

Public Works Director Ricky Stewart requested to surplus or dispose of the above-mentioned vehicles.

Councilmember Jones asked if we had already surplused the Freightliner M2 earlier this year. Mr. Stewart responded the city surplused a street sweeper, which is also a Freightliner. This freightliner is what Public Works uses to pick up bulk items.

Councilmember Jones said he saw the Freightliner being driven not too long ago and wondered if it could be repurposed for something else. Mr. Stewart said no, as they have been struggling with the vehicle. He went further to joke the last time it served a useful purpose was blocking the street for the Big Shanty Festival.

Councilmember Jones asked if the motor was still running. Mr. Stewart replied that the motor was not terrible, but the operating parts of the vehicle are the major issue.

Councilmember Jones asked how much mileage was on the two police vehicles. Mr. Stewart did not know the exact amount, but because of its age, he imagined they are well over 100,000 miles. A police car that is almost 10 years old is well

beyond its useful life.

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

XVI. RECREATION AND CULTURE

RICHARD BANZ, Museum Director
STEVE ROBERTS, Parks and Recreation Director
BRITTANY JONES, Smith-Gilbert Gardens Director

A. Approval of amended road closures for the Salute to America event held on Monday, July 3, 2023.

These are the new proposed changes:

- The City parking lot at Tunnel Plaza will be closed 8:00 PM Sunday, July 2nd – 2:00 AM on Tuesday, July 4th

- The following roads will be closed from 1:00 PM – 12:00 Midnight on Monday, July 3rd :
  - Cherokee St. from Big Shanty Dr. to Main St.
  - J.O. Stephenson Ave. from Main St. to Dallas St.
  - Watts Dr. from Main St. to Little General Cloggers Ln.
  - Main St. from Lewis St. to Watts Dr.
  - Main St. from Watts Dr. to Summers St. will be closed from 8:00 PM on Sunday, July 2nd - 2:00 AM on Tuesday, July 4th

The bolded change is to allow the main stage to be delivered the night of Sunday, July 2nd.

The following closures will remain the same as approved at the March 20, 2023 regular Council meeting:

- Shirley Drive will be closed from Cherokee Street to Carruth Street from 5:00 PM - 10:30 PM for fireworks

- Revival Residents will have access to the apartment complex from the Watts Drive entrance

- Depot Park parking lot will be closed Monday, July 3rd

- City Hall parking lot will be closed on Monday, July 3rd for 911, City Staff & VIPs

The Parks and Recreation Assistant Director recommends approval.

Assistant Parks and Recreation Director Bill McNair presented the above-mentioned, amended road closures for the Salute to America event held on Monday, July 3, 2023.

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

XVII. COMMUNITY DEVELOPMENT.

LUKE HOWE, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

XIX. CITY MANAGER'S REPORT (Jeff Drobney)

A. DISCUSSION ONLY: Depot.

City Manager Jeff Drobney shared with Council the need to rehabilitate the Depot building. He mentioned that the city's intent was to remove and upgrade the deck on the Depot; however, as they were pulling the deck off, significant damage was discovered regarding the foundation of the building. Dr. Drobney explained that to preserve and restore the Depot, significant work would have to be done.

*[Building and Facilities Manager Robbie Balenger passed out photos illustrating the damage to the Depot **(See Exhibit B)**].*

A representative from Gay Construction stated there is extensive damage to all the perimeter beams on which the Depot was built. There is no way for workers to lift the beams individually to examine them. Gay Construction shared the only way to examine the extent of the damage is to work with a company to lift the entire building in the air about nine feet. After the building is lifted, Gay Construction will clear all old foundation underneath it, pour a new perimeter foundation footing, and pour a concrete foundation wall with pockets in it. The price estimate provided includes lifting the building up, cleaning the foundation out, and flatting the ground underneath. The representative mentioned there are deep depressions underneath the building from water. After the work is completed, the building will be a couple of feet higher on the north end, which will allow the city to grade and get the water away from the building. Most of the damage has come from water.

Councilmember Jones asked more questions about the damage.

Dr. Drobney shared the estimated cost of the rehabilitation would be around $332,390. Unfortunately, the cost could be higher because they cannot determine the extent of the damage until the building is lifted. Dr. Drobney recommends moving forward with the cost for the preservation and rehabilitation of the building.

Councilmember Sinclair asked how the repairs would be funded to which Dr. Drobney replied through state and local fiscal recovery act funds.

Councilmember Jones believed the proposal was too high and would like to see the project go for bid. Councilmember Ferris asked how hard it would be to bid the project. Dr. Drobney said the city would run into the expense of having another company out there when we have Gay Construction out there right now building Depot Park. He does not think it is a doable situation for us regarding this particular scenario.

Councilmember Jones stated he would not support the cost. Mayor Easterling asked for everyone to keep in mind the Depot is not just a building – it is the cornerstone of our community.

Councilmember Ferris exclaimed the cost was a hard pill to swallow. He shared that several years ago, the building was raised and the foundation was redone. Dr. Drobney stated in or around 2000, additional support was added to the building due to water damage. The building was not raised and the focus was primarily repairing the interior.

Councilmember Ferris said that as much as he hates the cost, he would rather get the entire project completed instead of placing a Band-Aid on it, so that no one will have to worry about the building for another 50 years.

Dr. Drobney noted the building is not vacant as it is used as a history exhibit and is frequently rented out.

Mayor Easterling suggested placing the item for a vote at the regular meeting on Monday.

B. City Manager reports, discussions and updates.

XX. 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, Committees, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

XXI. COUNCIL COMMENTS

XXII. EXECUTIVE SESSION - Land, Legal, Personnel

XXIII. ADJOURN

Mayor Easterling adjourned at 7:11 P.M. The next regularly scheduled meeting will be held on Monday, May 1, 2023 at 6:30 P.M.in the Council Chambers.

Honoring Our Heritage - Forging Our Future
City of Kennesaw, GA

CivicClerk

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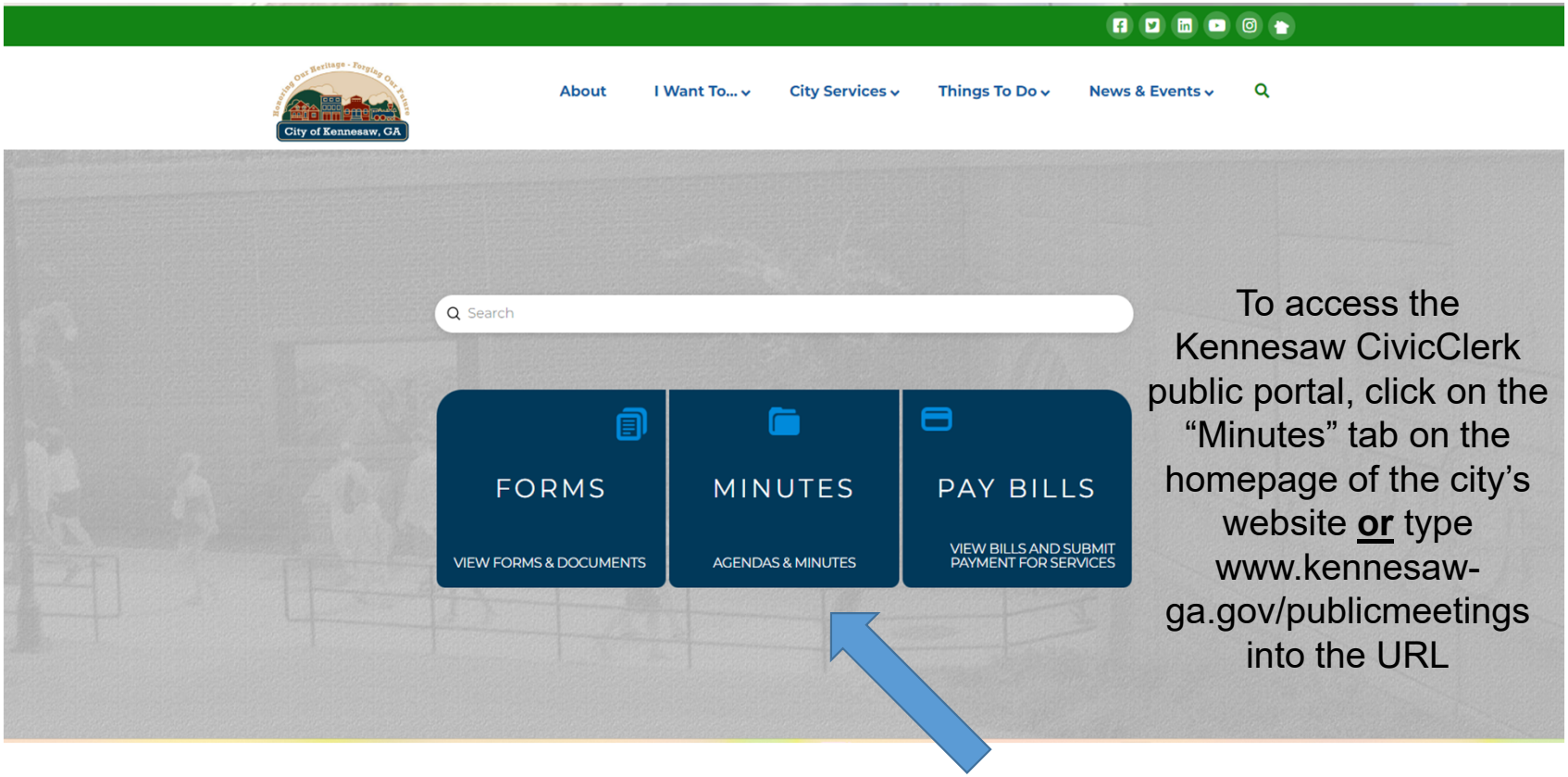

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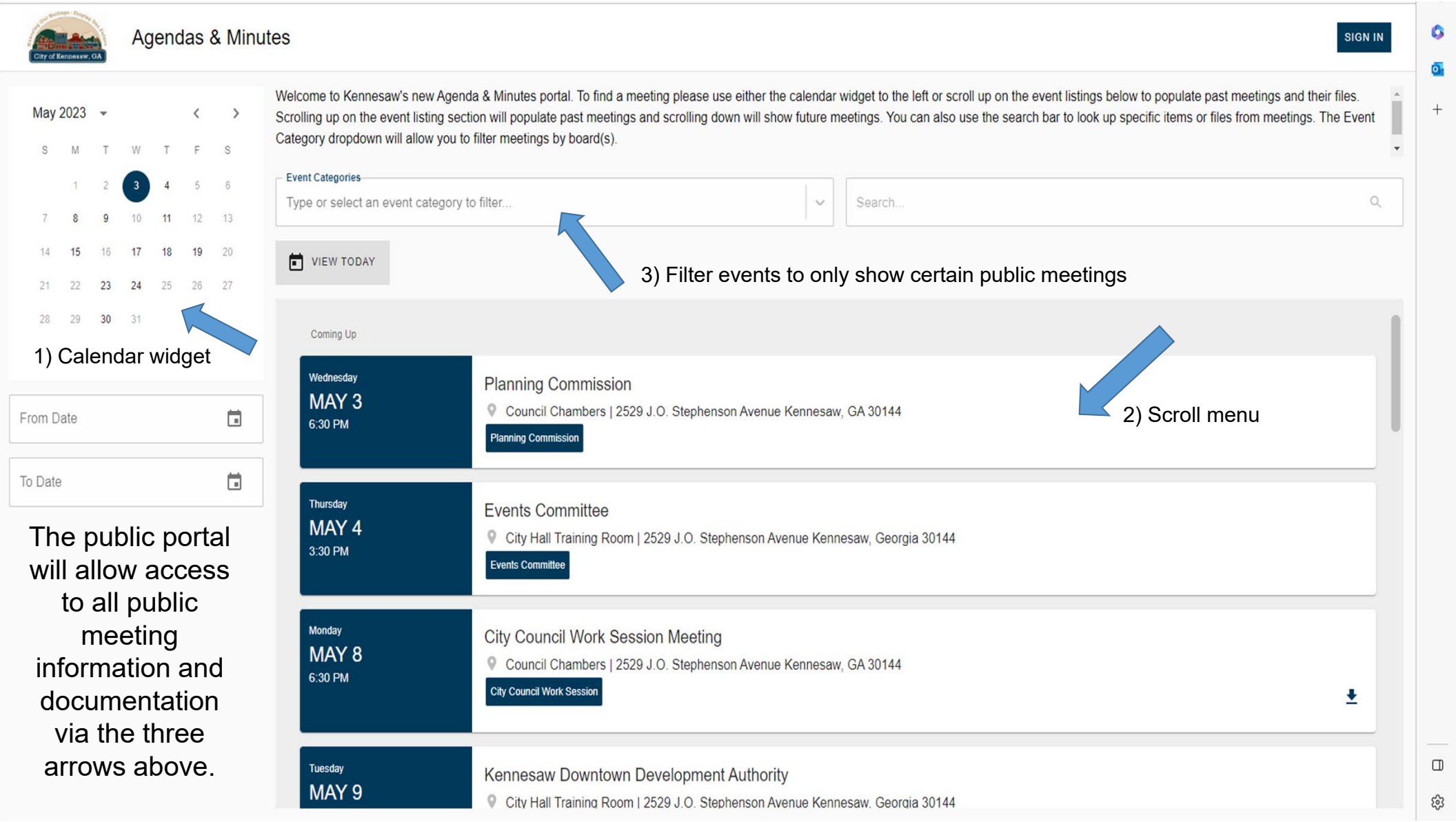

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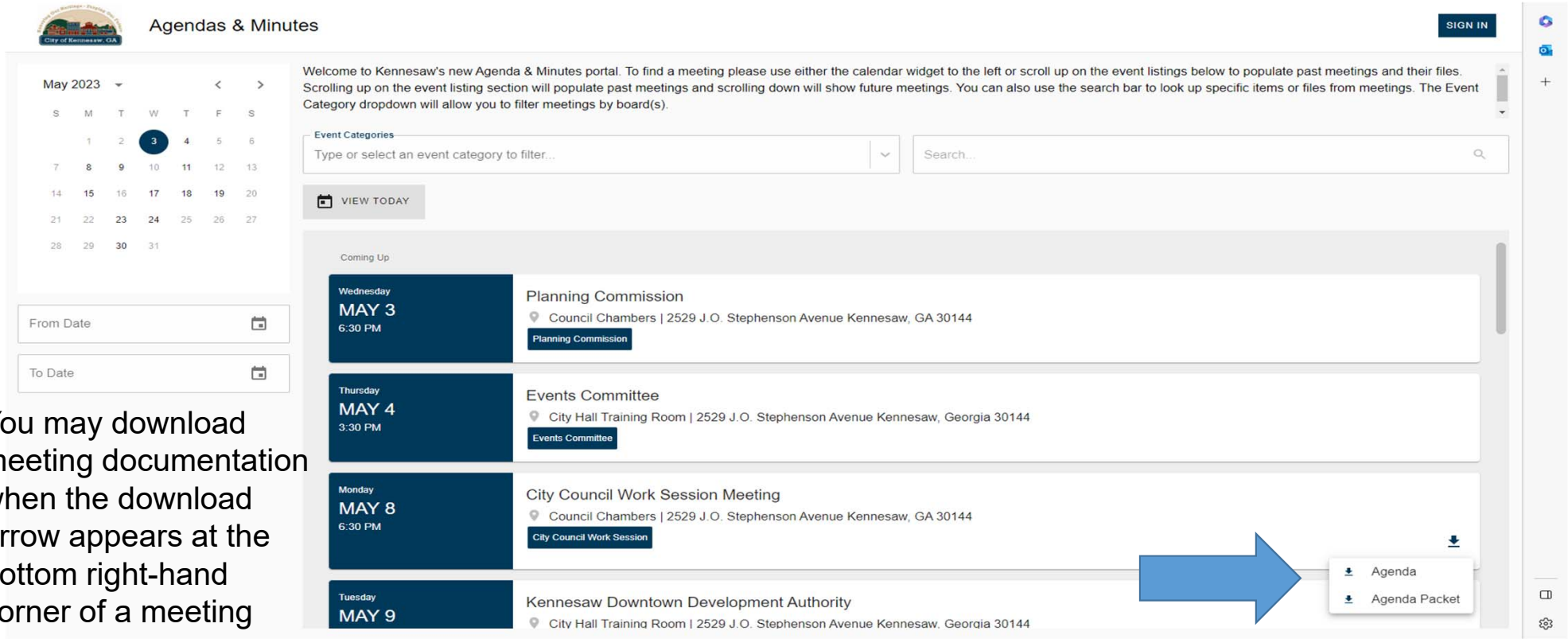

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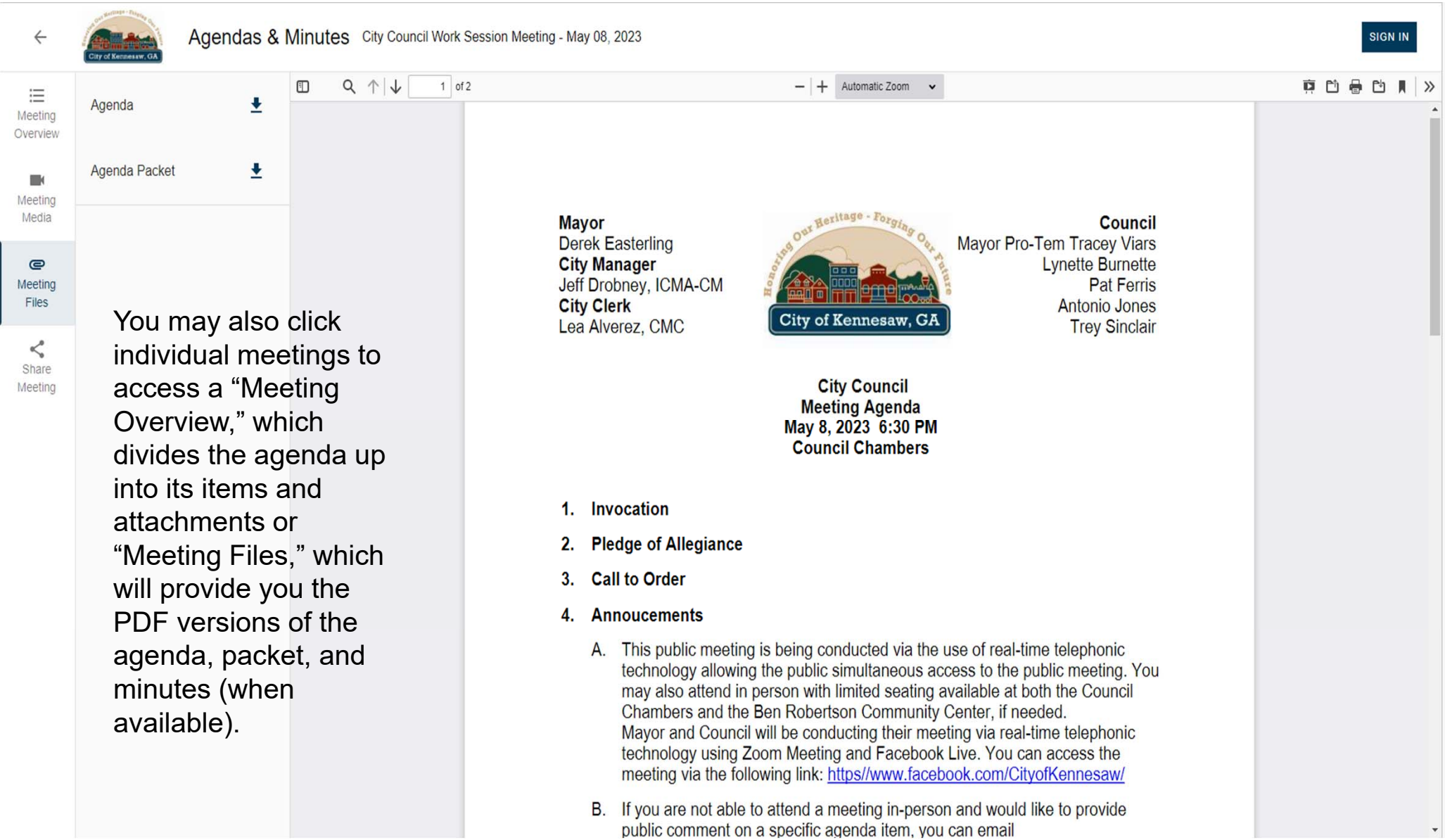

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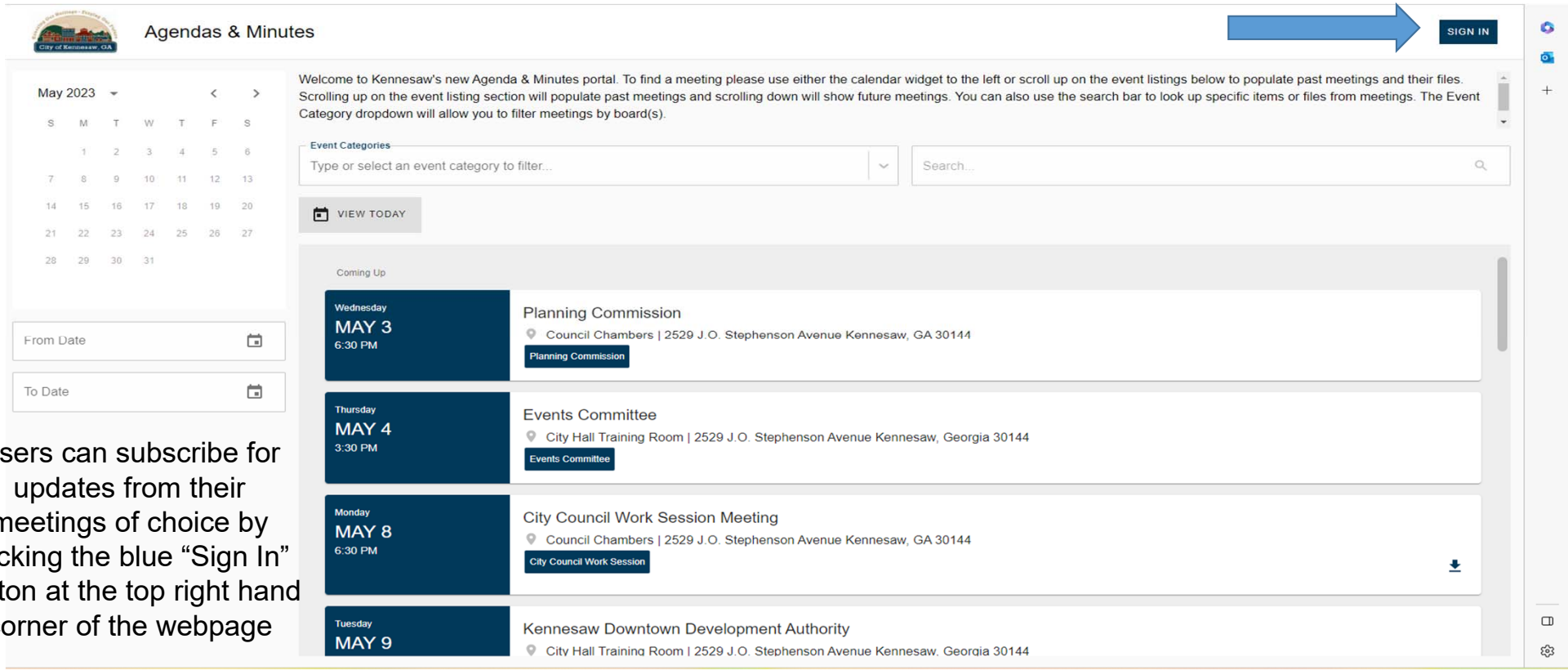

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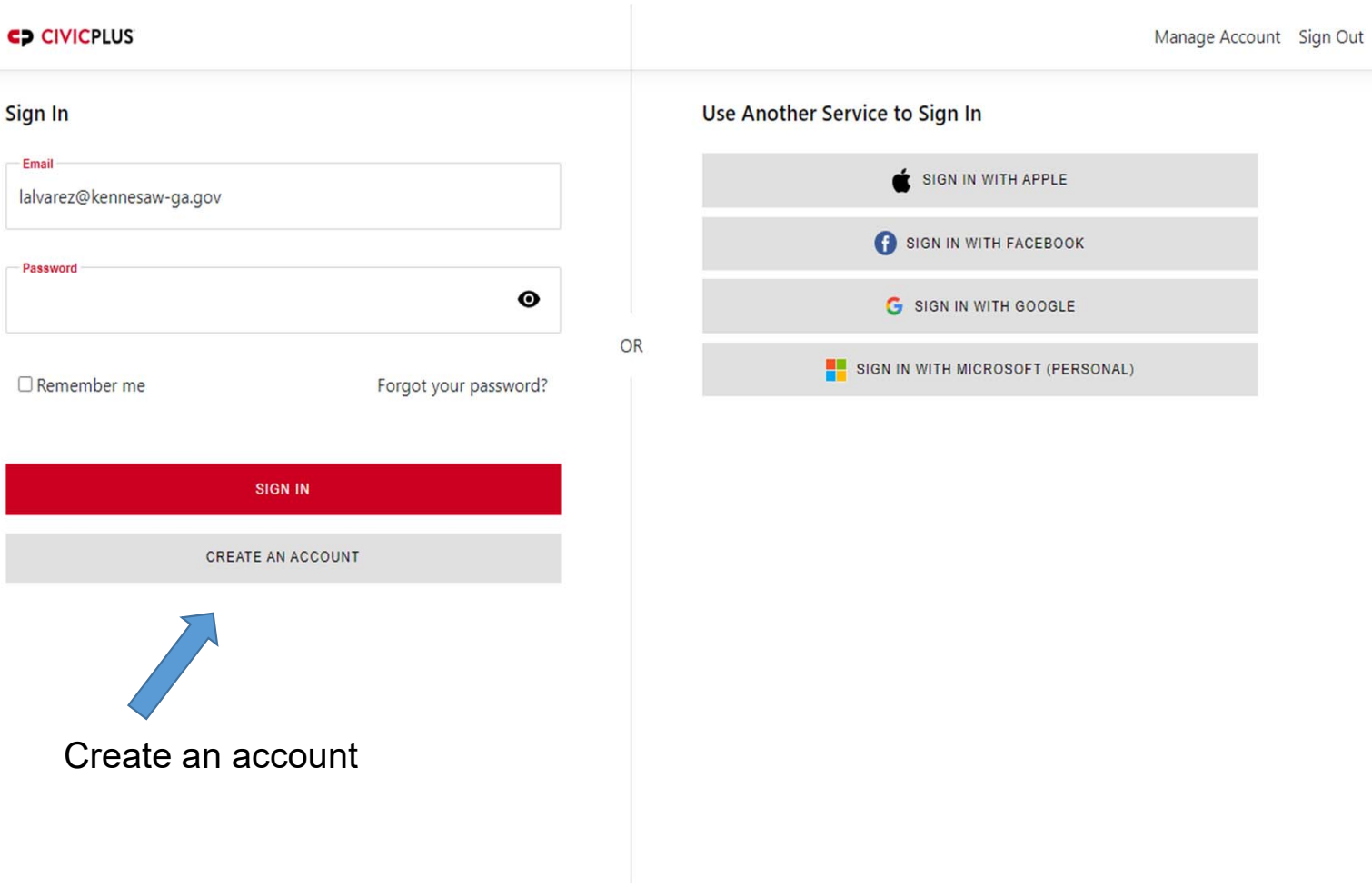

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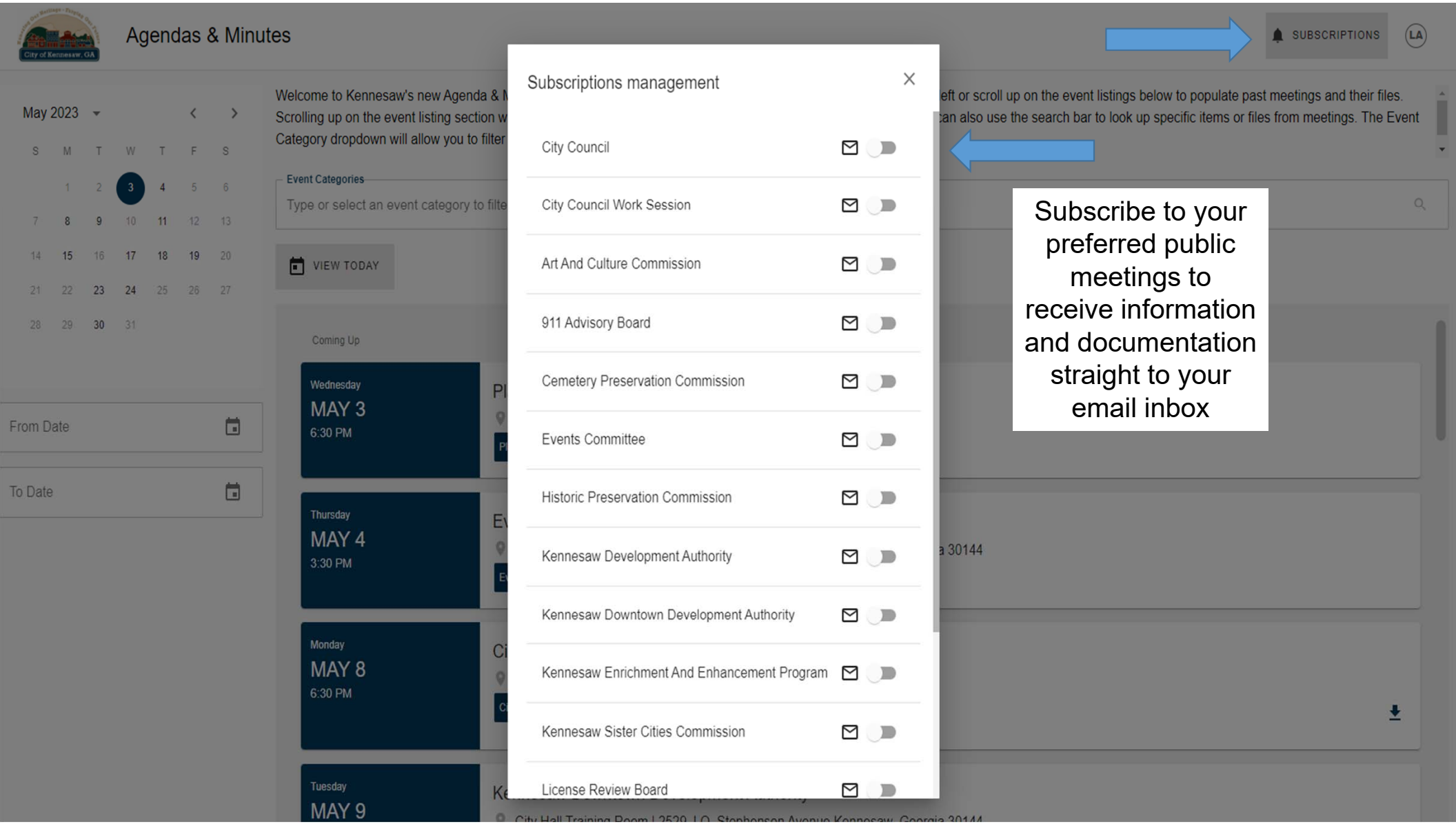
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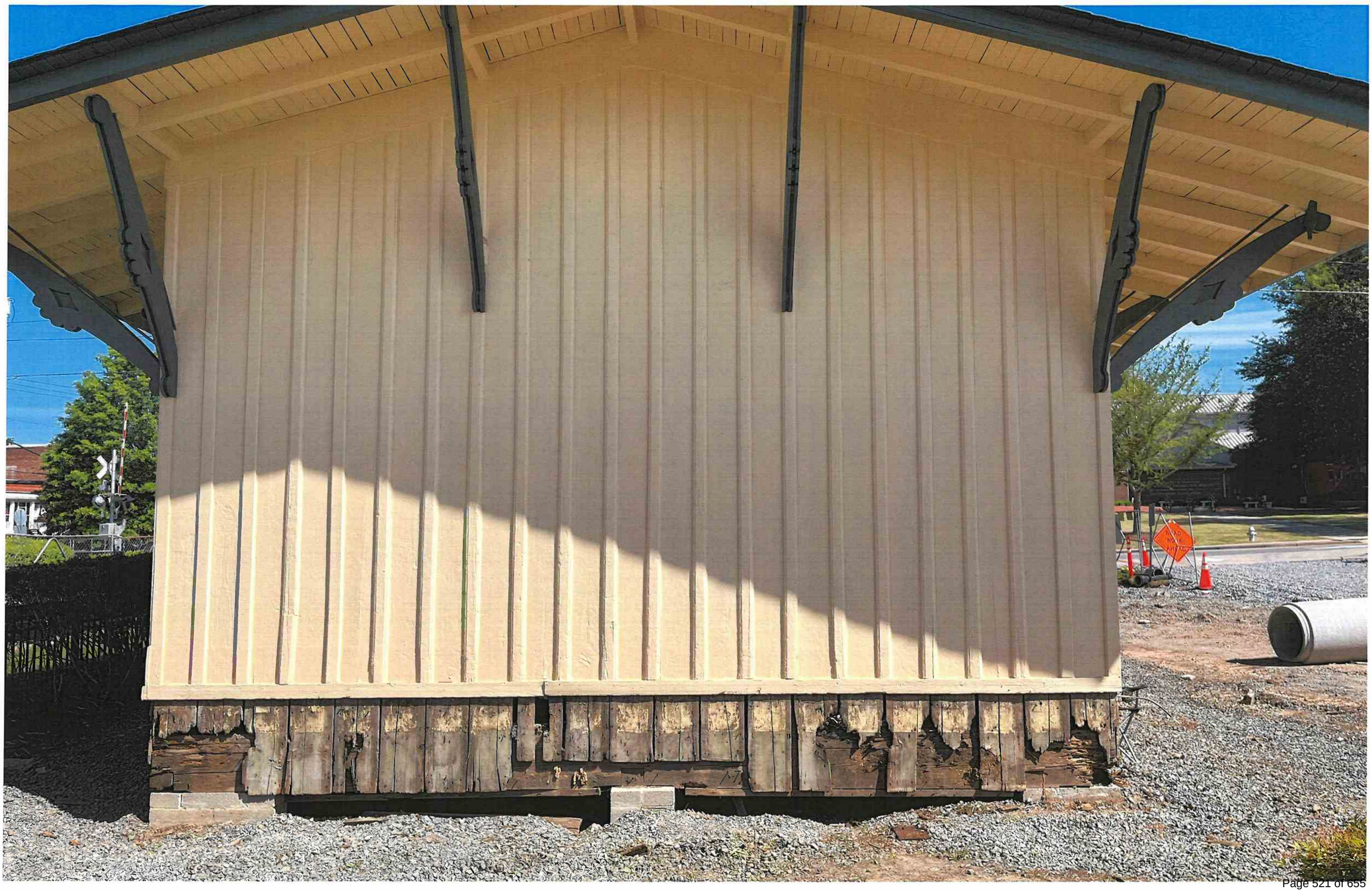
May 2023
VIEW TODAY
Coming Up
Wednesday
MAY 3
6:30 PM
Thursday
MAY 4
3:30 PM
Monday
MAY 8
6:30 PM
Tuesday
MAY 9
From Date
To Date

Exhibit B



Item Report

TO: The Honorable Mayor and City Council

FROM: Lea Alvarez, City Clerk

DATE: May 15, 2023

TITLE: Approval of the May 1, 2023 City Council regular meeting minutes.

Summary:

Recommendation:

City Clerk recommends approval.

Fiscal Impact:

Attachments:
1. 05-01-23 Regular Minutes

MINUTES OF MAYOR & CITY COUNCIL MEETING
CITY OF KENNESAW
Council Chambers
Monday, May 1, 2023
6:30 p.m.

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.

I. INVOCATION

City Attorney Randall Bentley, Sr. led the invocation.

II. PLEDGE OF ALLEGIANCE

City resident Anthony Gutierrez led the Pledge of Allegiance.

III. CALL TO ORDER

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

IV. ANNOUNCEMENTS

A. This public meeting is being conducted via the use of real-time telephonic technologies 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 through Zoom Meeting and Facebook Live and you can access the meeting via the following link: https://www.facebook.com/CityofKennesaw/

B. 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 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.**

C. The City of Kennesaw will be transitioning from NovusAgenda to CivicClerk on May 2, 2023. All public meeting information and documentation will be available via the new public portal accessible under the Minutes tab on our website or at www.kennesaw-ga.gov/publicmeetings. Users will also be able to subscribe to all

public meetings to receive said information and documentation straight to their email inbox.

City Clerk Lea Alvarez reminded the public to access meeting information via the new CivicClerk public portal starting May 2, 2023. A how-to guide was included in the agenda packet and will be incorporated into the minutes **(See Exhibit A)**.

