3550 Cherokee St. Mixed Use Project

Requested Variances Summary for Special Area Plan (revised 11/22/2017)

1. DENSITIES – The maximum density shall be restricted to 14.74 units per acre for the 57.64 acres in the Special Area Plan. Individual District densities are subject to the requested variance detail. The topography (over 40' of grade) of the site requires massing of buildings in areas to avoid unsightly retaining walls and structure designs not allowed by the Form Based Code.

2. SETBACKS - Shall not apply where Public Street is being removed. All Code setbacks will be met; however, the variance is needed where the development will abut an abandoned street end.

3. BLOCK PERIMETER - Maximum Block Perimeter shall not apply (Variance 2.2.6) This is due to the existing streets that are not moving and the realignment of the new streets to meet them requires the length of a block to be longer than allowed by the Form Based Code.

4. BUFFER - The buffers will be of a size and type as represented on the BUFFER EXHIBIT.

5. BUILDING PLACEMENT - The form based code requires buildings to face streets. The streets are not able to be realigned to meet the form based code, so to align the buildings to meet the code, the road alignment requirement does not apply. In Special District 2 residences shall not be required to abut Dogwood Drive, Russell Drive and Branch Drive. Buffers and Parking shall be allowed in Special District 2 abutting Dogwood Drive, Russell Drive and Branch Drive.

6. BUILDING FORM - The topography (40+ feet of grade change) of the site does not allow the buildings to conform to the Form Based Code. To meet the "intent" of the code the following items must be allowed for the Architect to design a building that will fit on the building site.

a. In Special District 6 Number of Stories shall be limited to 6 Stories if the building is at least 100' away from Cherokee Street or McCollum Parkway with a building conforming to Table 6 as buffer between.
b. A first level entry to a Residential Function may be raised to a maximum of 13 feet. (Front Porch
c. In Special District 6, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 953 square feet, excluding the parking area.
e. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width.
a. In Special District 1, # of Stories shall be limited to 6 Stories if the building is at least 100' away from Cherokee Street or McCollum Parkway with a building conforming to Table 6 as buffer between. (The building will be meet the intent of the Code by limiting the visual height of the building to 3 stories as viewed from Cherokee St.)
b. In Special District 1 Commercial Story may be a maximum of 28' high. (For the retail and office, but the building is still subject to the 3-story height restriction)
c. In Special District 1 Attics may exceed 14 in height if the building is over 20,000sf total. Height shall be limited to Building Code requirements. (The architecture vernacular's intent is to keep the historic look of Kennesaw. This variance is to allow roofs with historic style pitch as shown in the Exhibits.)
a. In Special District 2&3, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 953 square feet, excluding the parking area. (Allows stand-alone cottages)

7. BUILDING FUNCTION – The intent is to keep the existing character found in Kennesaw. The following variances are required to coordinate the architecture and the Code.

a. In Special District 1, Balconies, open porches, and bay windows may Encroach the First Layer for 70% of the layer's depth. (Allows the building to resemble the Historic District structures)

b. In Special District 1, a Self-Service Storage Facility shall be permitted and shall be subject to the setbacks required in Special District 1. (The addition of 600 new residences with no exterior storage allowed creates the need to facilitate a designated storage location in the Special Area Plan.)
c. No outdoor storage shall be allowed. All storage shall be contained within the exterior walls of the Function. (Under the code, storage is allowed and the developer needs the ability to enforce using Code Enforcement if necessary to control the exterior aesthetes present today.)
d. In Special District 6, Residential Units for Rent shall be allowed to be rented By-The-Bedroom Suite like an Accessory Residential Structure, and shall not be considered a rooming house. The minimum age to rent in Special District 6 shall only be to consenting Adults, over the age of 55, with a restriction on age of a minimum of 18 on a married partner, and shall be subject to the United States Fair Housing Act of 1968 and the United States Housing for Older Persons Act of 1995. (This is an age restriction and is a rental model that is new to the active adult market. A reference to the Golden Girls TV show is an explanation. The age restriction precludes University students from renting.

8. SCREENING AND FENCING - Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100% opaque. (This is due to the topography between units to avoid 4 foot fences for the low side of the fence. The code allows a maximum of 6 foot.

9. OPEN SPACE – The Special Area Plan is 57.64 acres. By master-planning the Districts, the required green space can become an amenity for the public, rather than used typically as buffers or internal private spaces. Required Open Space will be as delineated in in all Districts to allow larger Greens and Parks to be constructed for use by the public

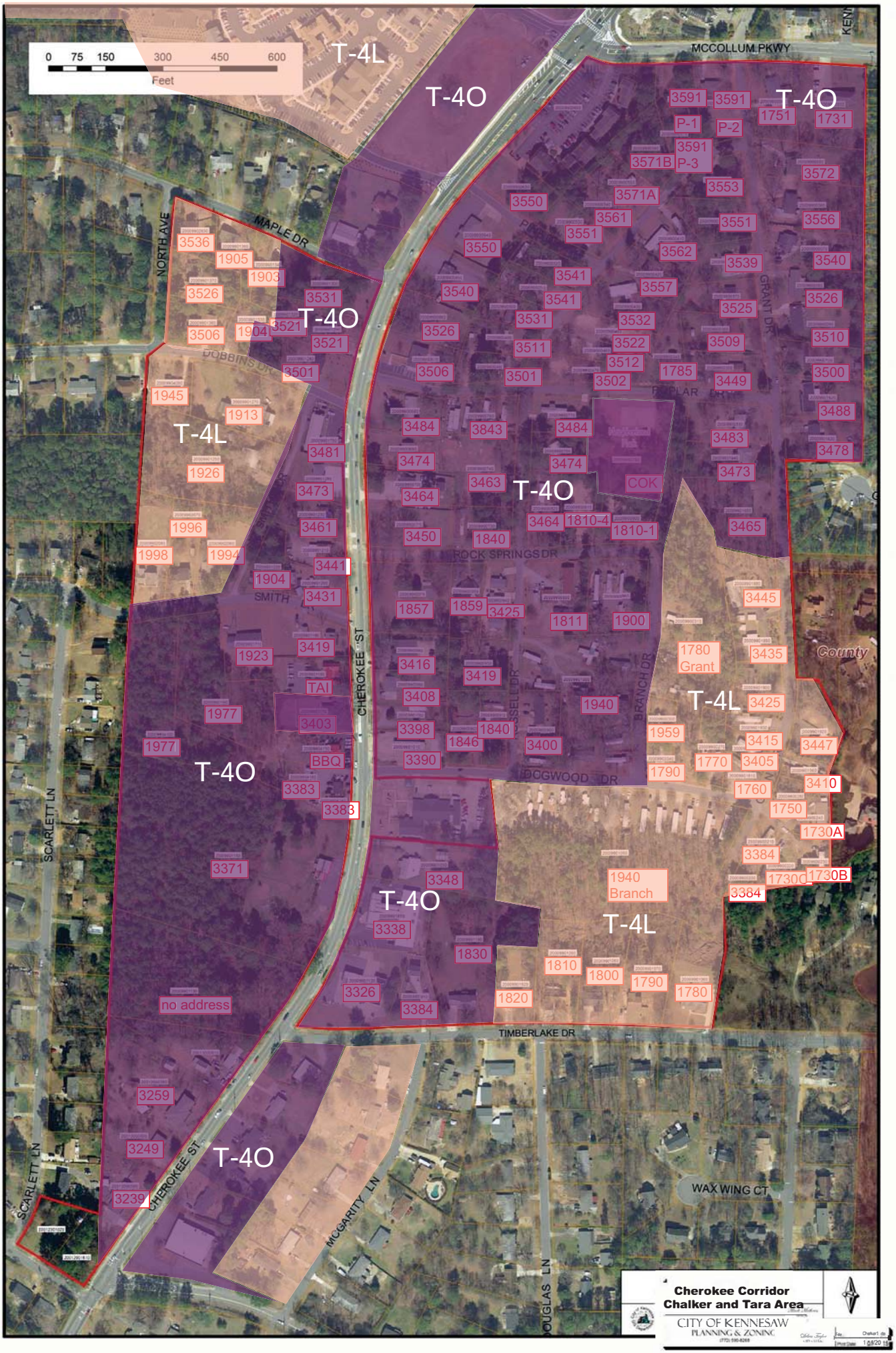
10. OFF STREET PARKING & LOADING - The Form Based Code does not contemplate the challenges with designing with structured parking due to topography. The following are required to design a building that captures the significant grade changes on the site.

a. In Special District 1, Parking Spaces will be time-shared and less than listed in Ordinance. A Time Share Permit shall not be required for Special District 1. Parking may be allowed in the First and Second Layer adjacent to street access driveways or under covered roofs. Parking shall be allowed in Layer 1, 2, 3 & 4 of public or private secondary streets (other than Cherokee Street or McCollum) if vehicles are obstructed from the vision from street level. Parking Spaces sizing in the decks will be designed as with some compact spaces and required handicap spaces. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses.
b. In Special District 2 parking will be .8 space/unit – less than listed in Ordinance. (Senior housing does not require as many cars due to fact that the community utilizes a shuttle)
c. In Special District 4 Parking shall be allowed in behind the building so long as existing restaurants remain due to the widening of Cherokee St.

11. LANDSCAPE STANDARDS – The site is too large for a small number of species of trees. In all Special Districts, a variety of tree species may be allowed. No more than 33 percent of street trees may be the same species. Decorative lighting of architectural features and trees may be allowed to accent the pedestrian sidewalks and green space areas for safety vs using just street lights.

12. ARCHITECTURAL STANDARDS – To match the architectural vernacular of Kennesaw, the following changes are required to comply with the Code and blend into the surrounding area.

a. In Special District 1, exterior materials of buildings may be combined horizontally where the building width exceeds 50'. Transom Windows over other windows or doors may have a greater width than height. In Special District 1, commercial buildings facing McCollum Parkway may be built over, and Arcade supporting habitable space allowed per the requirements of T5 illustration.
b. In Special District 2, 3 &6, Detached Cottages or Duplexes may be built on the same lot without property lines or buffers between them and other buildings on the property, provided that the building separations will be governed by the requirements of the Building and Fire Codes. Townhome style apartments may be built without real or assumed property lines."
b. In Special District 6, buildings outside the Design Based Overlay are not required to have sloped roofs over the entire residence.


0 75 150 300 450 600
Feet
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MCCOLLUM PKWY
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SCARLETT LN
ROCK SPRINGS DR
DOGWOOD DR
BRANCH DR
GRANT DR
POPLAR
TIMBERLAKE DR
MCGARITY LN
DOUGLAS LN
WAX WING CT
County
COK
TAI
BBQ
no address
1780 Grant
1940 Branch
Cherokee Corridor
Chalker and Tara Area
CITY OF KENNESAW
PLANNING & ZONING

EXHIBIT A

Sanctuary Companies - 3550 Cherokee Street, Kennesaw, GA

	SPECIAL DISTRICT 1	Land Lot	Current Zoning	Requested Zoning	Requested Variances
1	3590 Cherokee	99	OI	T-4O	1. DENSITIES - Maximum Density shall be increased 6 units per acre with a maximum of 235 units.
2	3550 Cherokee	99	OI	T-4O	2. SETBACKS - Shall not apply where Public Street is being removed.
3	3550 Cherokee	99	LI	T-4O	3. BLOCK PERIMETER - Maximum Block Perimeter shall not apply (Variance 2.2.6)
4	3540 Cherokee	99	NRC	T-4O	4. BUILDING FORM (4.5)
5	3526 Cherokee	99	LI	T-4O	a. In Special District 1 Number of Stories shall be limited to 6 Stories if the building is at least 100' away from
					Cherokee Street or McCollum Parkway with a building conforming to Table 6 as buffer between.
6	3591 McCollum	99	MHP	T-4O	b. In Special District 1 Commercial Story may be a maximum of 28' high.
7	1731 McCollum	99	NS	T-4O	c. In Special District 1 Attics may exceed 14 in height if the building is over 20,000sf total. Height shall be
					limited to Building Code requirements.
8	3571A Russell	99	MHP	T-4O	d. A first level entry to a Residential Function may be raised to a maximum of 13 feet.
9	3571B Russell	99	MHP	T-4O	e. In a Parking Structure or Garage, each level that is more than 70 percent above average grade counts as a
10	3561 Russell	99	MHP	T-4O	single Story regardless of its relationship to habitable Stories.
11	3551 Russell	99	MHP	T-4O	f. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private
12	3541 Russell	99	MHP	T-4O	sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width.
13	3531 Russell	99	MHP	T-4O	5. BUILDING FUNCTION (4.6)
14	3511 Russell	99	MHP	T-4O	a. In Special District 1, Balconies, open porches, and bay windows may Encroach the First Layer for 70% of the
15	3557 Russell	99	MHP	T-4O	layer's depth.
16	3522 Russell	99	MHP	T-4O	b. In Special District 1, a Self-Service Storage Facility shall be permitted and shall be subject to the setbacks
17	3512 Russell	99	MHP	T-4O	required in Special District 1 with conditions as set forth herein:
18	3502 Russell	99	MHP	T-4O	i. No outdoor storage shall be allowed.
19	3501 Russell	99	MHP	T-4O	ii. All storage shall be contained within the exterior walls of the Function.
20	3463 Russell	99	MHP	T-4O	iii. The exterior façade architecture shall meet the Design Standards of the adopted Form Based Code, and shall
21	3474 Russell	99	MHP	T-4O	be complementary to the adjacent architecture of the buildings contained in Special District 1
22	3464 Russell	99	MHP	T-4O	6. SCREENING AND FENCING 4.7
23	3478 Grant	99	R-15	T-40	a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100%
24	3553 Grant	99	R-15	T-4O	opaque.
25	3551 Grant	99	R-15	T-4O	7. OPEN SPACE
					a. Required Open Space will be as delineated in District 1. Requirements for District 1 Open Space will be made
26	1810 Rock Springs	99	MHP	T-4O	up in District 5 & District 6.
					8. OFF STREET PARKING & LOADING
					a. In Special District 1, Parking Spaces will be time-shared and less than listed in Ordinance. A Time Share Permit shall not be required for Special District 1.
					b. In Special District 1 Parking may be allowed in the First and Second Layer adjacent to street access driveways or under covered roofs.
					c. In Special District 1 Structured Parking shall be allowed in Layer 1, 2, 3 & 4 of public or private secondary streets (other than Cherokee Street or McCollum) if vehicles are obstructed from the vision from street level.
					d. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces.
					e. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses.
					9. LANDSCAPE STANDARDS
					a. In Special District 1 a variety of tree species may be allowed. No more than 33 percent of street trees may be the same species.
					b. Decorative lighting of architectural features and trees may be allowed.
					10. ARCHITECTURAL STANDARDS
					a. In Special District 1, exterior materials of buildings may be combined horizontally where the building width exceeds 50'.
					b. Transom Windows over other windows or doors may have a greater width than height.
					c. In Special District 1, commercial buildings facing McCollum Parkway may be built over, and Arcade supporting habitable space allowed per the requirements of T5 illustration h.

EXHIBIT A

Sanctuary Companies - 3550 Cherokee Street, Kennesaw, GA

	SPECIAL DISTRICT 2	Land Lot	Current Zoning	Requested Zoning	Requested Variances
27	3474 Cherokee	99	R-15	T-4O	1. DENSITIES - Maximum Density shall be increased from 12 to 20.6 units per acre.
28	3450 Cherokee	99	NS	T-4O	2. SETBACKS - Setbacks shall not apply where Public Street is being removed.
29	3398 Cherokee		R-15	T-4O	3. BUILDING PLACEMENT
					In Special District 2 Habitable Buildings shall not be required to abut Dogwood Drive, Russell Drive and Branch
30	1857 Rock Springs	99	R-15	T-4O	Drive. Buffers and Parking shall be allowed in Special District 2 abutting Dogwood Drive, Russell Drive and
31	1859 Rock Springs	99	MHP	T-4O	Branch Drive.
32	1811 Rock Springs	99	MHP	T-4O	4. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to District 2
33	1810 Rock Springs	99	MHP	T-4O	(Variance 2.2.6)
34	1840 Rock Springs	99	MHP	T-4O	5. BUILDING FORM (4.5)
					a. In Special District 2, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall
35	1846 Dogwood	99	MHP	T-4O	not exceed 953 square feet, excluding the parking area.
36	1840 Dogwood	99	MHP	T-4O	b. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private
					sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width.
37	3419 Russell	99	MHP	T-4O	6. BUILDING FUNCTION (4.6)
38	3425 Russell	99	MHP	T-4O	a. In Special District 2 Residential Units for Rent shall be allowed to be rented By-The-Bedroom Suite similar to
39	3464 Russell	99	MHP	T-4O	an Accessory Residential Structure, and shall not be considered a rooming house. The minimum age to rent in
40	3474 Russell	99	MHP	T-4O	Special District 2 shall only be to consenting Adults, over the age of 55, with a restriction on age of a minimum
41	3484 Russell	99	MHP	T-4O	of 18 on a married partner, and shall be subject to the United States Fair Housing Act of 1968 and the United
42	3463 Russell	99	MHP	T-4O	States Housing for Older Persons Act of 1995.
43					7. OFF STREET PARKING & LOADING
					a. In Special Districts 2 Housing will be .8 space/unit – less than listed in Ordinance.
					b. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces.
					c. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses.
					8. LANDSCAPE STANDARDS
					a. In Special District 2 a variety of tree species may be allowed. No more than 33 percent of street trees may be the same species.
					b. Decorative lighting of architectural features and trees may be allowed.
					9. ARCHITECTURAL STANDARDS
					a. Transom Windows over other windows or doors may have a greater width than height.
					b. In Special District 2, Detached Cottages or Duplexes may be built on the same lot without property lines or buffers between them and other buildings on the property, provided that the building separations will be governed by the requirements of the Building and Fire Codes. Townhome style apartments may be built without real or assumed property lines.

EXHIBIT A

Sanctuary Companies - 3550 Cherokee Street, Kennesaw, GA

	SPECIAL DISTRICT 3	Land Lot	Current Zoning	Requested Zoning	Requested Variances
44	3481 Cherokee	99	LI	T-4O	1. SETBACKS - Setbacks shall not apply where Public Street is being removed.
45	3441 Cherokee	99	OI	T-4O	2. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to Districts 3. (Variance 2.2.6)
46	3419 Cherokee	99	R-15	T-4O	3. BUILDING FORM (4.5)
47	3403 Cherokee	99	NRC	T-4O	a. In Special District 3, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall
48	3371 Cherokee	99	NS	T-4O	not exceed 953 square feet, excluding the parking area.
					b. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private
49	1913 Dobbins	99	R-15	T-4L	sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width.
					4. SCREENING AND FENCING 4.7
50	1926 Smith	99	R-15	T-4L	a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100%
51	1923 Smith	99	R-15	T-4O	opaque.
52	1994 Smith	99	R-15	T-4L	5. OFF STREET PARKING & LOADING
53	1996 Smith	99	R-15	T-4L	a. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces
54	1998 Smith	99	R-15	T-4L	and required handicap spaces.
55	1977 Smith	99	NS	T-4O	b. There will be a reduction in the number of loading spaces required with some loading spaces shared
					between uses.
					6. ARCHITECTURAL STANDARDS
					a. In Special District 3, Detached Cottages or Duplexes may be built on the same lot without property lines or buffers between them and other buildings on the property, provided that the building separations will be governed by the requirements of the Building and Fire Codes. Townhome style apartments may be built without real or assumed property lines.
	SPECIAL DISTRICT 4	**Land Lot**	**Current Zoning**	**Requested Zoning**	**Requested Variances**
56	3419 Cherokee	99	R-15	T-4O	1. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to Districts 4. (Variance 2.2.6)
					2. OFF STREET PARKING & LOADING
					a. In Special District 4 Parking shall be allowed in First and Second Layer so long as existing structures are kept in place.
					b. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces.
					c. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses.
					3. LANDSCAPE STANDARDS
57	3403 Cherokee	99	NRC	T-4O	a. Decorative lighting of architectural features and trees may be allowed.
					4. ARCHITECTURAL STANDARDS
					a. Transom Windows over other windows or doors may have a greater width than height.
58	**SPECIAL DISTRICT 5**	**Land Lot**	**Current Zoning**	**Requested Zoning**	**Requested Variances**
59	3371 Cherokee	99	NS	T-4O	1. SETBACKS - Setbacks shall not apply where Public Street is being removed.
					2. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to Districts 5. (Variance 2.2.6)
					3. SCREENING AND FENCING 4.7
					a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100% opaque.
60	3301 Cherokee	99	NS	T-4O	4. OPEN SPACE
					a. Required Open Space for Districts will be as delineated in conjunction with District 5.

EXHIBIT A

Sanctuary Companies - 3550 Cherokee Street, Kennesaw, GA

	SPECIAL DISTRICT 6	Land Lot	Current Zoning	Requested Zoning	Requested Variances
61	3572 Grant	99	R-15	T-4O	1. DENSITIES - Maximum Density shall be increased by 20 units per acre with a maximum of 350 units.
62	3556 Grant	99	R-15	T-4O	2. SETBACKS - Setbacks shall not apply where Public Street is being removed.
63	3540 Grant	99	R-15	T-4O	3. BUFFERS 2.3.2
64	3526 Grant	99	R-15	T-4O	a. A 20' Buffer will be provided on the eastern sides outside the T40 Overlay where Special District 6 abuts
65	3510 Grant	99	R-15	T-4O	neighboring townhomes.
66	3500 Grant	99	R-15	T-4O	4. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to District 6. (Variance 2.2.6)
67	3478 Grant	99	R-15	T-4O	5. BUILDING FORM (4.5)
68	3465 Grant	99	R-15	T-4O	a. In Special District 6 Number of Stories shall be limited to 6 Stories if the building is at least 100' away from
69	3473 Grant	99	R-15	T-4O	Cherokee Street or McCollum Parkway with a building conforming to Table 6 as buffer between.
70	3483 Grant	99	R-15	T-4O	b. A first level entry to a Residential Function may be raised to a maximum of 13 feet.
71	3509 Grant	99	R-15	T-4O	c. In Special District 6, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall
72	3525 Grant	99	R-15	T-4O	not exceed 953 square feet, excluding the parking area.
73	3539 Grant	99	R-15	T-4O	d. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private
74	3551 Grant	99	R-15	T-4O	sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width.
75	3553 Grant	99	R-15	T-4O	6. BUILDING FUNCTION (4.6)
					a. In Special District 6 Residential Units for Rent shall be allowed to be rented By-The-Bedroom Suite similar to
76	3449 Poplar	99	OI	T-4O	an Accessory Residential Structure, and shall not be considered a rooming house. The minimum age to rent in
77	1785 Poplar	99	MHP	T-4O	Special District 2 and Special District 6 shall only be to consenting Adults, over the age of 55, with a restriction
					on age of a minimum of 18 on a married partner, and shall be subject to the United States Fair Housing Act of
78	3557 Russell	99	MHP	T-4O	1968 and the United States Housing for Older Persons Act of 1995.
77	3522 Russell	99	MHP	T-4O	7. SCREENING AND FENCING 4.7
79	3512 Russell	99	MHP	T-4O	a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100% opaque.
					8. OPEN SPACE
80	3502 Russell	99	MHP	T-4O	a. Required Open Space will be delineated in conjunction with District 1 and District 5.
					9. OFF STREET PARKING & LOADING
					a. In Special District 6 Housing will be .8 space/unit – less than listed in Ordinance.
					b. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces.
					c. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses.
					10. LANDSCAPE STANDARDS
					a. Decorative lighting of architectural features and trees may be allowed.
					11. ARCHITECTURAL STANDARDS
					a. Transom Windows over other windows or doors may have a greater width than height.
					b. In Special District 6 buildings outside the Design Based Overlay are not required to have sloped roofs over the entire residence.
					c. In Special District 6, Detached Cottages or Duplexes may be built on the same lot without property lines or buffers between them and other buildings on the property, provided that the building separations will be governed by the requirements of the Building and Fire Codes. Townhome style apartments may be built without real or assumed property lines.

sample application

10-03-228-28-11

REZONING APPLICATION

Required Fee $375.00

Date Received 10-3-17
Staff's Initials DS

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.

REZONING PROPERTY ADDRESS 3301 Cherokee Street NW, Kennesaw, GA 30144

Land Lot _____ Tax Parcel 200009901130 Lot Size 2.59

Resident Population _____ Housing Units _____ Other Buildings _____

Zoning Request from:

Present Zoning NS To: T4O

For the purpose of: Result of consultation with the City of Kennesaw

APPLICANT Sanctuary Development, LLC.

APPLICANT EMAIL info@sanctuarycompanies.com

Applicant address 3745 Cherokee Street NW, Suite 206 Kennesaw, GA 30144

(Home#) _____ (Fax#) _____ (Work#) 770-702-1223

(Cell#) _____

Applicant Signature _____ Date 9-25-17

Signed, sealed and delivered in presence of: _____ Notary 9-25-17 Date

KELLI D SANDERS NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA MY COMMISSION EXPIRES AUGUST 29, 2018

REPRESENTIVE Chad Howie

(Fax #) _____ (Work#) 770-702-1223 (Cell#) _____

Representative Signature _____ Date 9-25-17

Signed, sealed and delivered in presence of: _____ Notary 9-25-17 Date

KELLI D SANDERS NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA MY COMMISSION EXPIRES AUGUST 29, 2018

TITLEHOLDER: Cher St, LLC **Telephone:** 678.472.4670

Signature: _____ Managing member **Address:** 3301 Cherokee Street NW, Kennesaw, GA 30144

Signed, sealed and delivered in presence of: _____ Notary 9/10/2017 Date

ALEX GARCIA Notary Public - State of Georgia Cobb County My Comm. Expires June 25, 2019

10-03-228-28-11

Community Development

Planning & Zoning Department

2529 J.O. Stephenson Ave., Kennesaw, GA 30144

Date Received 10-31-17
Staff Initials DS

VARIANCE

Required Fee $375.00

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)

PURPOSE OF VARIANCE REQUEST Result of consultation with the city of Kennesaw.

VARIANCE PROPERTY ADDRESS 3301 Cherokee Street NW, Kennesaw, GA 30144

Land Lot _____ Tax Parcel 20009901130 Lot Size 2.59 Present Zoning NS

APPLICANT Sanctuary Development, LLC.

APPLICANT EMAIL info@sanctuarycompanies.com

Applicant address 3745 Cherokee Street NW, Suite 206 Kennesaw, GA 30144

(Home#) _____ (Fax#) _____ (Work#) 770-702-1223

(Cell#) _____

Applicant Signature _____ 9.25.17

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

KELLI D SANDERS
MY COMMISSION EXPIRES
NOTARY PUBLIC
AUGUST 29, 2018
CHEROKEE COUNTY, GEORGIA

REPRESENTIVE Chad Howie

(Fax #) _____ (Work#) 770-702-1223 (Cell#) _____

Representative Signature _____ 9.25.17

Signed, sealed and delivered in presence of: _____ 9.25.17
Notary

KELLI D SANDERS
MY COMMISSION EXPIRES
NOTARY PUBLIC
AUGUST 29, 2018
CHEROKEE COUNTY, GEORGIA

TITLEHOLDER: Cher St, LLC **Telephone:** 678.472.4[illegible]

Signature: [illegible] Manager and Kelly Management [illegible] **Address:** 3301 Cherokee Street NW, Kennesaw, GA 30144

Signed, sealed and delivered in presence of: _____ 9/10/[illegible]
Notary Date

ALEX GARCIA
Notary Public - State of Georgia
Cobb County
My Comm. Expires June 25, 2019

Deed Book 14607 Pg 4745
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 99, 20th District, 2nd Section, Cobb County, Georgia, and being more fully described in a plat made by Allatoona Surveying Co., on December 10, 1986, said plat being adopted as part of this description, and being more fully described as follows:

BEGINNING at the common Land Lot corners of Land Lot numbers 100, 99, 130 and 129 and thence running North 06 degrees 22 min. 20 sec. East, 134.73 ft. to an iron pin; thence North 06 degrees 28 min. 50 sec. East, 80.03 ft. to an iron pin; thence North 05 degrees 34 min. 54 sec. East, 79.68 ft. to an iron pin; thence North 06 degrees 31 min. 38 sec. East, 37.56 ft. to an iron pin; thence South 68 degrees 16 min. 29 sec. East 543.87 ft. to an iron pin set on the West 50 ft. right-of-way of Shiloh Road; thence proceeding southerly along the West right-of-way of Shiloh Road accord of South 35 degrees 52 min. 13 sec. West, 139.37 ft., said bearing and distance being subtended by an arc distance of 139.49 ft. to a point; thence South 38 degrees 57 min. 4 sec. West, 88.51 ft. to an iron pin; thence North 82 degrees 33 min. 40 sec. West 407.49 ft. to the point of beginning.

703464.1

REGIONAL REVIEW FINDING

ATLANTA REGIONAL COMMISSION

Atlanta Regional Commission • 229 Peachtree Street NE | Suite 100 | Atlanta, Georgia 30303 • ph: 404.463.3100 fax: 404.463.3205 • atlantaregional.org

DATE: November 21, 2017 **ARC REVIEW CODE**: R1711031

TO: Mayor Derek Easterling, City of Kennesaw
ATTN TO: Darryl Simmons, Planning and Zoning Administrator
FROM: Douglas R. Hooker, Executive Director, ARC
RE: Development of Regional Impact (DRI) Review

Digital signature
Original on file

The Atlanta Regional Commission (ARC) has completed a regional review of the following Development of Regional Impact (DRI). ARC reviewed the DRI with regard to its relationship to regional plans, goals and policies – and impacts it may have on the activities, plans, goals and policies of other local jurisdictions as well as state, federal and other agencies. This final report does not address whether the DRI is or is not in the best interest of the host local government.

Name of Proposal: Cherokee Street Mixed Use Project (DRI 2724)
Submitting Local Government: City of Kennesaw
Review Type: DRI **Date Opened**: November 3, 2017 **Date Closed:** November 21, 2017

Description: This DRI is located on an approximately 50-acre site in the City of Kennesaw along Cherokee Street, south of McCollum Parkway. The project is planned as a mixed-use redevelopment consisting of approximately 885 residential units (multifamily, townhomes, senior living); a 102-room hotel; 298,800 sq. ft. of office, retail, restaurant and storage space; and a community park project. The local trigger for this DRI review is a rezoning and variance.

Comments: According to the ARC Unified Growth Policy Map (UGPM), part of The Atlanta Region's Plan, this DRI is in the Developed/Established Suburbs Area of the region. ARC's Regional Development Guide or RDG details recommended policies for areas and places on the UGPM. RDG information and recommendations for Developed/Established Suburbs are listed at the bottom of these comments.

This DRI appears to manifest many aspects of regional policy in that it creates an infill, walkable, mixed-use activity center with significant pedestrian and open space/park amenities – in reasonably close proximity to existing retail and activity nodes in downtown Kennesaw to the south and as Cherokee Street approaches I-75 to the north. These characteristics collectively offer the potential for site residents to work and shop on site or nearby, and for workers and visitors to park once or arrive via alternative modes and conduct multiple trips on foot.

Along these lines, care should be taken to ensure that the development promotes a functional, safe, clearly marked and comfortable pedestrian experience on all streets, paths and parking areas. The development team is also encouraged to ensure that end-of-trip facilities (bicycle racks, etc.) are provided for residents, workers and visitors at key locations throughout the site, particularly around retail and restaurant uses.

The project could further support The Atlanta Region's Plan if it incorporated other aspects of regional policy detailed at the bottom of this report, including green infrastructure and/or low-impact design (e.g., rain gardens, vegetated swales, etc.) in parking areas and site driveways, and as part of any improvements to site frontages. The project also appears to alter the street grid in the area by disconnecting the rerouted Grant Drive from both Timber Lane and Dogwood Drive. This diminishes existing north-south and east-west connectivity in the area and could force more local/neighborhood traffic onto both McCollum Parkway and Cherokee Street than is necessary. If the applicant team and City can collaborate to rethink this

connectivity issue, the project would further support the regional policy guidance below regarding connecting to the existing road network and adjacent developments.

The intensity of this proposed project generally aligns with the RDG's recommended range of densities and building heights in the Developed/Established Suburbs Area of the region. In terms of land use, the project is in an area predominated by lower density and/or residential uses, some of which are outside the City, in unincorporated Cobb County. City leadership and staff, along with the applicant team, should therefore collaborate to ensure sensitivity to nearby local governments and land uses.

External comments received during the review period, along with ARC staff comments related to natural resources and transportation, are attached.

Developed/Established Suburbs are areas of development that occurred from roughly 1970 to 1995 and are projected to remain suburbs through 2040. Regional policy recommendations for Developed/Established Suburbs include:
- New development should connect to the existing road network and adjacent developments and use of cul-de-sacs or other means resulting in disconnected subdivisions should be discouraged
- Maximize the usefulness of existing recreational facilities in addition to providing new recreational opportunities
- Eliminate vacant or under-utilized parking areas through mechanisms such as out-parceling or conversion to community open space
- Use rain gardens, vegetated swales or other enhanced water filtration design to enhance the quality of stormwater run-off
- Identify other opportunities to foster a sense of community by developing town centers, village centers or other places of centralized location

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC COMMUNITY DEVELOPMENT	ARC TRANSPORTATION ACCESS AND MOBILITY	ARC NATURAL RESOURCES
ARC RESEARCH AND ANALYTICS	GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS	GEORGIA DEPARTMENT OF NATURAL RESOURCES
GEORGIA DEPARTMENT OF TRANSPORTATION	GEORGIA REGIONAL TRANSPORTATION AUTHORITY	CHEROKEE COUNTY
COBB COUNTY	CITY OF ACWORTH	TOWN CENTER CID

If you have any questions regarding this review, please contact Andrew Smith at (470) 378-1645 or asmith@atlantaregional.org. This finding will be published to the ARC review website located at http://atlantaregional.org/plan-reviews.

Andrew Smith

From: Hood, Alan C. <achood@dot.ga.gov>
Sent: Wednesday, November 08, 2017 8:34 AM
To: Andrew Smith
Cc: Brian, Steve; Comer, Carol; Edmisten, Colette; Kleine, Tracie; karl.vonhagel@cobbcounty.org
Subject: RE: ARC DRI Review Notification: Cherokee Street Mixed Use Project (DRI 2724)
Attachments: Preliminary Report - Cherokee Street Mixed Use Project DRI 2724.pdf

Andrew,

The proposed mixed-use redevelopment consisting of approximately 885 residential units (multifamily, townhomes, senior living); a 102-room hotel; 298,800 sq. ft. of office,
retail, restaurant and storage space; and a community park project, is located approximately 1.70 miles north of the Cobb County International Airport - McCollum Field (RYY), and is located outside any of their FAA approach or departure surfaces, and compatible land use areas, and does not appear to impact the airport.

However, if any construction equipment reaches higher than 150' above ground, an FAA Form 7460-1 must be submitted to the Federal Aviation Administration. That may be done online at https://oeaaa.faa.gov. The FAA must be in receipt of the notification, no later than 120 days prior to construction. The FAA will evaluate the potential impact of the project on protected airspace associated with the airports and advise the proponent if any action is necessary.

I have copied Karl Von Hagel with Cobb County International Airport - McCollum Field (RYY) on this email.

Thank you for the opportunity to comment on the proposed development.