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda].

V. PRESENTATIONS

No items.

VI. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

6:32 P.M. Floor Open for Public Comments

ANDREW BRAMLETT [City Resident]: Mr. Bramlett shared a brief history of the Depot and the impact it has had on our community **(See Exhibit B)**.

MADELYN OROCHENA [City Resident]: Ms. Orochena echoed the same concerns expressed by Councilmember Jones during the April 24, 2023 work session meeting regarding the cost to rehabilitate the Depot. She believes that it would be reasonable to open the project up for bids.

6:35 P.M. Floor Closed for Public Comments

VII. OLD BUSINESS

No items.

VIII. NEW BUSINESS

A. Approval of **RESOLUTION NO. 2023-15, 2023** authorizing Mayor and Council to spend $350,000 for the Kennesaw Depot Building Lift and Foundation Wall.

With the removal of the deck on the historic Kennesaw Depot it was found that the entire wood sill plate has been compromised due to moisture and the accumulation of silt. The structure is no longer stable and the building must be lifted with new concrete foundation and footings to be installed. In addition to preserve the structure additional work must be done, including but not limited to a new vapor barrier, waterproofing, regrading of the area around the depot, carpentry, and possibly the installation of helical piers (to be determined with soil testing) Gay Construction has provided a cost of $332,390 but since contractors were unable to see all areas underneath the building it is recommended that the Mayor and Council approve a budget of $350,000 for any unseen damage that will need to be included in the rehabilitation. City Manager recommends approval

American Rescue Plan - Fund 230

City Manager Jeff Drobney presented a resolution authorizing the Mayor and Council to spend $350,000 for the Depot's building lift and foundation wall. Dr. Drobney explained that when the deck was removed from the Depot as part of the Depot Park amphitheater construction, it was found that the wood seal had been compromised due to moisture and the accumulation of silt. The structure is no longer stable and is an emergency situation. The building must be lifted and new concrete foundation and footings must be installed to protect the integrity of the building to prevent collapse. In addition, to preserve the structure, additional work must be done including a new vapor barrier, waterproofing, regrading of the area around the Depot to move water away, carpentry, and possibly the installation of helical piers. Gay Construction has provided the city a cost estimate of $332,390; however, because the contractors were unable to access underneath the building, Dr. Drobney recommends Council approve a budget of $350,000 for any unforeseen damage. He reiterated this is an emergency repair as the building is no longer stable and has the potential to collapse. He recommended authorizing the emergency repairs as outlined by Gay Construction.

Motion by Mayor Pro Tem Viars to approve a resolution authorizing the Mayor and Council to spend $350,000 on emergency repairs to the Depot as outlined by Gay Construction, as presented. Seconded by Councilmember Ferris.

Councilmember Ferris mentioned the City of Kennesaw does not have many landmarks; however, the Depot is a notable historic landmark here. He worked on the Depot as a part of a community group many years ago, and for 30 to 40 years, we have only done Band-Aid-like projects on the building. One of Councilmember Ferris' mantras through life is to do it right, and he believes Gay Construction will do this project right. He researched the city's bid process, and it would be between three to five months before the project starts, which would put the amphitheater construction on hold. Councilmember Ferris wants to see Council follow staff's recommendation to get the project started now.

6:41 P.M. Floor Open for Public Comments

No Comments.

6:42 P.M. Floor Closed for Public Comments

Vote taken, motion approved 4-1 *[Councilmember Jones opposed]*. Motion carried.

IX. COMMITTEE AND BOARD REPORTS

No items.

X. PUBLIC HEARING(S)

[The City Attorney swore-in any witnesses or individuals offering comments on the agenda].

A. Approval of **ORDINANCE 2023-04, 2023** to amend Chapter 6 "Alcoholic Beverages," Sections 6-1, 6-43, 6-45, 6-63, and 6-70 of the Kennesaw Code of Ordinances.

This ordinance amends Chapter 6 as follows: Section 6-1 adds the City Manager definition, Section 6-43 incorporates language from State law pertaining to distance requirements for the retail package of distilled spirits, Section 6-45 defines “Delivery of a Copy”, Section 6-63 clarifies the procedure for suspension and revocation, and Section 6-70 clarifies grounds for denial of a server permit. Legal ads were published in the April 21, 2023 and the April 28, 2023 editions of the Marietta Daily Journal. The City Attorney has reviewed the ordinance. The Finance Director recommends approval.

Business License Manager Derek Cox presented an ordinance to amend Chapter 6 “Alcoholic Beverages,” Sections 6-1, 6-43, 6-45, 6-63, and 6-70 of the Kennesaw Code of Ordinances. Mr. Cox gave a brief overview of the proposed changes.

Motion by Councilmember Ferris to approve an ordinance to amend Chapter 6 “Alcoholic Beverages,” Sections 6-1, 6-43, 6-45, 6-63, and 6-70 of the Kennesaw Code of Ordinances, as presented. Seconded by Councilmember Burnette.

6:43 P.M. Floor Open for Public Comments

No Comments.

6:44 P.M. Floor Closed for Public Comments

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

B. Approval of **ORDINANCE 2023-05, 2023** to amend Chapter 22 "Businesses", Article IX "Massage Therapy Businesses", Sections 22-1, 22-218, 22-219, 22-221, 22-225, 22-228, and 22-231 of the Kennesaw Code of Ordinances.

   This ordinance amends Chapter 22 “Businesses” Article IX “Massage Therapy Businesses” as follows: Section 22-1 defines “Delivery of a Copy”, Section 22-218 adds language excluding duly licensed massage therapists from background checks and fingerprints per State law and adds language that requires the business owner to keep a copy of all licenses including State massage licenses and work permits on the licensed premises, Section 22-219 removes the health certificate qualification when applying for a massage therapy business license, Section 22-221 clarifies grounds for denial, suspension, or revocation, Section 22-225 clarifies record of treatment requirements, Section 22-228 incorporates language from State law pertaining to massages by unlicensed persons, and Section 22-231 provides work permit requirements for massage business employees not licensed by the State of Georgia. Legal ads were published in the April 21, 2023 and April 28, 2023 editions of the Marietta Daily Journal. The City Attorney has reviewed the ordinance. The Finance Director recommends approval.

Business License Manager Derek Cox presented an ordinance to amend Chapter 22 "Businesses", Article IX "Massage Therapy Businesses", Sections 22-1, 22-218, 22-219, 22-221, 22-225, 22-228, and 22-231 of the Kennesaw Code of Ordinances. Mr. Cox gave a brief overview of the proposed changes.

Motion by Mayor Pro Tem Viars to approve an ordinance to amend Chapter 22 "Businesses", Article IX "Massage Therapy Businesses", Sections 22-1, 22-218, 22-219, 22-221, 22-225, 22-228, and 22-231 of the Kennesaw Code of Ordinances, as presented. Seconded by Councilmember Jones.

6:45 P.M. Floor Open for Public Comments

No Comments.

6:46 P.M. Floor Closed for Public Comments

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

XI. CONSENT AGENDA

A. Approval of the April 10, 2023 Mayor and City Council work session minutes.

B. Approval of the April 17, 2023 Mayor and City Council regular meeting minutes.

C. On April 24, 2023, Joel Kenneth Woodruff purchased two (2) lots in the Kennesaw City Cemetery. This lot is located in Section III, Plot 31, Lots G and H. The City Clerk recommends approval and to authorize the Mayor to sign the supporting deed for purchase of the lot.

D. Authorization to reschedule the Monday, July 3, 2023 Mayor and Council regular meeting to Wednesday, July 5, 2023 pursuant to the Kennesaw Code of Ordinances Section 2-26.

This year, the July 3, 2023 Mayor and Council regular meeting will coincide with the city's Salute to America event. Because of the event and its corresponding road closures, the city would like to reschedule the July 3, 2023 Mayor and Council meeting to Wednesday, July 5, 2023. Kennesaw Code of Ordinances Section 2-26 states, in part, "in addition thereto, the mayor and council may set such additional regular meeting dates by providing at least seven days' notice of their intention and upon majority vote of the council." The time and location will remain the same.

The City Clerk recommends Council authorize the rescheduling of the Monday, July 3, 2023 regular meeting at 6:30 PM in the City Hall Council Chambers to Wednesday, July 5, 2023 at 6:30 PM in the City Hall Council Chambers.

E. Approval of **RESOLUTION NO. 2023-16, 2023** for a Cooperation Agreement for Requalification of Urban County CDBG Program between Cobb County and the City of Kennesaw and to authorize the Mayor to sign said agreement.

Cobb County is required to requalify as an Urban County every three years. The requalification allows the Cobb County CDBG Office to be the lead entity

for the Cobb Urban County CDBG Program. As part of the requalification, the County requests that the municipalities within the County provide documentation that they intend to participate in the program. By participating in the program, the municipalities seek funds directly through the County and avoid the need to compete for funds statewide with the Georgia Department of Community Affairs. The Public Works Director recommends approval and requests authorization for the Mayor to sign the agreement.

F. Request to Surplus and Dispose of Vehicles and Equipment.

The City has surplus vehicles and equipment that need to be disposed. These items are considered surplus by purchase of replacements or due to repairs that are more costly than value. Staff will attempt to sell the surplus items in the open market; however, if no bids are received, the items will be sold as scrap metal. The surplus items are as follows:

Year	Make / Model	VIN Number / Serial Number	Department
2005	John Deere 450G	T0450GF842712	Public Works
2007	Freightliner M2	1FVACXCSO7HY04350	Public Works
2013	Ford Interceptor	1FAHP2M84DG110403	Police
2013	Ford Interceptor	1FAHP2M86DG110404	Police

The Public Works Director recommends declaring the aforementioned vehicles and equipment as surplus.

G. Approval of amended road closures for the Salute to America event held on Monday, July 3, 2023.

These are the new proposed changes:

- The City parking lot at Tunnel Plaza will be closed 8:00 PM Sunday, July 2nd – 2:00 AM on Tuesday, July 4th

- The following roads will be closed from 1:00 PM – 12:00 Midnight on Monday, July 3rd :
  - Cherokee St. from Big Shanty Dr. to Main St.
  - J.O. Stephenson Ave. from Main St. to Dallas St.
  - Watts Dr. from Main St. to Little General Cloggers Ln.
  - Main St. from Lewis St. to Watts Dr.
  - **Main St. from Watts Dr. to Summers St. will be closed from 8:00 PM on Sunday, July 2nd - 2:00 AM on Tuesday, July 4th**

The bolded change is to allow the main stage to be delivered the night of Sunday, July 2.

The following closures will remain the same as approved at the March 20, 2023 regular Council meeting:

- Shirley Drive will be closed from Cherokee Street to Carruth Street from 5:00 PM - 10:30 PM for fireworks
- Revival Residents will have access to the apartment complex from the Watts Drive entrance
- Depot Park parking lot will be closed Monday, July 3rd
- City Hall parking lot will be closed on Monday, July 3rd for 911, City Staff & VIPs

The Parks and Recreation Assistant Director recommends approval

Motion by Councilmember Sinclair to approve the Consent Agenda, engross. Seconded by Councilmember Ferris.

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

DEPARTMENT REPORTS

XII. FINANCE AND ADMINISTRATION
GINA AULD, Finance Director

A. Accept the Audit Report for Fiscal Year Ended September 30, 2022, for the City of Kennesaw as presented by Mauldin and Jenkins, LLC.

The audit report is presented to the Mayor and Council each year. This report is for the Fiscal Year Ended September 30, 2022, as presented by Mauldin and Jenkins, LLC. Finance Director recommends acceptance of the report.

Finance Director Gina Auld introduced William Derzis from Mauldin and Jenkins, LLC to present the audit report for fiscal year ended September 30, 2022 for the City of Kennesaw. The State of Georgia has accepted the report and had no findings.

Mr. Derzis went through the firm's discussion and analysis report, including its issuance of an unmodified audit report **(See Exhibit C)**.

Motion by Mayor Pro Tem Viars to accept the Audit Report for Fiscal Year Ended September 30, 2022, for the City of Kennesaw as presented by Mauldin and Jenkins, LLC. Seconded by Councilmember Jones.

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

XIII. PUBLIC SAFETY
BILL WESTENBERGER, Police Chief
NIKKI MCGRAW, 911 Communications Director

No items.

XIV. INFORMATION TECHNOLOGY
RICK ARNOLD, Operations Specialist
JOSHUA GUERRERO, System Administration Specialist

No items.

XV. PUBLIC WORKS
RICKY STEWART, Director
ROBBIE BALENGER, Building & Facilities Manager

No items.

XVI. RECREATION AND CULTURE
RICHARD BANZ, Museum and Agency Director
STEVE ROBERTS, Parks and Recreation Director
BRITTANY JONES, Smith-Gilbert Gardens Director

No items.

XVII. COMMUNITY DEVELOPMENT
LUKE HOWE, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

No items.

XVIII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

7:00 P.M. Floor Open for Public Comments

MARTY HUGHES [Assistant City Manager]: Mr. Hughes read a summary of an email submitted to kennesawcouncil@kennesaw-ga.gov by resident Bob MacGillivary requesting "No Parking" signs along Legacy Park Circle in front of the tennis courts **(See Exhibit D).**

ANDREW BRAMLETT [City Resident]: Mr. Bramlett spoke about the lager business of Jacob Russell, a railroad worker who named our community "Big Shanty" **(See Exhibit E).**

7:02 P.M. Floor Closed for Public Comments

XIX. CITY MANAGERS REPORT – Jeff Drobney

A. City Manager reports, discussions and updates.

XX. MAYOR'S REPORT

A. Ratify the appointments of Judith Burrell and Anthony Gutierrez to the Cemetery Preservation Commission with terms ending December 2025.

Motion by Councilmember Jones to ratify the appointments of Judith Burrell and Anthony Gutierrez to the Cemetery Preservation Commission with terms ending December 2025, as presented. Seconded by Councilmember Burnette.

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

XXI. COUNCIL COMMENTS

Councilmember Ferris celebrated his birthday yesterday with friends and family. He shared this Saturday, May 6 will be Decoration Day in the Kennesaw City Cemetery from 10 a.m. and invited all to attend.

Councilmember Sinclair wished a happy belated birthday to Councilmember Ferris and recognized the first Kennesaw State University football player to be drafted to the National Football League.

Councilmember Burnette hoped Councilmember Ferris had a great birthday – another year wiser!

Councilmember Jones said it is lovely seeing so many people active in our downtown. He mentioned people are happy being here and cannot wait for all that is ahead.

Mayor Pro Tem Viars shared we should have a lot of people downtown this weekend. The band 293 will be playing Friday night in the Tunnel as a part of our First Friday Concert Series. Most of the members went to North Cobb High School and have a tremendous following. Mayor Pro Tem Viars said residents have reached out to her about some issues, and she promised she would speak on their behalf. A couple of residents asked for the city not to change the look and color of the Depot when they make the repairs. In addition, the owner of the house at the corner of Main Street and Cemetery Street would like the city to consider some level of control during the Salute to America event, as he could not access his event once it started.

XXII. EXECUTIVE SESSION –Land, Legal, Personnel

A. 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.

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.

Motion by Councilmember Burnette to enter into Executive Session as allowed by O.C.G.A. Sec. 50-14-3 for discussing personnel. Motion seconded by Councilmember Sinclair.

After receiving visual and verbal confirmation from Council, motion approved unanimously, 5-0. Motion carried.

7:07 P.M. Recess to Executive Session

Mayor, City Council, City Attorney, City Manager, Assistant City Manager, and City Clerk attended Executive Session.

7:16 P.M. Reconvene to Open Session

Councilmember Burnette read the Board back into Open Session and directed the Mayor and City Council to execute an affidavit in compliance with O.C.G.A. Sec. 50-14-4. Motion seconded by Councilmember Sinclair.

After receiving visual and verbal confirmation from Council, motion approved unanimously, 5-0. Motion carried.

XXIII. ADJOURN

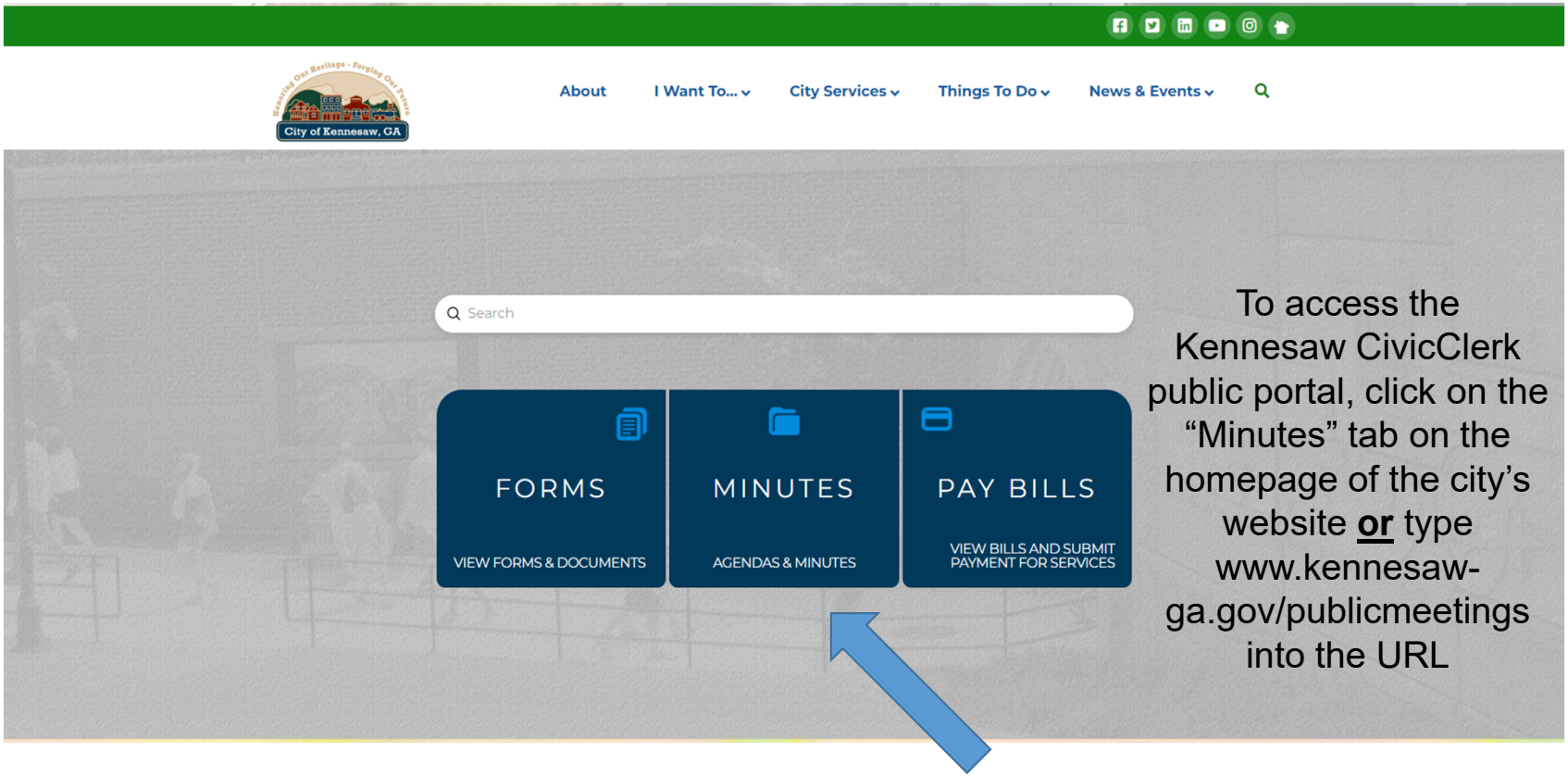
Mayor Easterling adjourned the meeting at 7:17 P.M. The next regular meeting will be held Monday, May 15, 2023 at 6:30 P.M. in the Council Chambers. The public is encouraged to attend or view via Facebook Live.

_____
Lea Alvarez, City Clerk

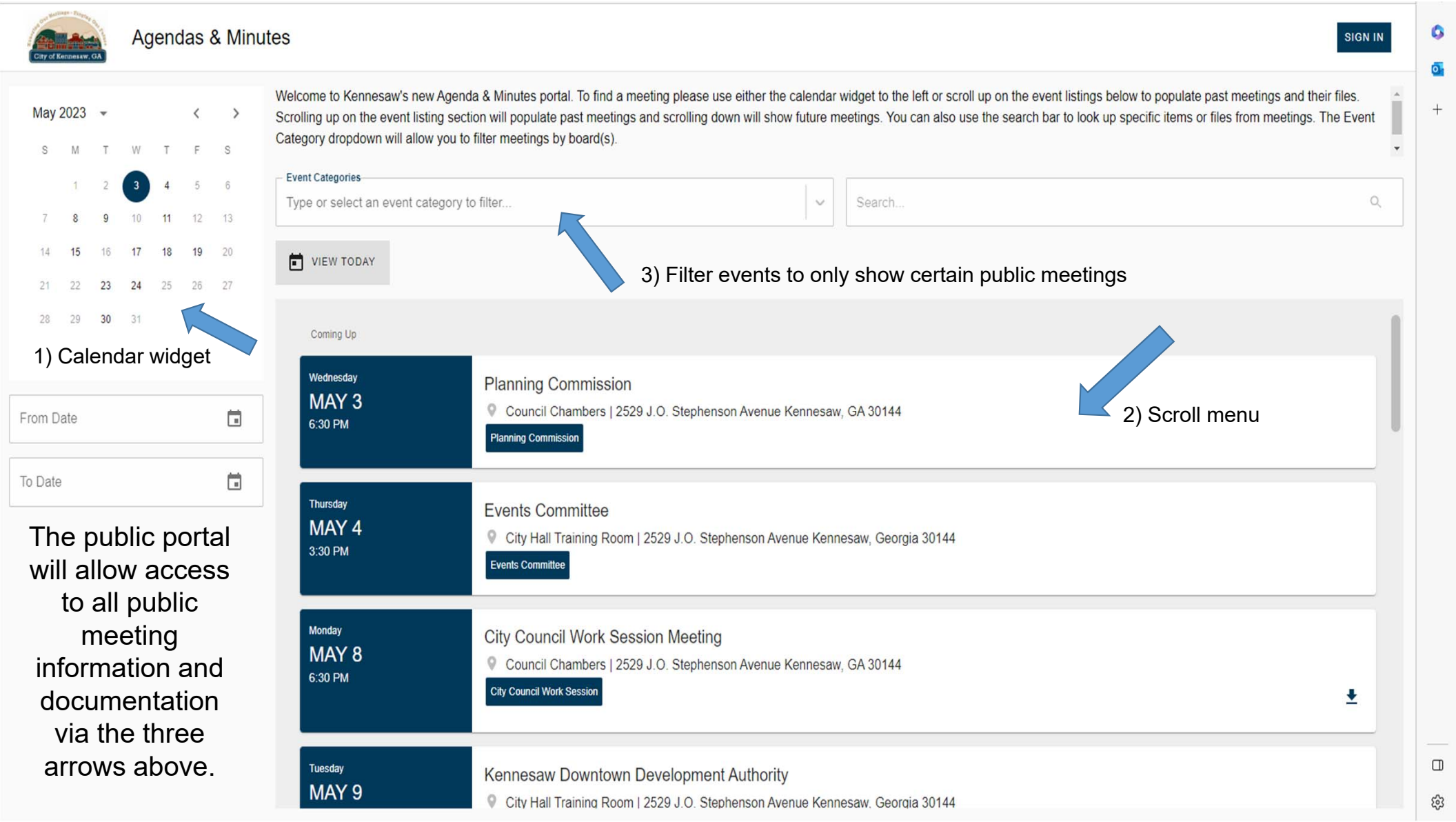
Honoring Our Heritage - Forging Our Future
City of Kennesaw, GA

CivicClerk

www.kennesaw-ga.gov/publicmeetings



To access the Kennesaw CivicClerk public portal, click on the "Minutes" tab on the homepage of the city's website **or** type www.kennesaw-ga.gov/publicmeetings into the URL


Agendas & Minutes
SIGN IN
May 2023
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7 8 9 10 11 12 13
14 15 16 17 18 19 20
21 22 23 24 25 26 27
28 29 30 31
1) Calendar widget
From Date
To Date
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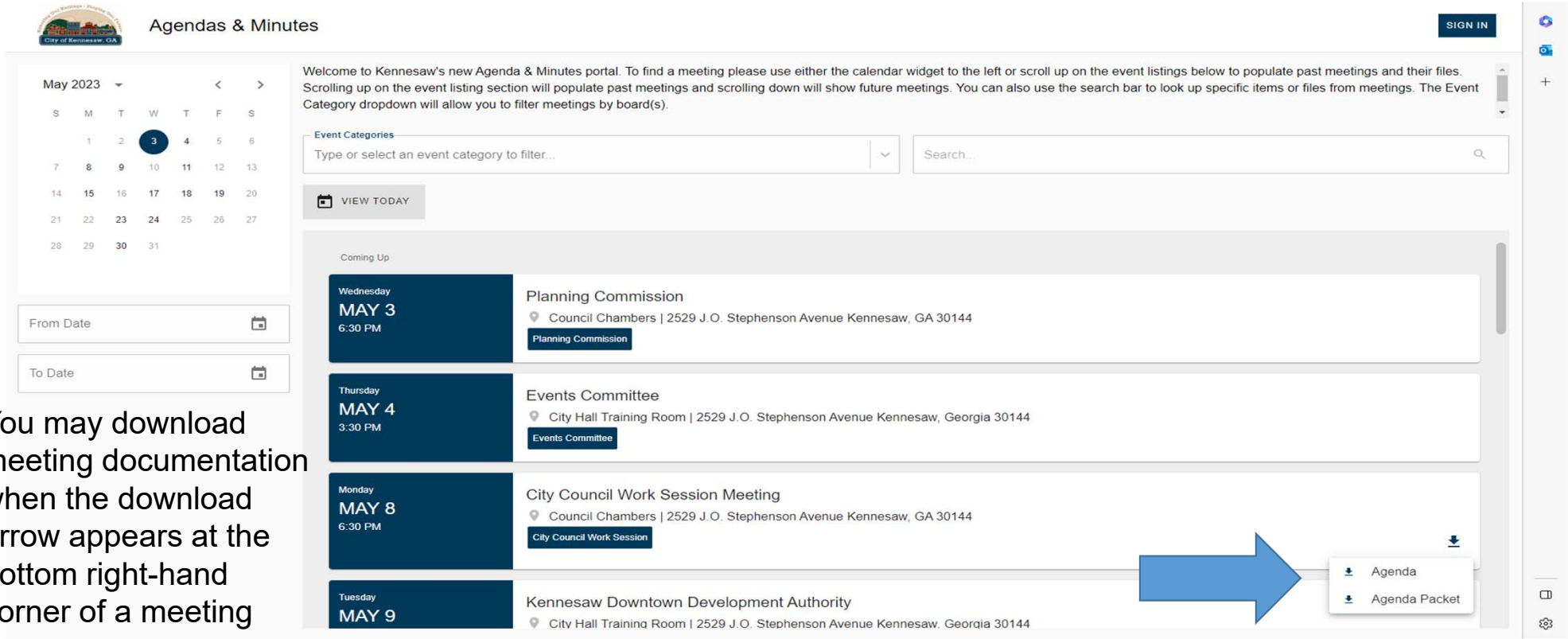
Welcome to Kennesaw's new Agenda & Minutes portal. To find a meeting please use either the calendar widget to the left or scroll up on the event listings below to populate past meetings and their files. Scrolling up on the event listing section will populate past meetings and scrolling down will show future meetings. You can also use the search bar to look up specific items or files from meetings. The Event Category dropdown will allow you to filter meetings by board(s).
Event Categories
Type or select an event category to filter...
Search...
VIEW TODAY
3) Filter events to only show certain public meetings
Coming Up
2) Scroll menu
Wednesday
MAY 3
6:30 PM
Planning Commission
Council Chambers | 2529 J.O. Stephenson Avenue Kennesaw, GA 30144
Planning Commission
Thursday
MAY 4
3:30 PM
Events Committee
City Hall Training Room | 2529 J.O. Stephenson Avenue Kennesaw, Georgia 30144
Events Committee
Monday
MAY 8
6:30 PM
City Council Work Session Meeting
Council Chambers | 2529 J.O. Stephenson Avenue Kennesaw, GA 30144
City Council Work Session
Tuesday
MAY 9
Kennesaw Downtown Development Authority
City Hall Training Room | 2529 J.O. Stephenson Avenue Kennesaw, Georgia 30144

Access Agendas/Minutes



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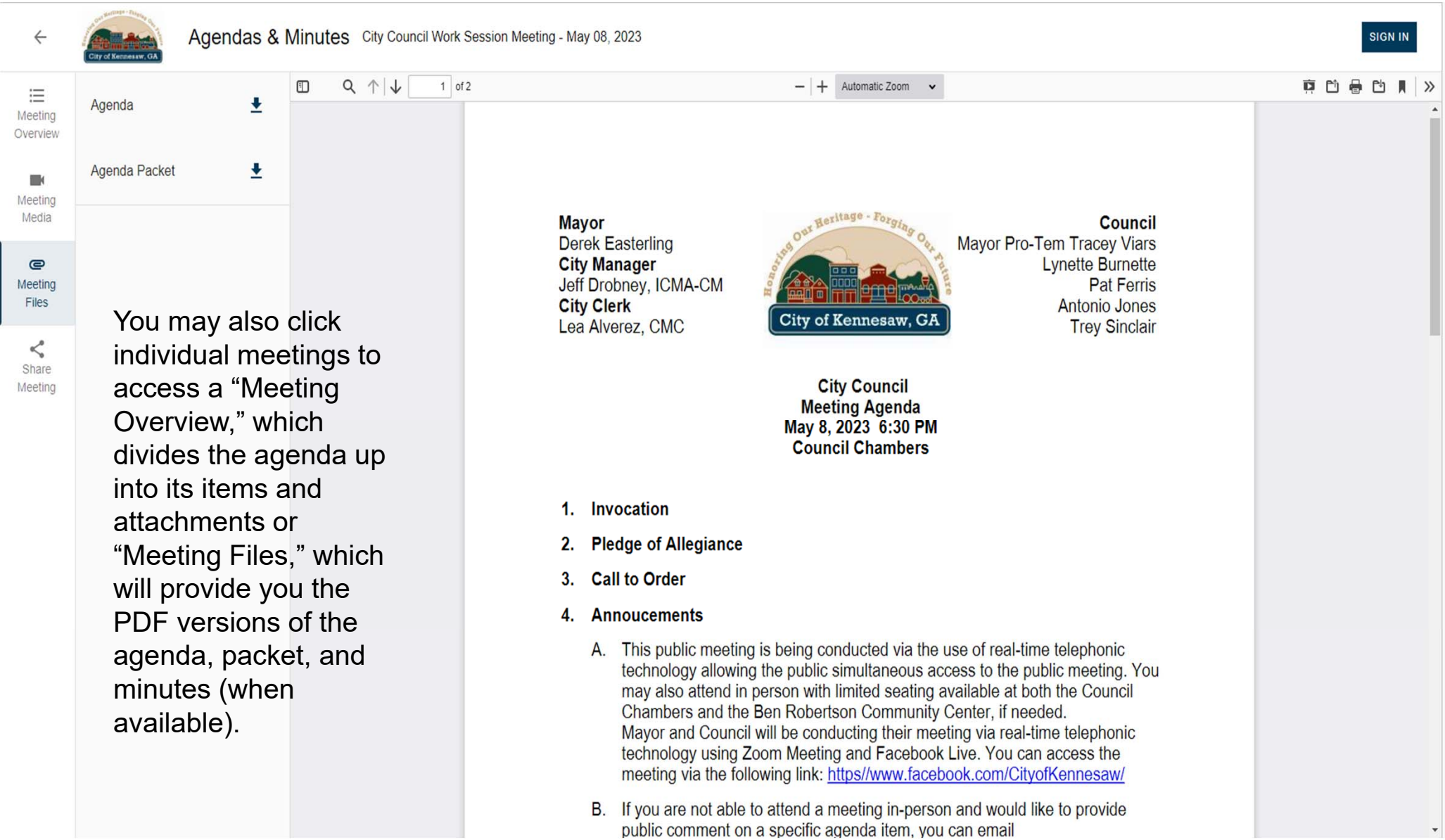

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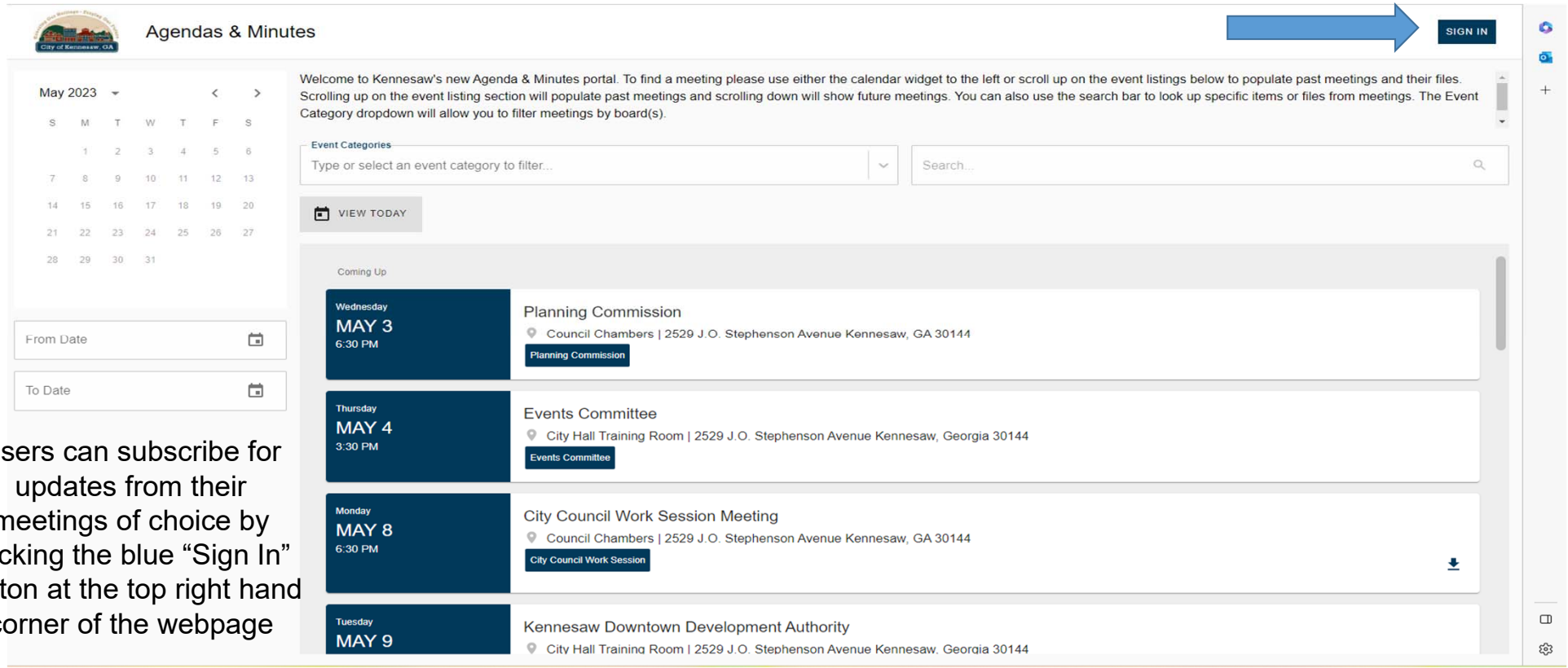