Alan Hood | Airport Safety Data Program Manager
Georgia Department of Transportation - Aviation Programs
600 West Peachtree Street, N.W. | 2nd Floor | Atlanta, Georgia 30308
M: 404-660-3394 | F: 404-631-1935| | E: achood@dot.ga.gov

View our website at http://www.dot.ga.gov/IS/AirportAid

From: Andrew Smith [mailto:ASmith@atlantaregional.org]
Sent: Friday, November 3, 2017 4:31 PM
To: VanDyke, Cindy <cyvandyke@dot.ga.gov>; Fowler, Matthew <mfowler@dot.ga.gov>; Matthews, Timothy W <TMatthews@dot.ga.gov>; Garth Lynch <glynch@HNTB.com>; Wayne Mote (wmote@HNTB.com) <wmote@HNTB.com>; Peevy, Phillip M. <PPeevy@dot.ga.gov>; Robinson, Charles A. <chrobinson@dot.ga.gov>; Weiss, Megan J <MWeiss@dot.ga.gov>; Comer, Carol <ccomer@dot.ga.gov>; Hood, Alan C. <achood@dot.ga.gov>; Zahul, Kathy <kzahul@dot.ga.gov>; DeNard, Paul <pdenard@dot.ga.gov>; Regis, Edlin <eregis@dot.ga.gov>; Woods, Chris N. <cwoods@dot.ga.gov>; Johnson, Lankston <lajohnson@dot.ga.gov>; Boone, Eric <eboone@dot.ga.gov>; Annie Gillespie <agillespie@srta.ga.gov>; Emily Estes <eestes@srta.ga.gov>; Parker Martin <PMartin@srta.ga.gov>; 'DRI@grta.org' <DRI@grta.org>; 'Jon West' <jon.west@dca.ga.gov>; jud.turner@gaepd.org; chuck.mueller@dnr.state.ga.us; Jeff Watkins (jwatkins@cherokeega.com) <jwatkins@cherokeega.com>; Margaret Stallings <mstallings@cherokeega.com>; charden@cherokeega.com; bbuchanan@cherokeega.com; Dana Johnson (dana.johnson@cobbcounty.org) <dana.johnson@cobbcounty.org>; Gaines, Jason <Jason.Gaines@cobbcounty.org>; john.pederson@cobbcounty.org; Diaz, Amy <Amy.Diaz@cobbcounty.org>; White, Ashley <Ashley.White@cobbcounty.org>; cdobbs@acworth.org; Tracy Rathbone <Tracy@towncentercid.com>; alisha@towncentercid.com; Darryl Simmons (dsimmons@kennesaw-ga.gov) <dsimmons@kennesaw-ga.gov>; 'DWrobleski@kennesaw-ga.gov' <DWrobleski@kennesaw-ga.gov>; Robert Fox <rfox@kennesaw-ga.gov>; Wanda Steele <wsteele@kennesaw-ga.gov>; Chad L. Howie

(chowie@sanctuarycompanies.com) <chowie@sanctuarycompanies.com>; 'Oliver Holmes' <Oliver@sanctuarycompanies.com>; brad@sanctuarycompanies.com; acamporatraffic@comcast.net; tonymiller@millerarchitecture.com
Cc: Community Development <CommunityDevelopment@atlantaregional.org>; Mike Alexander <MAlexander@atlantaregional.org>; David Haynes <DHaynes@atlantaregional.org>; Marquitrice Mangham <MMangham@atlantaregional.org>; Maria Roell <MRoell@atlantaregional.org>; Ryan Ellis <REllis@atlantaregional.org>; Jim Santo <JSanto@atlantaregional.org>; Jim Skinner <JSkinner@atlantaregional.org>
Subject: ARC DRI Review Notification: Cherokee Street Mixed Use Project (DRI 2724)

Development of Regional Impact (DRI) – Request for Comments

This e-mail serves as notice that the Atlanta Regional Commission (ARC) has begun a Development of Regional Impact (DRI) review for **Cherokee Street Mixed Use Project (DRI 2724).**

This DRI is located on an approximately 50-acre site in the City of Kennesaw along Cherokee Street, south of McCollum Parkway. The project is planned as a mixed-use redevelopment consisting of approximately 885 residential units (multifamily, townhomes, senior living); a 102-room hotel; 298,800 SF of office, retail, restaurant and storage space; and a community park project. The local trigger for this DRI review is a rezoning and variance.

As a representative of a nearby local government or potentially affected party, we request that you or your staff review the attached Preliminary Report and provide any comments to ARC on or before **November 18, 2017**.

You may also view the Preliminary Report and other project information by visiting the ARC Plan Reviews webpage beginning tomorrow, November 4, and searching for "Cherokee Street Mixed Use Project" in the field at the bottom of the page.

For more information regarding the DRI process or other DRIs reviewed by ARC, please visit the ARC DRI webpage.

Regards,
Andrew Smith
Principal Planner, Community Development
Atlanta Regional Commission
P | 470.378.1645
asmith@atlantaregional.org
atlantaregional.org
International Tower
229 Peachtree Street NE | Suite 100
Atlanta, Georgia 30303

Roadway fatalities in Georgia are up 33% in two years. That's an average of four deaths every single day! Many of these deaths are preventable and related to driver behavior: distracted or impaired driving, driving too fast for conditions, and/or failure to wear a seatbelt. Pledge to **DRIVE ALERT ARRIVE ALIVE**. Buckle up – Stay off the phone and mobile devices – Drive alert. Visit www.dot.ga.gov/DAAA. #ArriveAliveGA

Andrew Smith

From: Weiss, Megan J <MWeiss@dot.ga.gov>
Sent: Tuesday, November 14, 2017 10:40 AM
To: Andrew Smith
Cc: Robinson, Charles A.; Peevy, Phillip M.; DeNard, Paul
Subject: RE: ARC DRI Review Notification: Cherokee Street Mixed Use Project (DRI 2724)

Andrew.

The GDOT Office of Planning has reviewed the Cherokee Street Mixed Use Development DRI Preliminary report and would like to note the following GDOT project(s) in the vicinity of the DRI.

GDOT Project Identification No. (PI No.) 0008256-I-75/I-575 Managed Lanes in Cobb and Cherokee-CST Auth 2017. The GDOT Project Manager for this project is John Hancock and his contact information is as follows: Phone: 404-631-1970 Email: jhancokc@dot.ga.gov

For further information concerning the GDOT Office of Planning's DRI review, please contact Megan Weiss at 404-631-1779 or mweiss@dot.ga.gov.

Megan Weiss, AICP
Transportation Planner III
Georgia Department of Transportation
Office of Planning-5th Floor
P:404-631-1779 E:mweiss@dot.ga.gov

From: Andrew Smith [mailto:ASmith@atlantaregional.org]
Sent: Friday, November 03, 2017 4:31 PM
To: VanDyke, Cindy <cyvandyke@dot.ga.gov>; Fowler, Matthew <mfowler@dot.ga.gov>; Matthews, Timothy W <TMatthews@dot.ga.gov>; Garth Lynch <glynch@HNTB.com>; Wayne Mote (wmote@HNTB.com) <wmote@HNTB.com>; Peevy, Phillip M. <PPeevy@dot.ga.gov>; Robinson, Charles A. <chrobinson@dot.ga.gov>; Weiss, Megan J <MWeiss@dot.ga.gov>; Comer, Carol <ccomer@dot.ga.gov>; Hood, Alan C. <achood@dot.ga.gov>; Zahul, Kathy <kzahul@dot.ga.gov>; DeNard, Paul <pdenard@dot.ga.gov>; Regis, Edlin <eregis@dot.ga.gov>; Woods, Chris N. <cwoods@dot.ga.gov>; Johnson, Lankston <lajohnson@dot.ga.gov>; Boone, Eric <eboone@dot.ga.gov>; Annie Gillespie <agillespie@srta.ga.gov>; Emily Estes <eestes@srta.ga.gov>; Parker Martin <PMartin@srta.ga.gov>; 'DRI@grta.org' <DRI@grta.org>; 'Jon West' <jon.west@dca.ga.gov>; jud.turner@gaepd.org; chuck.mueller@dnr.state.ga.us; Jeff Watkins (jwatkins@cherokeega.com) <jwatkins@cherokeega.com>; Margaret Stallings <mstallings@cherokeega.com>; charden@cherokeega.com; bbuchanan@cherokeega.com; Dana Johnson (dana.johnson@cobbcounty.org) <dana.johnson@cobbcounty.org>; Gaines, Jason <Jason.Gaines@cobbcounty.org>; john.pederson@cobbcounty.org; Diaz, Amy <Amy.Diaz@cobbcounty.org>; White, Ashley <Ashley.White@cobbcounty.org>; cdobbs@acworth.org; Tracy Rathbone <Tracy@towncentercid.com>; alisha@towncentercid.com; Darryl Simmons (dsimmons@kennesaw-ga.gov) <dsimmons@kennesaw-ga.gov>; 'DWrobleski@kennesaw-ga.gov' <DWrobleski@kennesaw-ga.gov>; Robert Fox <rfox@kennesaw-ga.gov>; Wanda Steele <wsteele@kennesaw-ga.gov>; Chad L. Howie (chowie@sanctuarycompanies.com) <chowie@sanctuarycompanies.com>; 'Oliver Holmes' <Oliver@sanctuarycompanies.com>; brad@sanctuarycompanies.com; acamporatraffic@comcast.net; tonymiller@millerarchitecture.com
Cc: Community Development <CommunityDevelopment@atlantaregional.org>; Mike Alexander <MAlexander@atlantaregional.org>; David Haynes <DHaynes@atlantaregional.org>; Marquitrice Mangham <MMangham@atlantaregional.org>; Maria Roell <MRoell@atlantaregional.org>; Ryan Ellis

<REllis@atlantaregional.org>; Jim Santo <JSanto@atlantaregional.org>; Jim Skinner <JSkinner@atlantaregional.org>
Subject: ARC DRI Review Notification: Cherokee Street Mixed Use Project (DRI 2724)

Development of Regional Impact (DRI) – Request for Comments

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As a representative of a nearby local government or potentially affected party, we request that you or your staff review the attached Preliminary Report and provide any comments to ARC on or before **November 18, 2017**.

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For more information regarding the DRI process or other DRIs reviewed by ARC, please visit the ARC DRI webpage.

Regards,
Andrew Smith
Principal Planner, Community Development
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3550 CHEROKEE DRI
City of Kennesaw
Natural Resources Group Comments
October 30, 2017

Watershed Protection and Stream Buffers

The project property is in the Noonday Creek basin, which is in the Allatoona Lake Water Supply watershed. The Allatoona Lake Water Supply watershed is a large water supply watershed (more than 100 square miles) as defined in the DNR Part 5 Water Supply Watershed Minimum Criteria (Chapter 391-3-16-.01, Criteria for Water Supply Watersheds). Under the current Criteria, because Allatoona is a Corps of Engineers lake, it is exempt from the Part 5 criteria, so no special Part 5 requirements apply to the project.

The USGS coverage for the project area shows no blue-line streams on the project property, and the site plan does not identify any flowing streams on the property. Any unmapped streams on the property may be subject to the City of Kennesaw's Stream Buffer Ordinance. Any waters of the State on the property will be subject to the requirements may be subject to the requirements of the State 25-foot sediment and erosion buffer. Any proposed intrusions into the City stream buffers may require a variance from the City. Any intrusions into the State sediment and erosion buffer will also require variances.

Stormwater / Water Quality

The project should adequately address the impacts of the proposed development on stormwater runoff and downstream water quality. During construction, the project should conform to the relevant state and federal erosion and sedimentation control requirements. After construction, as with all development, water quality will be impacted due to polluted stormwater runoff. The amount of pollutants that will be produced after construction of the proposed development are dependent on the type and intensity of the use and the impervious coverage, which will affect the design of stormwater controls for the project.

In order to address post-construction stormwater runoff quality, the project should implement stormwater management controls (structural and/or nonstructural) as found in the Georgia Stormwater Management Manual (www.georgiastormwater.com) and meet the stormwater management quantity and quality criteria outlined in the Manual. Where possible, the project should utilize the stormwater better site design concepts included in the Manual.

We also suggest the following additional measures to help reduce stormwater reduction and provide for its reuse:

- Using green spaces and tree planting beds as stormwater controls. These can be designed to provide maximum aesthetic value while also providing for water quality treatment and run-off reduction, potentially reducing the need for larger stormwater facilities and helping to minimize the negative effects of stormwater runoff on streams and water quality.
- Using pervious concrete or other pervious materials in parking areas. With the proper substrate, such materials can provide a large storage capacity, which will further help to reduce stormwater runoff.
- Including rainwater capture in the project design to provide for landscape irrigation during dry periods.

ATLANTA REGIONAL COMMISSION
regional impact + local relevance

40 Courtland Street, NE
Atlanta, Georgia 30303
atlantaregional.com

Development of Regional Impact

Assessment of Consistency with the Regional Transportation Plan

DRI INFORMATION

DRI Number	#2724
DRI Title	Cherokee Street Multi Use Development
County	Cobb County
City (if applicable)	Kennesaw
Address / Location	**Along Cherokee Street and Russell Drive from McCollum Parkway to Dogwood Drive**

Proposed Development Type:

Mixed-use redevelopment consisting of approximately 885 residential units (multifamily, townhomes, senior living); a 102-room hotel; 298,800 sq. ft. of office, retail, restaurant and storage space; and a community park project

Review Process

☐ EXPEDITED

☒ NON-EXPEDITED

REVIEW INFORMATION

Prepared by	ARC Transportation Access and Mobility Division
Staff Lead	Marquitrice Mangham
Copied	Click here to enter text.
Date	November 3, 2017

TRAFFIC STUDY

Prepared bb: Marc R Acampora, PE LLC

Date	October 11, 2017

REGIONAL TRANSPORTATION PLAN PROJECTS

01. Did the traffic analysis incorporate all projects contained in the current version of the fiscally constrained RTP which are within the study area or along major transportation corridors connecting the study area with adjacent jurisdictions?

☒ YES *(provide the regional plan referenced and the page number of the traffic study where relevant projects are identified)*

Page 28 of the Traffic Analysis identifies all programmed projects in the study network area that are in the fiscally constrained RTP.

☐ NO *(provide comments below)*

REGIONAL NETWORKS

02. Will the development site be directly served by any roadways identified as Regional Thoroughfares?

A Regional Thoroughfare is a major transportation corridor that serves multiple ways of traveling, including walking, bicycling, driving, and riding transit. It connects people and goods to important places in metropolitan Atlanta. A Regional Thoroughfare's operations should be managed through application of special traffic control strategies and suitable land development guidelines in order to maintain travel efficiency, reliability, and safety for all users. In light of the special function that Regional Thoroughfares serve in supporting cross-regional and interjurisdictional mobility and access, the network receives priority consideration for infrastructure investment in the Metro Atlanta region. Any access points between the development and a Regional Thoroughfare, combined with the development's on-site circulation patterns, must be designed with the goal of preserving the highest possible level of capacity and safety for all users of the roadway.

☒ NO

☐ YES *(identify the roadways and existing/proposed access points)*

The development proposes site access points from Dobbins Drive, Maple Drive Russell Drive and Smith Drive, all local streets. Site access is also proposed from Cherokee Street and McCollum Parkway; neither is designated as a Regional Thoroughfare.

03. Will the development site be directly served by any roadways identified as Regional Truck Routes?

A Regional Truck Route is a freeway, state route or other roadway which serves as a critical link for the movement of goods to, from and within the Region by connecting airports, intermodal/multimodal facilities, distribution and warehousing centers and manufacturing clusters with the rest of the state and nation. These facilities often serve a key mobility and access function for other users as well, including drivers, bicyclists, pedestrians and transit users. A Regional Truck Route's operations should be managed through application of special traffic control strategies and suitable land development guidelines in order to maintain travel efficiency, reliability, and safety for all users. In light of the special function that Regional Truck Routes serve in supporting cross-regional and interjurisdictional mobility and access, the network receives priority consideration for infrastructure investment in the Metro Atlanta region. Any access points between the development and a Regional Truck Route, combined with the development's on-site circulation patterns, must be designed with the goal of preserving the highest possible level of capacity and safety for all users of the roadway.

☒ NO

☐ YES *(identify the roadways and existing/proposed access points)*

Click here to provide comments.

04. If the development site is within one mile of an existing rail service, provide information on accessibility conditions.

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce congestion. If a transit service is available nearby, but walking or bicycling between the development site and the nearest station is a challenge, the applicable local government(s) is encouraged to make the route a funding priority for future walking and bicycling infrastructure improvements.

☒ NOT APPLICABLE *(nearest station more than one mile away)*

☐ RAIL SERVICE WITHIN ONE MILE *(provide additional information below)*

Operator / Rail Line — Click here to enter name of operator and rail line

Nearest Station

Distance*
- ☐ Within or adjacent to the development site (0.10 mile or less)
- ☐ 0.10 to 0.50 mile
- ☐ 0.50 to 1.00 mile

Walking Access*
- ☐ Sidewalks and crosswalks provide sufficient connectivity
- ☐ Sidewalk and crosswalk network is incomplete

	☐ Not applicable *(accessing the site by walking is not consistent with the type of development proposed)*
	Click here to provide comments.
Bicycling Access*	☐ Dedicated paths, lanes or cycle tracks provide sufficient connectivity
	☐ Low volume and/or low speed streets provide connectivity
	☐ Route follows high volume and/or high speed streets
	☐ Not applicable *(accessing the site by bicycling is not consistent with the type of development proposed)*
Transit Connectivity	☐ Fixed route transit agency bus service available to rail station
	☐ Private shuttle or circulator available to rail station
	☐ No services available to rail station
	☐ Not applicable *(accessing the site by transit is not consistent with the type of development proposed)*
	Click here to provide comments.

** Following the most direct feasible walking or bicycling route to the nearest point on the development site*

05. If there is currently no rail transit service within one mile of the development site, is nearby rail service planned in the fiscally constrained RTP?

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce traffic congestion. If a transit agency operates within the jurisdiction and expansion plans are being considered in the general vicinity of the development site, the agency should give consideration to how the site can be best served during the evaluation of alignments and station locations. Proactive negotiations with the development team and local government(s) are encouraged to determine whether right-of-way within the site should be identified and protected for potential future service. If direct service to the site is not feasible or cost effective, the transit agency and local government(s) are encouraged to ensure good walking and bicycling access accessibility is provided between the development and the future rail line. These improvements should be considered fundamental components of the overall transit expansion project, with improvements completed concurrent with or prior to the transit service being brought online.

- ☐ NOT APPLICABLE *(rail service already exists)*
- ☐ NOT APPLICABLE *(accessing the site by transit is not consistent with the type of development proposed)*
- ☒ NO *(no plans exist to provide rail service in the general vicinity)*
- ☐ YES *(provide additional information on the timeframe of the expansion project below)*
  - ☐ CST planned within TIP period
  - ☐ CST planned within first portion of long range period
  - ☐ CST planned near end of plan horizon

Click here to provide comments.

06. If the development site is within one mile of fixed route bus services (including any privately operated shuttles or circulators open to the general public), provide information on walking and bicycling accessibility conditions.

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce congestion. If a transit service is available nearby, but walking or bicycling between the development site and the nearest station is a challenge, the applicable local government(s) is encouraged to make the connection a funding priority for future walking and bicycling infrastructure improvements.