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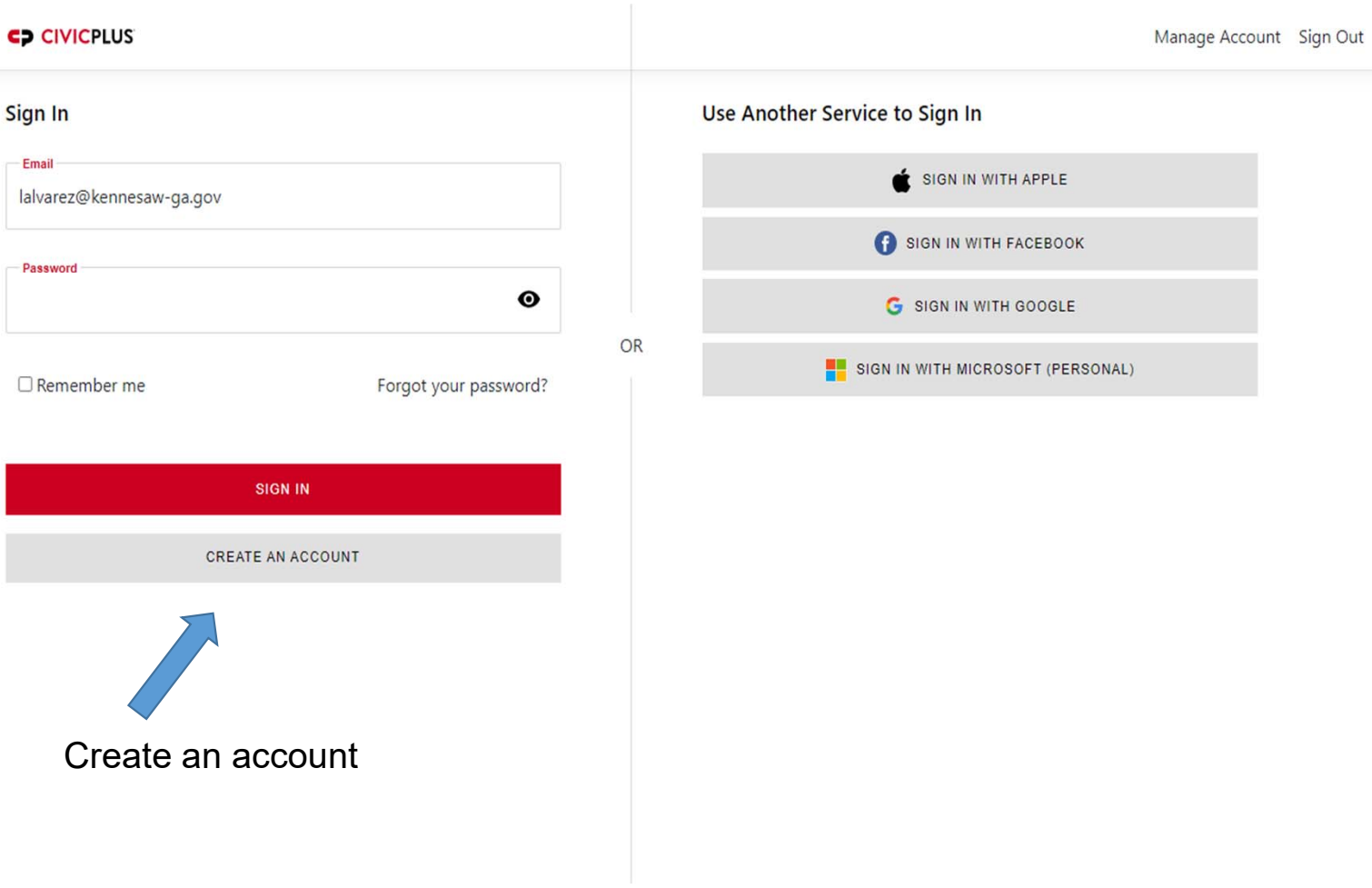

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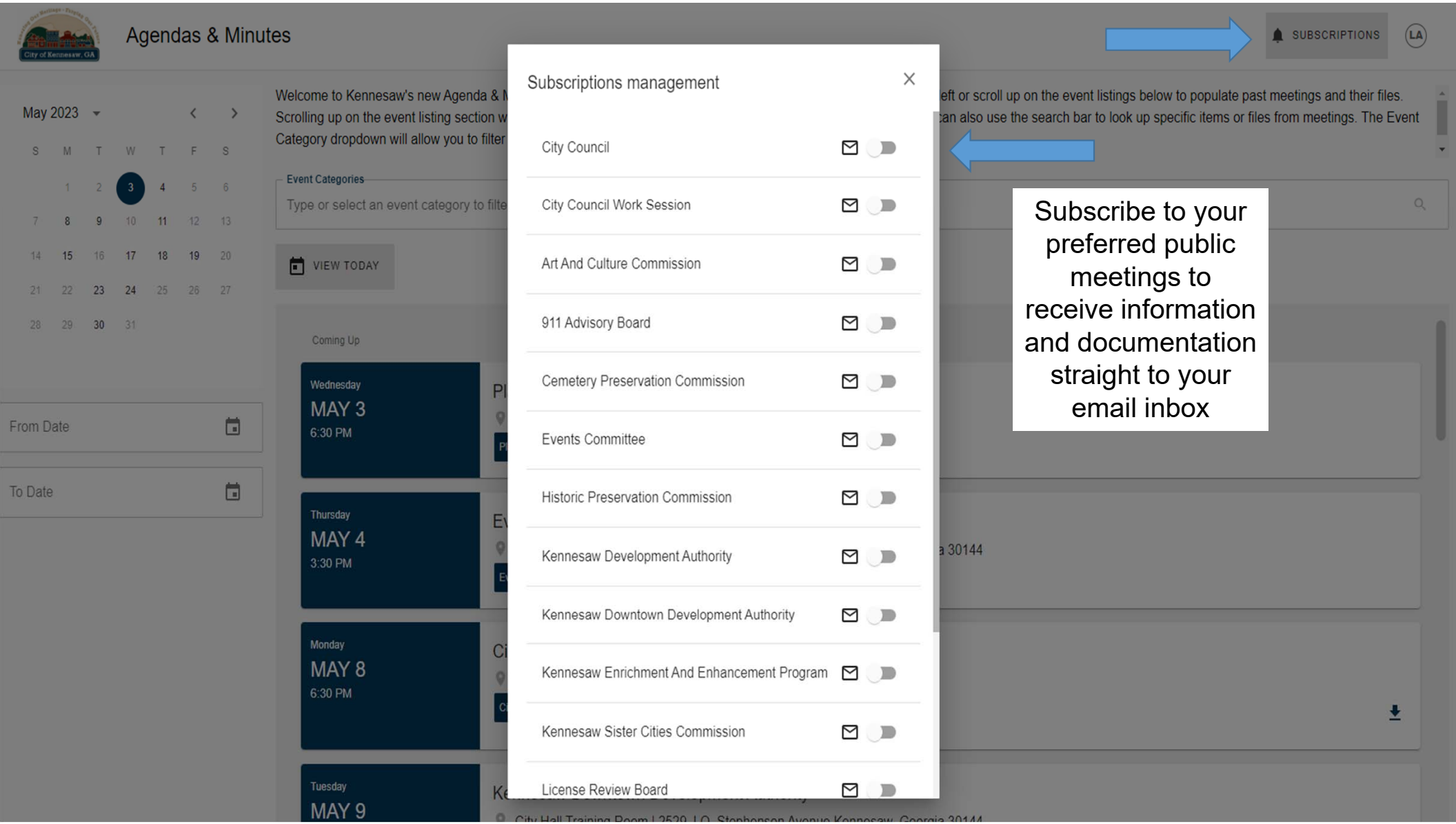
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911 Advisory Board
Cemetery Preservation Commission
Events Committee
Historic Preservation Commission
Kennesaw Development Authority
Kennesaw Downtown Development Authority
Kennesaw Enrichment And Enhancement Program
Kennesaw Sister Cities Commission
License Review Board
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May 2023
VIEW TODAY
Coming Up
Wednesday
MAY 3
6:30 PM
Thursday
MAY 4
3:30 PM
Monday
MAY 8
6:30 PM
Tuesday
MAY 9
From Date
To Date

KENNESAW HISTORY

Kennesaw Depot

The Kennesaw Depot, c. 1900

Image from Georgia State University.

While the *General* is one of the most recognizable symbols of our town's history, the Depot remains one of the closest links to the role the railroad played in the founding of Kennesaw. The original depot was built prior to the Civil War and was burned in 1864. Around 1869, it was replaced by a small shack-like structure. By 1891 that building was proving inadequate, so the Nashville, Chattanooga, and St. Louis Railway decided to construct a new building. In 1893, the old building was moved away from the tracks, and can be seen between the Depot and water tower in the photo above.

Construction began sometime in 1892, and by January 12, 1893, the *Marietta Journal* was able to report that "it will soon be completed." Two weeks later, the paper reported it would "be an honor to the place and very much needed." The railroad agent would not move into the new Depot until March 1893. In 1902, the Depot was expanded and it was remodeled in the 1920s, bringing it to its present size.

After 130 years of service, the Kennesaw Depot remains one of the most important links to Kennesaw's railroad past.

Presented by Andrew J. Bramlett at the May 1, 2023, City of Kennesaw Mayor & Council Meeting

KENNESAW HISTORICAL SOCIETY

Exhibit C

Going Further.

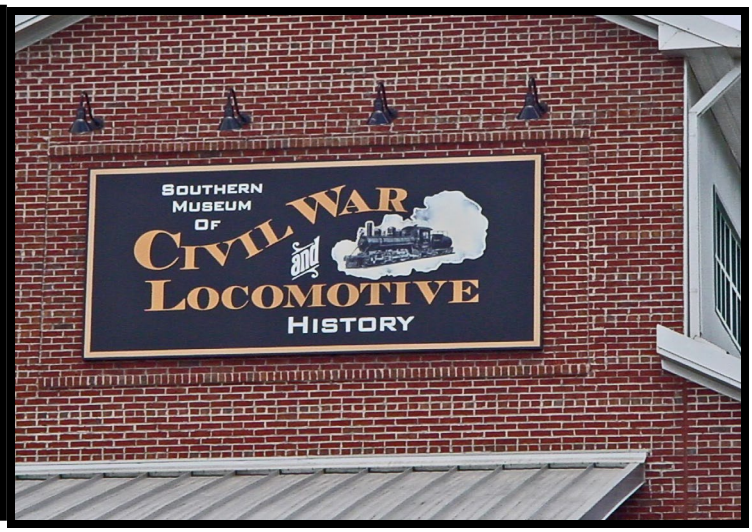
City of Kennesaw, Georgia

Auditor's Discussion & Analysis

Financial & Compliance Audit Summary

September 30, 2022

Presented by:
Christopher McKellar, CPA, Partner



City of Kennesaw, Georgia

Auditor's Discussion & Analysis (AD&A)
September 30, 2022

PURPOSE OF ANNUAL AUDIT AGENDA

- Engagement Team and Firm Information.

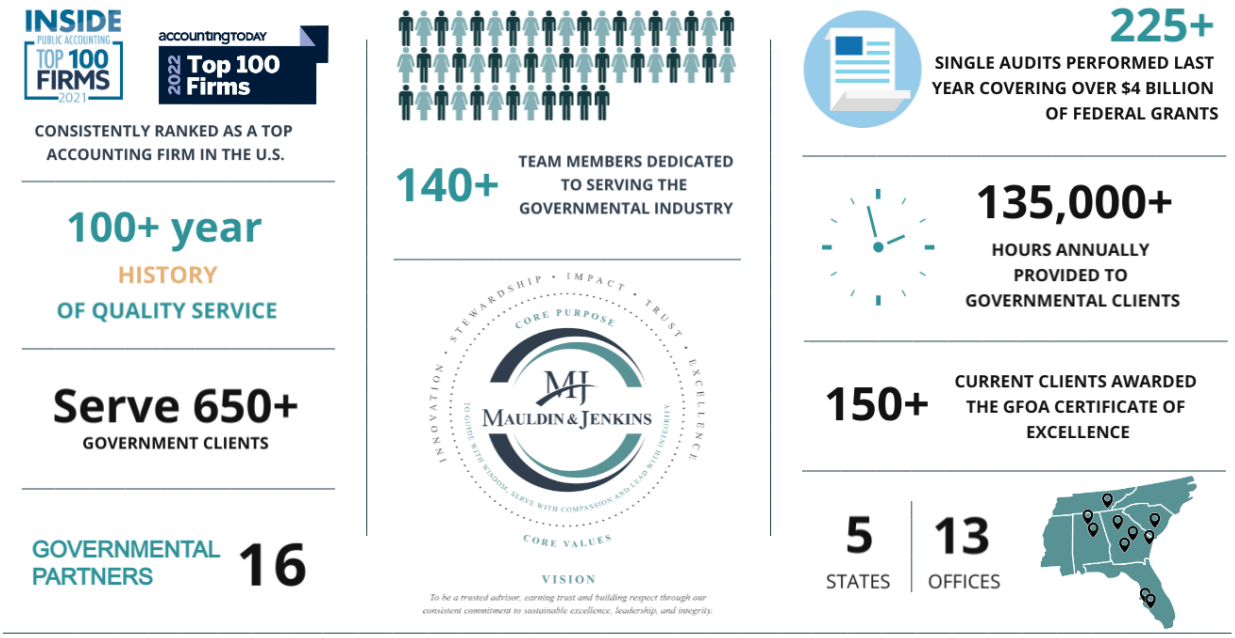
- Overview of:
  - Audit Opinion;
  - Financial Statements, Footnotes and Supplementary Information; and
  - Compliance Reports.

- Required Communications under Government Auditing Standards.

- Accounting Recommendations and Related Matters.

- Other Items and Closing Thoughts.

- Answer Questions.



Engagement Team Leaders for City of Kennesaw, Georgia Include:

- Christopher McKellar – Engagement Lead Partner – over 15 years' experience
- James Bence – Quality Assurance Review Partner – over 20 years' experience
- Will Derzis – Engagement Senior Manager – 7 years' experience

MAULDIN & JENKINS – ADDITIONAL INFORMATION

Other Industries & Services by Mauldin & Jenkins:

Each of Mauldin & Jenkins' offices provides a wide variety of services to a broad range of clientele. We have partners and managers who are responsible for specialized practice areas of auditing and accounting, taxes and management advisory services. Their purpose, as leaders in the particular practice area, is to establish policies with respect to technical matters in these specific areas and ensure that the quality of the Firm's practice is maintained.

Industries Served: Over the years our partners have developed expertise in certain industries representative of a cross section of the Georgia economy, including:

- Governmental Entities (state entities, cities, counties, school systems, business type operations, libraries, and other special purpose entities)
- SEC Registrants
- Wholesale Distribution
- Agri-Businesses
- Manufacturing
- Professional Services
- Employee Benefit Plans
- Financial Institutions (community banks, savings & loans, thrifts, credit unions, mortgage companies, and finance companies)
- Non-Profit Organizations
- Retail Businesses
- Long-term Healthcare
- Construction & Development
- Individuals, Estates and Trusts
- Real Estate Management

Services Provided: This diversity of practice enables our personnel to experience a wide variety of business, accounting and tax situations. We provide the traditional and not-so-traditional services such as:

- Financial Audit/Review/Compilation
- Compliance Audits & Single Audits
- Agreed-Upon Procedures
- Forensic Audits
- Bond Issuance Services
- Performance Audits
- State Sales Tax Matters
- International Tax Matters
- Business & Strategic Planning
- Profitability Consulting
- Budgeting
- Buy-Sell Agreements & Business Valuation Issues
- Income Tax Planning & Preparation
- Multi-State Income Tax Issues
- Information Systems Consulting
- Cost Accounting Analysis
- Healthcare Cost Reimbursement
- Outsourced Billing Services
- Fixed Asset Inventories
- Succession & Exit Strategy Consulting
- Estate Planning
- Management Information Systems
- Employee Benefit Plan Administration
- Merger/Acquisition & Expansion Financing

INDEPENDENT AUDITOR'S REPORT

The independent auditor's report has specific significance to readers of the financial report.

Management's Responsibility for the Financial Statements

The financial statements are the responsibility of management.

Auditor's Responsibility

Our responsibility, as external auditors, is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. We planned and performed our audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

Opinions

We have issued an unmodified audit report (i.e., "clean opinions"). The respective financial statements are considered to present fairly the financial position and results of operations as of, and for the year ended September 30, 2022.

Emphasis of Matter

The financial statements reflect the implementation GASB Statement No. 87, and our opinions are not modified with respect to this.

Other Matters

Certain required supplementary information and other information is included in the financial report, and as directed by relevant auditing standards, we have not expressed an opinion or provided any assurance on the respective information.

Other Reporting

Government Auditing Standards require auditors to issue a report on our consideration of internal control over financial reporting and on our tests of compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. We have issued such a report and reference to this report is included in the independent auditor's report.

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City of Kennesaw, Georgia

Auditor's Discussion & Analysis (AD&A)
September 30, 2022

ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR)

General Information about the ACFR

An Annual Comprehensive Financial Report (ACFR) goes beyond the normal financial reporting required by accounting principles generally accepted in the United States. An ACFR includes at a minimum the following elements/sections:

- **Introductory Section:** general information on the City's structure and the services it provides.
  - Letter of Transmittal
  - Organizational Chart
  - Directory of Officials
  - Certificate of Achievement for Excellence in Financial Reporting

- **Financial Section:** basic financial statements, footnotes and required supplementary information along with the auditor's report.
  - Independent Auditor's Report
  - Management Discussion & Analysis (MD&A)
  - Financial Statements and Footnotes

- **Statistical Section:** broad range of financial, demographic information useful in assessing the City's economic condition, and this information covers multiple years.
  - Financial Trends Information
  - Revenue Capacity Information
  - Debt Capacity Information
  - Operating Information

An ACFR goes far beyond the basic requirements of annual financial reporting, and the City should be commended for going beyond the minimum and providing such a report.

Recognition and Award

Once completed, the fiscal year 2022 ACFR was submitted to the Government Finance Officers Association (GFOA) for determination if the report would merit the GFOA's Certificate of Achievement for Excellence in Financial Reporting. We are happy to inform everyone that the GFOA did indeed review the ACFR and awarded the City with the sought after Certificate.

The GFOA Certificate has been made a part of the City's 2022 fiscal year ACFR and is included in the Introductory Section.

OVERVIEW OF FINANCIAL STATEMENTS

The City's basic financial statements include three components:

1) Government-wide financial statements;
2) Fund financial statements; and
3) Notes to the financial statements.

The **government-wide financial statements** provide a broad overview of all of the City's funds, as well as its discretely presented component unit – the City of Kennesaw Development Authority. The *Statement of Net Position* presents information on all assets (and deferred outflows) and liabilities (and deferred inflows) of the City, with the resulting difference reported as net position. The *Statement of Activities* presents information showing how the City's net position changed during the most recent fiscal year. Revenues are categorized as program revenues or general revenues. Expenses are categorized by function.

The **fund financial statements** more closely resemble the financial statements as presented prior to the adoption of GASB issued Statement No. 34. All of the funds of the City can be divided into two (2) categories: governmental funds (includes the General Fund) and business-type funds.

The City also includes, as part of the ACFR, the following information:

1) Introductory Section (including Letter of Transmittal)
2) Special Purpose Local Option Sales Tax (SPLOST) Schedules.
3) Schedule of Expenditures of Federal Awards.
4) Statistical Section
5) Single Audit Report

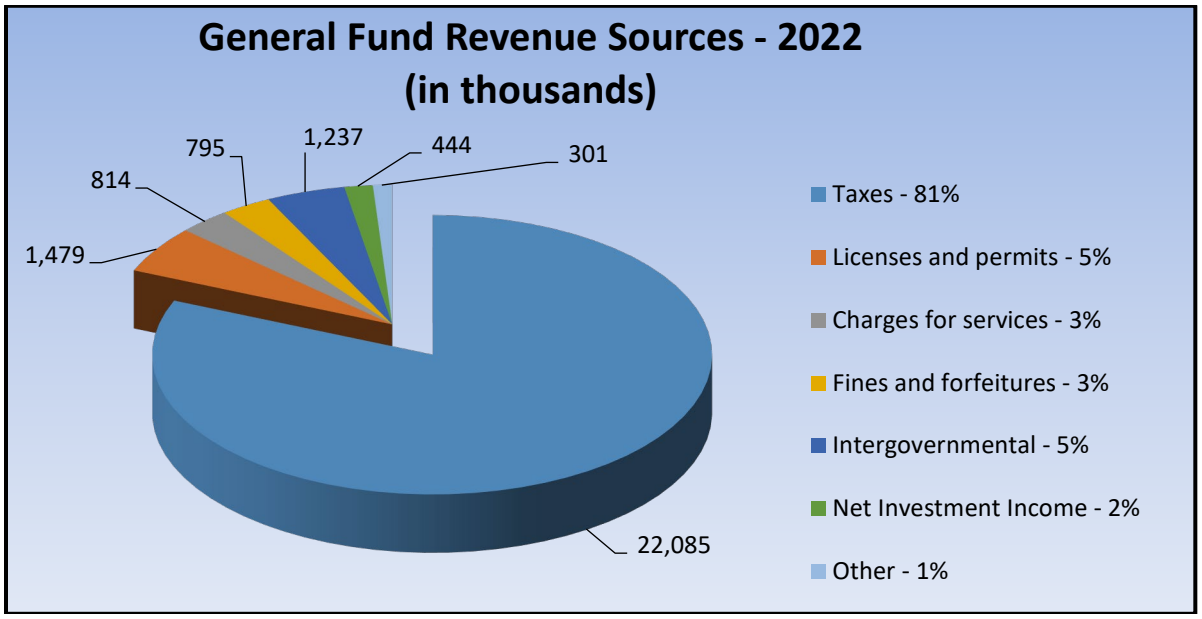
Government-Wide (Full-Accrual) Financial Statements

As noted above, the financial report of the City includes two (2) entity-wide financial statements: a *Statement of Net Position*; and a *Statement of Activities*. Highlights of the government-wide statements notes total assets (and deferred outflows of resources) of approximately $198,000,000 offset by liabilities (and deferred inflows of resources) of approximately $48,100,000. This results in the City reported net position (or equity) of approximately $149,900,000. Also, a substantial element of the net position is composed of a net investment in capital assets in the approximate amount of $95,600,000. Restricted net position amounts to approximately $40,700,000 leaving unrestricted net position at approximately $13,600,000.

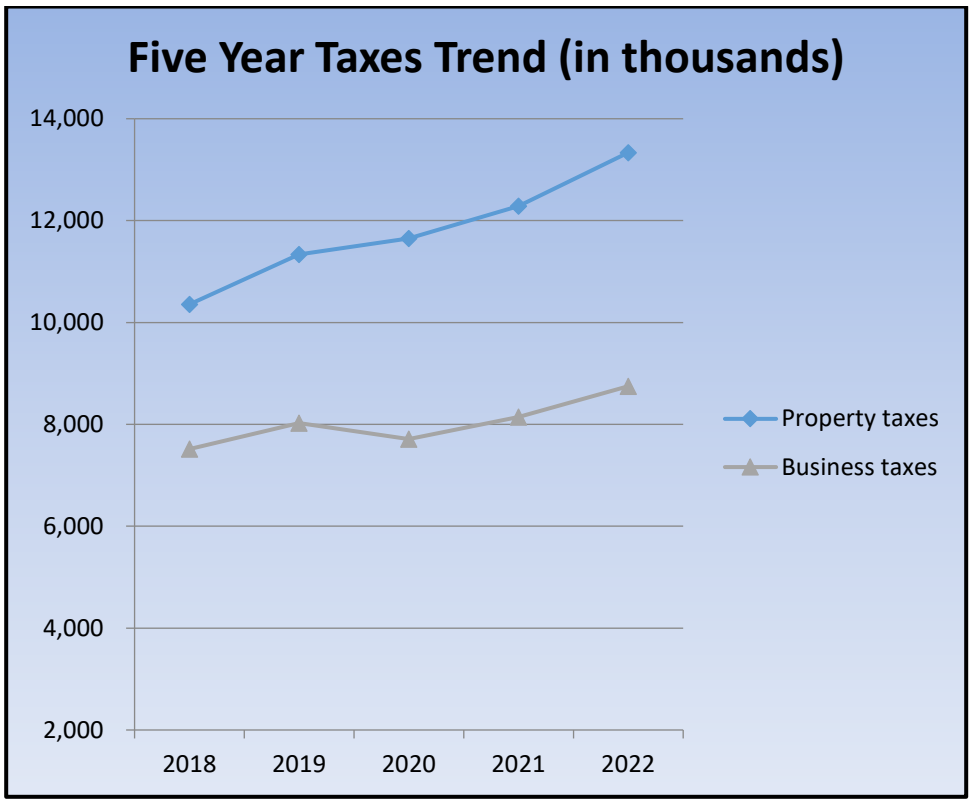
The *Statement of Activities* attempts to report expenses in the first column with direct offsetting program revenues to the adjacent columns to arrive at a net cost of the functional areas of operation. General revenues (primarily property taxes, insurance taxes and franchise taxes) come to the rescue of the net cost of the functional areas resulting in the City reporting a change in net position of approximately $16,000,000 for the fiscal year ended September 30, 2022.

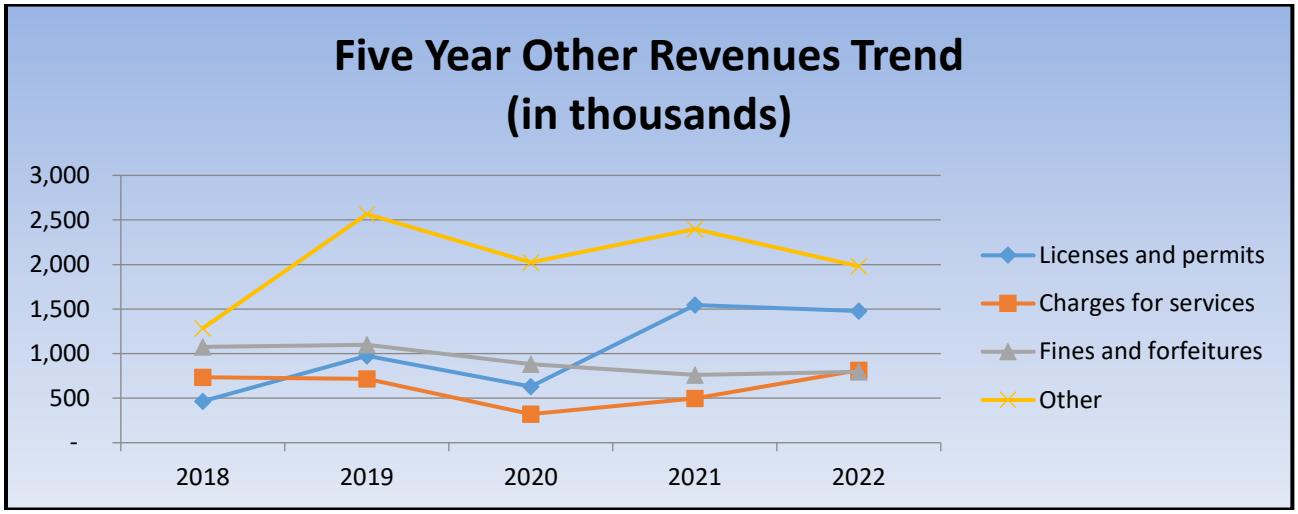
General Fund

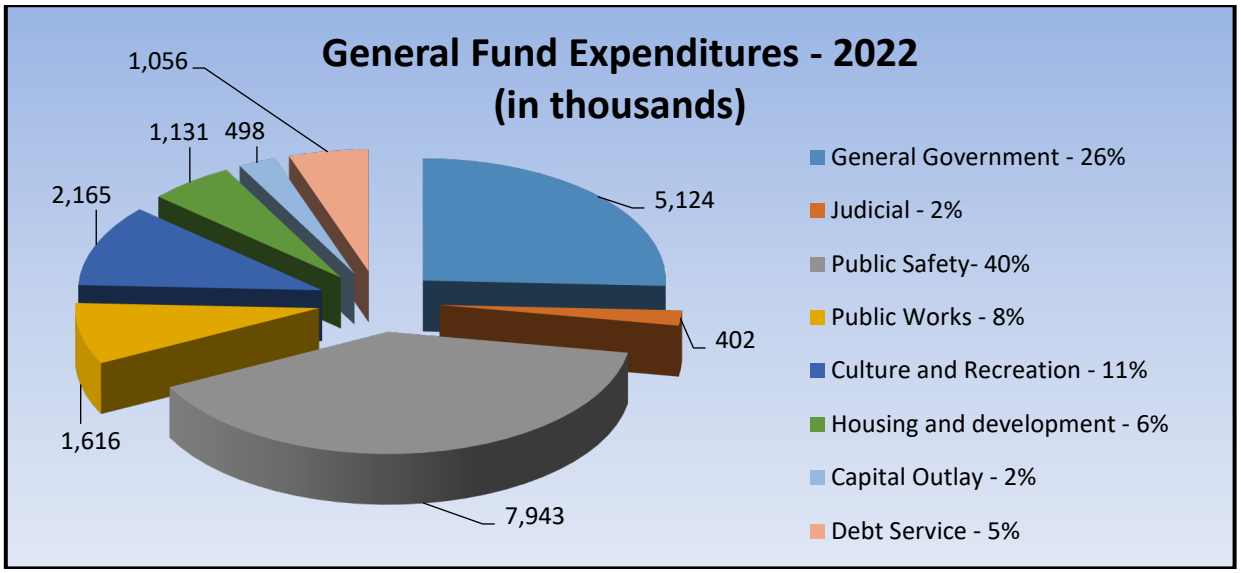
Of primary interest to the City is the **General Fund**, which accounts for the majority of revenues received and funds expended in the operations of the City, including general government activities, judicial, public safety, public works, culture and recreation, and planning and zoning. The following charts present the sources of revenues and the expenditures of the General Fund for the fiscal year ended September 30, 2022:



Total General Fund revenues for the fiscal year ended September 30, 2022 were approximately $27,200,000. Revenues of the prior year were approximately $25,700,000. The most significant variance was the increase in tax revenues of approximately $1,100,000. Below is a trending of the City's General Fund revenues over the past five (5) years:

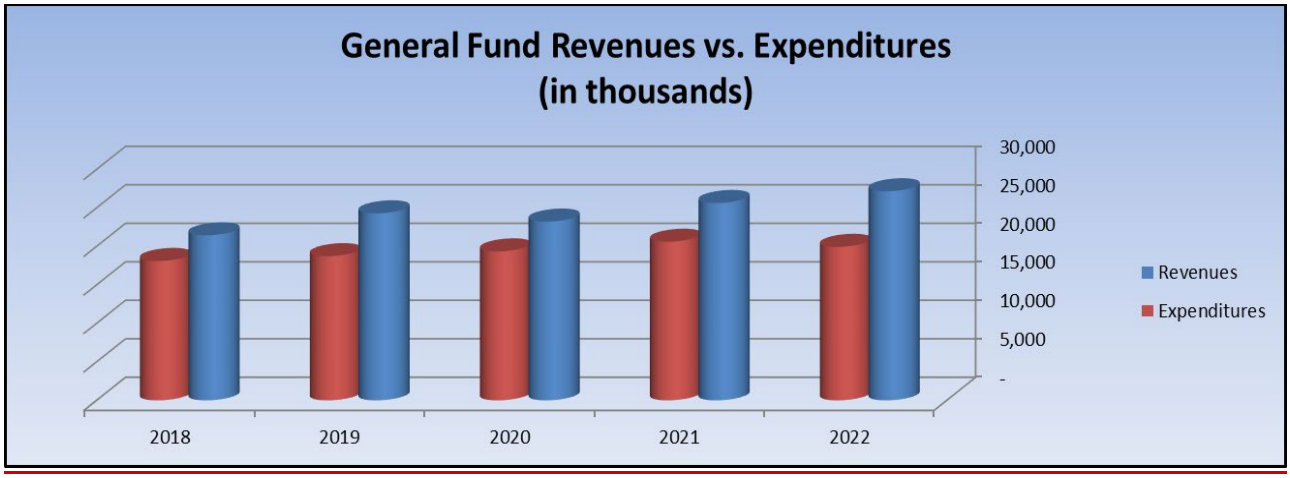






Total expenditures during the year ended September 30, 2022 were approximately $19,900,000. Expenditures of the prior year were approximately $20,600,000. This was a decrease of approximately $700,000.

More detailed explanations of variances can be found in the Management's Discussion and Analysis section of the financial statements. An analysis of General Fund revenues and expenditures for each of the last five fiscal years is as follows:



Other Governmental Funds

The City also maintains seven (7) *special revenue funds.* These funds account for revenues derived from specific sources which are legally restricted to finance particular functions or activities. *Debt service funds* are used to account for the accumulation of resources for payment of the City's long-term debt. The City maintains two (2) debt service funds. *Capital projects funds* are used to account for revenues and expenditures related to the renovation and/or construction of major capital assets. One (1) capital projects fund is maintained by the City.

Business-Type Funds

The City maintains five (5) *enterprise funds,* which are used to account for operations in a manner similar to private business enterprises. The enterprise funds maintained are the Sanitation Fund, Museum Fund, Gardens Fund, Stormwater Fund, and Streetlight Fund.

The City also maintains one (1) *internal service fund* which is used to account for various programs and services for the benefit of the other funds of the City. The internal service fund maintained is the Employee Health Benefits Fund.

Footnotes

Note 1 - Accounting Policies: This footnote discusses the overall organization of the City and the nature of its operations. This note also discloses pertinent information regarding the governing body of the City.

This footnote continues by sharing with a reader of the financial statements the significant accounting policies and principles utilized in the preparation of the financial statements.

Note 2 - Reconciliation of Government-wide Financial Statements and Fund Financial Statements: This footnote provides additional detailed information that is not already shown within the financial statements themselves, on the differences between the City's fund level financial statements and its government-wide financial statements.

Note 3 - Legal Compliance – Budgets: This footnote discloses the City's procedures in establishing its annual budget and discloses any of the City's excesses of actual expenditures over appropriations for the year.

Note 4 - Deposits and Investments: This disclosure addresses common deposit and investment risks related to credit risk, concentration of credit risk, and interest rate risk.

Note 5 - Receivables: This footnote discloses the City's property tax calendar and detailed information on various receivable (and allowances for doubtful receivables) balances.

Note 6 - Lease Receivable: This footnote discloses the City's leasing arrangements as lessor under newly implemented GASB Statement No. 87, *Leases*.

Note 7 - Capital Assets: This footnote discloses the City's capital asset activity and its related accumulated depreciation for the year.

Note 8 - Long-Term Debt: This footnote discloses the City's long-term debt activity for the year, and other information and maturities for this long-term debt.

Note 9 - Interfund Receivables, Payables, and Transfers: This footnote discloses detailed information on the City's interfund balances and transfers and the purpose for these balances and transactions.

Notes 10 & 11 - Defined Benefit Pension Plan and Other Postemployment Benefits: These footnotes disclose the details of the City's Defined Benefit Pension Plan and Other Postemployment Benefit Plan, which is now disclosed in accordance with the provisions of GASB issued Statement No. 75.

Note 12 - Defined Contribution Pension Plan: This footnote discloses the details of the City's Deferred Compensation Plan.

Note 13 - Joint Venture: This footnote discloses the City's relationships with the entities considered to be joint ventures for reporting purposes.

Note 14 - Risk Management: This footnote discloses the City's various risks of loss and the measures the City has taken to mitigate those potential losses.

Note 15 - Commitments and Contingencies: This footnote discloses the contingencies from potential litigation, claims, and assessments filed against the City and significant contractual commitments of the City at year-end.

Note 16 - Hotel/Motel Lodging Tax: This footnote discloses the City's tax rate for hotel/motel taxes, along with the amounts and nature of these revenues and expenditures.

Note 17 - Restricted Fund Balance: This footnote discloses further details surrounding the City's restricted fund balance described as "Voter approved use."

COMPLIANCE REPORT

The financial report package contains the City's compliance reports.

Yellow Book Report: The first compliance report is a report on our tests of the City's internal controls and compliance with laws, regulations, etc. The tests of internal controls were those we determined to be required as a basis for designing our financial statement auditing procedures. Such tests also considered the City's compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. In accordance with the respective standards, the report is **not** intended to provide an opinion, but to provide a form of negative assurance as to the City's internal controls and compliance with applicable rules and regulations.

Single Audit Report: The second compliance report is a report on our tests of the City's internal controls and compliance with laws, regulations, etc. relative to certain federal grant programs and the respective expenditures. Our tests were performed on the City's major programs (as defined by the relevant federal guidelines), and were not applied to each and every federal grant expended by the government. In accordance with the respective standards, we did provide an unmodified (or positive) opinion on the City's compliance based on our audit. However, we were not required to provide an opinion on the relevant internal controls, but to provide a form of negative assurance on such controls.

MAULDIN & JENKINS
CPAs & ADVISORS

REQUIRED COMMUNICATIONS

The Auditor's Responsibility Under *Government Auditing Standards* and Auditing Standards Generally Accepted in the United States of America

Our audit of the financial statements of City of Kennesaw, Georgia (the "City") for the year ended September 30, 2022 was conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether caused by error, fraudulent financial reporting or misappropriation of assets. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. Accordingly, the audit was designed to obtain reasonable, rather than absolute, assurance about the financial statements. We believe our audit accomplishes that objective.

In accordance with *Government Auditing* Standards, we have also performed tests of controls and compliance with laws and regulations that contribute to the evidence supporting our opinion on the financial statements. However, they do not provide a basis for opining on the City's internal control or compliance with laws and regulations.

Accounting Policies

Management has the ultimate responsibility for the appropriateness of the accounting policies used by the City. There are several new accounting standards which will be required to be implemented in the coming years. These are discussed later in this document.

In considering the qualitative aspects of the City's accounting policies, we did not identify any significant or unusual transactions or significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus. The City's policies relative to the timing of recording of transactions are consistent with GAAP and typical government organizations.

Management Judgments and Accounting Estimates

Accounting estimates are an integral part of the preparation of financial statements and are based upon management's current judgment. The process used by management encompasses their knowledge and experience about past and current events and certain assumptions about future events. Management has informed us they used all the relevant facts available to them at the time to make the best judgments about accounting estimates and we considered this information in the scope of our audit. We considered this information and the qualitative aspects of management's calculations in evaluating the City's significant accounting policies. Estimates significant to the financial statements include such items as: actuarial assumptions and concepts relative to the benefit plans; the estimated incurred-but-not-reported liabilities; and the estimated allowance for uncollectible accounts.

Financial Statement Disclosures

The footnote disclosures to the financial statements are also an integral part of the financial statements. The process used by management to accumulate the information included in the disclosures was the same process used in accumulating the financial statements, and the accounting policies described above are included in those disclosures. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit and in forming our opinion on the financial statements.

Significant Difficulties Encountered in Performing the Audit

We encountered no difficulties in dealing with management relating to the performance of the audit.

Disagreements with Management

We encountered no disagreements with management over the application of significant accounting principles, the basis for management's judgments on significant matters, the scope of the audit or significant disclosures to be included in the financial statements.

Representation from Management

We requested written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us, during the audit. Management provided those written representations without a problem.

Management's Consultations with Other Accountants

We are not aware of any consultations management had with other accountants about accounting or auditing matters.

Significant Issues Discussed with Management

There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements. We are not aware of any consultations management had with us or other accountants about accounting or auditing matters. No major issues were discussed with management prior to our retention to perform the aforementioned audit.

Audit Adjustments

During our audit of the City's basic financial statements as of and for the year ended September 30, 2022, there were a few adjustments proposed to the funds of the City. The detail of all proposed adjustments for each fund are included with our AD&A package of information for your review and discussion. All adjustments have been discussed with management.

Uncorrected Misstatements

We had no passed adjustments.

Independence

We are independent of the City, and all related organizations, in accordance with auditing standards promulgated by the American Institute of Public Accountants and *Government Auditing Standards*, issued by the Comptroller General of the United States.

Other Information in Documents Containing Audited Financial Statements

We are not aware of any other documents that contain the audited basic financial statements. If such documents were to be published, we would have a responsibility to determine that such financial information was not materially inconsistent with the audited statements of the City.

Required Supplementary Information

We applied certain limited procedures to the Management's Discussion and Analysis, Schedule of Changes in the City's Net Pension Liability and Related Ratios, the Schedule of City Contributions – Retirement Plan, and the Schedule of Changes in Total OPEB Liability and Related Ratios, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Supplementary Information

We were engaged to report on the combining and individual nonmajor fund financial statements and schedules, the schedules of projects constructed with proceeds from special purpose local option sales tax, and the schedule of expenditures of federal awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

ACCOUNTING RECOMMENDATIONS AND RELATED MATTERS

Recommendations for Improvement and Other Matters

During our audit of the financial statements as of and for the year ended September 30, 2022, we noted areas within the accounting system that we believe can be improved. We noted certain items management should consider as part of its decision-making process. Our recommendation (also commonly referred to as a management point) is presented in the following paragraph. We believe consideration of this recommendation will help provide proper control over financial activities and add effectiveness and efficiency to overall operations.

Management Points for Communication to City Council

We have discussed various matters with management pertaining to operations and controls including, but not limited to:

1) Census Data

During our testing of the pension census data, it was noted that an employee was reported to the actuary as the incorrect gender. While the error would not have a material impact on the City's reporting of its net pension liability, we recommend that the City perform an annual quality control review of its census data to ensure accuracy.

Other Matters for Communication to the Board and Management

During our audit of the financial statements as of and for the year ended September 30, 2022, we noted other matters which we wish to communicate to you in an effort to keep the City abreast of accounting matters that could present challenges in financial reporting in future periods.

1) New Governmental Accounting Standards Board (GASB) Pronouncements

As has been the case for the past 10 years, GASB has issued several other new pronouncements which will be effective in future years. The following is a brief summary of the new standards:

a) **Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*** was issued in March 2020 and is effective for fiscal years beginning after June 15, 2022.

This statement was issued by the GASB to address a gap in generally accepted accounting principles: how do we account for these type arrangements that do not meet the definition of a service concession arrangement ("SCA") covered by GASB Statement No. 60?

Statement No. 94 requires that Public-Private Partnerships and Public-Public Partnerships ("PPPs") that meet the definition of a lease apply the guidance in Statement No. 87, *Leases* if: (a) existing assets of the transferor are the only underlying PPP assets, (b) improvements are not required to be made by the operator to those existing assets as part of the PPP arrangement, and (c) the PPP does not meet the definition of an SCA. All other PPPs that will not apply the guidance in Statement No. 87 will generally use the accounting guidance contained in Statement No. 60 which was superseded by this new standard.

Statement No. 94 also establishes accounting and financial reporting requirements for availability payment arrangements ("APAs"). As defined in this statement, an APA is an arrangement in which a government compensates an operator for services that may include designing, constructing, financing, maintaining, or operating an underlying non-financial asset for a period of time in an exchange or exchange-like transaction. An APA that is related to designing, constructing, and financing a non-financial asset in which ownership of the asset transfers by the end of the contract should be accounted for by the government as a financed purchase of the underlying asset.

b) Statement No. 96, *Subscription-Based Information Technology Arrangements* was issued in May 2020 and is effective for fiscal years beginning after June 15, 2022.

This statement provides guidance on the accounting and financial reporting for subscription-based information technology arrangements ("SBITAs") for government end users (governments). This statement: 1) defines a SBITA; 2) establishes that a SBITA results in a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability; 3) provides the capitalization criteria for outlays other than subscription payments, including implementation costs of a SBITA; and 4) requires note disclosures regarding a SBITA. To the extent relevant, the standards for SBITAs are based on the standards established in Statement No. 87, *Leases*, as amended.

A SBITA is defined as a contract that conveys control of the right to use another party's (a SBITA vendor's) information technology ("IT") software, alone or in combination with tangible capital assets (the "underlying IT assets"), as specified in the contract for a period of time in an exchange or exchange-like transaction.

The subscription term includes the period during which a government has a non-cancellable right to use the underlying IT assets. The subscription term also includes periods covered by an option to extend (if it is reasonably certain that the government or SBITA vendor will exercise that option) or to terminate (if it is reasonably certain that the government or SBITA vendor will not exercise that option).

Under this statement, a government generally should recognize a right-to-use subscription asset—an intangible asset—and a corresponding subscription liability. A government should recognize the subscription liability at the commencement of the subscription term, which is when the subscription asset is placed into service. The subscription liability should be initially measured at the present value of subscription payments expected to be made during the subscription term. Future subscription payments should be discounted using the interest rate the SBITA vendor charges the government, which may be implicit, or the government's incremental borrowing rate if the interest rate is not readily determinable. A government should recognize amortization of the discount on the subscription liability as an outflow of resources (for example, interest expense) in subsequent financial reporting periods.

The subscription asset should be initially measured as the sum of: 1) the initial subscription liability amount, 2) payments made to the SBITA vendor before commencement of the subscription term, and 3) capitalizable implementation costs, less any incentives received from the SBITA vendor at or before the commencement of the subscription term. A government should recognize amortization of the subscription asset as an outflow of resources over the subscription term.

Activities associated with a SBITA, other than making subscription payments, should be grouped into the following three stages, and their costs should be accounted for accordingly:

- Preliminary Project Stage, including activities such as evaluating alternatives, determining needed technology, and selecting a SBITA vendor. Outlays in this stage should be expensed as incurred.
- Initial Implementation Stage, including all ancillary charges necessary to place the subscription asset into service. Outlays in this stage generally should be capitalized as an addition to the subscription asset.
- Operation and Additional Implementation Stage, including activities such as subsequent implementation activities, maintenance, and other activities for a government's ongoing operations related to a SBITA. Outlays in this stage should be expensed as incurred unless they meet specific capitalization criteria.

In classifying certain outlays into the appropriate stage, the nature of the activity should be the determining factor. Training costs should be expensed as incurred, regardless of the stage in which they are incurred.

c) **Statement No. 99, *Omnibus 2022*** was issued in April 2022 and contains multiple different effective dates for the guidance based on the differing topics. The practice issues addressed by this statement are as follows:

- Classification and reporting of derivative instruments within the scope of Statement No. 53, *Accounting and Financial Reporting for Derivative Instruments*, that do not meet the definition of either an investment derivative instrument or a hedging derivative instrument.
- Clarification of provisions in Statement No. 87, *Leases*, as amended, related to the determination of the lease term, classification of a lease as a short-term lease, recognition and measurement of a lease liability and a lease asset, and identification of lease incentives.
- Clarification of provisions in Statement No. 94, *Public-Private and Public-Public Partnerships and Availability Payment Arrangements*, related to the determination of the public-private and public-public partnership (PPP) term and recognition and measurement of installment payments and the transfer of the underlying PPP asset.
- Clarification of provisions in Statement No. 96, *Subscription-Based Information Technology Arrangements*, related to the subscription-based information technology arrangement (SBITA) term, classification of a SBITA as a short-term SBITA, and recognition and measurement of a subscription liability.
- Extension of the period during which the London Interbank Offered Rate (LIBOR) is considered an appropriate benchmark interest rate for the qualitative evaluation of the effectiveness of an interest rate swap that hedges the interest rate risk of taxable debt.
- Accounting for the distribution of benefits as part of the Supplemental Nutrition Assistance Program (SNAP).
- Disclosures related to nonmonetary transactions.
- Pledges of future revenues when resources are not received by the pledging government.
- Clarification of provisions in Statement No. 34, *Basic Financial Statements— and Management's Discussion and Analysis—for State and Local Governments*, as amended, related to the focus of the government-wide financial statements.

- Terminology updates related to certain provisions of Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*.
- Terminology used in Statement No. 53 to refer to resource flows statements.

The requirements of Statement No. 99 are effective as follows:

- The requirements related to extension of the use of LIBOR, accounting for SNAP distributions, disclosures of nonmonetary transactions, pledges of future revenues by pledging governments, clarification of certain provisions in Statement No. 34, as amended, and terminology updates related to Statement No. 53 and Statement No. 63 are effective upon issuance.
- The requirements related to leases, PPPs, and SBITAs are effective for fiscal years beginning after June 15, 2022, and all reporting periods thereafter.
- The requirements related to financial guarantees and the classification and reporting of derivative instruments within the scope of Statement No. 53 are effective for fiscal years beginning after June 15, 2023, and all reporting periods thereafter.

d) Statement No. 100, *Accounting Changes and Error Corrections* was issued in June 2022 and is effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023, and all reporting periods thereafter.

The primary objective of this statement is to enhance accounting and financial reporting requirements for accounting changes and error corrections to provide more understandable, reliable, relevant, consistent, and comparable information for making decisions or assessing accountability.

This statement defines *accounting changes* as changes in accounting principles, changes in accounting estimates, and changes to or within the financial reporting entity and describes the transactions or other events that constitute those changes. As part of those descriptions, for (1) certain changes in accounting principles and (2) certain changes in accounting estimates that result from a change in measurement methodology, a new principle or methodology should be justified on the basis that it is preferable to the principle or methodology used before the change. That preferability should be based on the qualitative characteristics of financial reporting—understandability, reliability, relevance, timeliness, consistency, and comparability. This statement also addresses corrections of errors in previously issued financial statements.

This statement prescribes the accounting and financial reporting for (1) each type of accounting change and (2) error corrections. This statement requires that (a) changes in accounting principles and error corrections be reported retroactively by restating prior periods, (b) changes to or within the financial reporting entity be reported by adjusting beginning balances of the current period, and (c) changes in accounting estimates be reported prospectively by recognizing the change in the current period. The requirements of this statement for changes in accounting principles apply to the implementation of a new pronouncement in absence of specific transition provisions in the new pronouncement. This statement also requires that the aggregate amount of adjustments to and restatements of beginning net position, fund balance, or fund net position, as applicable, be displayed by reporting unit in the financial statements.

This statement requires disclosure in notes to financial statements of descriptive information about accounting changes and error corrections, such as their nature. In addition, information about the quantitative effects on beginning balances of each accounting change and error correction should be disclosed by reporting unit in a tabular format to reconcile beginning balances as previously reported to beginning balances as restated.

Furthermore, this statement addresses how information that is affected by a change in accounting principle or error correction should be presented in required supplementary information (RSI) and supplementary information (SI). For periods that are earlier than those included in the basic financial statements, information presented in RSI or SI should be restated for error corrections, if practicable, but not for changes in accounting principles.

e) Statement No. 101, *Compensated Absences* was issued in June 2022 and is effective for fiscal years beginning after December 15, 2023, and all reporting periods thereafter.

This statement requires that liabilities for compensated absences be recognized for (1) leave that has not been used and (2) leave that has been used but not yet paid in cash or settled through noncash means. A liability should be recognized for leave that has not been used if (a) the leave is attributable to services already rendered, (b) the leave accumulates, and (c) the leave is more likely than not to be used for time off or otherwise paid in cash or settled through noncash means. Leave is attributable to services already rendered when an employee has performed the services required to earn the leave. Leave that accumulates is carried forward from the reporting period in which it is earned to a future reporting period during which it may be used for time off or otherwise paid or settled. In estimating the leave that is more likely than not to be used or otherwise paid or settled, a government should consider relevant factors such as employment policies related to compensated absences and historical information about the use or payment of compensated absences.

However, leave that is more likely than not to be settled through conversion to defined benefit postemployment benefits should not be included in a liability for compensated absences.

This statement requires that a liability for certain types of compensated absences—including parental leave, military leave, and jury duty leave—not be recognized until the leave commences. This statement also requires that a liability for specific types of compensated absences not be recognized until the leave is used.

This statement also establishes guidance for measuring a liability for leave that has not been used, generally using an employee's pay rate as of the date of the financial statements. A liability for leave that has been used but not yet paid or settled should be measured at the amount of the cash payment or noncash settlement to be made. Certain salary-related payments that are directly and incrementally associated with payments for leave also should be included in the measurement of the liabilities.

Other Pending or Current GASB Projects. As noted by the numerous pronouncements issued by GASB over the past decade, the GASB continues to research various projects of interest to governmental units. Subjects of note include:

- **Re-Examination of the Financial Reporting Model.** GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB Statement No. 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability. GASB anticipates issuance of a final standard in late 2023 or early 2024.
- **Revenue and Expense Recognition** is another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions. The final standard is expected in mid-2027.
- **Going Concern Uncertainties and Severe Financial Stress** is a major project where the goal is to address issues related to disclosures regarding going concern uncertainties and severe financial stress. The project will consider (1) improvements to existing guidance for going concern considerations to address diversity in practice and clarify the circumstances under which disclosure is appropriate, (2) developing a definition of severe financial stress and criteria for identifying when governments should disclose their exposure to severe financial stress, and (3) what information about a government's exposure to severe financial stress is necessary to disclose. This technical topic is being examined by the GASB due to a wide diversity in practice regarding required presentation on the face of the financial statements, disclosures, etc. An exposure draft on this topic is expected by mid-2025.

Summations of Thoughts Noted Above

We believe the implementation of these suggestions will enhance both the control environment and the financial reporting process, making both more effective. We also believe these recommendations can be easily implemented, and all problems resolved quite timely should management elect to employ the corrective measures.

FREE QUARTERLY CONTINUING EDUCATION AND NEWSLETTERS FOR GOVERNMENTAL CLIENTS

Free Continuing Education. We provide free quarterly continuing education for all of our governmental clients. Each quarter, we pick a couple of significant topics tailored to be of interest to governmental entities and offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking among our governmental clients. We normally see approximately 100 people per quarter. We obtain the input and services of experienced outside speakers along with our in-house professionals.

> ***"I've been a CPA for 32 years. Today's CPE class by Mauldin & Jenkins has been the best of my career".*** ***Terry Nall, CPA, City of Dunwoody (GA) Council Member***
>
> ***"They are always on top of new accounting pronouncements and provide training well before implementation deadlines. This is a very valuable resource for our organization".*** ***Laurie Puckett, CPA, CPFO, Gwinnett County (GA), Accounting Director***

Examples of subjects addressed in past quarters include:

- Accounting for Debt Issuances
- Achieving Excellence in Financial Reporting
- Best Budgeting Practices, Policies and Processes
- Best Practices in Banking
- Budget Preparation
- ACFR Preparation (several times including a two (2) day hands-on course)
- Capital Asset Accounting Processes and Controls
- Closing Out and Audit Preparation
- Collateralization of Deposits and Investments
- Component Units
- Cybersecurity Risk Management
- Evaluating Financial and Non-Financial Health of a Local Government

- Financial Report Card – Where Does Your Government Stand?
- Financial Reporting Model Improvements
- GASB No. 74 & 75, New OPEB Standards
- GASB No. 77, Tax Abatement Disclosures
- GASB No. 84, Fiduciary Activities
- GASB No. 87, Leases
- GASB Projects & Updates (ongoing and several sessions)
- Grants (Accounting and Auditing)
- Human Capital Management
- Information Technology (IT) Risk Management
- Internal Controls Over Accounts Payable, Payroll and Cash Disbursements
- Internal Controls Over Receivables & the Revenue Cycle
- Internal Revenue Service (IRS) Compliance Issues, Primarily Payroll Matters
- Legal Considerations for Debt Issuances & Disclosure Requirements
- Policies and Procedures Manuals
- Presenting Financial Information to Non-Financial People
- Procurement Card Red Flags
- Risk, Efficiency, & Effectiveness in Governments
- Segregation of Duties
- Single Audits for Auditees
- SPLOST Accounting, Reporting & Compliance
- Uniform Grant Guidance

Governmental Newsletters. We periodically produce newsletters tailored to meet the needs of governments. The newsletters have addressed a variety of subjects and are intended to be timely in their subject matter. The newsletters are authored by Mauldin & Jenkins partners and managers and are not purchased from an outside agency. The newsletters are intended to keep you informed of current developments in the government finance environment.

In the past several years, the following topics have been addressed in our monthly newsletters:

- Are Your Government's Funds Secure?
- COVID-19 Updates (several)
- Cybersecurity Awareness
- Deposit Collateralization
- Employee vs Independent Contractor
- Escheat Laws on Unclaimed Property
- Federal Funding and Accountability Transparency Act
- Forensic Audit or Financial Audit?
- Form PT 440
- GASB Invitation to Comment – the New Financial Reporting Model

- GASB No. 72, Fair Value, It is Not Totally About Disclosure
- GASB Nos. 74 & 75, Other Postemployment Benefits (OPEB)
- GASB No. 77, Abatements – Go Viral with GASB No. 77
- GASB No. 84 Fiduciary Activities (Series)
- GASB No. 87, Leases
- GASB No. 89, Accounting for Interest Cost Incurred Before the End of Construction
- GASB No. 91, Conduit Debt Obligations
- GASB No. 93, Replacement of Interbank Offered Rates
- General Data Protection Regulation (GDPR)
- Grants Management
- OMB Compliance Supplements
- OPEB, What You Need to Know
- Public Funds and Secure Deposit Program
- Rotating or Not Rotating Auditors
- Property Tax Assessments
- Remote Auditing Best Practices
- Refunding Debt
- Sales & Use Taxes on Retail Sales of Jet Fuel
- Sales Tax Collections and Remittances by the State
- SAS Clarity Standards and Group Audits
- Single Audit, including Uniform Guidance (several)
- Social Security Administration (SSA) Incentive Payments
- Special Purpose Local Option Sales Taxes (SPLOST) Expenditures
- Subrecipient Risk Assessment Tool
- Supplemental Social Security for Inmates
- The New Tax Cuts and Jobs Act – Impact on Bond Refunding
- The Return of the Component Unit – GASB No. 61
- Uniform Guidance & New Procurement Requirements
- What's Happening with Property Tax Assessments

You are the best auditors I have ever worked with over my career. It is a big difference having a group that is dedicated to governmental accounting.

Wesley Ropp,
Charleston Water System,
Chief Financial Officer

Communication. To better communicate our free continuing education plans and newsletters, please email Paige Vercoe at pvercoe@mjcpa.com (send corresponding copy to cmckellar@mjcpa.com), and provide individual names, mailing addresses, email addresses and phone numbers of anyone you wish to participate and be included in our database

Governmental Advisory Services

Beyond traditional audit and accounting services and IT services, we provide advisory services that are wide-ranging in nature. Our experienced government advisory team helps governments, governmental agencies and special purpose governmental organizations balance fiscal responsibility with the latest business strategies to achieve targeted and overarching objectives. Our advisory services can be summarized via the following bubbles.

David Roberts
Partner, Governmental Advisory Services

David Roberts has more than 22 years of experience as a consultant and trusted advisor providing operational/organizational assessments and similar transformational projects for federal, state, and local governments across the country. David's experience includes leading numerous enterprise-wide/departmental/functional assessments and transformations over his career measuring the efficiency and effectiveness of organizational structures and culture, performance management, technology systems and strategies, staffing models, service delivery models, and customer satisfaction.

David helps his clients turn visions and goals into reality. He has helped multiple clients win national government industry awards for innovation, transformation, and cost savings.

David leads our Government Advisory practice, where he focuses on helping governments and individual agencies fulfill and exceed their financial, operational, and regulatory obligations to the public.

David has completed hundreds of projects over his career. Below are representative sample management consulting projects demonstrating David's depth and breadth completed within the past 12 months:

Operational and Performance Assessment – *Walton County, Georgia*
David led a multi-department Operational and Performance Assessment for Walton County. The scope included assessing organizational structure, operational efficiency, staffing levels and resource utilization, comparison to leading practices, and observations and recommendations to assist the County in achieving the desired future state. The final report included numerous observations with associated recommendations and a detailed Roadmap/Implementation Plan.

Outsourcing Feasibility Study – *City of Rocky Mount, North Carolina*
David led a feasibility study for the City of Rocky Mount to assess its current service delivery model for providing parks maintenance and landscaping services. City operations used a hybrid model of both internal resources and third-party contractors to provide parks maintenance and landscaping. The project evaluated the pros and cons (both financial and non-financial) of 1) maintaining the hybrid model, 2) performing all services in-house, and 3) performing all services externally.

Finance Functional Assessment – *Richland County Library, South Carolina*
David led a functional assessment of the Library's finance department. The project consisted of understanding the current state – current service provision, performance, workflow, business processes, internal controls, organizational structure, reporting, and communications. The current state was compared to leading practices and gaps were identified. An implementation roadmap was created that aligned recommendations to leaderships' vision to help the organization achieve its desired future state.

Technology Utilization Assessment – Mt. Pleasant Waterworks (South Carolina)
David led an objective evaluation of the organization's system usage and governance related to the existing financial system (Microsoft Dynamics) and the existing workorder management system (Maximo). The organization wanted to maximize the efficiency and effectiveness of both systems while maintaining internal controls and system of record. The project consisted of numerous interviews, data review, system mapping, and a collaborative workshop among stakeholders to define a future state.

Grant Compliance Audit – *Decide DeKalb (Georgia)*
David led a Grant Compliance Assessment of various development projects for Decide DeKalb. The project reviewed the established grant and contractual criteria to be maintained by developers and compared with tenant information related to low income occupants. The project identified areas of compliance, non-compliance, and recommendations for remediation.

Forensic Audit – *Confidential City*

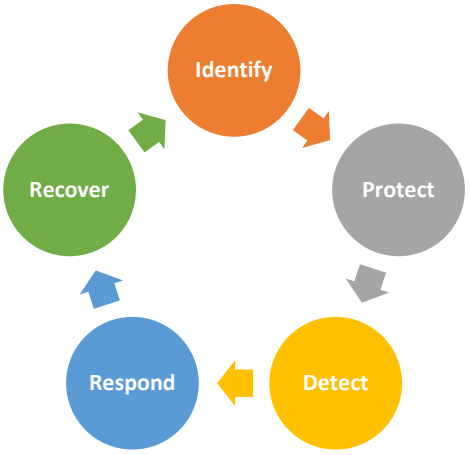
David led a forensic investigation into questionable cash management activity for a City Parks and Recreation department. The project reviewed bank account activity, cancelled checks, cash withdrawals, and purchased item documentation as well as conducted interviews with account cardholders to determine the collection, handling, and use of several hundred thousand dollars collected in fees, sponsorships, and contributions made to the City. Numerous observations and corresponding recommendations were developed to enhance internal controls, written policies, and procedures to correct conflicts of interest, mishandling of funds, and misappropriation of funds.

Governmental IT Solutions

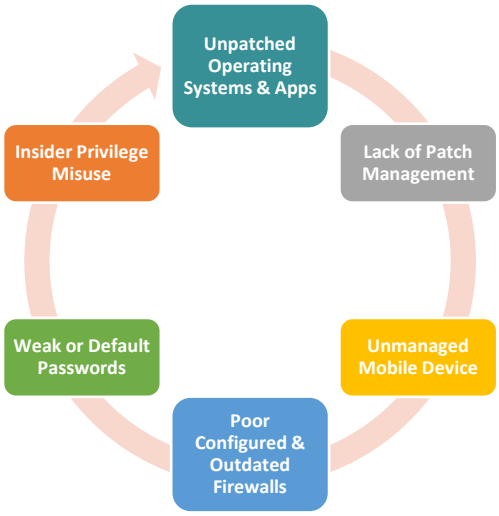
Beyond traditional audit and accounting services, Mauldin & Jenkins performs various IT attestation and non-attestation services. The following are three such services.

Cybersecurity Framework Engagements

With governments dealing with IT ransoms, cybersecurity is one of the top issues on the minds of nearly every government (large and small). Managing this business issue is especially challenging. A government with a highly mature cybersecurity risk management program still has a residual risk that a material cybersecurity breach could occur and not be detected in a timely manner.



Services can be provided via: 1) attestation engagements or 2) consulting engagements. The AICPA has established standards for performing attestation engagements in this arena with the issuance of the SOC for Cybersecurity as part of its suite of System and Organization Controls (SOC) reporting. Consulting services can be provided while not compromising auditor independence.



System Vulnerability Assessments Engagements

This is the process of defining, identifying, classifying and prioritizing vulnerabilities in computer systems, applications and network infrastructures, and providing an assessment with necessary knowledge, awareness and risks to understand the threats to determine appropriate reactions. Using specialized tools and applications, we can access networks to scan with automated tools and interrogate every device connected to a City network with the objective of searching for misconfigurations, unsupported software, missing software updates and patches, etc.

Penetration Testing Engagements

This is the practice of testing a computer system to find security vulnerabilities that a hacker/attacker could exploit using automation or manual applications. The process involves gathering information about the target before the test, identifying possible entry points, attempting to break in – actually or virtually – and reporting back the findings. Tests come from external or internal angles of entry. Our main objective is to identify security weaknesses. Penetration testing can also be used to: test an organization's security policy; its adherence to compliance requirements; its employees' security awareness; and, the government's ability to identify and respond to security incidents.

CLOSING

We believe the implementation of these suggestions will enhance both the control environment and the financial reporting process, making both more effective. We also believe these recommendations can be easily implemented, and all problems resolved quite timely should management elect to employ the corrective measures. If you have any questions regarding any comments, suggestions or recommendations set forth in this memorandum, we will be pleased to discuss it with you at your convenience.

This information is intended solely for the use of the City's management, and others within the City's organization and is not intended to be and should not be used by anyone other than these specified parties.

We appreciate the opportunity to serve the City of Kennesaw, Georgia and look forward to serving the City in the future. Thank you.

MAULDIN & JENKINS
CPAs & ADVISORS

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.100 - General Fund Database***
Workpaper: ***0204.100 - Adjusting Journal Entries Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries JE # 1		**PBC**		
Record GASB 87- Tower Lease				
100.0000.11.290000.00000	LEASE RECEIVABLE		189,235.57	
100.0000.12.930000.00000	DEFERRED INFLOW OF RESOURCES		3,153.93	
100.0000.38.100500.00000	WATER TNK CELL TOWER RENT		3,200.00	
100.0000.11.290000.00000	LEASE RECEIVABLE			3,200.00
100.0000.12.930000.00000	DEFERRED INFLOW OF RESOURCES			189,235.57
100.0000.38.100000.00000	LEASE REVENUE			3,153.93
Total			**195,589.50**	**195,589.50**
Adjusting Journal Entries JE # 2		**PBC**		
Record GASB 87- Whitfield				
100.0000.11.290000.00000	LEASE RECEIVABLE		21,367.81	
100.0000.12.930000.00000	DEFERRED INFLOW OF RESOURCES		9,496.80	
100.0000.34.736000.00000	RENTAL		9,600.00	
100.0000.11.290000.00000	LEASE RECEIVABLE			9,447.43
100.0000.12.930000.00000	DEFERRED INFLOW OF RESOURCES			21,367.81
100.0000.36.140000.00000	INTEREST			152.57
100.0000.38.100000.00000	LEASE REVENUE			9,496.80
Total			**40,464.61**	**40,464.61**
Adjusting Journal Entries JE # 3		**PBC**		
Reclass asset sale.				
100.0000.39.210000.00000	SALE OF GEN FIXED ASSETS		2,832.62	
100.0000.38.900000.00000	OTHER (MISCELLANEOUS REV)			2,832.62
Total			**2,832.62**	**2,832.62**
Adjusting Journal Entries JE # 4		**PBC**		
To move ARPA revenue to ARPA fund.				
100.0000.33.115000.00000	FED GRANT-OP/CAT-INDIRECT		72,125.50	
100.0000.39.118500.00000	TRANSFER IN - ARPA			72,125.50
Total			**72,125.50**	**72,125.50**

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.215 - E911 Fund Database***
Workpaper: ***0204.215 - E911 AJE Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries				
Adjusting Journal Entries JE # 1		**PBC**		
To move ARPA revenue to ARPA fund.				
215.0000.33.115000.0000	FED GRANT-OP/CAT-INDIRECT		13,944.50	
215.0000.39.118500.0000	TRANSFER IN - ARPA			13,944.50
Total			**13,944.50**	**13,944.50**
	Total Adjusting Journal Entries		**13,944.50**	**13,944.50**
	Total All Journal Entries		**13,944.50**	**13,944.50**

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.230 - ARP Fund Database***
Workpaper: ***0204.230 - ARP Fund AJE Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries				
Adjusting Journal Entries JE # 1		**PBC**		
To move ARPA revenue to ARPA fund.				
230.9100.61.102500.0000	TRANSFER OUT - E911		13,944.50	
230.9100.61.109000.0000	TRANSFER OUT - GENERAL FUND		72,125.50	
230.0000.33.115000.0000	FED GRANT-OP/CAT-INDIRECT			86,070.00
Total			**86,070.00**	**86,070.00**
	Total Adjusting Journal Entries		**86,070.00**	**86,070.00**
	Total All Journal Entries		**86,070.00**	**86,070.00**

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.276 - Impact Fees Fund Database***
Workpaper: ***0204.276 - Impact Fees AJE Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries				
Adjusting Journal Entries JE # 1		**PBC**		
Correct Impact Fund 9/30/2022 ending balances to agree to CoK correct trial balance.				
276.0000.11.131100.00000	IMPACT FEES		876.61	
276.0000.11.310900.00000	DUE FROM/TO GENERAL FUND		14,171.24	
276.0000.32.196000.00000	IMPACT FEES - POLICE DEPARTMENT		16,257.77	
276.0000.32.195000.00000	IMPACT FEES - PARKS & RECREATION			25,248.48
276.0000.32.197000.00000	PARKS & REC EAST PARKS RES.			4,893.01
276.0000.36.100000.00000	INTEREST REVENUES			1,164.13
Total			**31,305.62**	**31,305.62**
Adjusting Journal Entries JE # 2		**PBC**		
Reclass fixed asset.				
276.4225.52.220000.00000	REPAIRS & MAINTENANCE		695.25	
276.4225.54.145000.00000	PARK IMPROVEMENTS			695.25
Total			**695.25**	**695.25**
	Total Adjusting Journal Entries		**32,000.87**	**32,000.87**
	Total All Journal Entries		**32,000.87**	**32,000.87**

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.540 - Sanitation Fund Database***
Workpaper: ***0204.540 - Adjusting Journal Entries Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries				
Adjusting Journal Entries JE # 1		**PBC**		
Capital assets				
540.4500.56.100000.0000	DEPRECIATION		5,559.87	
540.0000.11.751000.0000	ACCUM DEP-MACHINERY & EQP			5,559.87
Total			**5,559.87**	**5,559.87**
	Total Adjusting Journal Entries		**5,559.87**	**5,559.87**
	Total All Journal Entries		**5,559.87**	**5,559.87**

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.556 - Museum Fund Database***
Workpaper: ***0204.556 - Adjusting Journal Entries Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries				
Adjusting Journal Entries JE # 1		**PBC**		
Caoital assets				
56.6172.56.100000.0000	DEPRECIATION		210,386.17	
56.0000.11.741000.0000	ACCUM DEP-BUILDINGS			206,543.88
56.0000.11.751000.0000	ACCUM DEP-MACHINERY & EQP			2,690.29
56.0000.11.751400.0000	ACCUM DEP-FURNITURE & FIXTURES			1,152.00
Total			**210,386.17**	**210,386.17**
	Total Adjusting Journal Entries		**210,386.17**	**210,386.17**
	Total All Journal Entries		**210,386.17**	**210,386.17**

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.557 - Smith Gilbert Gardens Database***
Workpaper: ***0204.557 - Adjusting Journal Entries Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries				
Adjusting Journal Entries JE # 1		**PBC**		
Capital assets				
57.6171.56.100000.0000	DEPRECIATION		5,728.92	
57.0000.11.721000.0000	ACCUM DEP-SITE IMPROVEMNT			2,030.16
57.0000.11.751000.0000	ACCUM DEP-MACHINERY & EQP			3,698.76
Total			**5,728.92**	**5,728.92**
	Total Adjusting Journal Entries		**5,728.92**	**5,728.92**
	Total All Journal Entries		**5,728.92**	**5,728.92**

Client: ***0303328 - City of Kennesaw***
Engagement: ***9/30/2022 - City of Kennesaw***
Period Ending: ***9/30/2022***
Trial Balance: ***0200.560 - Stormwater Fund Database***
Workpaper: ***0204.560 - Stormwater Adjusting Journal Entries Report***

Account	Description	W/P Ref	Debit	Credit
Adjusting Journal Entries JE # 1		**PBC**		
Capital assets				
560.4320.56.100000.00000	DEPRECIATION		356,430.62	
560.0000.11.721000.00000	ACCUM DEP - PARK IMPROVEMENT			5,113.46
560.0000.11.731000.00000	ACCUM DEP-INFRASTRUCTURE			231,417.96
560.0000.11.751000.00000	ACCUM DEP-MACHINERY & EQUIP			78,243.36
560.0000.11.751100.00000	ACCUM DEP - VEHICLES			41,655.84
Total			**356,430.62**	**356,430.62**

Exhibit D

Lea Alvarez

From: bobmacg98[redacted]
Sent: Saturday, April 29, 2023 1:55 PM
To: kennesawcouncil
Subject: Concern

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live in Legacy Park and would like to know if Mayor and Council would consider No Parking on Legacy Park Circle in front of the tennis courts. I have lived here since 2004 and this is a very dangerous area for homeowners traveling between Gramercy and Highcroft. The people parking don't have concerns about having car doors opening into the street while they talk and put their tennis gear in their cars. Vehicles parked against the flow of traffic causing accidents to almost occur, vehicles doing three point turns from a parked position because it's easier than going up or down the street and making a legal turn or u-turn and constantly parking in the no parking zones where a no parking sign is located and KPD will or will not enforce depending which officer responds because some say the sign isn't legal and other officers enforce with a warning. If these signs are not legal, can Public Works put up no parking signs and lastly, 5 cars in the handicap parking that accommodates three cars.
Legacy Park residents now think this is a golf cart community, it's not, according to PIO Officer Buchanan and his post several months ago on the KPD Facebook page. Again, nothing is enforced by Bill Westenberger. Legacy Park thinks they are above the law and they can't get stopped or ticketed because "I live in Legacy Park." Bill Westenberger told homeowners in a yearly meeting several years ago that Legacy Park complaints were dispatched 2 to 3 minutes over other calls in the City, much to the happiness of the treasurer at the time. Please consider these much needed changes, KPD isn't in here much anymore and these offenses are not handled, normally I get reasons they can't enforce violations.