☐ NOT APPLICABLE *(nearest bus, shuttle or circulator stop more than one mile away)*

☒ SERVICE WITHIN ONE MILE *(provide additional information below)*

Operator(s)	Kennesaw State University Transit
Bus Route(s)	NA
Distance*	☒ Within or adjacent to the development site (0.10 mile or less)
	☐ 0.10 to 0.50 mile
	☐ 0.50 to 1.00 mile
Walking Access*	☒ Sidewalks and crosswalks provide sufficient connectivity
	☐ Sidewalk and crosswalk network is incomplete
	☐ Not applicable *(accessing the site by walking is not consistent with the type of development proposed)*
	Click here to provide comments.
Bicycling Access*	☐ Dedicated paths, lanes or cycle tracks provide sufficient connectivity
	☒ Low volume and/or low speed streets provide sufficient connectivity
	☐ Route uses high volume and/or high speed streets
	☐ Not applicable *(accessing the site by bicycling is not consistent with the type of development proposed)*

* *Following the most direct feasible walking or bicycling route to the nearest point on the development site*

07. Does a transit agency which provides rail and/or fixed route bus service operate anywhere within the jurisdiction in which the development site is located?

Access between major developments and transit services provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce traffic congestion. If a transit agency operates within the jurisdiction and a comprehensive operations plan update is undertaken, the agency should give consideration to serving the site during the evaluation of future routes, bus stops and transfer facilities. If the nature of the development is amenable to access by transit, walking or bicycling, but direct service to the site is not feasible or cost effective, the transit agency and local government(s) should ensure good walking and bicycling access accessibility is provided between the development and any routes within a one mile radius. The applicable local government(s) is encouraged to make these connections a funding priority for future walking and bicycling infrastructure improvements.

☐ NO

☒ YES

In addition to the Kennesaw State University transit system , Cobb Community Transit also operates in the County however service is not available in the vicinity of the site.

08. If the development site is within one mile of an existing multi-use path or trail, provide information on accessibility conditions.

Access between major developments and walking/bicycling facilities provide options for people who cannot or prefer not to drive, expand economic opportunities by better connecting people and jobs, and can help reduce traffic congestion. If connectivity with a regionally significant path or trail is available nearby, but walking or bicycling between the development site and those facilities is a challenge, the applicable local government(s) is encouraged to make the route a funding priority for future walking and bicycling infrastructure improvements.

☒ NOT APPLICABLE *(nearest path or trail more than one mile away)*

☐ YES *(provide additional information below)*

Name of facility	Click here to provide name of facility.
Distance	☐ Within or adjacent to development site (0.10 mile or less)
	☐ 0.15 to 0.50 mile
	☐ 0.50 to 1.00 mile
Walking Access*	☐ Sidewalks and crosswalks provide connectivity
	☐ Sidewalk and crosswalk network is incomplete
	☐ Not applicable *(accessing the site by walking is not consistent with the type of development proposed)*

Bicycling Access*

- ☐ Dedicated lanes or cycle tracks provide connectivity
- ☐ Low volume and/or low speed streets provide connectivity
- ☐ Route uses high volume and/or high speed streets
- ☐ Not applicable *(accessing the site by bicycling is not consistent with the type of development proposed)*

* *Following the most direct feasible walking or bicycling route to the nearest point on the development site*

OTHER TRANSPORTATION DESIGN CONSIDERATIONS

09. Does the site plan provide for the construction of publicly accessible local road or drive aisle connections with adjacent parcels?

The ability for drivers and bus routes to move between developments without using the adjacent arterial or collector roadway networks can save time and reduce congestion. Such opportunities should be considered and proactively incorporated into development site plans whenever possible.

- ☒ YES *(connections to adjacent parcels are planned as part of the development)*
- ☐ YES *(stub outs will make future connections possible when adjacent parcels redevelop)*
- ☐ NO *(the site plan precludes future connections with adjacent parcels when they redevelop)*
- ☐ OTHER *(Please explain)*

The proposed development includes local road connectivity between parcels internal to the site.

10. Does the site plan enable pedestrians and bicyclists to move between destinations within the development site safely and conveniently?

The ability for walkers and bicyclists to move within the site safely and conveniently reduces reliance on vehicular trips, which has congestion reduction and health benefits. Development site plans should incorporate well designed and direct sidewalk connections between all key destinations. To the extent practical, bicycle lanes or multiuse paths are encouraged for large acreage sites and where high volumes of bicyclists and pedestrians are possible.

- ☒ YES *(sidewalks provided on all key walking routes and both sides of roads whenever practical and bicyclists should have no major issues navigating the street network)*
- ☒ PARTIAL *(some walking and bicycling facilities are provided, but connections are not comprehensive and/or direct)*
- ☐ NO *(walking and bicycling facilities within the site are limited or nonexistent)*
- ☐ NOT APPLICABLE *(the nature of the development does not lend itself to internal walking and bicycling trips)*
- ☐ OTHER *(Please explain)*

The site plan and Traffic study indicate sidewalks and walking paths will be developed providing internal pedestrian connectivity. No bicycle lanes are existing or proposed.

11. Does the site plan provide the ability to construct publicly accessible bicycling and walking connections with adjacent parcels which may be redeveloped in the future?

The ability for walkers and bicyclists to move between developments safely and conveniently reduces reliance on vehicular trips, which has congestion reduction and health benefits. Such opportunities should be considered and proactively incorporated into development site plans whenever possible.

- ☒ YES *(connections to adjacent parcels are planned as part of the development)*
- ☐ YES *(stub outs will make future connections possible when adjacent parcels redevelop)*
- ☐ NO *(the development site plan does not enable walking or bicycling to/from adjacent parcels)*
- ☐ NO *(the site plan precludes future connections with adjacent parcels when they redevelop)*
- ☐ NOT APPLICABLE *(adjacent parcels are not likely to develop or redevelop in the near future)*
- ☐ NOT APPLICABLE *(the nature of the development or adjacent parcels does not lend itself to interparcel walking and bicycling trips)*

Sidewalks are currently available along major roadways adjacent to the development and some interior local roadways. Sidewalks are proposed internal to the site. No bicycle facilities currently exist or are being proposed.

12. **Does the site plan effectively manage truck movements and separate them, to the extent possible, from the flow of pedestrians, bicyclists and motorists both within the site and on the surrounding road network?**

> *The ability for delivery and service vehicles to efficiently enter and exit major developments is often key to their economic success. So is the ability of visitors and customers being able to move around safely and pleasantly within the site. To the extent practical, truck movements should be segregated by minimizing the number of conflict points with publicly accessible internal roadways, sidewalks, paths and other facilities.*

- ☐ YES *(truck routes to serve destinations within the site are clearly delineated, provide ample space for queuing and turning around, and are separated from other users to the extent practical)*
- ☒ PARTIAL *(while one or more truck routes are also used by motorists and/or interface with primary walking and bicycling routes, the site plan mitigates the potential for conflict adequately)*
- ☐ NO *(one or more truck routes serving the site conflict directly with routes likely to be used heavily by pedestrians, bicyclists and/or motorists)*
- ☐ NOT APPLICABLE *(the nature of the development will not generate a wide variety of users and/or very low truck volumes, so the potential for conflict is negligible)*

Site is accessed by several local and major arterial roadways. Local roads may experience limited to no truck traffic generation by the development. Retail and restaurant uses that may generate truck traffic are accessed from Major arterials. The grocery store which may be the most significant generator of truck traffic is located in the center of the development and access by local roads shared by vehicles.

RECOMMENDATIONS

13. **Do the transportation network recommendations outlined in the traffic study appear to be feasible from a constructability standpoint?**

- ☐ UNKNOWN *(additional study is necessary)*
- ☒ YES *(based on information made available through the review process; does not represent a thorough engineering / financial analysis)*
- ☐ NO *(see comments below)*

Click here to enter text.

14. **Is ARC aware of any issues with the development proposal which may result in it being opposed by one or more local governments, agencies or stakeholder groups?**

- ☒ NO *(based on information shared with ARC staff prior to or during the review process; does not reflect the outcome of an extensive stakeholder engagement process)*
- ☐ YES *(see comments below)*

Click here to enter text.

15. **ARC offers the following additional comments for consideration by the development team and/or the applicable local government(s):**

    The design of the site should consider the needs of the senior in the senior housing units in relation t where such amenities as open space, grocery stores and necessity office and retail shops are located within the development. A more suitable design would be to switch the senior housing location with the apartment housing across the street.

Georgia® Department of Community Affairs

Developments of Regional Impact

DRI #2724

DEVELOPMENT OF REGIONAL IMPACT
Initial DRI Information

This form is to be completed by the city or county government to provide basic project information that will allow the RDC to determine if the project appears to meet or exceed applicable DRI thresholds. Refer to both the **Rules for the DRI Process** and the **DRI Tiers and Thresholds** for more information.

Local Government Information

Submitting Local Government: Kennesaw

Individual completing form: Darryl Simmons

Telephone: 770-590-8268

E-mail: dsimmons@kennesaw-ga.gov

*Note: The local government representative completing this form is responsible for the accuracy of the information contained herein. If a project is to be located in more than one jurisdiction and, in total, the project meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Proposed Project Information

Name of Proposed Project: Cherokee Street Mixed Use project

Location (Street Address, GPS Coordinates, or Legal Land Lot Description): 20th District , landlots 99, 130

Brief Description of Project: 1. 49.92 acres 2. 230,600 SF of Mixed Use: office, retail, restaurant, storage. 3. 860 Dwelling Units: restricted senior housing, apartments, attached single family. 4. A community park enhancement project.

Development Type:

(not selected)	Hotels	Wastewater Treatment Facilities
Office	Mixed Use	Petroleum Storage Facilities
Commercial	Airports	Water Supply Intakes/Reservoirs
Wholesale & Distribution	Attractions & Recreational Facilities	Intermodal Terminals
Hospitals and Health Care Facilities	Post-Secondary Schools	Truck Stops
Housing	Waste Handling Facilities	Any other development types
Industrial	Quarries, Asphalt & Cement Plants	

If other development type, describe:

Project Size (# of units, floor area, etc.): 36,500 ft² of restaurants. 29,000 ft² office. 68,000 ft² self-storage facility.870 residential units

Developer: Sanctuary Properties Inc.

Mailing Address: 3745 Cherokee St NW

Address 2: STE 206

City:Kennesaw State: Ga Zip:30144

Telephone: 770-702-1223

Email: chowie@sanctuarycompanies.com

Is property owner different from developer/applicant? (not selected) Yes No

If yes, property owner: All under contract, multiple parcels

Is the proposed project entirely located within your local government's jurisdiction? (not selected) Yes No

If no, in what additional jurisdictions is the project located?	
Is the current proposal a continuation or expansion of a previous DRI?	(not selected) Yes No
If yes, provide the following information:	Project Name: Project ID:
The initial action being requested of the local government for this project:	☑ Rezoning ☑ Variance ☐ Sewer ☐ Water ☐ Permit ☐ Other
Is this project a phase or part of a larger overall project?	(not selected) Yes No
If yes, what percent of the overall project does this project/phase represent?	100%
Estimated Project Completion Dates:	This project/phase: one phase Overall project: five years

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Georgia® Department of Community Affairs

Developments of Regional Impact

DRI #2724

DEVELOPMENT OF REGIONAL IMPACT
Additional DRI Information

This form is to be completed by the city or county government to provide information needed by the RDC for its review of the proposed DRI. Refer to both the **Rules for the DRI Process** and the **DRI Tiers and Thresholds** for more information.

Local Government Information

Submitting Local Government:	Kennesaw
Individual completing form:	Darryl Simmons
Telephone:	770-590-8268
Email:	dsimmons@kennesaw-ga.gov

Project Information

Name of Proposed Project:	Cherokee Street Mixed Use project
DRI ID Number:	2724
Developer/Applicant:	Sanctuary Properties Inc.
Telephone:	770-702-1223
Email(s):	chowie@sanctuarycompanies.com

Additional Information Requested

Has the RDC identified any additional information required in order to proceed with the official regional review process? (If no, proceed to Economic Impacts.)	(not selected) Yes ◉ No
If yes, has that additional information been provided to your RDC and, if applicable, GRTA?	◉ (not selected) Yes No

If no, the official review process can not start until this additional information is provided.

Economic Development

Estimated Value at Build-Out:	$263,017,096
Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:	$7,820,667.54
Is the regional work force sufficient to fill the demand created by the proposed project?	(not selected) ◉ Yes No
Will this development displace any existing uses?	(not selected) ◉ Yes No

If yes, please describe (including number of units, square feet, etc): 59 Residential Units = 76,900SF 23 Office / Neighborhood Commercial = 36,465SF

Water Supply

Name of water supply	Cobb County

provider for this site:

What is the estimated water supply demand to be generated by the project, measured in Millions of Gallons Per Day (MGD)?	.25
Is sufficient water supply capacity available to serve the proposed project?	(not selected) Yes No

If no, describe any plans to expand the existing water supply capacity:

Is a water line extension required to serve this project?	(not selected) Yes No

If yes, how much additional line (in miles) will be required?

Wastewater Disposal

Name of wastewater treatment provider for this site:	Cobb County
What is the estimated sewage flow to be generated by the project, measured in Millions of Gallons Per Day (MGD)?	.14
Is sufficient wastewater treatment capacity available to serve this proposed project?	(not selected) Yes No

If no, describe any plans to expand existing wastewater treatment capacity:

Is a sewer line extension required to serve this project?	(not selected) Yes No

If yes, how much additional line (in miles) will be required?

Land Transportation

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day? (If only an alternative measure of volume is available, please provide.)	758 am peak hr new trips, 928 pm peak hr new trips 11,035 daily new trips
Has a traffic study been performed to determine whether or not transportation or access improvements will be needed to serve this project?	(not selected) Yes No
Are transportation improvements needed to serve this project?	(not selected) Yes No

If yes, please describe below:Refer to Transportation Analysis for Cherokee Street DRI #2724, prepared by Marc R. Acampora, PE, LLC, dated October 23, 2017

Solid Waste Disposal

How much solid waste is the project expected to generate annually (in tons)?	1,700
Is sufficient landfill capacity available to serve this proposed project?	(not selected) Yes No

If no, describe any plans to expand existing landfill capacity:

Will any hazardous waste be generated by the development?	(not selected) Yes No

If yes, please explain:

Stormwater Management

What percentage of the site is projected to be	58%

impervious surface once the proposed development has been constructed?

Describe any measures proposed (such as buffers, detention or retention ponds, pervious parking areas) to mitigate the project's impacts on stormwater management:Buffers and natural passive greenspace areas

Environmental Quality

Is the development located within, or likely to affect any of the following:

1. Water supply watersheds?	(not selected)	Yes	No
2. Significant groundwater recharge areas?	(not selected)	Yes	No
3. Wetlands?	(not selected)	Yes	No
4. Protected mountains?	(not selected)	Yes	No
5. Protected river corridors?	(not selected)	Yes	No
6. Floodplains?	(not selected)	Yes	No
7. Historic resources?	(not selected)	Yes	No
8. Other environmentally sensitive resources?	(not selected)	Yes	No

If you answered yes to any question above, describe how the identified resource(s) may be affected:

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SPECIAL DISTRICT 1	Land Lot	Current Zoning	Requested Zoning
3590 Cherokee	99	OI	T-4O
3550 Cherokee	99	OI	T-4O
3550 Cherokee	99	LI	T-4O
3540 Cherokee	99	NRC	T-4O
3526 Cherokee	99	LI	T-4O
3591 McCollum	99	MHP	T-4O
1731 McCollum	99	NS	T-4O
3571A Russell	99	MHP	T-4O
3571B Russell	99	MHP	T-4O
3561 Russell	99	MHP	T-4O
3551 Russell	99	MHP	T-4O
3541 Russell	99	MHP	T-4O
3531 Russell	99	MHP	T-4O
3511 Russell	99	MHP	T-4O
3557 Russell	99	MHP	T-4O
3522 Russell	99	MHP	T-4O
3512 Russell	99	MHP	T-4O
3502 Russell	99	MHP	T-4O
3501 Russell	99	MHP	T-4O
3463 Russell	99	MHP	T-4O
3474 Russell	99	MHP	T-4O
3464 Russell	99	MHP	T-4O
3553 Grant	99	R-15	T-4O
3551 Grant	99	R-15	T-4O
1810 Rock Springs	99	MHP	T-4O

Requested Variances

1. DENSITIES - Maximum Density shall be increased 6 units per acre with a maximum of 235 units.
2. SETBACKS - Shall not apply where Public Street is being removed.
3. BLOCK PERIMETER - Maximum Block Perimeter shall not apply (Variance 2.2.6)
4. BUILDING FORM (4.5)
a. In Special District 1 Number of Stories shall be limited to 6 Stories if the building is at least 100' away from Cherokee Street or McCollum Parkway with a building conforming to Table 6 as buffer between.
b. In Special District 1 Commercial Story may be a maximum of 28' high.
c. In Special District 1 Attics may exceed 14 in height if the building is over 20,000sf total. Height shall be limited to Building Code requirements.
d. A first level entry to a Residential Function may be raised to a maximum of 13 feet.
e. In a Parking Structure or Garage, each level that is more than 70 percent above average grade counts as a single Story regardless of its relationship to habitable Stories.
f. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width.
5. BUILDING FUNCTION (4.6)
a. In Special District 1, Balconies, open porches, and bay windows may Encroach the First Layer for 70% of the layer's depth.
b. In Special District 1, a Self-Service Storage Facility shall be permitted and shall be subject to the setbacks required in Special District 1 with conditions as set forth herein:
i. No outdoor storage shall be allowed.
ii. All storage shall be contained within the exterior walls of the Function.
iii. The exterior façade architecture shall meet the Design Standards of the adopted Form Based Code, and shall be complementary to the adjacent architecture of the buildings contained in Special District 1
6. SCREENING AND FENCING 4.7
a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100% opaque.
7. OPEN SPACE
a. Required Open Space will be as delineated in District 1. Requirements for District 1 Open Space will be made up in District 5 & District 6.
8. OFF STREET PARKING & LOADING
a. In Special District 1, Parking Spaces will be time-shared and less than listed in Ordinance. A Time Share Permit shall not be required for Special District 1.
b. In Special District 1 Parking may be allowed in the First and Second Layer adjacent to street access driveways or under covered roofs.
c. In Special District 1 Structured Parking shall be allowed in Layer 1, 2, 3 & 4 of public or private secondary streets (other than Cherokee Street or McCollum) if vehicles are obstructed from the vision from street level.
d. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces.
e. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses.
9. LANDSCAPE STANDARDS
a. In Special District 1 a variety of tree species may be allowed. No more than 33 percent of street trees may be the same species.
b. Decorative lighting of architectural features and trees may be allowed.
10. ARCHITECTURAL STANDARDS
a. In Special District 1, exterior materials of buildings may be combined horizontally where the building width exceeds 50'.
b. Transom Windows over other windows or doors may have a greater width than height.
c. In Special District 1, commercial buildings facing McCollum Parkway may be built over, and Arcade supporting habitable space allowed per the requirements of T5 illustration h.

SPECIAL DISTRICT 2	Land Lot	Current Zoning	Requested Zoning
3474 Cherokee	99	R-15	T-4O
3450 Cherokee	99	NS	T-4O
3398 Cherokee		R-15	T-4O
1857 Rock Springs	99	R-15	T-4O
1859 Rock Springs	99	MHP	T-4O
1811 Rock Springs	99	MHP	T-4O
1810 Rock Springs	99	MHP	T-4O
1840 Rock Springs	99	MHP	T-4O
1846 Dogwood	99	MHP	T-4O
1840 Dogwood	99	MHP	T-4O
3419 Russell	99	MHP	T-4O
3425 Russell	99	MHP	T-4O
3464 Russell	99	MHP	T-4O
3474 Russell	99	MHP	T-4O
3484 Russell	99	MHP	T-4O
3463 Russell	99	MHP	T-4O

Requested Variances

1. DENSITIES - Maximum Density shall be increased from 12 to 20.6 units per acre.
2. SETBACKS - Setbacks shall not apply where Public Street is being removed.
3. BUILDING PLACEMENT
In Special District 2 Habitable Buildings shall not be required to abut Dogwood Drive, Russell Drive and Branch Drive. Buffers and Parking shall be allowed in Special District 2 abutting Dogwood Drive, Russell Drive and Branch Drive.
4. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to District 2
(Variance 2.2.6)
5. BUILDING FORM (4.5)
a. In Special District 2, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 953 square feet, excluding the parking area.
b. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width.
6. BUILDING FUNCTION (4.6)
a. In Special District 2 Residential Units for Rent shall be allowed to be rented By-The-Bedroom Suite similar to an Accessory Residential Structure, and shall not be considered a rooming house. The minimum age to rent in Special District 2 shall only be to consenting Adults, over the age of 55, with a restriction on age of a minimum of 18 on a married partner, and shall be subject to the United States Fair Housing Act of 1968 and the United States Housing for Older Persons Act of 1995.
7. OFF STREET PARKING & LOADING
a. In Special Districts 2 Housing will be .8 space/unit – less than listed in Ordinance.
b. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces.
c. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses.
8. LANDSCAPE STANDARDS
a. In Special District 2 a variety of tree species may be allowed. No more than 33 percent of street trees may be the same species.
b. Decorative lighting of architectural features and trees may be allowed.
9. ARCHITECTURAL STANDARDS
a. Transom Windows over other windows or doors may have a greater width than height.
b. In Special District 2, Detached Cottages or Duplexes may be built on the same lot without property lines or buffers between them and other buildings on the property, provided that the building separations will be governed by the requirements of the Building and Fire Codes. Townhome style apartments may be built without real or assumed property lines.

SPECIAL DISTRICT 3	Land Lot	Current Zoning	Requested Zoning	Requested Variances
3481 Cherokee	99	LI	T-4O	1. SETBACKS - Setbacks shall not apply where Public Street is being removed. 2. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to Districts 3. (Variance 2.2.6) 3. BUILDING FORM (4.5) a. In Special District 3, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 953 square feet, excluding the parking area. b. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width. 4. SCREENING AND FENCING 4.7 a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100% opaque. 5. OFF STREET PARKING & LOADING a. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces. b. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses. 6. ARCHITECTURAL STANDARDS a. In Special District 3, Detached Cottages or Duplexes may be built on the same lot without property lines or buffers between them and other buildings on the property, provided that the building separations will be governed by the requirements of the Building and Fire Codes. Townhome style apartments may be built without real or assumed property lines.
3441 Cherokee	99	OI	T-4O	
3419 Cherokee	99	R-15	T-4O	
3403 Cherokee	99	NRC	T-4O	
3371 Cherokee	99	NS	T-4O	
1913 Dobbins	99	R-15	T-4L	
1926 Smith	99	R-15	T-4L	
1923 Smith	99	R-15	T-4O	
1994 Smith	99	R-15	T-4L	
1996 Smith	99	R-15	T-4L	
1998 Smith	99	R-15	T-4L	
1977 Smith	99	NS	T-4O	

SPECIAL DISTRICT 4	Land Lot	Current Zoning	Requested Zoning	Requested Variances
3419 Cherokee	99	R-15	T-4O	1. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to Districts 4. (Variance 2.2.6) 2. OFF STREET PARKING & LOADING a. In Special District 4 Parking shall be allowed in First and Second Layer so long as existing structures are kept in place. b. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces. c. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses. 3. LANDSCAPE STANDARDS a. Decorative lighting of architectural features and trees may be allowed. 4. ARCHITECTURAL STANDARDS a. Transom Windows over other windows or doors may have a greater width than height.
3403 Cherokee	99	NRC	T-4O	

SPECIAL DISTRICT 5	Land Lot	Current Zoning	Requested Zoning	Requested Variances
3371 Cherokee	99	NS	T-4O	1. SETBACKS - Setbacks shall not apply where Public Street is being removed. 2. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to Districts 5. (Variance 2.2.6) 3. SCREENING AND FENCING 4.7 a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100% opaque. 4. OPEN SPACE a. Required Open Space for Districts will be as delineated in conjunction with District 5.
3301 Cherokee	99	NS	T-4O	

SPECIAL DISTRICT 6	Land Lot	Current Zoning	Requested Zoning	Requested Variances
3572 Grant	99	R-15	T-4O	1. DENSITIES - Maximum Density shall be increased by 20 units per acre with a maximum of 350 units. 2. SETBACKS - Setbacks shall not apply where Public Street is being removed. 3. BUFFERS 2.3.2 a. A 20' Buffer will be provided on the eastern sides outside the T40 Overlay where Special District 6 abuts neighboring townhomes. 4. BLOCK PERIMETER - Maximum Block Perimeter shall not apply to District 6. (Variance 2.2.6) 5. BUILDING FORM (4.5) a. In Special District 6 Number of Stories shall be limited to 6 Stories if the building is at least 100' away from Cherokee Street or McCollum Parkway with a building conforming to Table 6 as buffer between. b. A first level entry to a Residential Function may be raised to a maximum of 13 feet. c. In Special District 6, the habitable area of an Accessory Unit within a Principal Building or an Outbuilding shall not exceed 953 square feet, excluding the parking area. d. A walkway with a minimum width of 5 feet shall connect all buildings to the public Sidewalk. Internal private sidewalks not connecting to a Civic or Public Sidewalk may be a minimum of 4 feet in width. 6. BUILDING FUNCTION (4.6) a. In Special District 6 Residential Units for Rent shall be allowed to be rented By-The-Bedroom Suite similar to an Accessory Residential Structure, and shall not be considered a rooming house. The minimum age to rent in Special District 2 and Special District 6 shall only be to consenting Adults, over the age of 55, with a restriction on age of a minimum of 18 on a married partner, and shall be subject to the United States Fair Housing Act of 1968 and the United States Housing for Older Persons Act of 1995. 7. SCREENING AND FENCING 4.7 a. Fences within internal courtyards of townhome buildings shall not exceed 8 feet in height and may be 100% opaque. 8. OPEN SPACE a. Required Open Space will be delineated in conjunction with District 1 and District 5. 9. OFF STREET PARKING & LOADING a. In Special District 6 Housing will be .8 space/unit – less than listed in Ordinance. b. Parking Spaces sizing in Structured Parking Decks will be designed as practical with some compact spaces and required handicap spaces. c. There will be a reduction in the number of loading spaces required with some loading spaces shared between uses. 10. LANDSCAPE STANDARDS a. Decorative lighting of architectural features and trees may be allowed. 11. ARCHITECTURAL STANDARDS a. Transom Windows over other windows or doors may have a greater width than height. b. In Special District 6 buildings outside the Design Based Overlay are not required to have sloped roofs over the entire residence. c. In Special District 6, Detached Cottages or Duplexes may be built on the same lot without property lines or buffers between them and other buildings on the property, provided that the building separations will be governed by the requirements of the Building and Fire Codes. Townhome style apartments may be built without real or assumed property lines.
3556 Grant	99	R-15	T-4O	
3540 Grant	99	R-15	T-4O	
3526 Grant	99	R-15	T-4O	
3510 Grant	99	R-15	T-4O	
3500 Grant	99	R-15	T-4O	
3478 Grant	99	R-15	T-4O	
3465 Grant	99	R-15	T-4O	
3473 Grant	99	R-15	T-4O	
3483 Grant	99	R-15	T-4O	
3509 Grant	99	R-15	T-4O	
3525 Grant	99	R-15	T-4O	
3539 Grant	99	R-15	T-4O	
3551 Grant	99	R-15	T-4O	
3553 Grant	99	R-15	T-4O	
3449 Poplar	99	OI	T-4O	
1785 Poplar	99	MHP	T-4O	
3557 Russell	99	MHP	T-4O	
3522 Russell	99	MHP	T-4O	
3512 Russell	99	MHP	T-4O	
3502 Russell	99	MHP	T-4O	

Community Development Department
2529 J. O. Stephenson Avenue
Kennesaw, GA 30144
770-590-8268

CERTIFICATION AUTHORIZATION

I hereby attest to the fact that a certified mailing to property owners within 200 feet was mailed out on October 20th, 2017 in accordance with the application requirements.

9-28-2017

Date

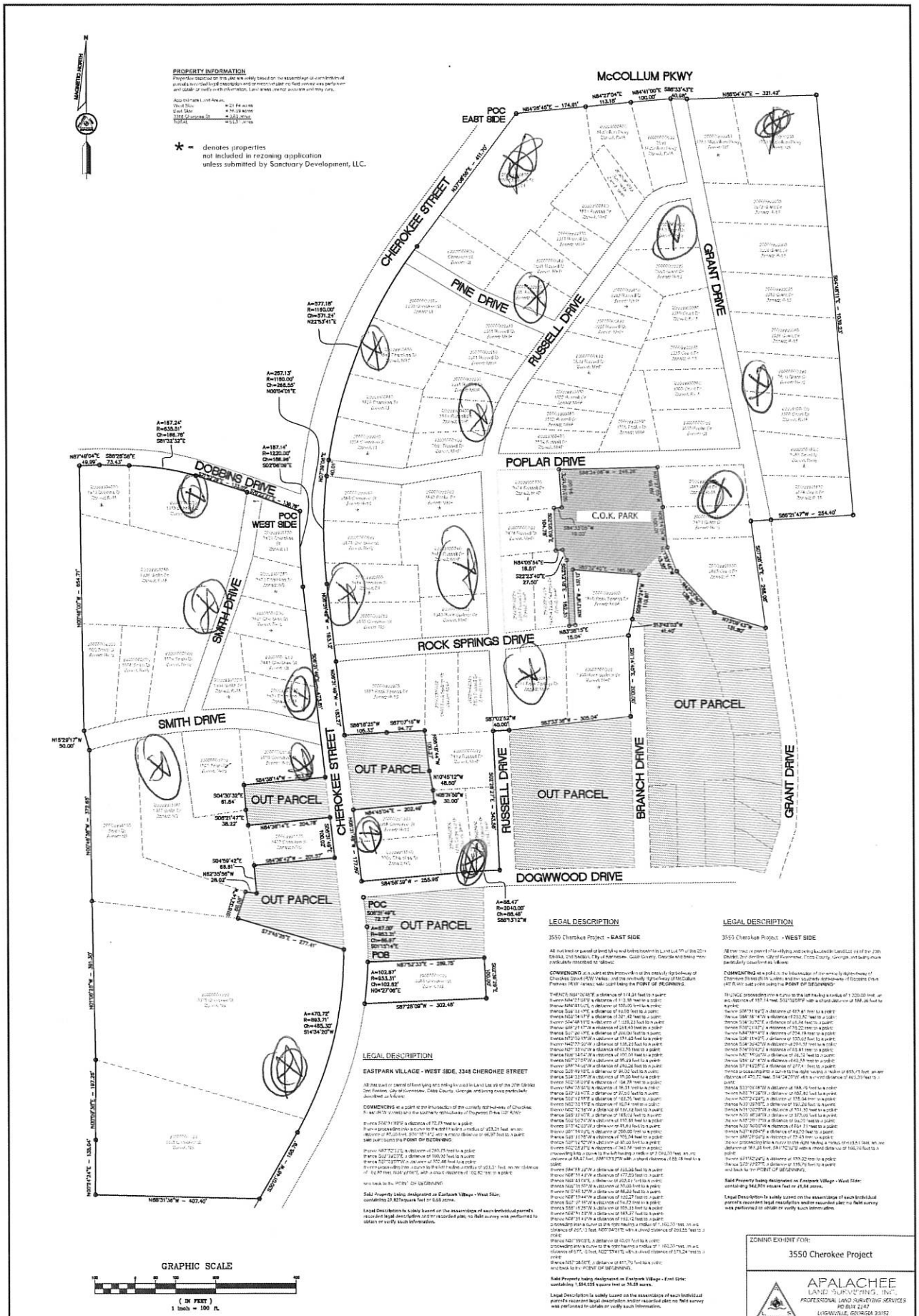
Applicant or Authorized Agent

Sworn and subscribed before me this 28th day of September 20 17

Notary Public

KELLI D SANDERS
MY COMMISSION EXPIRES
NOTARY PUBLIC
AUGUST 29, 2018
CHEROKEE COUNTY, GEORGIA

Attach to this document a copy of the property/s that have been served notification along with the documentation supplied in the certified mailing.



LEGAL DESCRIPTION

3550 Cherokee Project - EAST SIDE

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

COMMENCING at a point at the intersection of the easterly right-of-way of Cherokee Street (R/W Varies) and the northerly right-of-way of McCollum Parkway (R/W Varies), said point being the **POINT OF BEGINNING**;

THENCE, N84°26'46"E, a distance of 174.81 feet to a point;
thence N84°27'10"E a distance of 113.18 feet to a point;
thence N84°41'00"E a distance of 100.00 feet to a point;
thence S88°33'43"E a distance of 10.96 feet to a point;
thence N88°04'47"E a distance of 321.42 feet to a point;
thence S04°46'11"E a distance of 1038.37 feet to a point;
thence S88°21'47"W a distance of 254.40 feet to a point;
thence S05°32'13"E a distance of 135.00 feet to a point;
thence S84°26'42"W a distance of 246.21 feet to a point;
thence S05°32'13"E a distance of 165.00 feet to a point;
thence S84°26'42"W a distance of 165.00 feet to a point;
thence N05°32'13"W a distance of 165.00 feet to a point;
thence S84°26'42"W a distance of 246.21 feet to a point;
thence N05°32'13"W a distance of 135.00 feet to a point;
thence N88°21'47"E a distance of 254.40 feet to a point;
thence N04°46'11"W a distance of 1038.37 feet to a point;
thence N88°04'47"E a distance of 10.96 feet to a point;
thence N84°41'00"E a distance of 100.00 feet to a point;
thence N84°27'10"E a distance of 113.18 feet to a point;
thence N84°26'46"E a distance of 174.81 feet to a point;
thence S05°32'13"E a distance of 1138

Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Dan Harrison, Darius Bailey,
Keisha Danielle Edwards
Cam Perdue and Don Bergwall

November 8, 2017 | Special Called Planning Commission Meeting Summary 7:00PM | City Hall Council Chambers

NOTE: Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council, which will be heard on November 15th and December 7th, 2017, 6:30p.m. unless otherwise noted. Anyone giving comments in the public session are to sign in and note that limitation of 10 minutes per side will be allowed.

I. Call Meeting to Order/Roll Call

Present: Don Bergwall, Cindi Michael, Doug Rhodes, Keisha Edwards and Cam Perdue

Absent: Dan Harrison and Darius Bailey

II. Public Hearing:

A. New Business:

- **RZ2017-08+ Rezoning**: Consideration to approve a rezoning request submitted by Sanctuary Development for properties located along Cherokee Street, Tara and Chalker area (see attachment) total approximately (54.29+/- acres). The properties are currently zoned **City R-15, R-20, MHP, O&I, NRC, NS, GC & LI** with the request to rezone to **City T40 and T4l** for purpose of mixed use development – residential, commercial. Properties identified in Land Lot 130, 129 & 99, of the 20th District, 2nd Section, Cobb County Georgia. (Mayor and Council 11/15 and 12/7/17)

*Motion was made by Keisha Edwards and seconded by Cindi Michael to **approve** the form based code zoning of T40 and T4L with inclusion of staff's recommendation and conditions read into the record as follows:*

1. *Master Plan subject to all recommendations and findings from the DRI regional review by ARC, GRTA*
2. *Master plan subject to conditions to be finalized under separate development agreement between the applicant and City of Kennesaw regarding the construction timeline and issuance of certificates of occupancy for residential and commercial components.*

The next scheduled meeting of the Kennesaw Planning Commission
December 06, 2017 at 7:00pm

3. *Applicant to coordinate ROW improvement project for Cherokee Street under SPLOST program to ensure that the project does not undermine city improvement project timeline.*

4. *Pre and post construction hydrology report to ensure that storm water runoff is addressed and there are no negative effects to adjacent properties.*

5. *Detailed landscaping buffer schedule and detail will incorporate evergreen trees and solid fencing along all property lines abutting residential and commercial properties not part of the master plan development. Tree variety to be in compliance with city of Kennesaw landscaping ordinance and buffer ordinance in the Unified Development Code.*

6. *Reversionary clause to be incorporated and approved by all parties that states that construction must be implemented within two years of date of approval. Failure to implement development activity will result in the subject parcels being restored to original zoning district with all privileges for land uses to the property owners.*

7. *Applicant to pursue any opportunity to reduce the overall residential density impact by reduction of residential units in any of the residential components of the master plan*.