Thank you,
Bob MacGillivary

Sent from my T-Mobile 5G Device

KENNESAW HISTORY

Jacob Russell, Part II

Jacob Russell's grave at Rose Hill Cemetery and cave

Back in January 2022, for my first local history story, I covered railroad worker Jacob Russell. He was a Bavarian immigrant who worked on the Western & Atlantic Railroad in the 1840s. According to his obituaries, it was Russell who named our community "Big Shanty." Even though today's story is not directly connected to Kennesaw, because of Russell's noteworthiness to our community I felt it would be worth sharing.

After working on the railroad, Russell moved to Macon and founded the first lager beer brewery in Georgia. Because refrigeration was not available yet, Russell had to store his product in underground caves. He passed away in 1887, and his death was noted both in the *Atlanta Constitution* and *Macon Telegraph*. He is buried under a large marble monument in Macon's Rose Hill Cemetery.

Last week, my family visited Macon and Russell's grave. We were also able to visit the caves, which were rediscovered in the past several years thanks to construction on nearby Interstate 75.

Presented by Andrew J. Bramlett
at the May 1, 2023,
City of Kennesaw Mayor &
Council Meeting

KENNESAW HISTORICAL SOCIETY

Names and Addresses will be disclosed in the Permanent Minutes of the City of Kennesaw

PLEASE MAKE SURE YOUR NAME IS LEGIBLE AND CLEAR

Mayor & Council Regular Meeting
5/1/2023
Public Comment Sign-in

	Name	Address	Topic
1	Andrew J. Brassett	2990 Tomorfield Ct.	Depot + local history
2	Madelyn Orochena	2981 N Main Street	Depot restore
3			
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17			
19			

Item Report

TO: The Honorable Mayor and City Council

FROM: James Friedrich, Assistant to the City Manager

DATE: May 15, 2023

TITLE: Approval of RESOLUTION authorizing the use of Parks and Recreation impact fee funds in the amount of $89,825 for the design of New Chalker Park.

Summary:

With the East Park Village development underway, the collection of impact fees currently total $441,510. New Chalker Park is one project outlined within the scope of the East Park Village development and will be an important asset to the City's residents. City staff received a cost proposal on May 2, 2023 from Croy Engineering totaling $89,825 for their services related to the design of New Chalker Park.

Recommendation:

City Manager recommends approval of the proposal from Croy engineering to begin the design of New Chalker Park.

Fiscal Impact:

100.0000.32.197000.00000 – IMPACT FEES- EASTPARK RESIDENTIAL

Attachments:
1. RESOLUTION
2. Exhibit A

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023-__, 2023

RESOLUTION TO APPROVE A COST PROPOSAL AND AUTHORIZE THE USE OF PARKS AND RECREATION IMPACT FEE FUNDS IN THE AMOUNT OF $89,825 TO CROY ENGINEERING FOR THE DESIGN OF THE NEW CHALKER PARK PROJECT

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

WHEREAS, a Joint Development Agreement (JDA) exists via Resolution No. 2017-67, 2017 between the City of Kennesaw, Sanctuary Development LLC, and Salt Kennesaw, LLC related to the East Park Village development; and

WHEREAS, the City of Kennesaw is responsible for the design, construction, and funding of the New Chalker Park through the collection of impact fees and developer contributions outlined in said agreement under section 6.3.5 as amended; and

WHEREAS, Croy Engineering provided a cost proposal for engineering services related to the design of the New Chalker Park.

NOW, THEREFORE, BE IT RESOLVED the City of Kennesaw Mayor and Council authorize the use of Parks and Recreation impact fees in the amount of $89,825 to Croy Engineering to perform described work as shown in Exhibit A.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of May, 2023.

ATTEST:

_____
Lea Alvarez, City Clerk

CITY OF KENNESAW

_____
Derek Easterling, Mayor

May 2, 2023

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

RE: New Chalker Park - Proposal for Engineering Services
Croy Project Number: 1260.046

Mr. Balenger:

Croy Engineering is pleased to submit this Proposal for Engineering Design Services for the New Chalker Park project. Based on Schematic Design drawings provided to date, we understand that the City of Kennesaw intends to continue with design and construction of a parking lot, dog park, playground area and trails on a currently undeveloped property located at the intersection of Cherokee Street and Smith Drive. Services to be provided are described in further detail below.

Scope of Services

Land Surveying

Croy Engineering to perform a topographic survey of the highlighted area in Exhibit A. The survey database will be provided in GA Plane Coordinates. Croy Engineering will prepare topographic survey with 2-foot contour intervals.
Croy Engineering will perform boundary research sufficient to establish the property lines for area near the topographic areas to be survey per the exhibit provided by client. Boundary will meet or exceed the 2021 NSPS/ALTA Land Title Survey requirements in terms of accuracy.

Land Surveying Budget: $11,865

Construction Documents

Based on the previously approved Concept, Croy Engineering design team will prepare Civil Site Construction Documents suitable for obtaining a Land Disturbance Permit and complete the construction of the New Chalker Park. Construction Document package shall be submitted to the City for review and approval. The Croy Engineering design team shall also commence the permitting process with the Authorities Having Jurisdiction. Any and all plan review fees will be passed to the City with no markup.

Construction Documents Budget: $33,210

Stormwater Design
Based on the previously approved Concept, Croy Engineering design team will perform a Hydrology Study and coordinate with City to formulate a Stormwater Design Plan.

Stormwater Design Budget: $10,200

Landscape Architecture
Using the survey data and existing conceptual designs, the Croy Engineering design team will provide a Landscape Architecture Design that incorporates: a dog park, a new parking lot, restroom building location, locations for playground elements, pavilions, and miscellaneous park amenities to include benches, trash cans, hardscapes, and landscaping.

Landscape Architecture Budget $34,550

TOTAL Project Budget: $89,825

Excluded from Scope of Work

- Fire flow testing
- Site lighting design
- Utility provider coordination
- Landscape Architecture and irrigation design
- Offsite infrastructure or utility design and permitting
- Traffic engineering services
- Environmental Services
- Architectural Services
- Structural Engineering Services
- Retaining wall design
- ALTA Survey
- Construction Administration Services
- Third Party testing and observation
- Full time construction inspection
- Site Lighting
- Construction cost estimating
- 3D renderings and/or animations
- SUE Level A and B provided by Croy Personnel; construction staking, Boundary line Disputes, legal descriptions, determination of septic tanks or supporting drainage lines, court costs stemming from a boundary dispute, additional fieldwork due to lack of evidence, re-staking of any features originally placed on the ground by our crews, fees associated with accessing the property, easements not of record, property line staking, boundary surveys.

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

Attachments: Design Fees, Exhibit A

cc: Project File
Reading File

APPROVED

City of Kennesaw

Signed_____

Name_____

Title_____

Date_____

Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: May 15, 2023

TITLE: Approval of RESOLUTION providing a Power Distribution Easement Agreement with Georgia Power.

Summary:

In order to provide power to the Depot Park Amphitheater and restroom facilities, Georgia Power is requesting that the City provide easements to place the underground infrastructure. This will be a 20-foot easement, 10 feet on either side of the distribution line, as shown by the red dashed lines on Exhibit A.

Recommendation:

The Public Works Director recommends approval of the agreement.

Fiscal Impact:

Attachments:
1. RESOLUTION - Power Distribution Easement Agreement with Georgia Power
2. Easement Agreement
3. Exhibit A
4. Construction Package

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023- ___, 2023

RESOLUTION TO PROVIDE A POWER DISTRIBUTION EASEMENT AGREEMENT WITH GEORGIA POWER

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

WHEREAS, the City of Kennesaw is constructing an amphitheater and restroom facility at Depot Park; and

WHEREAS, this construction requires that new power distribution infrastructure be installed to provide the necessary power; and

WHEREAS, Georgia Power has requested that the City provide a 20-foot easement, 10 feet on either side of the distribution lines, in order to place the infrastructure.

BE IT RESOLVED the Kennesaw City Council authorizes the Mayor to execute the easement agreement with Georgia Power as shown as Exhibit A.

BE IT FURTHER RESOLVED this Resolution shall become effective from and after its adoption and execution by the mayor.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of May, 2023.

ATTEST: CITY OF KENNESAW

_____ _____
Lea Alvarez, City Clerk Derek Easterling, Mayor

After recording, return to:
Georgia Power Company
Attn: Land Acquisition (Recording)
241 Ralph McGill Blvd NE
Bin 10151
Atlanta, GA 30308-3374

PROJECT **2023040206** LETTER FILE DEED FILE MAP FILE
ACCOUNT NUMBER **11047464-GPC9596-VBS-GP171E01723**
NAME OF LINE/PROJECT: **KENNESAW DEPOT, 2038 CHEROKEE ST. (COBB COUNTY) DISTRIBUTION LINE**

PARCEL NUMBER **001**

STATE OF GEORGIA
COBB COUNTY

U N D E R G R O U N D E A S E M E N T

For and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other good and valuable consideration, in hand paid by GEORGIA POWER COMPANY, a Georgia corporation (the "Company"), the receipt and sufficiency of which are hereby acknowledged, **CITY OF KENNESAW** (the "Undersigned", which term shall include heirs, successors and/or assigns), whose mailing Address is **2529 J. O. Stephenson Ave., NW, Kennesaw, GA 30144-2780**, does hereby grant and convey to the Company, its successors and assigns, the right, privilege and easement to go in, upon, along, across, under and through the Property (as defined below) for the purposes described herein.

The "Property" is defined as that certain tract of land owned by the Undersigned at 2822 & 2038 CHEROKEE ST., KENNESAW, GA 30144 (Tax Parcel ID No. 20013802010, 20013800800) in Land Lot 138, 2ND SECTION of the 20 District of Cobb County, Georgia.

The "Easement Area" is defined as any portion of the Property located (a) within ten (10) feet of the centerline of the underground distribution line(s) as installed in the approximate location(s)shown on "Exhibit A" attached hereto and made a part hereof, and (b) within ten (10) feet from each side of any related above-ground equipment and facilities, including without limitations cubicles, transformers and service pedestals, as installed in the approximate location(s) shown in "Exhibit A".

The rights granted herein include and embrace the right of the Company to construct, operate, maintain, repair, renew and rebuild continuously upon and under the Easement Area its lines for transmitting electric current with wires,

transformers, service pedestals, manholes, conduits, cables and other necessary apparatus, fixtures and appliances; the right to stretch communication or other lines of any other company or person under the Easement Area; the right to assign this Underground Easement in whole or in part; the right at all times to enter upon the Easement Area for the purpose of inspecting said lines and/or making repairs, renewals, alterations and extensions thereon, thereunder, thereto or therefrom; the right to cut, trim, remove, clear and keep clear of said underground lines, transformers, fixtures, and appliances all trees and other obstructions that may in the opinion of the Company now or hereafter in any way interfere or be likely to interfere with the proper maintenance and operation of said underground lines, transformers, fixtures, and appliances; the right of ingress and egress over the Property to and from the Easement Area; and the right to install and maintain electrical and communication lines and facilities to existing and future structure(s) within the Easement Area under the easement terms provided herein. Any timber cut on the Easement Area by or for the Company shall remain the property of the owner of said timber.

The Undersigned does not convey any land, but merely grants the rights, privileges and easements hereinbefore set out.

The Company shall not be liable for or bound by any statement, agreement or understanding not herein expressed.

[Signature(s) on Following Page(s)]

PARCEL **001** NAME OF LINE/PROJECT: **KENNESAW DEPOT, 2038 CHEROKEE ST. (COBB COUNTY) DISTRIBUTION LINE**

IN WITNESS WHEREOF, the Undersigned has/have hereunto set his/her/their hand(s) and seal(s), this _____ day of _____, _____.

Signed, sealed and delivered in the presence of:

_____
Witness

_____
Notary Public

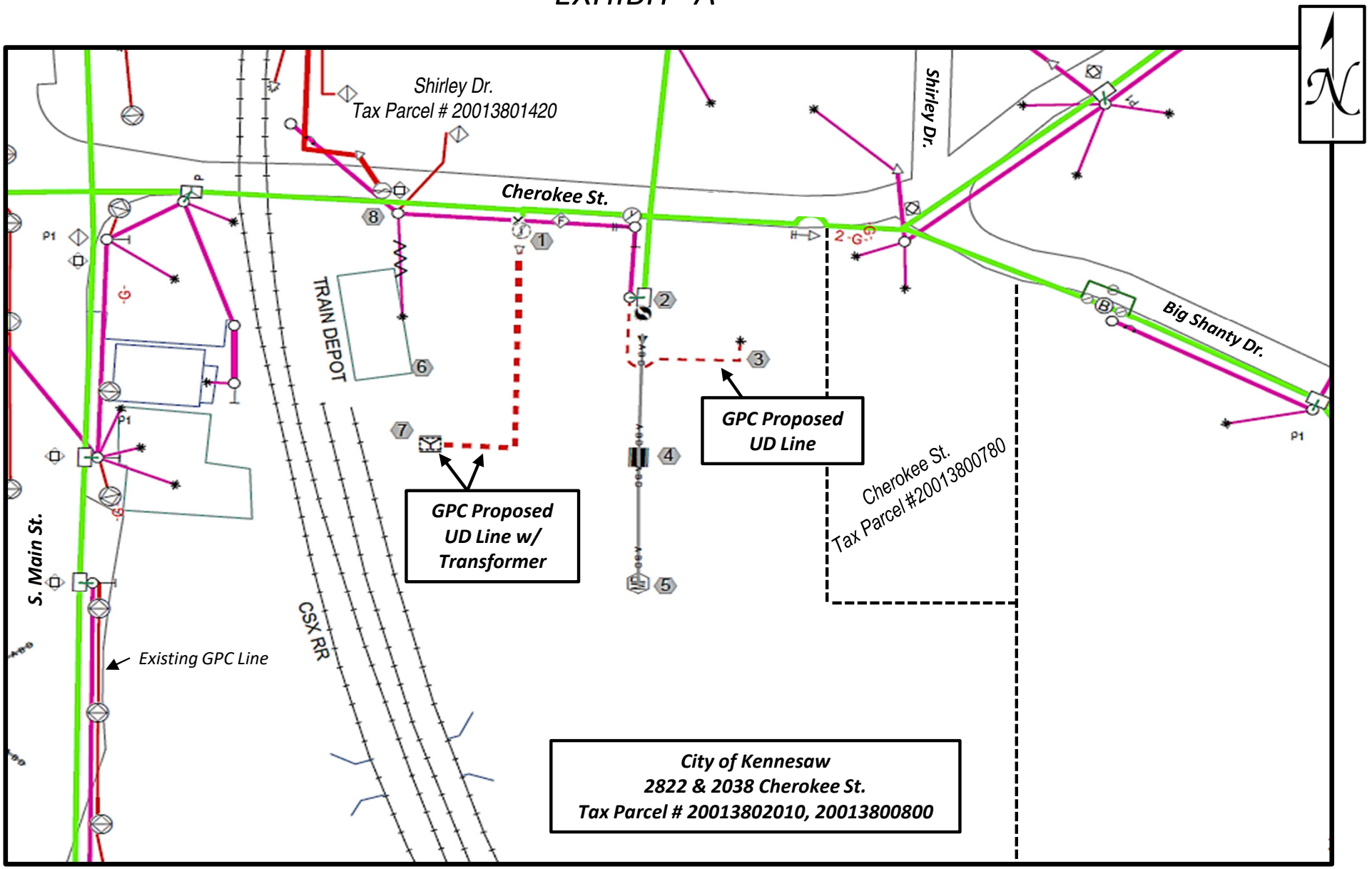
CITY OF KENNESAW

By: _____ (SEAL)
Name:
Title:

Attest: _____ (SEAL)
Name:
Title:

[CORPORATE SEAL]

EXHIBIT "A"



Georgia Power

Environmental & Natural Resources

Parcel 001

DRAWING NOT TO SCALE

KENNESAW DEPOT, 2038 CHEROKEE ST. (COBB COUNTY) DISTRIBUTION LINE
LIMS #2023040206
Work Location(s): 1-8

Release for Construction Agreement

Underground Electrical Service Version 1.8 (9/28/15) Georgia Power Company

To release Kennesaw Depot, 2038 Cherokee St., Kennesaw, GA. **for construction, all** of the following items must be verified complete, this form signed and returned to the address below:

__X____ The Underground Distribution Construction Agreement has been signed by the Customer / Developer.

__N/A__ The $1000.00 per service point underground service fee (where applicable) and any other CIAC has been paid.

__X____ The easement has been signed and properly witnessed by the Property Owner.

__X____ Lot Corners have been marked on the curb with paint in lieu of permanent property pins.

__X____ Clearance behind the curb or from the edge of pavement/roadway of __12_ feet is level with curb and free from obstructions and within three (3) inches of final grade.

__X____ Sewer laterals, water lines and any other privately-owned facilities are adequately located and plainly marked.

__X____ Paving and curbing or final grading, as applicable is complete.

__X____ Removal of unforeseen obstructions and supply of suitable backfill material,

__X___ **A)** will be provided by the Developer / Customer. The Developer / Customer agrees to remove rock and have suitable backfill available during construction while ensuring there are no construction delays.

-or-

_____ **B)** will be provided for by Georgia Power crews / contractors. The Developer / Customer may be billed for any additional charges that GPC incurs for the rock removal and select dirt for backfill charged to Georgia Power if actual costs exceed cost allowances.

__X_____ Erosion, Sedimentation, and Pollution Control Plan. The Developer's Storm Water Pollution Prevention Plan (SWPPP) is in place and available for review. A certification Statement is available for GPC or its subcontractor to sign on the Developer's SWPPP. This project:

_X___ **A)** requires a Notice of Intent (NOI) and a copy, with the permit number, is enclosed. The owner/developer agrees to provide a copy of the Notice of Termination (NOT) when filed.

-or-

____ **B)** will not have land disturbance activities totaling more than one (1) acre of land in the common development or it will not trigger any other requirements of the *Georgia Water Quality Control Act.*

_X_____ The property owner / developer approves the distribution design and lighting represented on GPC's construction print.

__X____ Emergency and Standby Generation will be installed on-site: __X__**No** _____**Yes** – if yes, then the installation must meet requirements as stated in GPC Distribution Bulletin 18-23, and the application referenced below must be completed.

__X___ The Application for Emergency and Standby Generation Installation & Operation document has been completed and returned to a GPC Engineer or Key Account Manager.

GPC scheduling meetings are usually held weekly. After being released for construction, the job will be scheduled and the Customer / Developer will be notified of the proposed start date.

Signed: _____

Developer: _____

GEORGIA POWER
A SOUTHERN COMPANY

Underground Distribution Construction Agreement

PROJECT / CUSTOMER: Kennesaw Depot

LOCATION: 2038 Cherokee St., Kennesaw, GA.

DEVELOPER / CUSTOMER: City of Kennesaw

AREA OF CONSTRUCTION: Per attached Exhibit A

Customer / Developer does hereby attest that the above referenced area of construction in which underground electric distribution facilities are to be installed is clear of all obstructions; that all property lines, where required, are clearly marked and that the area is finished to a grade which shall not change more than three (3+/-) inches of the final grade.

Georgia Power Company, it's employees, and contractors working on this project are hereby released from all claims due to damage of underground facilities that have not been located in the field and that are not covered by the "Utilities Protection Act of Georgia".

Customer / Developer does hereby agree to bear any and all costs to alter the installed underground electric distribution facilities as a result of grade changes or Developer design changes.

Customer / Developer shall be responsible for providing Georgia Power Company a clear unpaved route where underground electric distribution facilities can be installed. If this area is paved and conduit has not been installed, before Georgia Power Company facilities are installed the Developer shall be responsible for opening and re-paving the area required by Georgia Power Company.

Customer / Developer shall be responsible to communicate with contractors and subcontractors warning them of underground electric distribution facilities in the area and for notifying the Georgia Power Company by calling the Utilities Protection Center at GA 811 at least three (3) working days in advance to locate underground electric distribution facilities before digging or grading in the vicinity of installed underground electrical facilities. If Georgia Power Company is not notified, and the underground electric distribution facilities are damaged, then the Developer shall bear the cost of repairs.

Should underground electric distribution facilities become damaged in any way, Customer / Developer will notify the Georgia Power Company at phone #1-888-660-5890 and the Utilities Protection Center at GA 811.

Developer will establish and maintain the appropriate clearances for the transformer(s) on this site per Georgia Power Company Distribution Specification GUK-00.5003, dated 2/7/07. Electric service will not be provided until this specification is satisfied.

Georgia Power Company is not responsible for any damages to locks, gates, fences, walls, vehicles, equipment, trees, landscaping, sidewalks, or any other items that inhibit Georgia Power's access to the poles, cables, transformers, metering, or other equipment serving this site. This includes routine or emergency access of all equipment and personnel.

APPROVED: _____ **DATE:** _____

PRINT NAME / TITLE / COMPANY: _____

_____

Version 1.8 (9/28/15)

Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: May 15, 2023

TITLE: Approval of RESOLUTION authorizing the purchase of six crosswalk sign assemblies.

Summary:

Public Works has received a quote for the purchase of six crosswalk sign assemblies to replace existing crosswalk signs at the intersections of Main Street / Watts Drive, Main Street / Moon Station Road, Main Street / Dallas Street, Main Street / Park Drive, Cherokee Street / Depot Amphitheater crossing and Watts Drive / Revival crossing. These six assemblies will be solar powered and equipped with blinking signs, flashing beacons, crosswalk floodlights and decorative poles. The quote received from Utilicom Supply Associates is for $97,240.56. This was approved as part of the FY23 budget using State and Local Recovery Act Funds.

Recommendation:

The Public Works Director recommends approval of the proposal.

Fiscal Impact:

Funding Line: 230.4200.54.200000.00000

Attachments:
1. RESOLUTION
2. Solar Crosswalk Sign Quote

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023- __, 2023

RESOLUTION TO AUTHORIZE THE PURCHASE OF SIX CROSSWALK SIGN ASSEMBLIES

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

WHEREAS, the City continues to provide safe pedestrian crossings; and

WHEREAS, The City intends to replace six existing crosswalk signs with solar powered flashing signs at the intersections of Main St / Watts Dr, Main St / Moon Station Rd, Main St / Dallas St, Main St / Park Dr, Cherokee St / Depot Amphitheater crossing and Watts Dr / Revival crossing; and

WHEREAS, Utilicom Supply Associates has provided a quote of $97,240.56 to provide the equipment required to replace the six crosswalk signs.

BE IT RESOLVED the Kennesaw City Council authorizes the purchase of the equipment as quoted by Utilicom Supply Associates.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of May, 2023.

ATTEST: CITY OF KENNESAW

_____ _____
Lea Alvarez, City Clerk Derek Easterling, Mayor

UTILICOM SUPPLY ASSOCIATES
4400 Shackleford Road
Norcross GA 30093
P: 404-298-7700 F: 404-298-8810

Sales Quote

COPY

Order	Date	Page
41694	04/21/23	Page 1 of 2

Valid Until: 05/21/23

Bill To:

City of Kennesaw
2529 J. O. Stephenson Ave
Kennesaw GA 30144
USA

Ship To:

City of Kennesaw
3080 Moon Station Rd Nw
Kennesaw GA 30144-2711

Customer ID	Purchase Order Number	Inside Sales	Salesperson
C001016		Vera Spivey	Greg Duke

Due Date	Ship Via	Terms	Currency
05/21/23		Net 30	US Dollars

QUANTITY ORDER	ITEM NUMBER	DESCRIPTION	UNIT PRICE	U/M	AMOUNT
6x Crossswalks - 65W Solar, DS RRFB & 30" W11-2 BlinkerSign Combo, Bulldog PB, SafeWalk, 4" Fluted Poles - All Black:					
12	TAPCO-500593B	Controller, 12V, Sunsaver, 108045-BLk, Hollow, Radio, 12V Relay, SW Illum	1,794.6800	ea	21,536.16
12	TAPCO-2180-BRKT-R-BL	Cabinet Bracket Set, Black, Fits Round Poles 2-3/8 & Up, Standard Hardware, Brackets, & Snap Locks	81.5700	ea	978.84
12	TAPCO-SLR-55-B-BLK	55W/12V Solar Panel Package, Top Of Pole Mount 4.5 Dia., Med. Black	626.4500	ea	7,517.40
12	MISC	112610, Adapter, Solar Collar, 4.5"OD to 4.0"OD Includes Collar and Set Screws	208.1300	ea	2,497.56
12	TAPCO-101494	Battery, DEKA Solar 12V 48Ah VRLA	292.5000	ea	3,510.00
24	TAPCO-138089	RRFB Assembly with Universal mounting kit, wiring kit, light bar and bracket mounts To Include 4 X 136760, 4 X 136761, 4 X 138079	517.5000	ea	12,420.00
24	TAPCO-2180-00258-12V	Blinkersign, W11-2, 30", Ped Xing, DG3, FYG,12VDC, 8 Amber LEDs	1,056.2500	ea	25,350.00
12	TAPCO-143402	Safewalk Illuminator Assembly with Mounting Kit *** 6V Cabinet Upgrade ***	271.8800	ea	3,262.56
12	TAPCO-115881	Push Button Bulldog Add-on Option Kit Black	206.2500	ea	2,475.00
12	TAPCO-373-01757	W16-7PR,24"x12" DG3 FYG,Down Diagonal, Right Arrow (Fed Spec) Sign	45.0000	ea	540.00
12	TAPCO-373-01759	W16-7PL,24"x12" DG3 FYG,Down Diagonal Left Arrow (Fed Spec) Sign	45.0000	ea	540.00
12	MISC	203-09815BLK, Pole,Deep Fluted,4"x15'x.125 w/10"x10" Baseplate Black Finish,Aluminum,Decorative Stre	532.2000	ea	6,386.40
12	TAPCO-203-00133	Middletown Base (MD) for a 4" OD Round Pole, 27"H Vulcan Black Finish	464.0800		5,568.96

All returns subject to 15% restocking fee.

UTILICOM
SUPPLY ASSOCIATES

4400 Shackleford Road
Norcross GA 30093
P: 404-298-7700 F: 404-298-8810

Sales Quote

COPY

Order	Date	Page
41694	04/21/23	Page 2 of 2

Valid Until
05/21/23

Bill To:

City of Kennesaw
2529 J. O. Stephenson Ave
Kennesaw GA 30144
USA

Ship To:

City of Kennesaw
3080 Moon Station Rd Nw
Kennesaw GA 30144-2711

Customer ID	Purchase Order Number	Inside Sales	Salesperson
C001016		Vera Spivey	Greg Duke

Due Date	Ship Via	Terms	Currency
05/21/23		Net 30	US Dollars

QUANTITY ORDER	ITEM NUMBER	DESCRIPTION	UNIT PRICE	U/M	AMOUNT
12	TAPCO-203-00130	Slip Over Base, Black, Aluminum 7.5" OD Top x 15" Wide Base x 4.75" Height, weighs 8.25 lbs,Octagon	182.8200		2,193.84
12	TAPCO-111937	J-Bolt 5/8-11x4x18" GR 55Galv w/Nut & 5/8"	17.8200	ea	213.84
24	TAPCO-109673B	Sign Mounting Kit Flared Leg, Anit Vandal , Black	93.7500	ea	2,250.00

Unless otherwise specified, this quote is valid for a period of 30 days. This document contains privileged and confidential information and may not be disclosed to any third party without the express written consent of Utilicom Supply Associates, LLC.

Merchandise	Discount	Freight	Tax	Applied	Total Due
$97,240.56	$0.00	$0.00	$0.00	$0.00	**$97,240.56**

All returns subject to 15% restocking fee.

Item Report

TO: The Honorable Mayor and City Council

FROM: Bill Westenberger, Chief of Police

DATE: May 15, 2023

TITLE: Receipt of April 2023 Crime Statistics.

Summary:

Recommendation:

Fiscal Impact:

Attachments:

1. 2023 April Crime Statistics

April 2023 Crime Statistics

Summary

April 2023 Group A Offenses (111) decreased by 9% compared to April 2022 (122). A vast majority of the crimes reported in April 2023 were larcenies (21). This trend is also present in the data collected for crimes reported in April 2022. Larcenies account for approximately 19% (21) of the crimes that have occurred within our jurisdiction in April 2023. Out of the 1,881 traffic stops in April 2023, (1,118) resulted in Citations and 32% (363) Warnings. There were a total of 98 Adult Arrests that took place during the month, which is a 36% increase from April 2022 (72).

Crimes	April 2023	April 2022	YTD (01/01/2023) –(04/30/2023)	YTD (01/01/2022) – (04/30/2022)
Assault	5	4	20	12
Motor Vehicle Theft	0	1	3	6
Burglary	0	0	9	10
Homicide	0	0	0	0
Larceny	21	19	100	85
Sex Offenses	0	3	8	9
Robbery	2	1	4	1
Total	28	28	144	123

	April 2023	April 2022	YTD (01/01/2023) – (04/30/2023)	YTD (01/01/2022) – (04/30/2022)
Dispatched Calls for Service	532 (-356)	879	3,012 (-341)	3,353
Self-Initiated Activity	1,103 (+106)	997	4,348 (+662)	3,686
Traffic Citations	1,118 (+168)	950	4,371 (+949)	3,422
Traffic Warnings*	363 (-86)	449	1,142 (-620)	1,762
Arrests*	98 (26)	72	353 (+20)	333

*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: Ricky Stewart, Public Works Director

DATE: May 15, 2023

TITLE: Approval of RESOLUTION re-authorizing the condemnation of Parcel 15 – Cherokee Street Improvement Project, located at 3195 Travelers Trail, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Summary:

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Cherokee Street Improvement Project. However, right-of-way agents and legal counsel have been unable to acquire the property interests required for the Project from the owners of Parcel 15 (3195 Travelers Trail) through negotiations. In order to avoid additional delay, the City instead must use the condemnation process to obtain the necessary right-of-way, permanent easement, and temporary construction easements. The Public Works staff recommend that the Mayor and City Council determine circumstances to be such that it is necessary to proceed with eminent domain proceedings to acquire the needed property interests for the Project by Declaration of Taking under O.C.G.A. §32-3-4, et seq. Public Works staff also recommend that the Mayor and Council authorize the commencement of these proceedings to acquire the needed property interests for the Cherokee Street Project, adopt the Resolution and Order approving said condemnation, and authorize the Mayor to execute the necessary documents.

Recommendation:

The Public Works Director recommends approval.

Fiscal Impact:

310.4228.54.148400.00000

Attachments:

1. RESOLUTION
2. Exhibit A
3. Exh. B p.1
4. Exh. B p.2
5. Exh. B p.3
6. Exh. B p.4

CITY OF KENNESAW
GEORGIA

AMENDED AND RESTATED RESOLUTION NO. 2023-___, 2023

RESOLUTION AND ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW AUTHORIZING CONDEMNATION OF A TRACT OF LAND (TAX PARCEL ID NO. 20012900030) COMPRISED OF 0.039 ACRES (1,687 SQUARE FEET) OF FEE SIMPLE RIGHT OF WAY, 0.011 ACRES (474 SQUARE FEET) OF PERMANENT EASEMENT, 0.056 ACRES (2,447 SQUARE FEET) OF TEMPORARY CONSTRUCTION EASEMENT, BEING PROJECT PARCEL NO. 15 AND NECESSARY TO CONSTRUCT THE CHEROKEE STREET IMPROVEMENT PROJECT, IN LAND LOT 129, 20TH DISTRICT, 2ND SECTION OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. § 32-3-4, *ET SEQ*.

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

WHEREAS, Section 4 and subsequent sections of Chapter 3 of Title 32 of the Official Code of Georgia Annotated authorize the City to file a condemnation proceeding in rem under a method known as Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation for the same to the person or persons entitled to such payment where the Mayor and Council find that circumstances are appropriate for the use of said method; and

WHEREAS, the Mayor and Council of the City of Kennesaw, Georgia find and believe that circumstances are appropriate for the use of the Declaration of Taking method to acquire property belonging to the Estate of Emmette A. Wallace, for public road or other public transportation purposes, the same being necessary to construct the Cherokee Street Improvement Project in Land Lot 129, 20th District, 2nd Section of the City of Kennesaw, Cobb County, Georgia for one or more of the reasons set forth in O.C.G.A. § 32-3-4, as the same may be amended from time to time, including a desire to further the interests of justice and to have a judicial ascertainment of any and all questions connected with the condemnation, said property being described in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Kennesaw that circumstances are such that it is necessary to proceed with condemnation by the Declaration of Taking method of a tract of land belonging to the Estate of Emmette A. Wallace, being Project parcel no. 15, Tax Parcel ID No. 20012900030 in Land Lot 129, 20th District, 2nd Section, City of Kennesaw, Cobb

County, Georgia pursuant to the SPLOST Cherokee Street Improvement Project of the City of Kennesaw Public Works Department.

BE IT FURTHER RESOLVED AND ORDERED that legal counsel for the City of Kennesaw, Georgia is authorized and directed to file such proceedings and that the Mayor is authorized to execute this Resolution and Order on behalf of the City Council and the Declaration of Taking and any other documents necessary to effectuate the same.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of May, 2023.

ATTEST:

_____
Lea Alvarez, City Clerk

CITY OF KENNESAW

_____
Derek Easterling, Mayor

CITY OF KENNESAW
RESOLUTION NO. _____

CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

EXHIBIT A

USER: Eric Brisee

P:\Marietta\1260 Kennesaw\1260.009 Cherokee Street – Ben King to West 22\02-Engineering\Design\1260.09_RW Parcel 015 Exhibit.dwg 11/15/2022 3:47 PM

PARCEL 015 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
015–L1	140.28'	S27°49'54.35"W
015–L2	20.09'	N67°58'39.73"W
015–L3	12.11'	S65°23'18.87"W
015–L4	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	S27°58'20.43"W 86.61' 86.61' 3344.50'
015–L5	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	N28°51'22.70"E 16.59' 16.59' 3344.50'
015–L6	30.86'	N41°43'39.20"E
015–L7	4.70'	S56°49'20.92"E

REQ'D AREA = 1687 SQ FT
REQ'D AREA = 0.039 AC

PARCEL 015 — REQ'D TEMP EASM'T #2

Line # / Curve #	DISTANCE	BEARING
015–L8	5.20'	N67°58'39.73"W
015–L9	102.53'	N22°01'20.27"E
015–L10	23.74'	S49°22'02.22"E
015–L4	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	S27°58'20.43"W 86.61' 86.61' 3344.50'
015–L3	12.11'	S65°23'18.87"W

REQ'D AREA = 1703 SQ FT
REQ'D AREA = 0.039 AC

PARCEL 015 — REQ'D PERM EASM'T #3

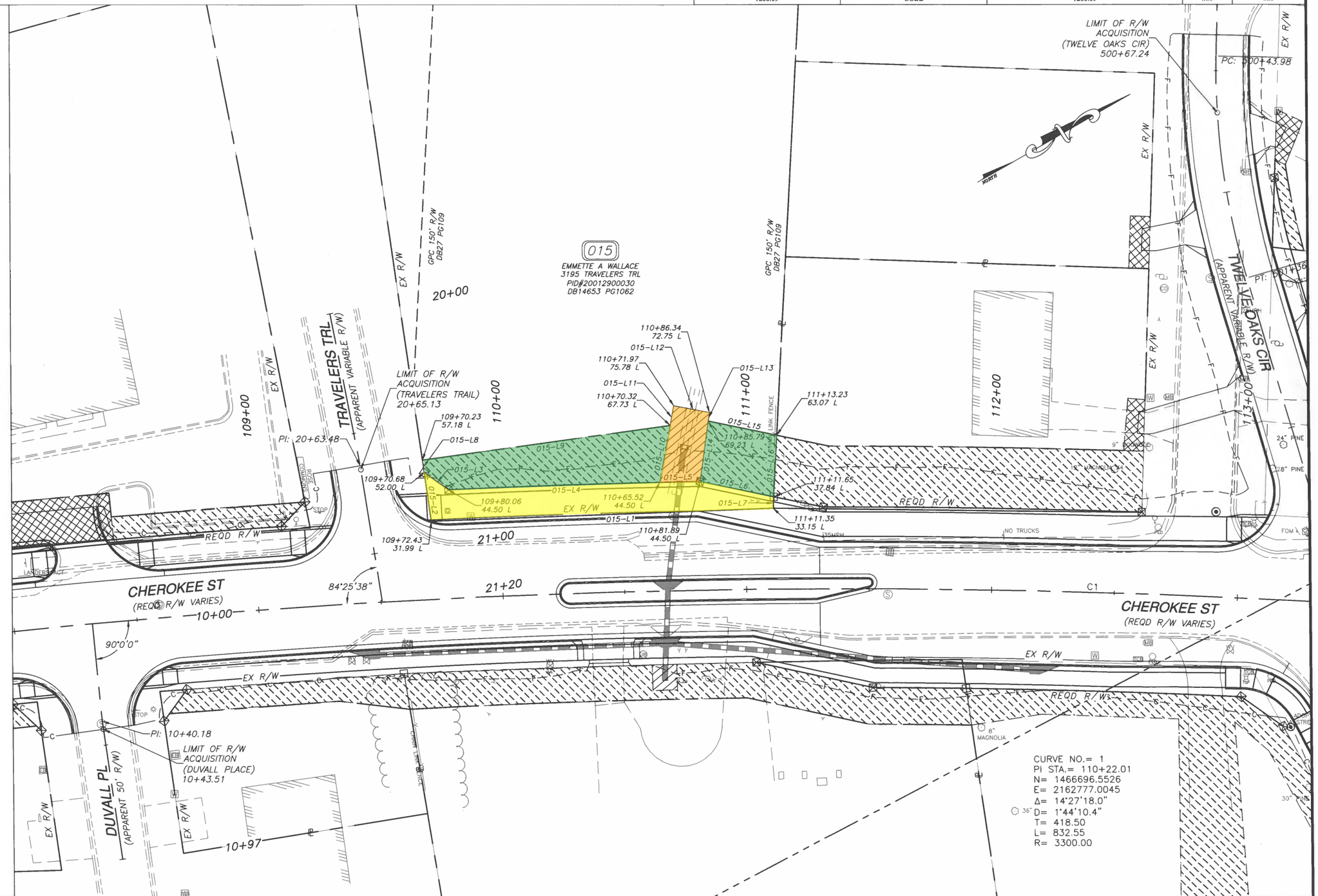
Line # / Curve #	DISTANCE	BEARING
015–L5	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	S28°51'22.70"W 16.59' 16.59' 3344.50'
015–L10	23.74'	N49°22'02.22"W
015–L11	8.22'	N49°22'02.22"W
015–L12	15.00'	N40°37'57.78"E
015–L13	3.56'	S51°50'48.34"E
015–L14	25.05'	S51°50'48.34"E

REQ'D AREA = 474 SQ FT
REQ'D AREA = 0.011 AC

PARCEL 015 — REQ'D TEMP EASM'T #4

Line # / Curve #	DISTANCE	BEARING
015–L6	30.86'	S41°43'39.20"W
015–L14	25.05'	N51°50'48.34"W
015–L15	28.66'	N41°43'39.20"E
015–L16	25.28'	S56°49'20.92"E

REQ'D AREA = 744 SQ FT
REQ'D AREA = 0.017 AC



REQUIRED RIGHT OF WAY	1687 SF
PERMANENT EASEMENT	474 SF
TEMPORARY CONST. EASEMENT	2447 SF
TEMPORARY DRIVEWAY EASEMENT	0 SF

LEGEND

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS —C—F—
PERMANENT EASEMENT FOR MAINTENANCE
EASEMENT FOR CONSTR. OF SLOPES
EASEMENT FOR CONSTR. OF DRIVES

0 20 40 80
SCALE IN FEET

INITIAL DATE: 11–15–2022

CROY ENGINEERING
Engineers Planners Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CROY ENGINEERING, LLC, NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

REVISION DATES

CITY OF KENNESAW

CHEROKEE STREET WIDENING

RIGHT OF WAY PLANS
EXHIBIT PARCEL 015

DRAWING NO.
N/A

EXHIBIT B p.1
Required Right-of-Way for Parcel 15:
Emmette A. Wallace Estate

All that tract or parcel of land lying and being in Land Lot 129 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, aka 3195 Travelers Trail, and referenced as Parcel 15 on Right of Way Plans of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Travelers Trail (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and westerly on a bearing of North 67 degrees 58 minutes 40 seconds West, for a distance of 20.09 feet to a point;

THENCE, northeasterly on a bearing of North 65 degrees 23 minutes 19 seconds East, for a distance of 12.11 feet to a point;

THENCE, northerly along a curve to the right having a radius of 3344.50 feet an arc length of 86.61 feet, being subtended by a chord of North 27 degrees 58 minutes 21 seconds East, a distance of 86.61 feet to a point;

THENCE, northerly along a curve to the right having a radius of 3344.50 feet an arc length of 16.59 feet, being subtended by a chord of North 28 degrees 51 minutes 23 seconds East, a distance of 16.59 feet to a point;

THENCE, northerly on a bearing of North 41 degrees 43 minutes 39 seconds East, for a distance of 30.86 feet to a point;

THENCE, easterly on a bearing of South 56 degrees 49 minutes 21 seconds East, for a distance of 4.70 feet

THENCE, southwesterly on a bearing of South 27 degrees 49 minutes 55 seconds West, for a distance of 140.28 feet to the POINT OF BEGINNING.

The herein described required right-of-way area of land contains 1,687 Square Feet or 0.039 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.2
Permanent Easement 3 for Parcel 15:
Emmette A. Wallace Estate

All that tract or parcel of land lying and being in Land Lot 129 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, aka 3195 Travelers Trail, and referenced as Parcel 15 on Right of Way Plans of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Travelers Trail (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, westerly along the northerly right-of-way line of Travelers Trail on a bearing of North 67 degrees 58 minutes 40 seconds West, for a distance of 20.09 feet to a point; THENCE, northeasterly and leaving said northerly right-of-way line on a bearing of North 65 degrees 23 minutes 19 seconds East, for a distance of 12.11 feet to a point; THENCE, northerly along a curve to the right having a radius of 3344.50 feet an arc length of 86.61 feet, being subtended by a chord of North 27 degrees 58 minutes 21 seconds East, a distance of 86.61 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, westerly on a bearing of North 49 degrees 22 minutes 02 seconds West, for a distance of 23.74 feet to a point;

THENCE, westerly on a bearing of North 49 degrees 22 minutes 02 seconds West, for a distance of 8.22 feet to a point;

THENCE, northerly on a bearing of North 40 degrees 37 minutes 58 seconds East, for a distance of 15.00 feet to a point;

THENCE, easterly on a bearing of South 51 degrees 50 minutes 48 seconds East, for a distance of 3.56 feet to a point;

THENCE, easterly on a bearing of South 51 degrees 50 minutes 48 seconds East, for a distance of 25.05 feet to a point;

THENCE, northerly along a curve to the right having a radius of 3344.50 feet an arc length of 16.59 feet, being subtended by a chord of South 28 degrees 51 minutes 23 seconds West, a distance of 16.59 feet the POINT OF BEGINNING.

The herein described permanent easement area of land contains 474 Square Feet or 0.011 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.3
Temporary Construction Easement 2 for Parcel 15:
Emmette A. Wallace Estate

All that tract or parcel of land lying and being in Land Lot 129 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, aka 3195 Travelers Trail, and referenced as Parcel 15 on Right of Way Plans of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Travelers Trail (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, westerly along the northerly right-of-way line of Travelers Trail on a bearing of North 67 degrees 58 minutes 40 seconds West, for a distance of 20.09 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING westerly on a bearing of North 67 degrees 58 minutes 40 seconds West, for a distance of 5.20 feet to a point;

THENCE, northerly and leaving said northerly right-of-way line on a bearing of North 22 degrees 01 minutes 20 seconds East, for a distance of 102.53 feet to a point;

THENCE, easterly on a bearing of South 49 degrees 22 minutes 02 seconds East, for a distance of 23.74 feet to a point;

THENCE, southerly along a curve to the left having a radius of 3344.50 feet, an arc length of 86.61 feet, being subtended by a chord of South 27 degrees 58 minutes 21 seconds West, a distance of 86.61 feet to a point;

THENCE, southwesterly on a bearing of South 65 degrees 23 minutes 19 seconds West, for a distance of 12.11 feet to the POINT OF BEGINNING.

The herein described temporary construction easement area of land contains 1,703 Square Feet or 0.039 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.4
Temporary Construction Easement 4 for Parcel 15:
Emmette A. Wallace Estate

All that tract or parcel of land lying and being in Land Lot 129 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, aka 3195 Travelers Trail, and referenced as Parcel 15 on Right of Way Plans of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Travelers Trail (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northerly along the westerly right-of-way line of Cherokee Street on a bearing of North 27 degrees 49 minutes 55 seconds East, for a distance of 140.28 feet to a point on the common property line with Key Property Portfolio I; THENCE, westerly along said common property line on a bearing of North 56 degrees 49 minutes 21 seconds West, for a distance of 4.70 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and southerly on a bearing of South 41 degrees 43 minutes 39 seconds West, for a distance of 30.86 feet to a point;

THENCE, westerly on a bearing of North 51 degrees 50 minutes 49 seconds West, for a distance of 25.05 feet to a point;

THENCE, northerly on a bearing of North 41 degrees 43 minutes 39 seconds East, for a distance of 28.66 feet to a point;

THENCE, easterly along said common property line on a bearing of South 56 degrees 49 minutes 21 seconds East, for a distance of 25.28 feet to the POING OF BEGINNING.

The herein described temporary construction easement area of land contains 744 Square Feet or 0.017 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: May 15, 2023

TITLE: Approval of RESOLUTION re-authorizing the condemnation of Parcel 25 – Cherokee Street Improvement Project, located at 3248 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Summary:

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Cherokee Street Improvement Project. However, right-of-way Agents and legal counsel have been unable to acquire the property interests required for the Project from the owners of Parcel 25 (3248 Cherokee Street) through negotiations. In order to avoid additional delay, the City instead must use the condemnation process to obtain the necessary right-of-way, temporary construction easement and temporary driveway easement. The Public Works staff recommend that the Mayor and City Council determine circumstances to be such that it is necessary to proceed with eminent domain proceedings to acquire these needed property interests for the Project by Declaration of Taking under O.C.G.A. §32-3-4, et seq. Public Works staff also recommend that the Mayor and Council authorize the commencement of these proceedings to acquire the necessary property interests from Parcel 25 for the Cherokee Street Project, adopt the Resolution and Order approving said condemnation, and authorize the Mayor to execute the necessary documents.

Recommendation:

The Public Works Director recommends approval.

Fiscal Impact:

310.4228.54.148400.00000

Attachments:

1. RESOLUTION
2. Exhibit A
3. Exh. B p.1
4. Exh. B p.2
5. Exh. B p.3

CITY OF KENNESAW
GEORGIA

AMENDED AND RESTATED RESOLUTION NO. 2023-___, 2023

RESOLUTION AND ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW AUTHORIZING CONDEMNATION OF A TRACT OF LAND (TAX PARCEL ID NO. 20013000340) COMPRISED OF 0.013 ACRES (580 SQUARE FEET) OF FEE SIMPLE RIGHT OF WAY, 0.014 ACRES (603 SQUARE FEET) OF TEMPORARY CONSTRUCTION EASEMENT, 0.026 ACRES (1122 SQUARE FEET) OF TEMPORARY DRIVEWAY EASEMENT BEING PROJECT PARCEL NO. 25 AND NECESSARY TO CONSTRUCT THE CHEROKEE STREET IMPROVEMENT PROJECT, IN LAND LOT 130, 20TH DISTRICT, 2ND SECTION OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. § 32-3-4, *ET SEQ*.

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

WHEREAS, Section 4 and subsequent sections of Chapter 3 of Title 32 of the Official Code of Georgia Annotated authorize the City to file a condemnation proceeding in rem under a method known as Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation for the same to the person or persons entitled to such payment where the Mayor and Council find that circumstances are appropriate for the use of said method; and

WHEREAS, the Mayor and Council of the City of Kennesaw, Georgia find and believe that circumstances are appropriate for the use of the Declaration of Taking method to acquire property belonging to Lois Mechele Ayers and the Estate of Pamela Deneen Jobe, for public road or other public transportation purposes, the same being necessary to construct the Cherokee Street Improvement Project in Land Lot 130, 20th District, 2nd Section of the City of Kennesaw, Cobb County, Georgia for one or more of the reasons set forth in O.C.G.A. § 32-3-4, as the same may be amended from time to time, including a desire to further the interests of justice and to have a judicial ascertainment of any and all questions connected with the condemnation, said property being described in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Kennesaw that circumstances are such that it is necessary to proceed with condemnation by the Declaration of Taking method of a tract of land belonging to Lois Mechele Ayers and the Estate of Pamela Deneen Jobe, being Project parcel no. 25, Tax Parcel ID No. 20013000340 in Land Lot 130, 20th District, 2nd Section, City of

Kennesaw, Cobb County, Georgia pursuant to the SPLOST Cherokee Street Improvement Project of the City of Kennesaw Public Works Department.

BE IT FURTHER RESOLVED AND ORDERED that legal counsel for the City of Kennesaw, Georgia is authorized and directed to file such proceedings and that the Mayor is authorized to execute this Resolution and Order on behalf of the City Council and the Declaration of Taking and any other documents necessary to effectuate the same.

PASSED AND ADOPTED by the Kennesaw City Council on this ___ day of May, 2023.

ATTEST:

CITY OF KENNESAW

_____
Lea Alvarez, City Clerk

_____
Derek Easterling, Mayor

EXHIBIT A

CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

CHEROKEE ST.
STA 116+00.00
N: 1467172.7912
E: 2163112.3036

CHEROKEE ST.
STA 120+50.00
N: 1467540.7429
E: 2163371.3626

LL 129 | LL 130 | LL 130 | LL 99

022 — HAROLD R & PATRICIA M ANDERSON, 3239 CHEROKEE ST, PID#20013000590, DB14976 PG388; PB25 PG11, SEE SHEET(S) 60-03, 60-14

026 — LOIS BROWN, 3249 CHEROKEE ST, PID#20013000800, PB25 PG11, SEE SHEET(S) 60-14

028 — LOIS W BROWN, 3259 CHEROKEE ST, PID#20013000380, DB14658 PG2048; PB25 PG11, SEE SHEET(S) 60-14

030 — LOIS W BROWN, 3259 CHEROKEE ST, PID#20013000380, DB14658 PG2048; PB25 PG11, SEE SHEET(S) 60-15

032 — LOIS BROWN, 3269 CHEROKEE ST, PID#20013000810, DB14658 PG2046; PB25 PG11, SEE SHEET(S) 60-15

034

116+00 | 117+00 | 118+00 | 119+00 | 120+00

022-L6 REQD R/W 116+27.45 39.50 L; 116+49.45 54.50 L; 116+57.60 39.50 L; 116+74.75 38.50 L; 116+77.78 27.48 L
022-L13 116+49.45 39.50 L
022-L22 116+27.45 54.50 L
022-L20 116+27.45 54.50 L
022-L26 116+49.45 57.36 L; 116+57.60 54.50 L
022-L10 116+57.60 64.50 L
022-L11 116+57.60 64.50 L
026-L7 116+67.60 64.50 L; 116+66.08 70.00 L
026-L6 116+74.47 39.50 L
026-L3 116+74.47 39.50 L
026-L2 116+77.78 27.48 L
026-L1 117+08.90 38.50 L
026-L4 117+08.65 53.50 L
026-L5 117+66.87 38.50 L
026-L10 117+65.73 53.50 L
028-L3 117+83.90 38.50 L
028-L4 118+13.89 38.50 L
028-L5 118+13.99 53.50 L
028-L8 117+84.06 53.50 L
028-L11 118+14.06 65.00 L
028-L14 118+54.67 53.50 L
030-L6 119+43.47 53.50 L
030-L3 118+56.36 38.50 L
030-L2 118+57.78 26.02 L
030-L1 119+45.77 38.50 L
032-L1 119+47.77 25.40 L
032-L2 120+98.56 38.50 L
032-L4 120+79.48 69.59 L
032-L7 119+80.37 89.02 L
032-L6
034-L8 120+68.21 87.96 L
034-L9 120+97.50 76.00 L
032-L5

EX R/W
REQD R/W
CHEROKEE ST (REQD 73' R/W)
N35°08'51.83"E 705.232
EX BUSINESS SIGN IMPACTED
CONCRETE SIDEWALK
ROCK ROUTED

MATCHLINE 115+50 (SEE SHEET 60-03)

024-L2 116+11.36 28.21 R
024-L3 116+00.42 34.50 R
024-L1
024-L4
024-L7
024-L8 116+00.42 41.50 R
024-L12
024-L11 116+14.74 41.50 R
116+20.71 65.00 R
ADOPT STREET
025-L5 116+12.96 34.50 R
025-L1 116+53.62 34.50 R
025-L4
025-L8
025-L3
025-L7
025-L6 116+53.62 44.50 R
025-L9
025-L11
025-L10
116+53.62 65.00 R
025-L2
027-L5 117+12.68 34.50 R
117+11.32 29.17 R
117+65.62 34.50 R
027-L1
027-L4
027-L9
027-L3
027-L8
027-L10 117+65.62 49.50 R
027-L11
027-L7
117+65.62 65.00 R
117+16.49 49.50 R
118+16.89 52.00 R
118+20.18 65.00 R
029-L5 118+12.46 34.50 R
118+11.35 30.13 R
029-L2
029-L1
029-L4
029-L3
029-L11
029-L10
029-L12
029-L9 118+57.93 85.07 R
118+57.93 34.50 R
118+57.93 52.00 R
119+11.23 31.14 R
119+11.13 87.87 R
029-L7 119+11.13 49.50 R
029-L8
031-L2
031-L6
119+12.08 34.50 R
031-L1
031-L15
031-L5
031-L14 119+14.62 44.50 R
119+15.88 49.50 R
031-L4
031-L3
031-L9
031-L7
031-L13 119+89.95 44.50 R
119+88.27 34.50 R
120+11.94 34.50 R
031-L8
031-L12
031-L11 119+93.40 65.00 R
120+10.94 65.00 R
120+26.22 32.30 R
033-L6
120+26.84 34.50 R
033-L1
033-L5
033-L16 120+29.67 44.50 R
033-L15

MATCHLINE 121+00 (SEE SHEET 60-05)

024 — JACOB N ROHALD, 3238 CHEROKEE ST, PID#20013000330, DB3561 PG182, SEE SHEET(S) 60-03, 60-14

025 — LOIS R POWELL, 3248 CHEROKEE ST, PID#20013000340, DB13303 PG1937; PB17 PG48, SEE SHEET(S) 60-14

027 — MSL REMODELING CO., INC, 3258 CHEROKEE ST, PID#20013000350, DB13213 PG251; PB17 PG42, SEE SHEET(S) 60-14

029 — FOUR STAR VENTURES LLC, 3268 CHEROKEE ST, PID#20013000360, DB13331 PG4633; PB17 PG42, SEE SHEET(S) 60-14, 60-15

031 — MOHAMMAD GOSHAYESHI AND HESAMIKICHE AS JOINT TENANTS WITH SURVIVORSHIP, 3278 CHEROKEE ST, PID#20013000370, DB15044 PG3359; PB17 PG42, SEE SHEET(S) 60-15

033

LEGEND

- PROPERTY AND EXISTING R/W LINE
- REQUIRED R/W LINE
- CONSTRUCTION LIMITS
- EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
- EASEMENT FOR CONSTR. OF SLOPES
- EASEMENT FOR CONSTR OF DRIVES

0 20 40 80
SCALE IN FEET

CROY ENGINEERING
Engineers Planners Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

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REVISION DATES
03-08-2016

CITY OF KENNESAW
CHEROKEE STREET WIDENING
RIGHT OF WAY PLANS
DRAWING NO. 60-04

PRELIMINARY 50%

8/24/2017 12:00 PM
M:\1260.09 Cherokee Street - Ben King to West 22\02-Engineering\Design\1260.09_R/W.dwg

CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

PARCEL 019 — REQ'D DW EASM'T #3

Line # / Curve #	DISTANCE	BEARING
019–L7	3.95'	S6°30'21.04"W
019–L16	CHORD BEARING	S83°04'45.97"E
	CHORD LENGTH	21.86'
	ARC LENGTH	21.86'
	RADIUS	1510.00'
019–L17	2.30'	S7°20'07.03"W
019–L18	21.88'	N87°25'04.52"W

REQ'D AREA = 69 SQ FT
REQ'D AREA = 0.002 AC

PARCEL 021 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
021–L1	CHORD BEARING	N71°45'25.94"W
	CHORD LENGTH	30.93'
	ARC LENGTH	30.95'
	RADIUS	279.50'
021–L2	7.41'	S36°22'18.01"W
021–L3	29.48'	N57°56'02.20"W

REQ'D AREA = 100 SQ FT
REQ'D AREA = 0.002 AC

PARCEL 021 — REQ'D TEMP EASM'T #2

Line # / Curve #	DISTANCE	BEARING
021–L1	CHORD BEARING	N71°45'25.94"W
	CHORD LENGTH	30.93'
	ARC LENGTH	30.95'
	RADIUS	279.50'
021–L5	4.63'	N55°17'47.87"E
021–L6	CHORD BEARING	S71°34'28.66"E
	CHORD LENGTH	36.02'
	ARC LENGTH	36.05'
	RADIUS	274.50'
021–L7	5.37'	S36°22'18.01"W
021–L75	6.39'	N57°56'02.20"W

REQ'D AREA = 181 SQ FT
REQ'D AREA = 0.004 AC

PARCEL 021 — REQ'D DW EASM'T #3

Line # / Curve #	DISTANCE	BEARING
021–L5	4.63'	N55°17'47.87"E
021–L8	20.68'	N57°56'02.20"W
021–L9	11.57'	N55°17'47.87"E
021–L10	19.04'	S38°21'39.77"E

REQ'D AREA = 154 SQ FT
REQ'D AREA = 0.004 AC

PARCEL 022 — REQ'D DW EASM'T #5

Line # / Curve #	DISTANCE	BEARING
022–L4	9.11'	N47°04'21.20"E
022–L5	34.27'	S35°08'51.83"W
022–L17	15.00'	S42°55'38.80"E
022–L18	8.70'	N42°55'38.80"W
022–L19	38.28'	N35°08'51.83"E
022–L20	10.07'	S54°51'08.17"E
022–L21	15.00'	N54°51'08.17"W

REQ'D AREA = 1017 SQ FT
REQ'D AREA = 0.023

PARCEL 022 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
022–L1	27.49'	N2°41'36.83"E
022–L2	34.85'	S32°56'52.18"W
022–L3	43.44'	S47°04'21.20"W
022–L4	9.11'	N47°04'21.20"E
022–L5	34.27'	S35°08'51.83"W
022–L6	110.50'	S35°08'51.83"W
022–L7	22.00'	S35°08'51.83"W
022–L8	8.15'	N35°08'51.83"E
022–L9	15.00'	S54°51'08.17"E
022–L10	10.00'	S54°51'08.17"E
022–L11	10.00'	S35°08'51.83"W
022–L12	38.40'	N70°14'14.90"W
022–L13	200.32'	S35°46'34.30"W
022–L14	109.85'	S35°40'45.10"W

REQ'D AREA = 4172 SQ FT
REQ'D AREA = 0.096 AC

PARCEL 022 — REQ'D TEMP EASM'T #2

Line # / Curve #	DISTANCE	BEARING
022–L2	34.85'	S32°56'52.18"W
022–L3	43.44'	S47°04'21.20"W
022–L15	33.61'	N2°41'36.83"E
022–L16	53.22'	N47°04'21.20"E
022–L17	15.00'	S42°55'38.80"E

REQ'D AREA = 1020 SQ FT
REQ'D AREA = 0.023 AC

PARCEL 022 — REQ'D TEMP EASM'T #3

Line # / Curve #	DISTANCE	BEARING
022–L6	110.50'	S35°08'51.83"W
022–L21	15.00'	N54°51'08.17"W
022–L22	110.50'	N35°08'51.83"E
022–L23	15.00'	S54°51'08.17"E

REQ'D AREA = 1658 SQ FT
REQ'D AREA = 0.038 AC

PARCEL 022 — REQ'D TEMP EASM'T #4

Line # / Curve #	DISTANCE	BEARING
022–L8	8.15'	N35°08'51.83"E
022–L9	15.00'	S54°51'08.17"E
022–L25	15.00'	S54°51'08.17"E
022–L26	8.15'	N35°08'51.83"E

REQ'D AREA = 122 SQ FT
REQ'D AREA = 0.003 AC

PARCEL 022 — REQ'D DW EASM'T #6

Line # / Curve #	DISTANCE	BEARING
022–L7	22.00'	S35°08'51.83"W
022–L23	15.00'	S54°51'08.17"E
022–L24	22.00'	N35°08'51.83"E
022–L25	15.00'	S54°51'08.17"E

REQ'D AREA = 393 SQ FT
REQ'D AREA = 0.009 AC

PARCEL 023 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
023–L1	74.14'	N34°53'50.03"E
023–L2	8.14'	S69°07'02.35"E
023–L3	CHORD BEARING	S28°27'53.46"E
	CHORD LENGTH	104.66'
	ARC LENGTH	124.03'
	RADIUS	62.50'
023–L4	10.80'	S74°20'03.08"E
023–L5	17.74'	N80°14'11.33"W
023–L6	98.85'	N69°52'41.71"W

REQ'D AREA = 2076 SQ FT
REQ'D AREA = 0.048 AC

PARCEL 023 — REQ'D TEMP EASM'T #2

Line # / Curve #	DISTANCE	BEARING
023–L3	CHORD BEARING	S28°27'53.46"E
	CHORD LENGTH	104.66'
	ARC LENGTH	124.03'
	RADIUS	62.50'
023–L4	10.80'	S74°20'03.08"E
023–L7	7.07'	S69°07'02.36"E
023–L8	CHORD BEARING	N28°19'31.89"W
	CHORD LENGTH	93.79'
	ARC LENGTH	111.71'
	RADIUS	55.50'
023–L9	57.26'	S77°13'59.08"E
023–L10	5.15'	S8°19'09.26"W
023–L11	46.60'	N80°14'11.33"W

REQ'D AREA = 1200 SQ FT
REQ'D AREA = 0.028 AC

PARCEL 024 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
024–L1	120.00'	N35°41'57.64"E
024–L2	6.49'	S69°07'02.36"E
024–L3	12.54'	N35°08'51.83"E
024–L4	99.69'	S35°08'51.83"W
024–L5	CHORD BEARING	S31°46'00.19"W
	CHORD LENGTH	7.37'
	ARC LENGTH	7.38'
	RADIUS	62.50'
024–L6	8.14'	N69°07'02.35"W

REQ'D AREA = 824 SQ FT
REQ'D AREA = 0.019 AC

PARCEL 024 — REQ'D TEMP EASM'T #2

Line # / Curve #	DISTANCE	BEARING
024–L4	99.69'	S35°08'51.83"W
024–L5	CHORD BEARING	S31°46'00.19"W
	CHORD LENGTH	7.37'
	ARC LENGTH	7.38'
	RADIUS	62.50'
024–L7	7.00'	N54°51'08.17"W
024–L8	99.69'	S35°08'51.83"W
024–L9	CHORD BEARING	N32°14'35.34"E
	CHORD LENGTH	5.62'
	ARC LENGTH	5.63'
	RADIUS	55.50'
024–L10	7.07'	N69°07'02.36"W

REQ'D AREA = 743 SQ FT
REQ'D AREA = 0.017 AC

PARCEL 025 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
025–L1	99.96'	N35°41'57.64"E
025–L2	5.50'	S69°07'37.97"E
025–L3	59.05'	S35°08'51.83"W
025–L5	6.49'	N69°07'02.36"W

REQ'D AREA = 580 SQ FT
REQ'D AREA = 0.013 AC

PARCEL 025 — REQ'D TEMP EASM'T #3

Line # / Curve #	DISTANCE	BEARING
025–L3	59.05'	S35°08'51.83"W
025–L6	10.32'	S69°07'37.97"E
025–L7	61.60'	S35°08'51.83"W
025–L8	10.00'	N54°51'08.17"W

REQ'D AREA = 603 SQ FT
REQ'D AREA = 0.014 AC

PARCEL 025 — REQ'D DW EASM'T #2

Line # / Curve #	DISTANCE	BEARING
025–L4	40.66'	S35°08'51.83"W
025–L8	10.00'	N54°51'08.17"W
025–L9	20.50'	S54°51'08.17"E
025–L10	32.91'	S35°08'51.83"W
025–L11	31.47'	N69°07'02.36"W

REQ'D AREA = 1122 SQ FT
REQ'D AREA = 0.026 AC

PARCEL 026 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
026–L1	90.00'	S35°40'45.10"W
026–L2	11.43'	N70°14'14.90"W
026–L3	34.15'	S35°08'51.83"W
026–L4	57.97'	N35°08'51.83"E
026–L5	11.89'	S59°13'14.90"E

REQ'D AREA = 1041 SQ FT
REQ'D AREA = 0.024 AC

PARCEL 026 — REQ'D DW EASM'T #2

Line # / Curve #	DISTANCE	BEARING
026–L3	34.15'	S35°08'51.83"W
026–L6	32.67'	N70°14'14.90"W
026–L7	42.29'	N35°08'51.83"E
026–L8	16.50'	S55°49'08.71"E
026–L9	15.00'	S55°49'08.71"E

REQ'D AREA = 1204 SQ FT
REQ'D AREA = 0.028 AC

PARCEL 024 — REQ'D PERM EASM'T #3

Line # / Curve #	DISTANCE	BEARING
024–L3	12.54'	N35°08'51.83"E
024–L7	7.00'	N54°51'08.17"W
024–L11	7.22'	S69°07'02.36"E
024–L12	14.32'	S35°08'51.83"W

REQ'D AREA = 94 SQ FT
REQ'D AREA = 0.002 AC

PARCEL 026 — REQ'D TEMP EASM'T #3

Line # / Curve #	DISTANCE	BEARING
026–L4	57.97'	N35°08'51.83"E
026–L9	15.00'	S55°49'08.71"E
026–L10	57.08'	N35°08'51.83"E
026–L11	15.04'	S59°13'14.90"E

REQ'D AREA = 863 SQ FT
REQ'D AREA = 0.020 AC

PARCEL 027 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
027–L1	100.04'	N35°41'57.64"E
027–L2	4.51'	S69°03'24.80"E
027–L3	46.84'	N35°08'51.83"E
027–L4	52.95'	S35°08'51.83"W
027–L5	5.50'	N69°07'37.97"W

REQ'D AREA = 484 SQ FT
REQ'D AREA = 0.011 AC

PARCEL 027 — REQ'D DW EASM'T #3

Line # / Curve #	DISTANCE	BEARING
027–L3	46.84'	N35°08'51.83"E
027–L6	31.46'	S69°03'24.80"E
027–L7	54.56'	S35°08'51.83"W
027–L8	15.50'	N54°51'08.17"W
027–L9	15.00'	N54°51'08.17"W

REQ'D AREA = 1546 SQ FT
REQ'D AREA = 0.035 AC

PARCEL 027 — REQ'D TEMP EASM'T #2

Line # / Curve #	DISTANCE	BEARING
027–L4	52.95'	S35°08'51.83"W
027–L9	15.00'	N54°51'08.17"W
027–L10	49.13'	S35°08'51.83"W
027–L11	15.48'	N69°07'37.97"W

REQ'D AREA = 766 SQ FT
REQ'D AREA = 0..018 AC

PARCEL 028 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
028–L1	90.00'	S35°32'38.65"W
028–L2	11.89'	N59°13'14.90"W
028–L3	17.03'	S35°08'51.83"W
028–L4	29.99'	N35°08'51.83"E
028–L5	42.47'	N35°08'51.83"E
028–L6	12.56'	S61°18'21.32"E

REQ'D AREA = 1092 SQ FT
REQ'D AREA = 0.025 AC

PARCEL 028 — REQ'D TEMP EASM'T #2

Line # / Curve #	DISTANCE	BEARING
028–L3	17.03'	S35°08'51.83"W
028–L7	15.04'	N59°13'14.90"W
028–L8	18.33'	N35°08'51.83"E
028–L9	15.00'	S54°14'25.56"E

REQ'D AREA = 265 SQ FT
REQ'D AREA = 0.006 AC

PARCEL 028 — REQ'D DW EASM'T #3

Line # / Curve #	DISTANCE	BEARING
028–L4	29.99'	N35°08'51.83"E
028–L9	15.00'	S54°14'25.56"E
028–L10	11.50'	N54°14'25.56"W
028–L11	29.88'	N35°08'51.83"E
028–L12	11.50'	S54°28'45.72"E
028–L13	15.00'	S54°28'45.72"E

REQ'D AREA = 793 SQ FT
REQ'D AREA = 0.018 AC

PARCEL 028 — REQ'D TEMP EASM'T #4

Line # / Curve #	DISTANCE	BEARING
028–L5	42.47'	N35°08'51.83"E
028–L13	15.00'	S54°28'45.72"E
028–L14	40.68'	N35°08'51.83"E
028–L15	15.10'	S61°18'21.32"E

REQ'D AREA = 624 SQ FT
REQ'D AREA = 0.014 AC

PARCEL 029 — REQ'D RW #1

Line # / Curve #	DISTANCE	BEARING
029–L1	99.88'	N35°43'36.95"E
029–L2	3.47'	S69°05'23.05"E
029–L3	54.15'	S35°08'51.83"W
029–L4	45.47'	S35°08'51.83"W
029–L5	4.51'	N69°03'24.80"W

REQ'D AREA = 385 SQ FT
REQ'D AREA = 0.009 AC

PARCEL 029 — REQ'D DW EASM'T #3

Line # / Curve #	DISTANCE	BEARING
029–L3	54.15'	S35°08'51.83"W
029–L6	15.48'	S69°05'23.05"E
029–L7	4.76'	S35°08'51.83"W
029–L8	38.37'	S54°51'08.17"E
029–L9	53.27'	S38°09'12.38"W
029–L10	33.07'	N54°51'08.17"W
029–L11	17.50'	N54°51'08.17"W

REQ'D AREA = 2808 SQ FT
REQ'D AREA = 0.064 AC

PRELIMINARY 50%

8/24/2017 12:02 PM

M:\1260.09 Cherokee Street - Ben King to West 22\02-Engineering\Design\1260.09_R/W.dwg

CROY ENGINEERING
Engineers Planners Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CROY ENGINEERING, LLC, NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

REVISION DATES
03-08-2016

CITY OF KENNESAW
CHEROKEE STREET WIDENING
RIGHT OF WAY PLANS
DRAWING NO. 60–14

EXHIBIT B p.1
Required Right-of-Way (Area #1) for Parcel 25:
Lois Mechele Ayers and the Estate of Pamela Deneen Jobe

All that tract or parcel of land lying and being in Land Lot 130 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, aka 3238 Cherokee St., and referenced as Parcel 25 on Right of Way Plans of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated April 15th, 2019 and also being more particularly described as follows:

COMMENCING at the intersection of the Northerly right-of-way line of Ben King Road (Variable right-of-way) with the Easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE northeasterly on a bearing of North 34 degrees 53 minutes 50 seconds East for a distance of 74.14 feet to a point; THENCE, northeasterly on a bearing of North 35 degrees 41 minutes 58 seconds East for a distance of 120.00 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northeasterly on a bearing of North 35 degrees 41 minutes 58 seconds East, for a distance of 99.96 feet to a point;

THENCE, southeasterly on a bearing of South 69 degrees 07 minutes 38 seconds East, for a distance of 5.50 feet to a point;

THENCE, southwesterly on a bearing of South 35 degrees 08 minutes 52 seconds West, for a distance of 59.05 feet to a point;

THENCE, southwesterly on a bearing of South 35 degrees 08 minutes 52 seconds West, for a distance of 40.66 feet to a point;

THENCE, northwesterly on a bearing of North 69 degrees 07 minutes 02 seconds West, for a distance of 6.49 feet to the POINT OF BEGINNING.

The herein described required right-of-way area of land contains 580 Square Feet or 0.013 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.2
Required Temporary Easement (Area #3) for Parcel 25:
Lois Mechele Ayers and the Estate of Pamela Deneen Jobe

All that tract or parcel of land lying and being in Land Lots 130 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, aka 3238 Cherokee St., and referenced as Parcel 25 on Right of Way Plans of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated April 15th, 2019 and also being more particularly described as follows:

COMMENCING at the intersection of the Northerly right-of-way line of Ben King Road (Variable right-of-way) with the Easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE northeasterly on a bearing of North 34 degrees 53 minutes 50 seconds East for a distance of 74.14 feet to a point; THENCE, northeasterly on a bearing of North 35 degrees 41 minutes 58 seconds East for a distance of 120.00 feet to a point; THENCE, southeasterly on a bearing of South 69 degrees 07 minutes 02 seconds East for a distance of 6.49 feet to a point; THENCE, northeasterly on a bearing of North 35 degrees 08 minutes 52 seconds East for a distance of 40.66 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northeasterly on a bearing of North 35 degrees 08 minutes 52 seconds East, for a distance of 59.05 feet to a point;

THENCE, southeasterly on a bearing of South 69 degrees 07 minutes 38 seconds East, for a distance of 10.32 feet to a point;

THENCE, southwesterly on a bearing of South 35 degrees 08 minutes 52 seconds West, for a distance of 61.60 feet to a point;

THENCE, northwesterly on a bearing of North 54 degrees 51 minutes 08 seconds West, for a distance of 10.00 feet to the POINT OF BEGINNING.