***Motion Carried: 4-0**. Keisha Edwards, Cindi Michael, Cam Perdue, and Don Bergwall*

- **ZV2017-04-6 Variance:** Consideration to approve variances (as noted within the application Exhibit A) request submitted by Sanctuary Development for properties located along Cherokee Street, Tara and Chalker area total approximately (54.29+/- acres). The properties are currently zoned **City R-15, R-20, MHP, O&I, NRC, NS, GC & LI** with the request is to rezone to **City T40 and T4l** for purpose of mixed use development – residential, commercial. Properties identified in Land Lot 130, 129 & 99, of the 20th District, 2nd Section, Cobb County Georgia. (Mayor and Council 11/15 and 12/7/17)

*Motion was made by Don Bergwall and seconded by Cam Perdue to **approve** the requested variances as summarized by staff as to density, setbacks, block perimeter, buffers, building placement, building form, building function, screening and fencing, open space, off street parking and loading, landscape standards and architectural standards.*

***Motion Carried: 4-0.** Don Bergwall, Cam Perdue, Keisha Edwards and Cindi Michael*

III. Adjournment: Made and seconded to adjourn at 9:00PM

Certified Copy Transcript

In The Matter Of:

City of Kennesaw, Georgia

Planning Commission Meeting

November 8th, 2017

7:00 p.m.

AccuTran, Inc.
---certified court reporters---
707 Whitlock Avenue
Suite A42
Marietta, Georgia 30064
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CITY OF KENNESAW, GEORGIA

SPECIAL CALLED PLANNING COMMISSION

NOVEMBER 8, 2017

7:00 P.M.

Doug Rhodes, Chairman
Cindi Michael, Vice-Chair
Keisha Danielle Edwards
Cam Perdue
Don Bergwall

* * *

P R O O C E E D I N G S

MR. RHODES: Good evening. I call this meeting of the Planning and Zoning Commission to order. If you're here this evening, you have interest in the agenda items. There are two separate items that are of one development so we will read them both into the record at the same time.

The way things work this evening is we'll have a presentation from our staff, Planning and Development staff, then we will have a presentation from the developer, or the applicant, and after that, we'll have the public comment portion.

During the public comment portion, our goal is to hear everything concerning the development, whether it's pro or con. The one thing we want to try to avoid in this whole process is hearing the same thing repetitively.

So during the public comment portion if you have something to add, please add it and we invite comments. It's good to have the public come out and be involved in this process, but we do want to avoid repetitive nature of comments if we can.

So with that said, I'll go ahead and read into the record the first item on the agenda is a rezoning variance request, consideration to approve rezoning

request submitted by Sanctuary Development for property located on Cherokee Street, Tara and Chalker area. There is an attachment that will be shown on the board there, total approximately 54.29 +/- acres.

The properties are currently zoned City R-15, R-20, MHP, O&I, NRC, NC, GC and LI, with the request to rezone to City T40 and T4l for the purpose of mixed-use development residential commercial.

Properties are identified as Land Lot 130, 129 and 99 of the 20th District of the 2nd Section of Cobb County, Georgia. And this will be heard in these chambers by Mayor and Council on the 15th and the 7th.

I'll go ahead and read it. There is a little bit of different verbiage to the variance so I'll go ahead and read it into the record also.

Consideration to approve variance as noted within the application request submitted by Sanctuary Development for properties located along Cherokee Street, Tara and Chalker area, total approximately 54.29 +/- acres.

The properties are currently zoned City R-15, R-20, MPH, O&I, NRC, NS, GS and LI, with the request to rezone City T40 and T4l for purposes of mixed-used development residential and commercial property identified as Land Lots 130, 129, 99 in the 20th District 2nd Section of

Cobb and these will be heard by Mayor and Council in these chambers on the 15th and the 7th.

One note before we get started. At some point in the evening if there is something that confuses you or not sure what was said or done, you can raise your hand. Myself or one of the commissioners or Darryl or our public administrator can answer your question.

If anybody has any special needs this evening, hearing impaired or anything of that nature, please make us aware of this need and we'll try and accommodate those needs as best as possible.

With that said, Mr. Simmons, do you have a presentation?

MR. SIMMONS: Thank you, Mr. Chairman, members of the planning commission. If you can put up the redevelopment map first. Good enough. Zoom a little bit. Yeah.

MR. RHODES: Better?

MR. SIMMONS: Yes, thank you. What I'll do is I'm just going to do one presentation that's going to incorporate the rezoning application and the variance so I can move the floor to the applicant to do their presentation.

Mr. Chairman, members of the planning commission, this assemblage of property along Cherokee Street, on

both sides of Cherokee Street, represents 57.64 acres. And our application that was provided by the applicant under the separate exhibit shows all of the parcels that are involved, and all of those parcels of course have different zoning -- zoning designations associated with it.

Back in 2008, this was one of 13 areas that the City identified as areas that need to focus our attention on as far as redevelopment, so much so that City staff assembled, along with the help of economic development and Kennesaw Development Authority and Downtown Development Authority, we all put our heads together and came up with a comprehensive list with an associated map showing the areas of the city that we feel resources and opportunities should be focused on.

This area that's on review tonight is one of those areas and is actually in areas J, K and N that's color-coded on this map.

The area that we are discussing has a combination of existing uses, from single-family residential homes that have been converted to offices along Cherokee Street to Chalker Mobile Home Park area, which is zoned mobile home park but has not operated as a compliant mobile home park for many decades. So that is what we call a noncompliant or nonconforming use in this area.

In addition to that, you have office, professional offices and office condos, as well as a, like I mentioned, single-family homes. This area represents one of the areas that the City has been very diligent on to look at finding opportunities for redevelopment.

Some it has occurred in small areas, such as new ownership on single-family homes, new businesses moving in, renovating the properties and turning or converting it to a commercial use.

But all in all, the real issue or the real focus is a holistic overall redevelopment of the area to create a consistent look, architecture, and theme for Cherokee Street, which is a gateway corridor.

Well, with that, the city appropriately created a form-based code and approved and adopted a form-based code March of 2016. And that form-based code was specific to the Cherokee Street area and also to the central business district, which is downtown.

That form-based code was implemented and adopted for the sole purpose of having a platform for redevelopment, and when a redevelopment opportunity presents itself, that the City has a standard and/or direction to guide the would-be applicant or developer of what we want, what our expectations are.

Well, this application represents that sequence,

where we adopted a form-based code, we have identified the areas, we have designated transient, or T zones, with specific guidelines and design guidelines for each zone.

This area that's been -- that's been under consideration, represents the two zones, called T40 and T4l. Just to keep it brief and comprehensive, T4L stands for limited. That means it's strictly residential. T40 means it's open, which means in that area you can have both residential and commercial use, which is your mixed-use component or concept.

Now, a comprehensive plan for this area, which also follows suit, identified this area along Cherokee Street into three categories. We have the planned unit development, which is the majority of the Chalker mobile Home Park and McCollum area, which means that if redevelopment would occur, if a rezoning would occur, that a master plan would be associated with it.

So this T4 zone, this whole sequence is in compliance with our comprehensive plan and our main use and goals for that area.

The neighborhood activity center, which is identified as those parcels that front Cherokee Street on both sides, also is in compliance with this plan and how it measures to our comprehensive plan because of the commercial component that the applicant is introducing or

proposing as part of the redevelopment.

And then we have low to medium residential, which is a small portion on the westerly side of Cherokee Street that backs up to Tara, the Tara subdivision, a small portion that in our current land use plan as low to medium residential.

And so there is some overlap with that and is not being one hundred percent in compliance only because what's there now is larger lots and it's residential. The applicant is proposing residential for this portion, which are attached town homes. That's the only difference in that approach.

But nonetheless, the majority out of the whole development as a whole meets both our intent for redevelopment. It meets our intent for land use goals, for higher and better quality of development, both commercial and residential, and at the same time, it will address some of the challenges that we've had with the existing road network along Chalker Mobile Home Park.

As you know, we have had a lot of documented cases of, not just code enforcement and blight, but the inefficient infrastructure that's currently there has caused problems for the existing citizens who live on the easterly side of Cherokee Street.

So with every redevelopment opportunity, it's an

opportunity for us to have the development upgrade infrastructure, at the same time work with the City to fix and more align the road network to where it better services that area, as well as, you know, service the proposed uses by citizens that buy or live there.

The proposal that you have has the applicant kind of broke it down into six distinct districts, and they're going to go through each district during the presentation.

But because of the scope of this development, it triggered what's called development of regional impact, which simply means that because of the size, that the City of Kennesaw would have to open up the development for a regional review by the Atlanta Regional Commission and the Department of Community Affairs.

And that is more of a comprehensive review on a higher level by other agencies outside of the City of Kennesaw, including GRTA, which is the regional transportation authority.

It's then open up to regional review by adjoining jurisdictions like Marietta, City of Acworth, Cobb County, Cherokee County, and they then supply comments or recommendations through ARC and through GRTA that will then be incorporated into final recommendations that the City would have for the applicant during this rezoning

process.

Now, because of the timing and the level of review, the final findings will not be completed by ARC until December 4th, but it will still be in time to present it to the Mayor and Council before any final action is taken.

So we were very careful to make sure that the timing, getting all of the reviews done so that Mayor and Council have everything to be considered before any action is taken on this matter.

Going back to the proposal, again, there is a number of components that the applicant would have to address. The major one that we agree on is that the topography or fall off of the land does cause -- did cause some design challenges.

And because of that, in addition to the proposal for the master plan, there were a number of variances that were associated with that because of the design and because of the breakdown of the districts. And so we requested a detailed list of the variances and the applicant did exactly what we told him to do.

And they broke down the variances by each district very detailed. And when you read the exhibit that was submitted as part of the application, it kind of looks a little bit daunting as far as the pages of details, but

what it was, actually, it was ten main components that required variances but it was repeated over and over again on each page and it was by each district. So it's saying the same thing seven times, or four times.

So what we requested to avoid that confusion was a consolidated list based on the overall project, and that is what's detailed and was provided to the planning commission.

And the details included the densities. The maximum density for T4 zone is 12 units per acre. Because of -- again, because of the way the design is done, the applicant's final density calculations came out to 14.74, so it's a little higher than the maximum 12 units per acre. And they're going to go over their challenges for that.

The setbacks that they were talking about was basically by the form-based code, where there is a certain setback from the streets. And because I mentioned -- I mentioned earlier some of these streets may not be in existence depending on the final layout of the street structure.

They were not sure how that was going to work, so they incorporated a variance for where the roads may or may not be abandoned, how the buildings will be oriented to that street.

Block perimeter. Again, these are terms that are specific to the form-based code. And that is due to the existing streets and moving and lining up the new streets to meet the required length of block as they define it in the code and going a little longer than is what's allowed in form-based code.

Again, because of the orientation and the funny way of the land, it's not boxed, you know. And the form-based code, the way it was designed or the way it was adopted, like any other zoning ordinance, it's the most perfect, ideal situation is on a flat piece of land. And that's not what you have.

And so having a variance avenue is the but-what-for. If it wasn't for this, we wouldn't be able to comply with the form-based code.

So having the zoning ordinance and not having a variance avenue will be kind of self-defeating because not all areas are the same. You're going to have challenges on every lot, whether it's floodplain, whether it's encroachment, whether it's, in this case, topography. So having a variance to apply to the specific location is what's in front of you.

Building form. Again, they mention the grade change and how the form of the building and meeting the intent of the code as far as architectural design, they spell

out very detailed per each, you know, district, especially district one and district six, how the height of the buildings will vary depending how the stories -- the three stories, how it's going to be manipulated so that you have consistent look along Cherokee Street and along the property. So they're going to go over that in their presentation.

Again, building function, keeping the character of founding Kennesaw, they wanted to make sure they detailed the fact that they wanted -- they incorporate balconies and open porches and bay windows is going to encroach into the first layer or depth of the frontage of some of these buildings.

It's not that they wanted to do that, but we're trying to meet the majority of the codes and put a character and architectural emphasis. In order to do that, some of the buildings, the way they're oriented, would encroach into some of the visual planes or layers that was prescribed in the form-based code. They're going to go over that as well.

Also, they talked about outside storage and they are going to address that as far as, you know, the accessory buildings and where they're going to be located and having -- having to provide certain amenities.

And that really goes back to what the expectation is

for the market for both to consider housing, it's going to be important for storage. I can give you an example.

Some of the subdivisions that we have approved recently where there is a two-car garage and then the developer has to incorporate a covenant that says that the garages must be used for parking of the cars.

And the reason that was put in there is because typically folks may use one half of the garage for storage and then you have those parking in the driveway; subsequently it backs up into the street.

So there is like a cascading event, effect, saying, okay, if you don't have enough storage, this is going to happen. So I think there is a balance there and the applicant is going into that in more detail.

Greening and fencing. We talked about in our code of town homes that courtyards, they can't be -- shall not exceed eight feet in height and may be hundred percent opaque.

And again, this is going to be due to topography. The code allows for a maximum of six foot, but in some cases an eight-foot fence would be appropriate, especially if you're trying to screen -- you have a dropoff and trying to screen as much as you can the view of certain things, and sometimes additional fences do that.

But our code again looks at it from everyone is flat so six foot six foot. But when you have a fall like that, sometimes having a larger fence is appropriate if you're trying to screen certain things.

Open space. Again special area plan is 57.64. This master plan, when you look at the whole plan, you're going to see that there is a lot of interconnected open space and greenways throughout the property.

And that is part of our intent for the form-based code and our redevelopment, that when it's redeveloped it's not just buildings and parking; it has to have a theme.

It has to have a design direction. And having well-placed, centrally located open space along the different components that will tie into a trail network or walking pedestrian sidewalk network, is exactly what the City has been promoting, so much so that the City's portion, our investment on Cherokee Street through our transportation improvement we have in our plan, we have a a trail, mixed-use trail and very wide sidewalk on both sides of the future improved Cherokee Street.

So all that is leading up to connectivity and pedestrian friendly development. And the City's portion of that is we are of course improving Cherokee Street with road widening, realignment, new curb and gutter

alignment along Ben King and coming into town. So these two things are running in concert.

Off-street parking, loading. Our form-based code talks about that as far as, you know, how you're going to provide parking, how they're going to be configured because topography and cause for moving buildings around, you're not going to be able to comply one hundred percent with the off-street parking and loading areas, so that has to be moved around.

Like I said, when you have a master plan, you have a zoning ordinance. Things are not always going to be one hundred percent compliance because of the specific challenges of the site. This is no different.

Landscape standards. In our form-based code, it talks about certain species and varieties and percentages and so they're trying to comply with the landscaping. It won't be a hundred percent. But again, this is a different situation. This is going to be a very different type of redevelopment.

As you can see in the presentation, there is going to be a lot of aspects to it that you're not going to find in other developments in Kennesaw, including an open market concept.

Again, greenways, elevated walkways. These are very unique to this project and it brings some value to the

City's intent and land use goals for Cherokee Street.

And finally, last variance topic is architectural standards. And that is specific to making sure that the architecture is in keeping with the character in Kennesaw. Some of the materials and some of the orientation requires variances as far as how it's going to be designed and not only to meet our architectural standards but, you know, there is other things that come into play. That's the fire marshal and the building codes.

So when you incorporate all of those codes, the architect standards, there are some things that have to be considered under the variances.

Well, what I would like to do before I yield the floor is talk about status recommendations based on everything I have just talked about. There are a couple of things that I would like the planning commission and the Mayor and Council to consider when looking at this proposal.

This is staff's recommendation based on our review. We recommend approval of the rezoning to the form-based code zoning districts T4l and T40 with the variances that are submitted with the following conditions, and there are seven.

The first condition to consider is the master plan

is subject to all of the recommendations and findings from DRI regional review by ARC and GRTA. That's what I mentioned before, that any findings that are found by the other agencies, we're going to incorporate that into our final recommendations for consideration that they would have to abide by.

Number two, the master plan is subject to conditions. They'll be finalized under separate development agreements between the applicant and City of Kennesaw regarding the construction time line and issuance of certificates of occupancy for residential and commercial components.

Basically, what that is saying is of course different uses and all these different time lines, there is going to be separate development agreements that will cover, you know, roads, easements, the time line of when the commercial and retail components would be built and when they're going to be occupied.

Because there is also that concern of building the residential first or second and the retail is not coming along at the same pace. So that's going to be handled with a time line that will be agreed upon by both the City and the applicant through a separate development agreement that has not been finalized yet. It is still being worked on.

That's still a moving process, but whatever that final development agreement document will be, it will have to be approved by Mayor and Council and part of the overall package, so we want to make sure that's referenced in our zoning analysis.

Number three: Applicant will coordinate the right-of-way improvement project for Cherokee Street under our SPLOST program to ensure that the project does not undermine the City improvement project time line.

Again, the applicant is working in concert with the City to make sure that they don't trip up what we're doing and that we're not tripping up what they're doing. Since we're doing our improvements, they're trying to align the project time line so that we're not holding them up and they're not impeding our progress in improving Cherokee Street.

Four, pre- and postconstruction hydrology report to ensure that stormwater runoff is addressed and there are no negative effects to adjacent properties. I think that speaks for itself.

Like anything else, we talk about topography. We talk about the number of units. And rooftops, obviously the applicant and the development will have to meet the State of Georgia's stormwater facility guideline, period. There is really no varying from that.

And so what we want to do is make sure that we understand the volume of water we are seeing now, that's, quite frankly, an issue for some of the residents.

And what happens when things are built, that they have solved the problem and made sure that it didn't become an issue with the new construction affecting property owners who are outside of the development.

Five: Detailed landscaping and buffer schedule and detail will incorporate evergreen trees and solid fencing along property lines abutting residential commercial properties that are not part of the master plan development, the tree variety to be in compliance with the City of Kennesaw landscaping ordinance and buffer ordinance in the development code.

This issue was raised or question was raised during two public meetings that were held. They were hosted and driven by the applicant to give the neighborhoods an opportunity to come and talk and meet and greet and talk about the project.

And they provided a lot of data and kind of a semi-casual, semi-formal format to really get some feedback from the citizens in the area.

One of the things that came up was how they're going to screen and buffer those properties that are not part of the development that may be surrounded by the

development on two or three sides. What are the protection to those citizens, whether it be business owners or residents?

So this is going to answer that. They have already created a buffer detail or schematic that shows the widths and types of buffers along those areas, so that's part of the condition.

Number six is a reversionary clause to be incorporated and approved by all parties that states that construction must be implemented within two years of date of approval. Failure to implement development activity will result in the subject and parcels being restored to the original zoning districts, all of their privileges for land uses to the property owners.

Basically that is a time clock, a reversionary clause. If for some reason the progress is stalled or it doesn't happen, the existing property owners will be made whole. They will not have to come back and have to clean up and rezone it back to the original zoning district. It will automatically be reverted back without any additional cost and/or inconvenience to the property owners because of the -- you know, time that has passed.