The herein described required temporary easement contains 603 Square Feet or 0.014 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.3
Required Driveway Easement (Area #2) for Parcel 25:
Lois Mechele Ayers and the Estate of Pamela Deneen Jobe

All that tract or parcel of land lying and being in Land Lots 130 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, aka 3238 Cherokee St., and referenced as Parcel 25 on Right of Way Plans of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated April 15th, 2019 and also being more particularly described as follows:

COMMENCING at the intersection of the Northerly right-of-way line of Ben King Road (Variable right-of-way) with the Easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE northeasterly on a bearing of North 34 degrees 53 minutes 50 seconds East for a distance of 74.14 feet to a point; THENCE, northeasterly on a bearing of North 35 degrees 41 minutes 58 seconds East for a distance of 120.00 feet to a point; THENCE, southeasterly on e a bearing of South 69 degrees 07 minutes 02 seconds East for a distance of 6.49 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and southwesterly on a bearing of North 35 degrees 08 minutes 52 seconds East, for a distance of 40.66 feet to a point;

THENCE, Southeasterly on a bearing of South 54 degrees 51 minutes 08 seconds East, for a distance of 10.00 feet to a point;

THENCE, southeasterly on a bearing of South 54 degrees 51 minutes 08 seconds East, for a distance of 20.50 feet to a point;

THENCE, southwesterly on a bearing of South 35 degrees 08 minutes 52 seconds West, for a distance of 32.91 feet to a point;

THENCE, northwesterly on a bearing of North 69 degrees 07 minutes 02 seconds West, for a distance of 31.47 feet to the POINT OF BEGINNING.

The herein described required driveway easement contains 1,122 Square Feet or 0.026 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: May 15, 2023

TITLE: Approval of RESOLUTION re-authorizing the condemnation of Parcel 55 – Cherokee Street Improvement Project, located at 3461 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Summary:

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Cherokee Street Improvement Project. However, right-of-way agents have been unable to acquire the property interests required for the Project from the owner of Parcel 55 (3461 Cherokee Street) through negotiations. In order to avoid additional delay, the City instead must use the condemnation process to obtain the necessary right-of-way, temporary construction easements and temporary driveway easement. The Public Works staff recommend that the Mayor and City Council determine circumstances to be such that it is necessary to proceed with eminent domain proceedings to acquire these needed property interests for the Project by Declaration of Taking under O.C.G.A. §32-3-4, et seq. Public Works staff also recommend that the Mayor and Council authorize the commencement of these proceedings to acquire the necessary property interests from Parcel 55 for the Cherokee Street Project, adopt the Resolution and Order approving said condemnation, and authorize the Mayor to execute the necessary documents.

Recommendation:

The Public Works Director recommends approval.

Fiscal Impact:

310.4228.54.148400.00000

Attachments:

1. RESOLUTION
2. Exh. A
3. Exh. B p.1
4. Exh. B p.2
5. Exh. B p.3
6. Exh. B p.4

CITY OF KENNESAW
GEORGIA

AMENDED AND RESTATED RESOLUTION NO. 2023-___, 2023

RESOLUTION AND ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW AUTHORIZING CONDEMNATION OF A TRACT OF LAND (TAX PARCEL ID NO. 20009901230) COMPRISED OF 0.038 ACRES (1663 SQUARE FEET) OF FEE SIMPLE RIGHT OF WAY, 0.015 ACRES (678 SQUARE FEET) OF TEMPORARY CONSTRUCTION EASEMENT, 0.007 ACRES (300 SQUARE FEET) OF TEMPORARY DRIVEWAY EASEMENT BEING PROJECT PARCEL NO. 55 AND NECESSARY TO CONSTRUCT THE CHEROKEE STREET IMPROVEMENT PROJECT, IN LAND LOT 99, 20TH DISTRICT, 2ND SECTION OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. § 32-3-4, *ET SEQ*.

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

WHEREAS, Section 4 and subsequent sections of Chapter 3 of Title 32 of the Official Code of Georgia Annotated authorize the City to file a condemnation proceeding in rem under a method known as Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation for the same to the person or persons entitled to such payment where the Mayor and Council find that circumstances are appropriate for the use of said method; and

WHEREAS, the Mayor and Council of the City of Kennesaw, Georgia find and believe that circumstances are appropriate for the use of the Declaration of Taking method to acquire property belonging to Xiue Sun, for public road or other public transportation purposes, the same being necessary to construct the Cherokee Street Improvement Project in Land Lot 99, 20th District, 2nd Section of the City of Kennesaw, Cobb County, Georgia for one or more of the reasons set forth in O.C.G.A. § 32-3-4, as the same may be amended from time to time, including a desire to further the interests of justice and to have a judicial ascertainment of any and all questions connected with the condemnation, said property being described in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Kennesaw that circumstances are such that it is necessary to proceed with condemnation by the Declaration of Taking method of a tract of land belonging to Xiue Sun, being Project parcel no. 55, Tax Parcel ID No. 20009901230 in Land Lot 99, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia pursuant to the SPLOST

Cherokee Street Improvement Project of the City of Kennesaw Public Works Department.

BE IT FURTHER RESOLVED AND ORDERED that legal counsel for the City of Kennesaw, Georgia is authorized and directed to file such proceedings and that the Mayor is authorized to execute this Resolution and Order on behalf of the City Council and the Declaration of Taking and any other documents necessary to effectuate the same.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of May, 2023.

ATTEST:

CITY OF KENNESAW

_____
Lea Alvarez, City Clerk

_____
Derek Easterling, Mayor

CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

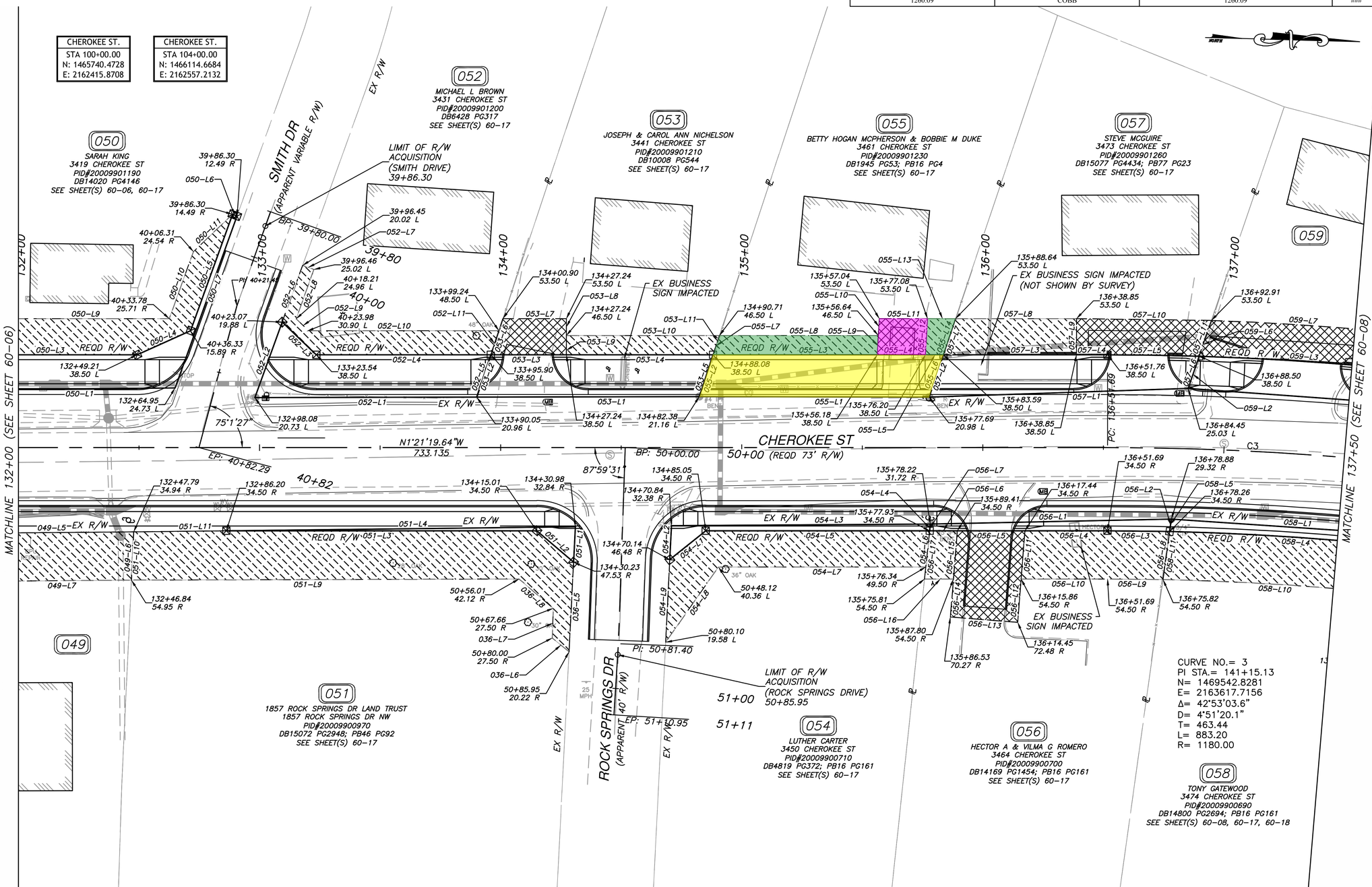

EXHIBIT A

LEGEND

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR. OF SLOPES
EASEMENT FOR CONSTR OF DRIVES

0 20 40 80
SCALE IN FEET

CROY ENGINEERING
Engineers Planners Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

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REVISION DATES

CITY OF KENNESAW

CHEROKEE STREET WIDENING

RIGHT OF WAY PLANS

DRAWING NO. 60-07

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CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

PARCEL 048 — REQ'D DW EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
048–L3	27.75'	N1°21'19.64"W
048–L6	35.83'	N89°48'43.86"W
048–L7	26.79'	N1°21'19.64"W
048–L8	25.82'	N88°38'40.36"E
048–L9	10.00'	N88°38'40.36"E

REQ'D AREA = 977 SQ FT
REQ'D AREA = 0.022 AC

PARCEL 048 — REQ'D TEMP EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
048–L4	72.21'	N1°21'19.64"W
048–L9	10.00'	N88°38'40.36"E
048–L10	72.48'	N1°21'19.64"W
048–L11	10.00'	S89°49'21.74"E

REQ'D AREA = 723 SQ FT
REQ'D AREA = 0.017 AC

PARCEL 049 — REQ'D DW EASM'T #1

Line #/ Curve #	DISTANCE	BEARING
049–L1	33.43'	N1°50'39.64"W
049–L2	15.01'	N88°38'18.72"E
049–L3	33.76'	S1°21'19.64"E
049–L4	14.73'	S89°55'41.51"W

REQ'D AREA = 500 SQ FT
REQ'D AREA = 0.011 AC

PARCEL 049 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
049–L2	15.01'	N88°38'18.72"E
049–L5	69.65'	N1°50'39.52"W
049–L6	20.03'	S88°38'39.26"E
049–L7	68.70'	S1°50'39.56"E
049–L8	4.99'	S88°38'18.72"W

REQ'D AREA = 1383 SQ FT
REQ'D AREA = 0.032 AC

PARCEL 050 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
050–L1	80.00'	S1°52'46.19"E
050–L2	14.50'	N89°49'21.74"W
050–L3	63.87'	N1°21'19.64"W
050–L4	24.32'	N25°37'58.29"W
050–L5	51.28'	N71°33'07.34"W
050–L6	2.00'	N18°17'39.58"E
050–L7	75.52'	S71°32'58.61"E

REQ'D AREA = 1378 SQ FT
REQ'D AREA = 0.032 AC

PARCEL 050 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
050–L3	63.87'	N1°21'19.64"W
050–L4	24.32'	N25°37'58.29"W
050–L5	51.28'	N71°33'07.34"W
050–L8	15.01'	N89°49'21.74"W
050–L9	76.81'	N1°21'19.64"W
050–L10	29.52'	N71°33'07.34"W
050–L11	22.40'	N45°02'04.68"W

REQ'D AREA = 1559 SQ FT
REQ'D AREA = 0.036 AC

PARCEL 051 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
051–L1	14.72'	S88°27'55.95"E
051–L2	20.04'	N39°12'15.76"E
051–L3	128.80'	S1°21'19.64"E
051–L4	144.78'	N2°00'50.36"W

REQ'D AREA = 224 SQ FT
REQ'D AREA = 0.005 AC

PARCEL 051 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
036–L5	37.17'	S88°27'55.95"E
036–L6	8.99'	S37°46'06.40"W
036–L7	12.34'	N89°20'50.46"W
036–L8	18.70'	S39°12'15.76"W
051–L2	20.04'	N39°12'15.76"E
051–L3	128.80'	S1°21'19.64"E
051–L9	160.78'	S1°30'57.43"E
051–L10	20.03'	N88°38'39.26"W
051–L11	38.42'	S2°00'50.36"E

REQ'D AREA = 3877 SQ FT
REQ'D AREA = 0.089 AC

PARCEL 052 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
052–L1	91.97'	S1°29'57.25"E
052–L2	33.30'	N71°32'58.61"W
052–L3	19.62'	N42°22'33.04"E
052–L4	72.36'	N1°21'19.64"W
052–L5	18.49'	S72°54'51.99"E

REQ'D AREA = 1747 SQ FT
REQ'D AREA = 0.040 AC

PARCEL 052 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
052–L3	19.62'	N42°22'33.04"E
052–L4	72.36'	N1°21'19.64"W
052–L6	25.00'	N71°32'58.61"W
052–L7	5.00'	N18°27'01.39"E
052–L8	21.75'	S71°32'58.61"E
052–L9	7.13'	N42°22'33.04"E
052–L10	78.92'	N1°21'19.64"W
052–L11	10.54'	S72°54'51.99"E

REQ'D AREA = 940 SQ FT
REQ'D AREA = 0.022 AC

PARCEL 053 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
053–L1	92.32'	S1°28'44.01"E
053–L2	18.49'	N72°54'51.99"W
053–L3	31.34'	N1°21'19.64"W
053–L4	60.84'	S1°21'19.64"E
053–L5	18.25'	S73°08'46.99"E

REQ'D AREA = 1608 SQ FT
REQ'D AREA = 0.037 AC

PARCEL 053 — REQ'D DW EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
053–L3	31.34'	N1°21'19.64"W
053–L6	15.81'	N72°54'51.99"W
053–L7	26.34'	N1°21'19.64"W
053–L8	7.00'	N88°38'40.36"E
053–L9	8.00'	S88°38'40.36"W

REQ'D AREA = 433 SQ FT
REQ'D AREA = 0.010 AC

PARCEL 053 — REQ'D TEMP EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
053–L4	60.84'	S1°21'19.64"E
053–L9	8.00'	S88°38'40.36"W
053–L10	63.47'	N1°21'19.64"W
053–L11	8.42'	S73°08'46.99"E

REQ'D AREA = 497 SQ FT
REQ'D AREA = 0.011 AC

PARCEL 054 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
054–L1	19.13'	S40°07'40.71"E
054–L2	14.11'	N88°31'11.46"W
054–L3	107.39'	N1°42'35.71"W
054–L4	2.80'	S85°19'15.01"E
054–L5	92.88'	S1°21'19.64"E

REQ'D AREA = 349 SQ FT
REQ'D AREA = 0.008 AC

PARCEL 054 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
054–L1	19.13'	S40°07'40.71"E
054–L5	92.88'	S1°21'19.64"E
054–L6	15.08'	S85°19'15.01"E
054–L7	86.01'	S1°21'19.64"E
054–L8	38.14'	S56°20'24.13"E
054–L9	34.30'	N88°31'11.46"W

REQ'D AREA = 1834 SQ FT
REQ'D AREA = 0.042 AC

PARCEL 055 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
055–L1	95.32'	S1°14'50.20"E
055–L2	18.25'	N73°08'46.99"W
055–L3	68.10'	N1°21'19.64"W
055–L4	20.02'	N1°21'19.64"W
055–L5	7.39'	N1°21'19.64"W
055–L6	18.48'	S72°44'56.61"E

REQ'D AREA = 1663 SQ FT
REQ'D AREA = 0.038 AC

PARCEL 055 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
055–L3	68.10'	N1°21'19.64"W
055–L7	8.42'	N73°08'46.99"W
055–L8	65.93'	N1°21'19.64"W
055–L9	8.01'	S88°02'40.18"E

REQ'D AREA = 536 SQ FT
REQ'D AREA = 0.012 AC

PARCEL 055 — REQ'D DW EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
055–L4	20.02'	N1°21'19.64"W
055–L9	8.01'	S88°02'40.18"E
055–L10	7.01'	N88°02'40.18"W
055–L11	20.04'	N1°21'19.64"W
055–L12	15.03'	S87°58'12.44"E

REQ'D AREA = 300 SQ FT
REQ'D AREA = 0.007 AC

PARCEL 055 — REQ'D TEMP EASM'T #4

Line #/ Curve #	DISTANCE	BEARING
055–L5	7.39'	N1°21'19.64"W
055–L12	15.03'	S87°58'12.44"E
055–L13	11.56'	N1°21'19.64"W
055–L14	15.83'	S72°44'56.61"E

REQ'D AREA = 142 SQ FT
REQ'D AREA = 0.003 AC

PARCEL 056 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
056–L1	100.00'	N2°33'15.01"W
056–L2	5.22'	S83°26'26.50"E
056–L3	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	S0°42'37.63"E 25.79' 25.79' 1145.50'
056–L4	34.26'	S1°21'19.64"E
056–L5	28.03'	S1°21'19.64"E
056–L6	11.48'	S1°21'19.64"E
056–L7	2.80'	N85°19'15.01"W

REQ'D AREA = 384 SQ FT
REQ'D AREA = 0.009 AC

PARCEL 056 — REQ'D TEMP EASM'T #4

Line #/ Curve #	DISTANCE	BEARING
056–L3	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	S0°42'37.63"E 25.79' 25.79' 1145.50'
056–L4	34.26'	S1°21'19.64"E
056–L8	20.14'	S83°26'50.50"E
056–L9	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	N0°46'10.51"W 23.02' 23.02' 1125.50'
056–L10	35.83'	N1°21'19.64"W
056–L11	20.06'	N86°51'36.76"W

REQ'D AREA = 1189 SQ FT
REQ'D AREA = 0.027 AC

PARCEL 056 — REQ'D DW EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
056–L5	28.03'	S1°21'19.64"E
056–L11	20.06'	N86°51'36.76"W
056–L12	18.03'	S86°51'36.76"E
056–L13	28.01'	S3°10'03.71"W
056–L14	15.82'	N86°44'54.35"W
056–L15	20.06'	N86°44'54.35"W

REQ'D AREA = 1035 SQ FT
REQ'D AREA = 0.024 AC

PARCEL 056 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
056–L6	11.48'	S1°21'19.64"E
056–L15	20.06'	N86°44'54.35"W
056–L16	11.99'	S1°21'19.64"E
056–L17	20.11'	N85°19'15.01"W

REQ'D AREA = 235 SQ FT
REQ'D AREA = 0.005 AC

PARCEL 057 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
057–L1	107.51'	S3°16'03.01"E
057–L2	18.48'	N72°44'56.61"W
057–L3	55.26'	N1°21'19.64"W
057–L4	12.85'	N1°21'19.64"W
057–L5	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	N0°27'42.77"W 38.01' 38.01' 1218.50'
057–L6	14.09'	S72°29'57.64"E

REQ'D AREA = 1663 SQ FT
REQ'D AREA = 0.038 AC

PARCEL 057 — REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
057–L3	55.26'	N1°21'19.64"W
057–L7	15.83'	N72°44'56.61"W
057–L8	50.21'	N1°21'19.64"W
057–L9	15.00'	N88°38'40.36"E

REQ'D AREA = 791 SQ FT
REQ'D AREA = 0.018 AC

PARCEL 057 — REQ'D DW EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
057–L4	12.85'	N1°21'19.64"W
057–L5	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	N0°27'42.77"W 38.01' 38.01' 1218.50'
057–L9	15.00'	N88°38'40.36"E
057–L10	55.92'	N0°35'05.32"W
057–L11	15.68'	S72°29'57.64"E

REQ'D AREA = 791 SQ FT
REQ'D AREA = 0.018 AC

PARCEL 058 — REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
058–L1	105.17'	N2°30'28.09"E
058–L2	5.33'	S81°51'31.91"E
058–L3	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	N4°44'52.88"E 17.63' 17.63' 1145.50'
058–L4	CHORD BEARING CHORD LENGTH ARC LENGTH RADIUS	N2°07'15.07"E 87.40' 87.42' 1145.50'
058–L5	5.22'	N83°26'26.50"W

REQ'D AREA = 468 SQ FT
REQ'D AREA = 0.011 AC

APPENDIX "B" - p.6

M:\1260.09 Cherokee Street - Barr King to West 22\02-Engineering\Design\1260.09_RW.dwg 4/4/2016 11:28 AM

CROY ENGINEERING
Engineers Planners Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CROY ENGINEERING, LLC, NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

REVISION DATES

03-08-2016		

CITY OF KENNESAW

CHEROKEE STREET WIDENING

RIGHT OF WAY PLANS

DRAWING NO. 60–17

Required Right-Of-Way (Area #1) for Parcel 55:
XIUE SUN

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, aka 3461 Cherokee Street, and referenced as Parcel 55 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Smith Drive (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northerly along the existing westerly right-of-way of Cherokee Street on a bearing of North 01 degrees 29 minutes 57 seconds West, a distance of 91.97 feet to a point; THENCE, northerly on a bearing of North 01 degrees 28 minutes 44 seconds West, a distance of 92.32 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING northwesterly on a bearing of North 73 degrees 08 minutes 47 seconds West for a distance of 18.25 feet, to a point;

THENCE, northwesterly on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 68.10 feet, to a point;

THENCE, northwesterly on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 20.02 feet, to a point;

THENCE, northwesterly on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 7.39 feet, to a point;

THENCE, southeasterly on a bearing of South 72 degrees 44 minutes 57 seconds East for a distance of 18.48 feet, to a point;

THENCE, southeasterly on a bearing of South 01 degrees 14 minutes 50 seconds East for a distance of 95.32 feet, to the POINT OF BEGINNING.

The herein described required right-of-way contains 1,663 Square Feet or 0.038 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.2
Required Temporary Easement (Area #2) for Parcel 55:
XIUE SUN

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, aka 3461 Cherokee Street, and referenced as Parcel 55 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Smith Drive (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northerly along the existing westerly right-of-way of Cherokee Street on a bearing of North 01 degrees 29 minutes 57 seconds West, a distance of 91.97 feet to a point; THENCE, northerly continuing along said right-of-way of Cherokee Street on a bearing of North 01 degrees 28 minutes 44 seconds West, a distance of 92.32 feet to a point; THENCE, northwesterly on a bearing of North 73 degrees 08 minutes 47 seconds West for a distance of 18.25 feet, to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING northwesterly on a bearing of North 73 degrees 08 minutes 47 seconds West for a distance of 8.42 feet, to a point;

THENCE, northwesterly on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 65.93 feet, to a point;

THENCE, southeasterly on a bearing of South 88 degrees 02 minutes 40 seconds East for a distance of 8.01 feet, to a point;

THENCE, southeasterly on a bearing of South 01 degrees 21 minutes 20 seconds East for a distance of 68.10 feet, to the POINT OF BEGINNING.

The herein described required temporary easement contains 536 Square Feet or 0.012 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.3
Required Temporary Easement (Area #4) for Parcel 55:
XIUE SUN

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, aka 3461 Cherokee Street, and referenced as Parcel 55 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Smith Drive (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northerly along the existing westerly right-of-way of Cherokee Street on a bearing of North 01 degrees 29 minutes 57 seconds West, a distance of 91.97 feet to a point; THENCE, northerly continuing along said right-of-way of Cherokee Street on a bearing of North 01 degrees 28 minutes 44 seconds West, a distance of 92.32 feet to a point; THENCE, northwesterly on a bearing of North 73 degrees 08 minutes 47 seconds West for a distance of 18.25 feet, to a point; THENCE, on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 68.10 feet, to a point; THENCE, on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 20.02 feet, to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING northwesterly on a bearing of North 87 degrees 58 minutes 12 seconds West for a distance of 15.03 feet, to a point;

THENCE, northwesterly on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 11.56 feet, to a point;

THENCE, southeasterly on a bearing of South 72 degrees 44 minutes 57 seconds East for a distance of 15.83 feet, to a point;

THENCE, southeasterly on a bearing of South 01 degrees 21 minutes 20 seconds East for a distance of 7.39 feet, to the POINT OF BEGINNING.

The herein described required temporary easement contains 142 Square Feet or 0.003 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.4
Required Driveway Easement (Area #3) for Parcel 55:
XIUE SUN

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, aka 3461 Cherokee Street, and referenced as Parcel 55 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Smith Drive (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northerly along the existing westerly right-of-way of Cherokee Street on a bearing of North 01 degrees 29 minutes 57 seconds West, a distance of 91.97 feet to a point; THENCE, northerly continuing along said right-of-way of Cherokee Street on a bearing of North 01 degrees 28 minutes 44 seconds West, a distance of 92.32 feet to a point; THENCE, northwesterly on a bearing of North 73 degrees 08 minutes 47 seconds West for a distance of 18.25 feet, to a point; THENCE, on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 68.10 feet, to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING northwesterly on a bearing of North 88 degrees 02 minutes 40 seconds West for a distance of 8.01 feet, to a point;

THENCE, northwesterly on a bearing of North 88 degrees 02 minutes 40 seconds West for a distance of 7.01 feet, to a point;

THENCE, northwesterly on a bearing of North 01 degrees 21 minutes 20 seconds West for a distance of 20.04 feet, to a point;

THENCE, southeasterly on a bearing of South 87 degrees 58 minutes 12 seconds East for a distance of 15.03 feet, to a point;

THENCE, southeasterly on a bearing of South 01 degrees 21 minutes 20 seconds East for a distance of 20.02 feet, to the POINT OF BEGINNING.

The herein described required driveway easement contains 300 Square Feet or 0.007 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: May 15, 2023

TITLE: Approval of RESOLUTION re-authorizing the condemnation of Parcel 59 – Cherokee Street Improvement Project, located at 3481 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Summary:

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Cherokee Street Improvement Project. However, certain title issues have impeded acquisition of the property interests required for the Project from the owner of Parcel 59 (3481 Cherokee Street) through negotiations. In order to avoid additional delay, the City instead must use the condemnation process to obtain clear title to the necessary right-of-way, temporary construction easements and temporary driveway easement. The Public Works staff recommend that the Mayor and City Council determine circumstances to be such that it is necessary to proceed with eminent domain proceedings to acquire these needed property interests for the Project by Declaration of Taking under O.C.G.A. §32-3-4, et seq. Public Works staff also recommend that the Mayor and Council authorize the commencement of these proceedings to acquire the necessary property interests from Parcel 59 for the Cherokee Street Project, adopt the Resolution and Order approving said condemnation, and authorize the Mayor to execute the necessary documents.

Recommendation:

The Public Works Director recommends approval.

Fiscal Impact:

310.4228.148400.00000

Attachments:

1. RESOLUTION
2. Exh. A
3. Exh. B p.1
4. Exh. B p.2
5. Exh. B p.3

CITY OF KENNESAW
GEORGIA

AMENDED AND RESTATED RESOLUTION NO. 2023-___, 2023

RESOLUTION AND ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW AUTHORIZING CONDEMNATION OF A TRACT OF LAND (TAX PARCEL ID NO. 20009901750) COMPRISED OF 0.045 ACRES (1949 SQUARE FEET) OF FEE SIMPLE RIGHT OF WAY, 0.029 ACRES (1275 SQUARE FEET) OF TEMPORARY CONSTRUCTION EASEMENT, 0.025 ACRES (1105 SQUARE FEET) OF TEMPORARY DRIVEWAY EASEMENT BEING PROJECT PARCEL NO. 59 AND NECESSARY TO CONSTRUCT THE CHEROKEE STREET IMPROVEMENT PROJECT, IN LAND LOT 99, 20TH DISTRICT, 2ND SECTION OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. § 32-3-4, *ET SEQ*.

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

WHEREAS, Section 4 and subsequent sections of Chapter 3 of Title 32 of the Official Code of Georgia Annotated authorize the City to file a condemnation proceeding in rem under a method known as Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation for the same to the person or persons entitled to such payment where the Mayor and Council find that circumstances are appropriate for the use of said method; and

WHEREAS, the Mayor and Council of the City of Kennesaw, Georgia find and believe that circumstances are appropriate for the use of the Declaration of Taking method to acquire property belonging to Kent C. Mondich and Karen K. Mondich, for public road or other public transportation purposes, the same being necessary to construct the Cherokee Street Improvement Project in Land Lot 99, 20th District, 2nd Section of the City of Kennesaw, Cobb County, Georgia for one or more of the reasons set forth in O.C.G.A. § 32-3-4, as the same may be amended from time to time, including a desire to further the interests of justice and to have a judicial ascertainment of any and all questions connected with the condemnation, said property being described in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Kennesaw that circumstances are such that it is necessary to proceed with condemnation by the Declaration of Taking method of a tract of land belonging to Kent C. Mondich and Karen K. Mondich, being Project parcel no. 59, Tax Parcel ID No. 20009901750 in Land Lot 99, 20th District, 2nd Section, City of Kennesaw, Cobb County,

Georgia pursuant to the SPLOST Cherokee Street Improvement Project of the City of Kennesaw Public Works Department.

BE IT FURTHER RESOLVED AND ORDERED that legal counsel for the City of Kennesaw, Georgia is authorized and directed to file such proceedings and that the Mayor is authorized to execute this Resolution and Order on behalf of the City Council and the Declaration of Taking and any other documents necessary to effectuate the same.

PASSED AND ADOPTED by the Kennesaw City Council on this___ day of May, 2023.

ATTEST:

CITY OF KENNESAW

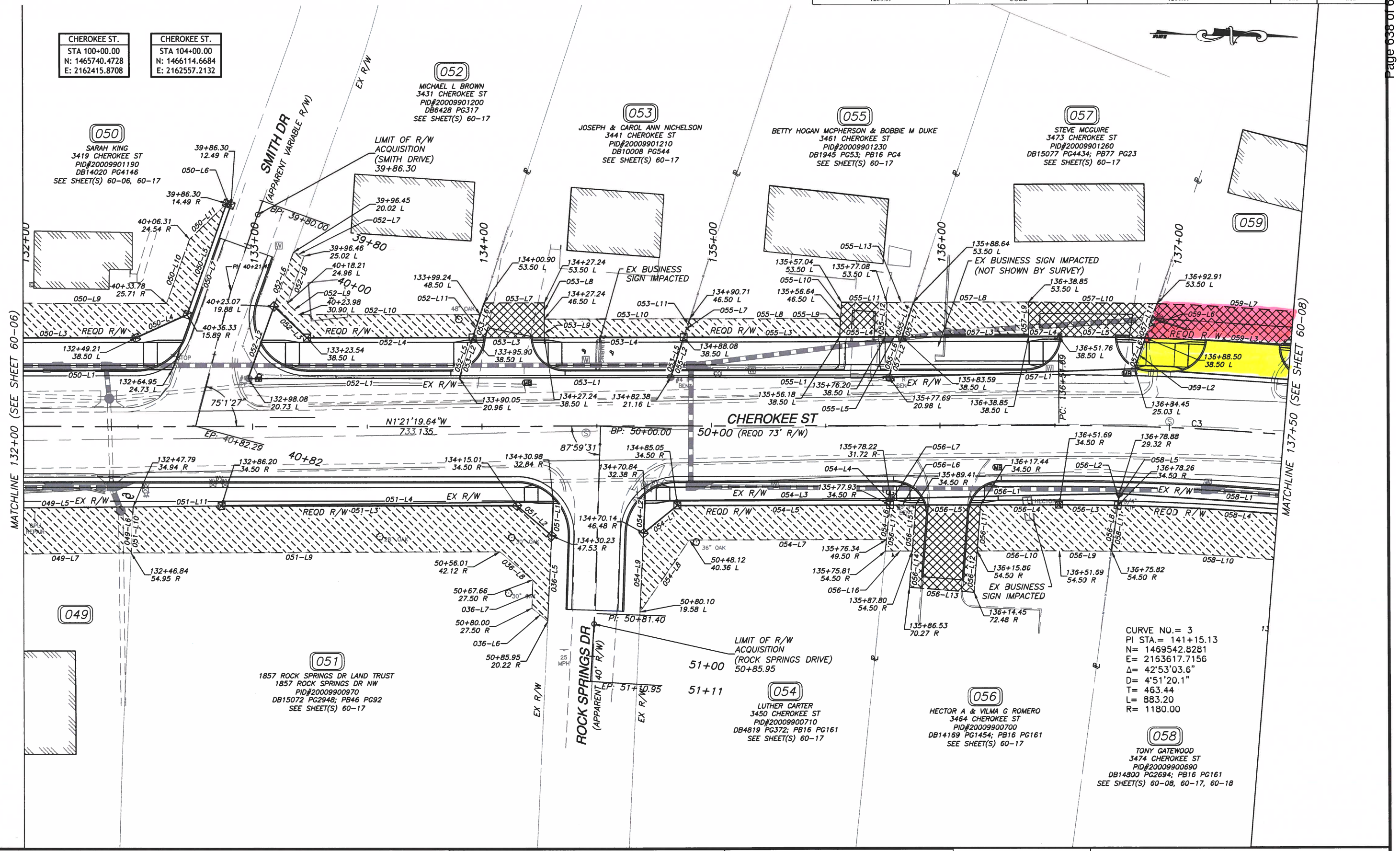
_____
Lea Alvarez, City Clerk

_____
Derek Easterling, Mayor

CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

EXHIBIT A

CHEROKEE ST.	CHEROKEE ST.
STA 100+00.00	STA 104+00.00
N: 1465740.4728	N: 1466114.6684
E: 2162415.8708	E: 2162557.2132



LEGEND

- PROPERTY AND EXISTING R/W LINE
- REQUIRED R/W LINE
- CONSTRUCTION LIMITS
- EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
- EASEMENT FOR CONSTR. OF SLOPES
- EASEMENT FOR CONSTR OF DRIVES

0 20 40 80

SCALE IN FEET

CROY ENGINEERING
Engineers Planners Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

THESE PLANS AND DRAWINGS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF CROY ENGINEERING, LLC, NOR ARE THEY TO BE ASSIGNED TO ANY PARTY WITHOUT WRITTEN PERMISSION AND CONSENT.