And the final one is number seven. Applicant to pursue any opportunity to reduce the overall residential density impact by reduction of residential units in any

of the residential components of the master plan.

That's a recommendation where, if at all possible, we know that we reference the variance for the density in our presentation, but if there is any opportunity to reduce that in any way, obviously the staff would be supportive of that, if possible.

So those are the seven conditions. If we are to consider this master plan, your city staff recommends approval of this master plan, we feel that this opportunity is a long time coming. The applicant has been working over the last two years, one, to assemble the property and, two, to work with staff. And they're out there, architects and team, to see how they can make this work under the adopted code.

So the form-based code is put in place for this type of development. We feel that it answers a lot of -- or addresses a lot of longstanding problems that the city has had, including the kind of kaleidoscope of zoning districts, the inconsistent uses that you see along Cherokee Street, and it also helps to address some of the infrastructure issues that are current in the Chalker Mobile Home Park and everything on the easterly side of Cherokee Street.

So with that, I'll be happy to answer any technical questions or wait until after.

MR. RHODES: Yeah, I was going to say, if there is any code or zoning-based questions, Darryl would probably be applicable to those now, but I imagine that the applicant is going to answer a lot about the development itself.

MR. BERGWELL: Darryl, with regard to item six, where you stipulate that the construction must be implemented within two years of date of approval, when you say implement --

MR. SIMMONS: Started. Done.

MR. BERGWELL: So as long as demolition has started --

MR. SIMMONS: Permits are issued and there is construction activity, then that qualifies as the project being started.

MR. RHODES: Does that answer your question?

MR. BERGWELL: Well, to some extent.

MR. SIMMONS: This is a two- to five-year buildout.

MR. BERGWELL: I mean, if you just go in and tear down what's there and then it sits vacant, how long can that sit?

MR. SIMMONS: Well, demolishing an existing structure does not necessarily mean that it's going to be developed. What we define as development activity is not just demolition but also, you know, permits for building

construction, infrastructure, compliance to the development agreements, all of those things in concert would qualify as development activity.

MR. RHODES: There is also a clause in here or item for a time line to be approved by both parties; is that correct?

MR. SIMMONS: Correct.

MR. RHODES: Would that help cover that phase or construction time line?

MR. SIMMONS: Correct. And they're all integrated under two, item two. We talked about the development agreement and we talked about the construction time line.

MR. RHODES: So one is triggered by the other? The time line is triggered by the demolition permit.

MR. SIMMONS: It's really going to be covered under the development agreement. It's going to spell out specifically what's going to happen and what the activity is going to be so that those two will --

MR. RHODES: Kind of work in tandem?

MR. SIMMONS: Working in tandem, those two conditions.

MR. RHODES: Anything else on code or future land use that Darryl might be applicable to? Is the applicant here this evening?

Yes, sir. You can go ahead and step forward and

state your full name for the record and sign in, please.

MR. HOWIE: Chad Howie, Sanctuary Development.

MR. RHODES: Good evening.

MR. HOWIE: Good evening.

MR. RHODES: Is there a particular file you would like opened up here to help you along?

MR. HOWIE: Yes, let's start with the first file there, Cherokee Street 14 rezoned.

MR. RHODES: Zoomed in or out?

MR. HOWIE: Zoom a little out. There ya go.

MR. RHODES: I don't know if there is a laser pointer up here to aid you, Chad.

MR. HOWIE: I've got one. Thank you, Chairman and members of the commission.

MR. RHODES: If you could, make sure you get a little closer to the microphone.

MR. HOWIE: Two years in the making and I got food poisoning yesterday, so trying to be here is tough this evening.

Anyway, Darryl laid out what we started in our process about two years ago along the Cherokee corridor. And staff and I had a conversation two years and two months ago about an opportunity on one parcel of the assemblage that you see today.

And so I took our lender that we use for some of the

projects we work on, came out, saw the area. And his comment to me was, what you're proposing sounds good, but the problem is that we're not willing to place any of our resources unless some of the area changes in other areas.

So we stepped back and literally on Google Earth and drew a map of what would need changed for any debt or equity to come to the redevelopment area, which at the end of the day is how it can occur. Just wanting it to happen doesn't happen.

The City has put a significant amount of time and effort into the ordinance that was created that allows the form-based code to go into place and the overlay that now exists.

And the map that you're seeing here in front of you, this line up through here is Cherokee Street. And then McCollum is here. So everything you basically see in green is the T40 that Darryl's speaking to that has already been adopted by the city counsel.

The development that we're proposing is a -- under the form-based code that was put in place would be one of the first developments that uses the code in its entirety, and that code drives the design of what we're proposing.

So what you're going to see is the result of spending time with the architects and engineers going

through the code in detail and then taking that form and applying it to this portion of Cherokee Street.

There are two major considerations when we look at the code that calls to create a lot of the variances that you're seeing that Darryl was explaining that has a large number associated with it, the reason being is that the form-based code assumes a flat piece of paper, basically, when it's drawn out.

In this case, Cherokee Street runs along a ridge. The ridge from Cherokee Street back to Grant Drive, there is a significant draw that runs through the area. It's over 50 feet from Cherokee to the center along the middle section right through here.

And then on this section over here, where we're proposing to put a park, there is approximately 80 feet involved from Cherokee Street back to the Tara neighborhood and the back of the houses.

So when you take the form-based code and look at it from the design standpoint, you end up with a code that you can't comply with. So, what we did is we decided to -- let me back up.

One thing about the code that was -- when it was created that's interesting that we don't see in other municipalities in our projects, the code actually has a blank section in it.

And it is -- the form-based code allows for the creation of a new special area plan. The special area plan consists of special districts inside the plan. It literally in the form-based code is blank.

It has sections that has all of the different requirements that you find throughout the code. You actually design the special area plan of the districts and then you apply the zoning and the -- per the requirements that you would like to see across that.

Understanding that that was available to us, we looked at creating the -- our own -- essentially our own district. It became very clear that we would comply with the existing code with just a few variances.

So we decided to go down that route and that's why we ended up with the variances that you see through the sections that allow us to take the current form-based code, lay it on top of the topography that exists here with the -- some of the challenges in the street network that currently exists and end up with a design intent that is already in the code but with changes that allow for the street connections to occur and the neighborhood connections that are important for the interconnectivity to the new park -- parks, plural.

This one would be private. This one is private, in that, it will be on private property but available and

open to the public. And then this park would be a public park that Kennesaw Park and Recs would administer.

So, when we took that piece of property, overlaid it and started working -- if you can bring up the next file here, we'll start to walk through some of these.

So again, one of the things that staff recommended in their recommendation that Darryl just went through is the density. I want to address that in the beginning. The density is greater than what the form-based code currently allows.

It has a maximum 12 units per acre. We're asking for approximately a little over 14, 14.74. The reason why is when we -- if you can go -- can you toggle back to the site plan for a moment.

MR. RHODES: Sure.

MR. HOWIE: When we targeted the area, the one thing that was important to us was to make sure that we were as compliant as we possibly could, even with the form-based code. And the overall density, when we originally put it in context in place, it complied with 12 units per acre.

Going through the last two years of putting properties under contract and acquisitions, there are pieces that you see included in this that we have been unable to come to an agreement with those property owners choosing not to sell. And while we would like to include

them, they were in the original calculations of the 12.

Now, that being said, we have a plan that we have produced that was -- this plan is different than what was at the community meeting. The community meeting had a plan that was a little different.

It has a master plan associated with it that has all of the properties included that would be contiguous around the perimeter that I'm following right now. So these pieces here and these pieces here are not currently included.

However, if they were included, we would drop to the 12. If we were able to come and these properties were to decide to be part of the development in the future, what we're proposing, the site plan that we have doesn't change the number of units that we're proposing.

So, while the overall design stays the same, the problem is that with those properties not being included, it pushes the density number back up, but our overall master plan still shows not adding anything additional.

The building footprints shift, and the connectivity of the parks and the walkways change and the orientation if those properties were to be included.

So, when you look at the overall total of the special area plan, which is the way that form-based code asked you to look at it, you're looking at 67-plus acres,

which takes you to 14.74. We add the additional to it, we would get closer to 80 acres, which would then put us very close to the 12 number, in compliance with code.

So, I wanted to address that so you understand why the density number is more than what the code allows and there were variances.

So, if you'll go back to the other plan. What we'll do is we'll start going past these, come back to those. Those are the development -- okay.

So, we're going to go through the slides of what the architect has used the form-based code to design with the intent along the T4 area. As we go through these I'm going to explain some of the architectural features that are in the variances that are requested so that you can understand why we're asking for those.

The slide here represents a view if you're standing in the -- from the corner of West 22 looking across the street at the current office town homes that exist, we would be removing those office town homes and we will be replacing them with a mixed-use component.

And this would be what the design, what you would be looking at across the street. So the -- one of the -- for example, the variances is the slope roofs and maximum heights of the attics.

The current Kennesaw -- current Kennesaw vernacular

is -- Kennesaw is not monitored, so it's a very historic area and one of the things we wanted to make sure we do is retain that historic charm that exists in Kennesaw.

And by doing that, we then -- in creating building types that are similar to what exists in Kennesaw today, we then are not compliant with the code, which is why we're asking for some of the variances.

So as we go through these you can see the buildings -- the scale of the buildings, three story along the Cherokee Street corridor is compliant. The roof pitches are not. But the roof pitch, the building design is what exists in Kennesaw today.

The form-based code, if you look at the code and the way that architects explained to us for several days, you end up with a very modern building if you use the code, something -- not necessarily modern but the character that'll you see as we go through this doesn't exist.

It would be more like the straight front building downtown right here in front of us with flat roofs. That would be the type of look and that really is not the character that you see as you come in through the Cherokee Street corridor.

The interior mixed-use piece is a combination of retail, restaurants and office spaces above. So the upper section is office space that's blended in with

retail and restaurants below.

A lot of these are very similar in nature. This is the courtyard that is looking from the street, looking through the buildings. This is the internal courtyard. Go to the next one.

That's West 22 is over here for your orientation and be looking back this way at it from the other shot we had a minute ago. Just some lifestyle shots of the buildings, giving you the scale of those areas.

This represents -- it's hard to see on this picture. But this is a stop sign -- excuse me, a stoplight. This is the proposed new realignment of Maple Drive where the -- if you'll toggle back for a second to the site plan.

So currently there is a street called Pine Drive that is approximately here. We would be removing that street and realigning this street to align with Maple.

The reason why is if you look at Maple and the Tara subdivision, it is the northern most street and gets the majority of the traffic in the traffic studies that we have done.

All the streets that empty out, Dobbins and Smith, Maple generates the highest amount. And then as you go south toward the existing intersection at where Ben King comes in, the realigned intersection, the improved

security, the Cherokee Street improvements, those are the two areas basically that feed into the Tara neighborhood.

So what we did is we aligned the main entrance into the mixed-use component, put a new boulevard directly across. Currently, this is two lanes wide, very narrow. When this finishes this is going to be five lanes with a divided median, so the scale changes significantly.

And it will warrant the traffic light -- the new traffic light will go here, just from a safety standpoint for the residents of Tara to be able to exit onto Cherokee to go northbound.

If you go back to the other pictures, go to the next one. Next one. One of the proposed uses in the -- in this area is a village market, a 36,000 square foot grocery store that doesn't exist in this area. The closest grocery store to the area would be all the way out at Kroger or Publix.

And there will be additional households that we will be adding to the area. There are grocery stores already looking in the area so we went ahead and designed one into the mixed-use component so that we could make sure that the need is met and that my architectural standpoint, that is incorporated and is compliant with the look of the street.

There is another elevation of the marketplace here.

Now, if you go back to the site plan, I'll show you where that's at on the site. That is this building right here. So this building is a residential building.

And this portion on the ground level is the village market, so there is living above the village market. It's a true mixed-use, live-work-play little village here.

The periphery, which the form-based code calls for, is to take all of the buildings and reverse what you see across the street. The shopping center that's currently here and then to the north of West 22, those two shopping centers have a layout that has parking in front, so when you drive past them you see a sea of cars and the buildings are behind.

The form-based code changes all that and it takes all the buildings and pushes all those to the street and then parking drops behind it.

So when you drive down Cherokee Street you now get a totally different feel and presence going through the area than you currently have. And that village market will be visible from the intersection across the green to be located in this area here.

This is a one-acre village green with open air market. Got a picture located in this area here. Sort of a community amenity that will be used by the public

for art shows and weekend events, music, that type of thing.

That is a shot of the storage. We'll come back to that in a second. The location of this right here, you can see in the background it's mixed-use buildings we were looking at a minute ago.

This is zone 600 feet down. The village green that I was mentioning, there is an open air called a market that would be placed in the middle or in front of the development so that you can see through, as you come down Cherokee Street, the entire internal architect buildings and activities that are going on in this particular area.

Go to the next one. This was a little hard to see, kind of washed out. Stop for a minute on this. If you can zoom in on the -- zoom in. I want to see --

MR. RHODES: That help?

MR. HOWIE: That did, yes. So this is a section through the buildings that we were just looking at. And if you will -- I'll ask you to flip back one more time to the site plan and orient you with this.

So the section that we look at is literally sliced right through in here, okay? And the reason why this is important, it goes back to the topography. This area of the site is approximately 40 to 50 feet lower than Cherokee Street right here.

One thing that we want to make sure that we're doing from an architectural standpoint and to be in compliance with the form-based code is to keep the height of the buildings the same.

That is the intent of the code is that the buildings are not going up exceptionally high and that they also don't drop off. So the way that we're going to address that, if you go back to the other drawing, is in a mixed-use area.

One of the number-one issues you have, if anyone has been to downtown Woodstock, is to try to find a parking spot. It is difficult to find, even during the middle of the day. So parking is the public's number-one concern when they look at a mixed-use development.

The way we're going to address that here is so that there is ample parking in the topography as it drops from Cherokee Street and drops down the 40-plus feet to the back. This drawing right here depicts what we're going to do.

There will be three stories, which the roof lines line up with Cherokee Street and McCollum, and we're going to put two layers of parking underneath the building.

And what that's going to do is give, because of the way that Cherokee Street -- if you go to McCollum at the

intersection of McCollum and Cherokee and you go south on Cherokee Street towards this building, the grade not only falls away from Cherokee, but Cherokee falls down.

What we're going to do is keep the building height the same so that the roof lines and the elevations are similar and we're going to capture the grade underneath of the parking.

And the parking will have elevators to the residences above the retail so that the residents are not using the parking that the public would need to be able to use the restaurants and the retail.

So we're basically separating the two and putting them underneath the building. And by doing that, we eliminate very large unsightly retaining walls.

If you build a standard building, house, apartment, whatever the structure may be, and you have 40 feet of grade change across an area a hundred feet long, you're going to have to have a substantial retaining wall, and no one wants to see the retaining wall.

So we're going to capture that with the building itself. So this drawing right here represents how significant the grade challenges of the site.

The grade challenge on Tara side is so significant that when we were looking for green space and how to connect the existing neighborhoods to the development,

one of the initial conversations that we had was -- to Tara residents over a year ago was that they like the fact that the area in front or backing up Tara between Cherokee and Tara had been -- what was the word? -- vacant of development.

It's a big, long stretch of property there is two buildings on. So as we were looking at it, we went through all of the different scenarios of how we could develop the property. Kept coming back to the fact that when you go out on Google Earth and zoom out, there is not a really nice park for the surrounding neighbors to come to.

There are parks in Kennesaw. The park exists right now in the Chalker neighborhood is small and the amenities that are there are dated, I guess you would say.

So the consensus was, we'll take that particular section that has such artery to it and turn that into a very walkable green space and create a really nice park out of it and true amenity for the neighborhood.

So, as I said, we just went through slides for district one. District one is what I would say is a true mixed-use piece of the development.

The next districts we're going to go through are residential in nature. This is district two. District

two is an active adult community that is to the south. If you'll come down, slide down here.

So this particular area here is what I think is a really, really, frankly, a cool development. It is the active adult lifestyle. It has a set of amenities and a clubhouse associated with it.

And internal to the development it has a significant amount of walking trails and an elevated walkway so that every unit has the ability to enter a pathway to get out and exercise every day.

If you go back to the pictures for me. Go to the next slide. It will give you -- so this is the walkway that connects all the buildings. This is two stories in height. So you're able to get out and exercise during the day, go meet the neighbors in good weather and bad.

The buildings have an elevator associated with the building and you can come into this building, go down an elevator and go out if it's raining or snowing and walk covered down to see your neighbor.

The architecture of this particular district is very similar to a lot of the houses that you'll see in Kennesaw area now. This is another rendering of internal courtyard of the development.

This is a shot of special district three. Special district three is on the residential neighborhood on this

side of Cherokee Street. We had several conversations with City staff and with members of the Tara neighborhood and one of the things that was very clear when we came out of those conversations over the past year and a half is that this area needed to stay residential.

And that's what we're proposing, showing here is a single-family neighborhood. It is attached, not detached. The current neighborhood at Tara has detached houses. This will be an attached housing project.

District four is what we're coming up on next. There is another shot of three. Give you an idea of the porches. District four is a special district. What this represents is a shot from -- it's actually right here.

So what's happened to district four when we were looking at this, the road widening project coming down Cherokee Street is going to eliminate a significant amount of parking to existing businesses to the point where it's going to eliminate all of the parking in some cases.

One of the cases that occur is the barbecue restaurant located right here, they're going to lose all of their parking. So what we're proposing is reworking a parking lot and adding a little restaurant node with another restaurant feature here that would allow all of this parking to essentially now comply with the form-

based code.

Since the parking is being taken, the parking needs to go in the rear to be compliant. And what we're proposing to do is come in here with the property we have -- and put in place an agreement with the Tai restaurant and the barbecue restaurant and create a little restaurant node that would be located here and improve the parking for everyone and make it safe. That's what district four represents.

District five is skipped because district five will be a city park, so it's -- there's not really pictures of that.

MR. RHODES: That's this area?

MR. HOWIE: Correct. And then district six is a senior housing community that is proposed in this area that's located right here. And it backs up to the current Kennesaw Station Town Homes.

Now, as you see these right here, one thing I want to point out -- we'll go to this map. You see how these buildings are -- those are -- back up against the property line.

And it's important -- if you'll back up one slide. Let me show you what these represent. So the height of these structures, everything else you're seeing so far has been -- on the mixed-use side has been three story.