REVISION DATES

CITY OF KENNESAW

CHEROKEE STREET WIDENING

RIGHT OF WAY PLANS

DRAWING NO. 60-07

5/22/2015 11:49 AM
M:\1260\09 Cherokee Street - Ben King to West 22\02-Engineering\Design\1260\09_RW.dwg

CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

CHEROKEE ST.
STA 138+30.40
N: 1469257.8139
E: 2163637.9698

CHEROKEE ST.
STA 141+93.77
N: 1469605.4805
E: 2163738.6063

059
KENT C & KAREN K MONDICH
3481 CHEROKEE ST
PID#20009901750
DB7113 PG438
SEE SHEET(S) 60-07, 60-18

061
SAN SAN WANG
3501 CHEROKEE ST
PID#20009901280
DB9905 PG437
SEE SHEET(S) 60-18

063
MAHSHID IRYAN
3521 CHEROKEE ST
PID#20009901290
DB14400 PG1226; PB17 PG126
SEE SHEET(S) 60-18

065
TODD MICHAEL & JEAN O'NEIL SUPNICK
3531 CHEROKEE ST
PID#20009901300
DB15075 PG1374, PG1387; PB17 PG126
SEE SHEET(S) 60-18, 60-19

067
G TRUETT RUSSELL
3541 CHEROKEE ST
PID#20009901480
DB15110 PG2909
SEE SHEET(S) 60-09, 60-19

068

058

060
CHARLOTTE E BURNS
3484 CHEROKEE ST
PID#20009900680
DB13270 PG1825; PB16 PG161
SEE SHEET(S) 60-18

062
CAROLYN ANNE BALLARD
3506 CHEROKEE ST
PID#20009900670
DB3353 PG105; PB16 PG161
SEE SHEET(S) 60-18

064
PEGGY JO MASSEY
3526 CHEROKEE ST
PID#20009900660
DB14926 PG1794; PB16 PG161
SEE SHEET(S) 60-18

066
JAMES & DIANE RICHARDS
3540 CHEROKEE ST
PID#20009900650
DB13790 PG5190; PB16 PG161
SEE SHEET(S) 60-09, 60-19

CHEROKEE ST
(REQD 73' R/W)

DOBBINS DR
(APPARENT VARIABLE R/W)

MAPLE DR
(APPARENT VARIABLE R/W)

POPLAR DR
(APPARENT 40' R/W)

LIMIT OF R/W ACQUISITION (DOBBINS DRIVE) 60+41.14

LIMIT OF R/W ACQUISITION (MAPLE DRIVE) 80+05.72

LIMIT OF R/W ACQUISITION (POPLAR DRIVE) 70+73.60

EX BUSINESS SIGN IMPACTED

EX BUSINESS SIGN NOT IMPACTED

CURVE NO.= 3
PI STA.= 141+15.13
N= 1469542.8281
E= 2163617.7156
Δ= 42°53'03.6"
D= 4°51'20.1"
T= 463.44
L= 883.20
R= 1180.00

MATCHLINE 137+50 (SEE SHEET 60-07)

MATCHLINE 143+00 (SEE SHEET 60-09)

LEGEND

PROPERTY AND EXISTING R/W LINE
REQUIRED R/W LINE
CONSTRUCTION LIMITS
EASEMENT FOR CONSTR & MAINTENANCE OF SLOPES
EASEMENT FOR CONSTR. OF SLOPES
EASEMENT FOR CONSTR. OF DRIVES

0 20 40 80
SCALE IN FEET

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REVISION DATES

CITY OF KENNESAW

CHEROKEE STREET WIDENING

RIGHT OF WAY PLANS

DRAWING NO. 60-08

5/22/2015 11:49 AM

M:\1260\09 Cherokee Street - Ben King to West 22\02-Engineering\Design\1260.09_RW.dwg

CROY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
1260.09	COBB	1260.09	###	###

PARCEL 058 REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	N4°44'52.88"E
058-L3	CHORD LENGTH	17.63'
	ARC LENGTH	17.63'
	RADIUS	1145.50'
058-L6	28.41'	S81°51'31.91"E
058-L7	17.57'	S8°04'18.16"W
058-L8	7.35'	N81°54'24.75"W
058-L9	20.04'	N81°54'24.75"W

REQ'D AREA = 1743 SQ FT
REQ'D AREA = 0.040 AC

PARCEL 058 REQ'D DW EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	N2°07'15.07"E
058-L4	CHORD LENGTH	87.40'
	ARC LENGTH	87.42'
	RADIUS	1145.50'
058-L9	20.04'	N81°54'24.75"W
	CHORD BEARING	S2°01'40.91"W
058-L10	CHORD LENGTH	86.87'
	ARC LENGTH	86.89'
	RADIUS	1125.50'
058-L11	20.14'	N83°26'26.50"W

REQ'D AREA = 491 SQ FT
REQ'D AREA = 0.011 AC

PARCEL 059 REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
059-L1	140.30'	S2°48'02.36"W
059-L2	14.09'	N72°29'57.64"W
	CHORD BEARING	S2°12'42.98"W
059-L3	CHORD LENGTH	75.71'
	ARC LENGTH	75.72'
	RADIUS	1218.50'
	CHORD BEARING	N5°31'36.69"E
059-L4	CHORD LENGTH	65.27'
	ARC LENGTH	65.28'
	RADIUS	1218.50'
059-L5	12.04'	S66°56'04.42"E

REQ'D AREA = 1949 SQ FT
REQ'D AREA = 0.045 AC

PARCEL 059 REQ'D DW EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S2°12'42.98"W
059-L3	CHORD LENGTH	75.71'
	ARC LENGTH	75.72'
	RADIUS	1218.50'
059-L6	15.68'	N72°29'57.64"W
	CHORD BEARING	N2°18'33.80"E
059-L7	CHORD LENGTH	71.63'
	ARC LENGTH	71.64'
	RADIUS	1233.50'
059-L8	15.01'	S87°33'45.15"E

REQ'D AREA = 1105 SQ FT
REQ'D AREA = 0.025 AC

PARCEL 059 REQ'D TEMP EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	N5°31'36.69"E
059-L4	CHORD LENGTH	65.27'
	ARC LENGTH	65.28'
	RADIUS	1218.50'
059-L8	15.01'	S87°33'45.15"E
	CHORD BEARING	S5°15'16.40"W
059-L9	CHORD LENGTH	55.16'
	ARC LENGTH	55.17'
	RADIUS	1233.50'
059-L10	19.13'	N66°56'04.42"W
059-L11	15.00'	N23°03'55.58"E
059-L12	30.38'	S66°56'04.42"E

REQ'D AREA = 1275 SQ FT
REQ'D AREA = 0.029 AC

PARCEL 060 REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
060-L1	110.00'	S7°48'29.99"W
060-L2	18.52'	N78°21'25.48"W
060-L4	11.15'	S69°19'35.64"W
	CHORD BEARING	S8°26'29.77"W
060-L5	CHORD LENGTH	73.15'
	ARC LENGTH	73.17'
	RADIUS	1145.50'
	CHORD BEARING	S6°06'30.63"W
060-L6	CHORD LENGTH	19.88'
	ARC LENGTH	19.88'
	RADIUS	1145.50'
	CHORD BEARING	S5°24'00.56"W
060-L7	CHORD LENGTH	8.45'
	ARC LENGTH	8.45'
	RADIUS	1145.50'
060-L8	5.33'	S81°51'31.91"E

REQ'D AREA = 555 SQ FT
REQ'D AREA = 0.013 AC

PARCEL 060 REQ'D DW EASM'T #5

Line #/ Curve #	DISTANCE	BEARING
060-L3	3.97'	S69°19'35.64"W
060-L8	25.08'	N78°21'25.48"W
060-L9	7.32'	N11°38'34.52"E
060-L10	19.43'	N64°15'39.67"E
060-L11	21.39'	S25°44'20.33"E

REQ'D AREA = 339 SQ FT
REQ'D AREA = 0.008 AC

PARCEL 060 REQ'D TEMP EASM'T #4

Line #/ Curve #	DISTANCE	BEARING
060-L4	11.15'	S69°19'35.64"W
	CHORD BEARING	S8°26'29.77"W
060-L5	CHORD LENGTH	73.15'
	ARC LENGTH	73.17'
	RADIUS	1145.50'
060-L11	21.39'	S25°44'20.33"E
060-L12	59.97'	N7°40'47.61"E
060-L13	22.58'	S84°12'03.46"E

REQ'D AREA = 1621 SQ FT
REQ'D AREA = 0.037 AC

PARCEL 060 REQ'D DW EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S6°06'30.63"W
060-L6	CHORD LENGTH	19.88'
	ARC LENGTH	19.88'
	RADIUS	1145.50'
060-L13	22.58'	S84°12'03.46"E
060-L14	20.00'	N6°06'41.72"E
060-L15	22.58'	S83°53'18.28"E

REQ'D AREA = 451 SQ FT
REQ'D AREA = 0.010 AC

PARCEL 060 REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S5°24'00.56"W
060-L7	CHORD LENGTH	8.45'
	ARC LENGTH	8.45'
	RADIUS	1145.50'
060-L15	22.58'	S83°53'18.28"E
060-L16	11.16'	N25°57'32.57"W
060-L17	28.41'	S81°51'31.91"E

REQ'D AREA = 227 SQ FT
REQ'D AREA = 0.005 AC

PARCEL 061 REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
061-L1	99.67'	S10°33'18.76"W
061-L2	21.37'	N65°40'50.87"W
061-L3	17.75'	N52°10'58.06"E
	CHORD BEARING	N11°38'41.69"E
061-L4	CHORD LENGTH	82.59'
	ARC LENGTH	82.60'
	RADIUS	1218.50'
061-L5	7.50'	S69°45'22.14"E

REQ'D AREA = 959 SQ FT
REQ'D AREA = 0.022 AC

PARCEL 061 REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
061-L3	17.75'	N52°10'58.06"E
	CHORD BEARING	N11°38'41.69"E
061-L4	CHORD LENGTH	82.59'
	ARC LENGTH	82.60'
	RADIUS	1218.50'
061-L6	3.05'	N65°40'50.87"W
	CHORD BEARING	S11°23'57.49"W
061-L7	CHORD LENGTH	97.67'
	ARC LENGTH	97.70'
	RADIUS	1233.50'
061-L8	15.10'	S69°45'22.14"E

REQ'D AREA = 1376 SQ FT
REQ'D AREA = 0.032 AC

PARCEL 062 REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
062-L1	110.00'	N15°46'18.22"E
062-L2	5.95'	S72°50'02.86"E
	CHORD BEARING	N15°55'47.94"E
062-L3	CHORD LENGTH	88.65'
	ARC LENGTH	88.68'
	RADIUS	1145.50'
062-L4	23.78'	S17°59'08.52"E
062-L5	18.97'	N78°33'26.52"W

REQ'D AREA = 723 SQ FT
REQ'D AREA = 0.017 AC

PARCEL 062 REQ'D TEMP EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	N15°55'47.94"E
062-L3	CHORD LENGTH	88.65'
	ARC LENGTH	88.68'
	RADIUS	1145.50'
062-L4	23.78'	S17°59'08.52"E
062-L6	15.00'	S72°50'02.86"E
	CHORD BEARING	N15°25'35.21"E
062-L7	CHORD LENGTH	107.86'
	ARC LENGTH	107.90'
	RADIUS	1130.50'
062-L8	2.69'	N78°33'26.52"W

REQ'D AREA = 1502 SQ FT
REQ'D AREA = 0.034 AC

PARCEL 063 REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
063-L1	109.40'	S16°20'57.87"W
063-L2	7.50'	N69°45'22.14"W
	CHORD BEARING	S14°06'47.01"W
063-L3	CHORD LENGTH	22.29'
	ARC LENGTH	22.29'
	RADIUS	1218.50'
	CHORD BEARING	S16°40'36.37"W
063-L4	CHORD LENGTH	86.74'
	ARC LENGTH	86.76'
	RADIUS	1218.50'
063-L5	7.86'	S72°26'27.69"E

REQ'D AREA = 927 SQ FT
REQ'D AREA = 0.021 AC

PARCEL 063 REQ'D TEMP EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S14°06'47.01"W
063-L3	CHORD LENGTH	22.29'
	ARC LENGTH	22.29'
	RADIUS	1218.50'
063-L6	24.64'	N69°47'12.27"W
063-L7	21.81'	N19°19'16.24"E
063-L8	7.56'	S70°40'43.76"E
063-L9	15.05'	S70°40'43.76"E

REQ'D AREA = 1298 SQ FT
REQ'D AREA = 0.030 AC

PARCEL 063 REQ'D DW EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S16°40'36.37"W
063-L4	CHORD LENGTH	86.74'
	ARC LENGTH	86.76'
	RADIUS	1218.50'
063-L9	15.05'	S70°40'43.76"E
	CHORD BEARING	N16°41'53.78"E
063-L10	CHORD LENGTH	86.28'
	ARC LENGTH	86.29'
	RADIUS	1233.50'
063-L11	15.00'	S72°26'27.69"E

REQ'D AREA = 519 SQ FT
REQ'D AREA = 0.012 AC

PARCEL 064 REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
064-L1	110.15'	N21°29'57.14"E
064-L2	4.80'	S72°54'27.03"E
	CHORD BEARING	S23°28'02.37"W
064-L3	CHORD LENGTH	7.52'
	ARC LENGTH	7.52'
	RADIUS	1145.50'
	CHORD BEARING	S22°34'44.47"W
064-L4	CHORD LENGTH	28.00'
	ARC LENGTH	28.00'
	RADIUS	1145.50'
	CHORD BEARING	S20°47'01.70"W
064-L5	CHORD LENGTH	43.78'
	ARC LENGTH	43.78'
	RADIUS	1145.50'
	CHORD BEARING	S18°55'05.65"W
064-L6	CHORD LENGTH	30.81'
	ARC LENGTH	30.81'
	RADIUS	1145.50'
064-L7	5.95'	N72°50'02.86"W

REQ'D AREA = 493 SQ FT
REQ'D AREA = 0.011 AC

PARCEL 064 REQ'D TEMP EASM'T #5

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S23°28'02.37"W
064-L3	CHORD LENGTH	7.52'
	ARC LENGTH	7.52'
	RADIUS	1145.50'
064-L8	15.10'	S72°54'27.03"E
064-L9	14.18'	S23°23'01.02"W
064-L10	10.60'	S38°03'52.51"E
064-L11	5.71'	S67°16'15.51"E

REQ'D AREA = 148 SQ FT
REQ'D AREA = 0.003 AC

PARCEL 064 REQ'D DW EASM'T #4

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S22°34'44.47"W
064-L4	CHORD LENGTH	28.00'
	ARC LENGTH	28.00'
	RADIUS	1145.50'
064-L10	10.60'	S38°03'52.51"E
064-L11	5.71'	S67°16'15.51"E
064-L12	9.12'	S38°03'52.51"E
064-L13	19.84'	S46°02'42.41"W
064-L14	15.00'	N67°52'15.98"W

REQ'D AREA = 486 SQ FT
REQ'D AREA = 0.011 AC

PARCEL 064 REQ'D TEMP EASM'T #3

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S20°47'01.70"W
064-L5	CHORD LENGTH	43.78'
	ARC LENGTH	43.78'
	RADIUS	1145.50'
064-L14	15.00'	N67°52'15.98"W
064-L15	42.85'	S20°47'22.07"W
064-L16	15.00'	N71°24'49.53"W

REQ'D AREA = 656 SQ FT
REQ'D AREA = 0.015 AC

PARCEL 064 REQ'D DW EASM'T #2

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S18°55'05.65"W
064-L6	CHORD LENGTH	30.81'
	ARC LENGTH	30.81'
	RADIUS	1145.50'
064-L16	15.00'	N71°24'49.53"W
064-L17	7.20'	S71°24'49.53"E
064-L18	30.26'	S18°35'10.47"W
064-L19	22.39'	N72°50'02.86"W

REQ'D AREA = 683 SQ FT
REQ'D AREA = 0.016 AC

PARCEL 065 REQ'D RW #1

Line #/ Curve #	DISTANCE	BEARING
	CHORD BEARING	S21°37'29.48"W
065-L1	CHORD LENGTH	110.93'
	ARC LENGTH	111.00'
	RADIUS	901.03'
065-L2	7.86'	N72°26'27.69"W
	CHORD BEARING	S20°51'35.14"W
065-L3	CHORD LENGTH	91.14'
	ARC LENGTH	91.16'
	RADIUS	1218.50'
065-L4	20.51'	N7°33'31.83"W
065-L5	19.22'	S75°42'29.70"E

REQ'D AREA = 969 SQ FT
REQ'D AREA = 0.022 AC

CROY ENGINEERING
Engineers Planners Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
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CITY OF KENNESAW

CHEROKEE STREET WIDENING

RIGHT OF WAY PLANS

DRAWING NO. 60-18

5/22/2015 11:50 AM
M:\1260.09 Cherokee Street - Ben King to West 22\02-Engineering\Design\1260.09_RW.dwg

EXHIBIT B p.1
Required Right-of-Way for Parcel 59:
Kent C & Karen K Mondich

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, 2nd Section City of Kennesaw, Cobb County, Georgia, aka 3481 Cherokee Street, and referenced as Parcel 59 on Right Of Way Plans Of Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the southerly right-of-way line of Dobbins Drive (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way); said intersection also being the POINT OF BEGINNING.

THENCE from the POINT OF BEGINNING and southerly along the existing westerly right-of-way of Cherokee Street on a bearing of South 02 degrees 48 minutes 02 seconds West, a distance of 140.30 feet to a point on the common property corner with Grin Inc.;
THENCE northwesterly leaving said existing right-of-way and continuing along said common property line on a bearing of North 72 degrees 29 minutes 58 seconds West, a distance of 14.09 feet to a point on the proposed right-of-way of Cherokee Street;
THENCE northwesterly leaving said common property line and continuing along said proposed right-of-way following a curve to the right having a radius of 1218.50 feet an arc length of 75.72 feet and being subtended by a chord of South 02 degrees 12 minutes 43 seconds West, a distance of 75.21 feet to a point;
THENCE northeasterly along a curve to the right having a radius of 1218.50 feet an arc length of 65.28 feet and being subtended by a chord of North 05 degrees 31 minutes 37 seconds East, a distance of 65.27 feet to a point on the southerly right-of-way of Dobbins Drive;
THENCE southeasterly along said right-of-way on a bearing of South 66 degrees 56 degrees 04 minutes East for a distance of 12.04 feet to the POINT OF BEGINNING.

The herein described required right-of-way contains 1,949 Square Feet or 0.045 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.2
Required Temporary Construction Easement for Parcel 59: Kent C & Karen K Mondich

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, 2nd Section City of Kennesaw, Cobb County, Georgia, aka 3481 Cherokee Street, and referenced as Parcel 59 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the southerly right-of-way line of Dobbins Drive (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way);
THENCE northwesterly along the southerly right-of-way of Dobbins Drive on a bearing of North 66 degrees 56 minutes 04 seconds West, a distance of 12.04 feet to a point; said point also being the POINT OF BEGINNING.

THENCE from the POINT OF BEGINNING and southerly leaving the southerly right-of-way of Dobbins Drive on a curve to the left having a radius of 1218.50 feet an arc length of 65.28 feet and being subtended by a chord of North 05 degrees 31 minutes 37 seconds West, a distance of 65.27 feet to a point;
THENCE easterly and leaving said right-of-way on a bearing of North 87 degrees 33 minutes 45 seconds West, a distance of 15.01 feet to a point;
THENCE northerly on a curve to the right having a radius of 1233.50 feet an arc length of 55.17 feet and being subtended by a chord of North 05 degrees 15 minutes 16 seconds East, a distance of 55.17 feet to a point;
THENCE northwesterly on a bearing of North 66 degrees 56 minutes 04 seconds West, a distance of 19.13 feet to a point;
THENCE northerly on a bearing of North 23 degrees 03 minutes 56 seconds East, a distance of 15.00 feet to a point on the southerly right-of-way of Dobbins Drive;
THENCE southeasterly along said right-of-way on a bearing of South 66 degrees 56 minutes 04 seconds East, a distance of 30.38 feet to the POINT OF BEGINNING.

The herein described required temporary easement contains 1,275 Square Feet or 0.029+ Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.3
Required Driveway Easement for Parcel 59:
Kent C & Karen K Mondich

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, 2nd Section City of Kennesaw, Cobb County, Georgia, aka 3481 Cherokee Street, and referenced as Parcel 59 on Right Of Way Plans Of Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the southerly right-of-way line of Dobbins Drive (Variable right-of-way) with the westerly right-of-way line of Cherokee Street (Variable right-of-way);
THENCE northerly on a bearing of North 66 degrees 56 minutes 04 seconds West, a distance of 12.04 to a point; THENCE on a curve to the left having a radius of 1218.50 feet an arc length of 65.28 feet and being subtended by a chord of South 05 degrees 31 minutes 37 seconds West, a distance of 65.27 feet to a point; said point also being the POINT OF BEGINNING.

THENCE from the POINT OF BEGINNING southerly along the westerly proposed right-of-way of Cherokee Street on a curve to the left having a radius of 1218.50 feet an arc length of 75.72 feet and being subtended by a chord of South 02 degrees 12 minutes 43 seconds West, a distance of 75.71 feet to a point on the common property line of Grin Inc. and Kent C and Karen K. Mondich;
THENCE northwesterly along said common property line on a bearing of North 72 degrees 29 minutes 58 seconds West, a distance of 15.68 feet to a point;
THENCE northerly and leaving the common property line of Grin Inc. and Kent C and Karen K. Mondich curve to the right having a radius of 1233.50 feet an arc length of 71.64 feet and being subtended by a chord of North 02 degrees 18 minutes 34 seconds East, a distance of 71.63 feet to a point;
THENCE easterly on a bearing of South 87 degrees 33 minutes 45 seconds East for a distance of 15.01 feet to the POINT OF BEGINNING.

The herein described required driveway easement contains 1,105 Square Feet or 0.025 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

Item Report

TO: The Honorable Mayor and City Council

FROM: Ricky Stewart, Public Works Director

DATE: May 15, 2023

TITLE: Approval of RESOLUTION authorizing the condemnation of Parcel 35 – Cherokee Street Improvement Project, located at 3326 Cherokee Street, Kennesaw, Georgia, 30144, as required for the Special Purpose Local Option Sales Tax (SPLOST) Cherokee Street Project.

Summary:

The City has been working diligently to acquire rights of way and easements needed for the SPLOST Cherokee Street Improvement Project. However, right-of-way Agents and legal counsel have been unable to acquire the property interests required for the Project from the owner of Parcel 35 (3326 Cherokee Street) through negotiations. In order to avoid additional delay, the City instead must use the condemnation process to obtain the necessary right-of-way, temporary construction easements and temporary driveway easement. The Public Works staff recommend that the Mayor and City Council determine circumstances to be such that it is necessary to proceed with eminent domain proceedings to acquire these needed property interests for the Project by Declaration of Taking under O.C.G.A. §32-3-4, et seq. Public Works staff also recommend that the Mayor and Council authorize the commencement of these proceedings to acquire the necessary property interests from Parcel 35 for the Cherokee Street Project, adopt the Resolution and Order approving said condemnation, and authorize the Mayor to execute the necessary documents.

Recommendation:

The Public Works Director recommends approval.

Fiscal Impact:

310.4228.54.148400.0000

Attachments:

1. RESOLUTION
2. Exhibit A
3. Exh. B p.1
4. Exh. B p.2
5. Exh. B p.3
6. Exh. B p.4
7. Exh. B p.5

CITY OF KENNESAW
GEORGIA

RESOLUTION NO. 2023 ___, 2023

RESOLUTION AND ORDER OF THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW AUTHORIZING CONDEMNATION OF A TRACT OF LAND (TAX PARCEL ID NO. 20009901120) COMPRISED OF 0.010 ACRES (426 SQUARE FEET) OF FEE SIMPLE RIGHT OF WAY, 0.025 ACRES (1062 SQUARE FEET) OF TEMPORARY CONSTRUCTION EASEMENT, 0.04 ACRES (1743 SQUARE FEET) OF TEMPORARY DRIVEWAY EASEMENT BEING PROJECT PARCEL NO. 35 AND NECESSARY TO CONSTRUCT THE CHEROKEE STREET IMPROVEMENT PROJECT, IN LAND LOT 99, 20TH DISTRICT, 2ND SECTION OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA BY DECLARATION OF TAKING METHOD PURSUANT TO THE PROVISIONS OF O.C.G.A. § 32-3-4, *ET SEQ*.

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

WHEREAS, Section 4 and subsequent sections of Chapter 3 of Title 32 of the Official Code of Georgia Annotated authorize the City to file a condemnation proceeding in rem under a method known as Declaration of Taking to acquire private property interests for public road or other public transportation purposes upon payment of just and adequate compensation for the same to the person or persons entitled to such payment where the Mayor and Council find that circumstances are appropriate for the use of said method; and

WHEREAS, the Mayor and Council of the City of Kennesaw, Georgia find and believe that circumstances are appropriate for the use of the Declaration of Taking method to acquire property belonging to the Damani Family Trust, for public road or other public transportation purposes, the same being necessary to construct the Cherokee Street Improvement Project in Land Lot 99, 20th District, 2nd Section of the City of Kennesaw, Cobb County, Georgia for one or more of the reasons set forth in O.C.G.A. § 32-3-4, as the same may be amended from time to time, including a desire to further the interests of justice and to have a judicial ascertainment of any and all questions connected with the condemnation, said property being described in Exhibit A and Exhibit B, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Kennesaw that circumstances are such that it is necessary to proceed with condemnation by the Declaration of Taking method of a tract of land belonging to the Damani Family Trust, being Project parcel no. 35, Tax Parcel ID No. 20009901120 in Land Lot 99, 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia

pursuant to the SPLOST Cherokee Street Improvement Project of the City of Kennesaw Public Works Department.

BE IT FURTHER RESOLVED AND ORDERED that legal counsel for the City of Kennesaw, Georgia is authorized and directed to file such proceedings and that the Mayor is authorized to execute this Resolution and Order on behalf of the City Council and the Declaration of Taking and any other documents necessary to effectuate the same.

PASSED AND ADOPTED by the Kennesaw City Council on this ____ day of May, 2023.

ATTEST:

CITY OF KENNESAW

_____
Lea Alvarez, City Clerk

_____
Derek Easterling, Mayor

EXHIBIT A

EXHIBIT A
PAGE 1 OF 2

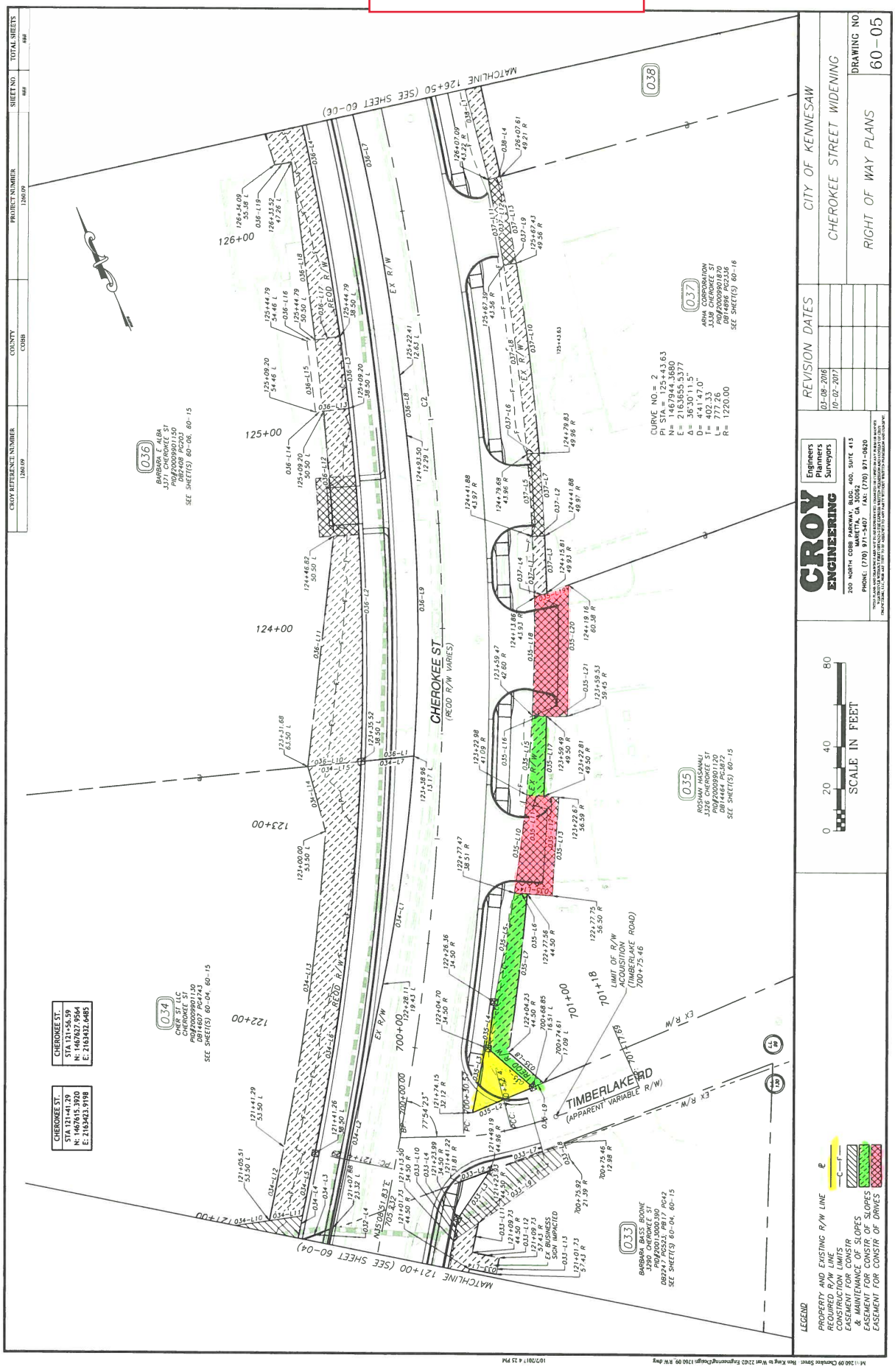

EXHIBIT B p.1
Right-Of-Way for Parcel 35:
DAMANI FAMILY TRUST

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, 3326 Cherokee Street, and referenced as Parcel 35 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Timberlake Road (Variable right-of-way) with the easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northerly along the easterly right-of-way line of Cherokee Street on a bearing of North 89 degrees 13 minutes 53 seconds West, a distance of 30.97 feet to a point; THENCE, on a bearing of South 31 degrees 39 minutes 41 seconds West, a distance of 22.26 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and southerly along said proposed right-of-way on a bearing of South 25 degrees 04 minutes 35 seconds East, a distance of 28.13 feet to a point along the existing right-of-way of Timberlake Road;
THENCE, westerly along said right-of-way on a bearing of North 89 degrees 13 minutes 53 seconds West, a distance of 30.97 feet to a point on the existing right-of-way Cherokee Street;
THENCE, northeasterly along the existing right-of-way of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 53.68 feet to a point;
THENCE, southwesterly leaving said right-of-way on a bearing of South 34 degrees 39 minutes 41 seconds West, a distance of 22.26 feet to the POINT OF BEGINNING.

The herein described required right-of-way contains 426 Square Feet or 0.010 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.2
Temporary Construction Easement for Parcel 35:
Damani Family Trust

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, 3326 Cherokee Street, and referenced as Parcel 35 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Timberlake Road (Variable right-of-way) with the easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, easterly along the northerly right-of-way line of Timberlake Road on a bearing of South 89 degrees 13 minutes 53 seconds East, a distance of 30.97 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northerly leaving the existing right-of-way of Timberlake Road and along the proposed right-of-way of Cherokee Street on a bearing of North 25 degrees 04 minutes 35 seconds West, a distance of 28.13 feet to a point;
THENCE, northeasterly along said proposed right-of-way on a bearing of North 31 degrees 39 minutes 41 seconds East, a distance of 22.26 feet to a point along the existing right-of-way of Cherokee Street;
THENCE, northeasterly continuing along said right-of-way of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 36.82 feet to a point;
THENCE, southeasterly leaving said right-of-way on a bearing of South 62 degrees 12 minutes 13 seconds East, a distance of 5.99 feet to a point;
THENCE, southwesterly along a curve to the right having a radius of 1264.50 feet an arc length of 76.00 feet, being subtended by a chord of South 30 degrees 28 minutes 12 seconds West, a distance of 75.99 feet to a point;
THENCE, southerly on a bearing of South 25 degrees 04 minutes 35 seconds East, a distance of 21.88 feet to a point along the northerly right-of-way line of Timberlake Road;
THENCE, westerly along said right-of-way on a bearing of North 89 degrees 13 minutes 53 seconds West, a distance of 5.56 feet to the POINT OF BEGINNING.

The herein described required temporary construction easement contains 773 Square Feet or 0.018 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.3
Temporary Construction Easement for Parcel 35:
Damani Family Trust

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, 3326 Cherokee Street, and referenced as Parcel 35 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Timberlake Road (Variable right-of-way) with the easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northeasterly along the easterly right-of-way line of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 53.68 feet to a point;
THENCE, northeasterly continuing along said right-of-way line of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 36.82 feet to a point; THENCE, northeasterly along said right-of-way on a curve to the left having a radius of 876.50 feet an arc length of 47.07 feet, being subtended by a chord of North 30 degrees 49 minutes 27 seconds East, a distance of 47.07 feet to a point; THENCE, southeasterly leaving said right-of-way on a bearing of South 62 degrees 12 minutes 13 seconds East, a distance of 8.41 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northwesterly on a bearing of North 62 degrees 12 minutes 13 seconds West, a distance of 8.41 feet to a point along the easterly right-of-way line of Cherokee Street;
THENCE, northerly along said right-of-way on a curve to the left having a radius of 876.50 feet an arc length of 37.77 feet, being subtended by a chord of North 28 degrees 03 minutes 05 seconds East, a distance of 37.77 feet to a point;
THENCE, southeasterly leaving said right-of-way on a bearing of South 65 degrees 19 minutes 31 seconds East, a distance of 6.90 feet to a point;
THENCE, southerly on a curve to the right having a radius of 1269.50 feet an arc length of 38.17 feet, being subtended by a chord of South 25 degrees 45 minutes 42 seconds West, a distance of 38.17 feet to the POINT OF BEGINNING.

The herein described required temporary construction easement contains 289 Square Feet or 0.007 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.4
Driveway Easement for Parcel 35:
Damani Family Trust

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, 3326 Cherokee Street, and referenced as Parcel 35 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Timberlake Road (Variable right-of-way) with the easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northeasterly along the easterly right-of-way line of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 53.68 feet to a point;
THENCE, northeasterly continuing along said right-of-way line of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 36.82 feet to a point;
THENCE, southeasterly leaving said right-of-way on a bearing of South 62 degrees 12 minutes 13 seconds East, a distance of 5.99 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northwesterly on a bearing of North 62 degrees 12 minutes 13 seconds West, a distance of 5.99 feet to a point along the easterly right-of-way line of Cherokee Street;
THENCE, northeasterly along said right-of-way on a curve to the left having a radius of 876.50 feet an arc length of 47.07 feet, being subtended by a chord of North 30 degrees 49 minutes 27 seconds East, a distance of 47.07 feet to a point;
THENCE, southeasterly leaving said right-of-way on a bearing of South 62 degrees 12 minutes 13 seconds East, a distance of 8.41 feet to a point;
THENCE, southeasterly on a bearing of South 62 degrees 12 minutes 13 seconds East, a distance of 7.09 feet to a point;
THENCE, southerly on a bearing of South 27 degrees 47 minutes 47 seconds West, a distance of 47.00 feet to a point;
THENCE, northwesterly on a bearing of North 62 degrees 12 minutes 13 seconds West, a distance of 12.00 feet to the POINT OF BEGINNING.

The herein described required driveway easement contains 777 Square Feet or 0.018 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

EXHIBIT B p.5
Driveway Easement for Parcel 35:
Damani Family Trust

All that tract or parcel of land lying and being in Land Lot 99 of the 20th District, City of Kennesaw, Cobb County, Georgia, 3326 Cherokee Street, and referenced as Parcel 35 on Right Of Way Plans Of Proposed Cherokee Street Widening prepared by Croy Engineering for City of Kennesaw dated August 16, 2016 and also being more particularly described as follows:

COMMENCING at the intersection of the northerly right-of-way line of Timberlake Road (Variable right-of-way) with the easterly right-of-way line of Cherokee Street (Variable right-of-way); THENCE, northeasterly along the easterly right-of-way line of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 53.68 feet to a point;
THENCE, northeasterly continuing along said right-of-way line of Cherokee Street on a bearing of North 34 degrees 55 minutes 29 seconds East, a distance of 36.82 feet to a point; THENCE, northeasterly along said right-of-way on a curve to the left having a radius of 876.50 feet an arc length of 47.07 feet, being subtended by a chord of North 30 degrees 49 minutes 27 seconds East, a distance of 47.07 feet to a point; THENCE, northerly continuing along said right-of-way on a curve to the left having a radius of 876.50 feet an arc length of 37.77 feet, being subtended by a chord of North 28 degrees 03 minutes 05 seconds East, a distance of 37.77 feet to a point; THENCE, southeasterly leaving said right-of-way on a bearing of South 65 degrees 19 minutes 31 seconds East, a distance of 6.90 feet to a point; said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING and northwesterly on a bearing of North 65 degrees 19 minutes 31 seconds West, a distance of 6.90 feet to a point on the easterly right-of-way line of Cherokee Street;
THENCE, northerly along said right-of-way on a curve to the left having a radius of 876.50 feet an arc length of 56.35 feet, being subtended by a chord of North 24 degrees 58 minutes 31 seconds East, a distance of 56.34 feet to an iron pin found at the common property corner with Arha Corporation;
THENCE, easterly leaving said right-of-way along the common property line on a bearing of South 86 degrees 20 minutes 57 seconds East, a distance of 17.36 feet to a point;
THENCE, southerly leaving said common property line on a bearing of South 24 degrees 20 minutes 45 seconds West, a distance of 62.56 feet to a point;
THENCE, westerly on a bearing of North 65 degrees 19 minutes 31 seconds West, a distance of 9.95 feet to the POINT OF BEGINNING.

The herein described required driveway easement contains 966 Square Feet or 0.022 Acres of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

Item Report

TO: The Honorable Mayor and City Council

FROM:

DATE: May 15, 2023

TITLE: Reports, Discussions, and Updates

Summary:

Recommendation:

Fiscal Impact:

Attachments:
None