The senior housing community is designed in such a way, if you go back to the site plan again, that all of these buildings are two story with a sloping roof that slopes back to this direction towards the town homes to make sure that they don't tower over the town homes.

They're basically a mirror imaging of the existing town homes that are there today. This is a town home project so they're complimentary behind each other.

So if you'll zoom in here, the current town homes that are in this area right here are set basically halfway up the property line, so there is an existing 30 to 40 foot vegetated, tall, wooded bumper that already exists between these.

And the elevation is such that the -- obviously, this is not being redeveloped. There is an extensive buffer already, so what we're proposing to do is fence and carry it all the way down behind the existing buffer here.

So the form-based code looks at the existing buffers and assigns a size and a type to it. And if the type exists, then we're simply going to complement it. So as we go through this buffer diagram, I'll show you how that works.

So internal to the neighborhood there what we would be constructing, the -- there are -- there are no buffers

between the uses that we have internally because we're designing the community to this form-based code standard for the buffer.

So these exist -- we're doing those from scratch. What I want to be concerned about is existing neighbors, make sure that the existing business and residents are not impacted by the development negatively. That's the purpose of this buffer diagram.

So if you'll go to the south, start going through this. There will be a vegetated 15-foot buffer and a six-foot fence that will take and wrap all the way around this portion of the property here.

The current vegetated buffer exists and a six-foot fence is missing. So this will be compliant with form-based code now by adding this buffer here.

There is a -- this is the city park currently. It's shown as the -- the word is "greenway," but this is the park area. And then there is a -- this parcel is shown vacant at the moment.

This parcel is included in development, this parcel and this parcel is not. So there would be a six-foot fence, a vegetated buffer along this area here. They abut Poplar Drive so we don't do anything here.

And then this particular side of this lot here abuts Russell Drive, so there would be no buffer there. So the

only buffer that would be required is to the south side, we would be installing that.

We will be realigning a road internal to the Chalker area. This road, the way that this is currently aligned, this new section will be put in place right here. It's actually on the old city maps, it's never installed.

And what we would do as part of this property here is change the road network internally, put this loop road in, and the form-based code then requires that vegetative buffer comes around through here to separate development, which would be compliant.

Between this existing commercial -- if this is a residential house but it's used as a commercial business in this particular location, we would buffer that with a vegetative buffer and fence as well.

If you'll go to the other side. So the obvious buffer to all of the residents in this section of Tara is the park. It would also be additional fence comes up through here and then we would have a vegetative buffer that runs between the town home community all the way to the north side.

And that would be the end of the buffer up here, which would then take us back to the last portion that we require to buffer under the form-based code.

The scale of the drawing is such that when you look

at 67 acres, it's hard to -- if you zoom all the way in, you can see -- if you zoom into the park area here, I think it will show up. One of the things that we made sure we did -- so if you'll zoom back out overall, I can describe what I'm trying to show you.

One of the things that is important when doing a redevelopment like this is to have walkable spaces and a mixed-use area where the uses being office restaurant and retail are available to the surrounding community to make sure that those have plenty of arterial connections to them.

So throughout the community we have linear greenways that run through and we have a significant amount of walking trails that go through. None of these communities are gated, which is important to understand.

Because we're not -- we look at a lot of -- you have seen some active adult communities or senior housing communities. We want to make sure that it's still a community, that the lifestyle, while the structures are changing, that the people that are living here are connected, both by foot and by car and that they're not segregated with gates.

And so everything is tied together, which again goes back to how the form-based code looks at how we design the area. So I think we went through all the slides.

That's another building in district six that sits down in the 40-foot section, so the rooftops align back up to Grant Drive. If you go back one, this right here on what is now existing to be Grant Drive. These, the right side of here is Kennesaw Station, so the roofs tie to those and then literally come straight across so that the roof heights stay the same and capture the roof grade by adding a floor underneath the building.

MR. RHODES: That's it?

MR. HOWIE: That should be all of the slides that are -- so I want to go back to one thing Darryl mentioned. All of the houses that you see have one thing in common, and Darryl mentioned it with the form-based component.

While the colors are just represented by an architect, the architectural style that you see is driven from two things: One, the Kennesaw vernacular, and, two, the form-based code requirements.

And those requirements are comprehensive in nature but they don't allow for any development that has the type of challenges that this one has, with topographical component to it as well as trying to match up to the existing streets.

One of the things the form-based code would require if we were building this on just a blank piece of

property is to take and do a grid, literally create squares and you design all of these and push all the buildings out to the front of those squares.

With obviously curves involved and the topography involved, we have to realign those streets, abandon a significant number of roads and then put it back together. But unfortunately, putting it back together, we have to tie to what makes sense from a standpoint of transportation.

The transportation network that exists here is driven by existing neighborhoods that we can't change, and those unfortunately are not compliant with form-based code.

So that's why you see the variances that you see in relation to several number of those districts.

MR. RHODES: I guess it would be appropriate at this point for questions. Commissioners, I would assume you have a couple? One question I would have would be percentage of rental versus ownership. Is there a ratio or projected ratio?

MR. HOWIE: There are -- it's approximately 50/50 when you look at the ratio of for sale versus -- when I say 50/50 -- there is a number of ways to answer that question. When you say a ratio, are you asking for the number of units versus --

MR. RHODES: No, a percentage would be fine, just a general idea of what you guys are --

MR. HOWIE: The for sale requires a substantially larger amount of space. So if you look at the development on the left-hand side, you'll see a significantly larger piece of property than, say, the little -- see this area right here has 225 units in it and just sits right here. This area all the way down to here only has 90.

So when you look at the total 850 units proposed, those districts are not tied to land mass as much as they are to actual locations on the site plan. As far as the district types, district one is for rent. District six would be for rent. District three is for sale. And district two is for sale.

MR. RHODES: Okay.

MR. HOWIE: That's the way to describe it.

MR. RHODES: That give me a good idea.

MR. PERDUE: Has a construction site logistics plan been developed at this point? And if so, where does it fall in relation to the --

CITIZEN SPEAKER: I can't hear.

MR. PERDUE: Can you hear me now? My question was, has a construction site logistics plan been developed at this point? And if so, where does it fall within the

time line of the street widening? And if so, has that -- have you also taken into account the other construction that's planned around here around roughly the same time?

MR. HOWIE: Yes. So couple points. The Cherokee improvement, Cherokee Street improvements that are going to start at essentially McCollum and go down to Ben King have a time line on them of approximately 12 to 15 months in talking to City staff.

MR. PERDUE: Starting?

MR. HOWIE: The City is in the process of finalizing the right-of-way acquisition they're working on and those -- they have not been able to acquire the right of way for this piece right here due to the fact that we have been coordinating working on this and the right-of-way acquisition would be simpler if we do it at one time rather than going, as they did south Ben King and going to every individual owner.

So the process of construction coordination for that piece is approximately a year out. From the standpoint of the construction timing, when we would start, which goes back to a point you made to Darryl earlier, is that if we just were to demolish one house, does that trigger the two-year piece?

The way that we're currently structured is the land acquisition is set up so that the -- from all of the

property -- all of the property that you see is acquired at not one day but at one time in a given period of time.

But we purchase all of that property, then that creates a $275,000, basically, per month expense, so that drives construction schedule immediately. And going and tearing down a house to get it started to preserve a date is not -- I understand your concern that that would be -- I want to make sure that trigger is taken care of, but from my perspective when we acquired this property, we are ultimately incentivized by the sheer cost of it to immediately move forward with all of that.

The point that Darryl spoke to regarding construction timing with when we start Mayor and Council would taken under advisement this last meeting will be in December and then it will take approximately six months of design work to go through the process of permitting, or LDP permits, and then we will start the process of infrastructure by district and then we will start building construction.

So the timing would align perfectly as we work the staff over the last couple of years working on this where they're getting ready to start in early spring with those improvements.

Our demolition that would be going on that would be contained within the site will be going on

simultaneously. So the certificate of occupancy and the buildings coming online will align basically a year and a half out during construction process takes about 12 months for that to be able to make sure that the two align together.

MR. PERDUE: I appreciate that. It answers part of my question. I guess mine is more directly related to egress and lack thereof at the moment and with other construction projects.

Where -- are you going to have construction thoroughfares that direct traffic outside and away from students and/or Cherokee Street?

MR. HOWIE: For the road improvements or the --

MR. PERDUE: Construction traffic, construction egress.

MR. HOWIE: Okay. Well, the construction traffic to the site would be, for that first majority of the period doing construction of the roads going on, is limited to site demolition.

To demolish the structures that exist here, we would not be -- you wouldn't see dump trucks heading down the road every single day. Not going to do that. We would take and consolidate those materials, remove all the products.

The only thing that we would see do work, most of

times that occurs after the traffic cycles, in the evenings, with both students and with the people going and coming to work.

The mobile homes that have to be removed, we do that in the evening, pull those out so they wouldn't block traffic. There are a significant number of mobile homes that would be literally demolished on site. Cobb won't allow you to remove them so we demolish them.

That process by district will take a pretty significant amount of time. But to be able to cost-effectively do that, we would not have a significant amount of traffic going to and from the site until after the road improvements are made.

MR. PERDUE: Thank you.

MR. RHODES: Questions?

MS. MICHAEL: I had a couple.

MR. RHODES: Yes, ma'am.

MS. MICHAEL: On the section five that's the two- and three-story buildings, you said those are for sale -- on the right side of the road on the lower section where it's the green rectangles --

MR. HOWIE: Yes, ma'am.

MS. MICHAEL: You said those are for sale?

MR. HOWIE: There is a -- an architect is doing the site plan. I can't see it from here. Zoom in. At one

time when we were working through it, it keeps showing up as for rent TBD; is that what you're seeing?

MS. MICHAEL: Yeah, it says senior TBD.

MR. HOWIE: Yeah, right.

MS. MICHAEL: But those are going to be for sale?

MR. HOWIE: Those are condominium for sale units.

MS. MICHAEL: But the parking for all of them is across the street?

MR. HOWIE: Not across the street. It's internal to the --

MS. MICHAEL: Yeah, internal. But if I live on Cherokee Street, I've got to walk quite a ways to get --

MR. HOWIE: You walk through covered parkway into the parking, correct.

MS. MICHAEL: And what are the -- along the edge of that parking area over there?

MR. HOWIE: Those are garages.

MS. MICHAEL: That was what I wanted to know. And another question in your variance list, you talked about outbuildings and cottages?

MR. HOWIE: Yes, ma'am.

MS. MICHAEL: And something about them being habitable, so explain that.

MR. HOWIE: So the form-based code and the zoning of the T40 does not have a specific place for the type of --

the construction type that we would be building.

One of the -- what we're proposing for the senior housing community has not been built in this market. You haven't seen anything like it, which creates a code problem. Because if it hasn't been built, there has been no zoning to address it.

What that means is the fact that we're building individual cottages, but on one piece of property is considered an accessory structure under T40. That's why we need to have that variance to allow us to do the cottages but owned by one entity on one piece of property.

MS. MICHAEL: That makes sense.

MR. RHODES: They would be a studio type cottage?

MR. HOWIE: Yes.

MS. MICHAEL: And another question on the town home section, section three on the other side of the road. There at the top there is an open space area. I don't see anything --

MR. HOWIE: That one?

MS. MICHAEL: Yes. I don't see anything presenting amenities for this. Is that an area, the green circular area, is that a village?

MR. HOWIE: It is. The town home community is being conceptual. It would have its own set of amenities. You

would have an open lawn area for a dog park area. We would have an area that has an outdoor gathering with fire pits, gas grills, open arbor where people gather, go in all together with neighbors and have a little block party type events like that.

There is not a -- there is not a pool located in this community. In doing that we -- in the layout of this, as we thought through the different types of single-family living we could put here, the amenities for this particular area is not -- if you look at amenities that typically have swimming pools and clubhouses, they're typically gated communities.

And in this case, we're making an effort not to gate the community. And just the sheer safety factor of having the pool, people coming in and jumping fences, that kind of thing, we decided not to.

MS. MICHAEL: Will there be an HOA?

MR. HOWIE: Yes, ma'am.

MS. EDWARDS: I have a couple of questions. I was wondering if you could describe the rental model, the rent-by-bedroom concept. I'm not one that's familiar with how that would work in an application.

MR. HOWIE: The rental model rental by the bed is something that you typically see in student housing, but I like to use a different analogy than that. Have you

ever seen a show "The Golden Girls?" They lived in a house, they were unrelated, and shared the same common living area and they had their own bedrooms.

The current Kennesaw zone, a lot of communities have a zoning prohibition on unrelated parties living together in the same unit, and that is to prohibit the students from coming in and taking over different areas, resident houses, creating a zoning problem for a municipality.

So the model that we have requires us to have the ability to, by ordinance, allow a lease that rents the bedroom and shares the common space. And the architecture of that is not "Golden Girls," it's not a house, on one hand. On the other hand, it somewhat is.

It's connected residences of bedrooms that have a micro kitchen in them that are connected to a centrally located larger area that has a formal kitchen and living area where they can come together. So they can completely separate themselves or come in, have a communal meal, have friends over, hang out on the porch and share that common space.

The only way that you can rent that without doing a joint and several lease is to have a by-the-bed component. That's what we're proposing here. This particular model is found extensively in several countries outside of the United States. It's been very,

very successful.

It has changed the Social Security dynamics of Norway to the point where they give tax credits now for the residents that live in these communities because what they find is that instead of housing communities that have a long corridor in the building and all of the rooms just come off of that, the quality of life is better because they're more active with the other neighbors.

And, more importantly, studies show that the number of people that any given person will communicate on a yearly basis in the community you're in is going to be no more than 17. You get beyond 17 as a norm as they walk past you, you don't know who they are.

So what we do is we create -- in these communities we create a sense of place that connects adjacent neighbors and gives them that sense of community. It's not for everyone.

There is some people that don't want roommates at all, but there a lot of people that do. My aunt is one of them. She can't wait until this place opens; she wants to move in. My mother is never going to leave her house.

So it's not for everyone, but we do need the flexibility and the variance to be able to rent so that this model will work because, under the current zoning,

we would be in violation and it would be -- we would end up with joint and several leases, and the model doesn't work that way.

MS. EDWARDS: What percentage of the rental units would be under that model, that rental model?

MR. HOWIE: Currently, 20 percent.

MS. EDWARDS: How would you prevent sort of like an Airbnb type of situation from occurring under that sort of framework?

MR. HOWIE: Well, simply because there is one owner, one management company and they can't sublease the unit. That is prohibited under the lease.

MS. EDWARDS: That's all I have.

MS. MICHAEL: So by the bed, that's in the senior district?

MR. HOWIE: Yes, ma'am. And it has the provision in it that it's 55 plus so that students cannot live in the neighborhood, which is one of the concerns that when talking to staff that we wanted to address, that all of the student housing were developed as well, that is a by-a-bed model.

But the way to restrict that, the only class that can be discriminated against legally in the states is age, so 55 plus is how we do that. That regulates the students from living in that particular neighborhood.

MR. RHODES: Any further commission questions? Very good. Thank you very much, sir.

Just as a precursor to the open session is we like to try and keep this to a minimum on each side, either pro or con. Again, we are advisory board for Mayor and Council. No decision will be made this evening.

We'll weigh all the options how the rezoning has been presented and make recommendation to Mayor and Council. Again, those dates will be the 15th and the 7th, 15th of November and the 7th of December.

So if there is anybody that has any questions or comments, if you can raise your hand, we'll acknowledge you, have you come forward, sign in, state your name for the record and you can make your statement. Yes, ma'am, in the back, please.

CITIZEN SPEAKER: Good evening. My name is Donna Norton. I live in Tara at 6010 Ashley Way. In regards to the most recent thing that was discussed is by the bed. If we change that ordinance for them or variance for them to do that, what will it do to Tara?

I don't want my house to be next to a sorority house, where they are now allowed to rent the rooms out to multiple people. So how will that affect us?

MR. RHODES: It's by design but I'll let the applicant respond. What we typically do, he's going to

take note of these questions and he can come up and give you the answer as appropriate for him. Because for me to answer some of these question will be inappropriate, okay?

CITIZEN SPEAKER: Okay.

MR. HOWIE: Great question. When you hear the word "by the bed," you typically think students. The way that we're prohibiting the students is by -- in the variance request is to specifically state that no one less than the age of 55 can live in the community.

So unless the student is under the age of 55, which -- if they're over the age of 55, the propensity for being a bad student and doing things that students do doesn't exist really.

Someone may be a graduate student or married couple that could live there, but that restriction of 55 plus is there for that exact reason, is to prevent students from doing that.

And the -- any purpose built student housing that comes before you and Mayor and Council, obviously the provision of rental by the bed is addressed at that particular location, it's not something that can just be blanket.

Just because you're approving this particular development doesn't mean that the next one is getting

approved or it would be compliant. That's how we address this is no less than 55.

MR. RHODES: Thank you, sir. Anyone else? Yes, sir.

CITIZEN SPEAKER: My name is John and I also live in Tara. And this is not set of up for left-handed people. So I have a couple of clarification questions just so that I get a visual understanding.

So, if I understand correctly -- and here's my visual thing. I'm figuring from wall to wall, this room is roughly 50 feet. So in reading through this paper, if I stand on Cherokee Street and I look over twice the length of this room, I'm potentially, possibly, looking at a six-story structure that close.

I realize it's a facade and it's six stories from the backside. So I'm just thinking about how large that's going to look and how close that is really to the street. And I know that the apartments that we have over here in downtown are five story.

And I have another just clarification thing to make sure I understand. When I inquired of the City previously as to what constituted Tara, we determined that there was 177 homes that lived in Tara.

So let's think 177 homes. Let's do two and a half times. Let's call that 500 cars that are coming out of

Tara. So the apartments that are being -- apartments and condos and town homes. Previously when we spoke with Mr. Simmons, we learned earlier in the year that the City had built or was planning on building within a one-square mile 744 of these.

Now we have 856 additional. That brings us up to, what is that, 1,610? So we have 500 cars in Tara, we'll say, easy math. Now we have 1,610 that are additionally coming down or apartments, condos and town homes.

So if we do the same two and a half times 1,610, that's a lot of cars coming down. That's a lot of construction that's going on. You say that Tara, putting the light in the Dobbins and at 12 Oaks is enough, or at Ben King. Smith is the entrance into Tara. Smith is the entrance, is the second entrance into Tara, not, I think you said Maple.

That's where we need to look at additional lights, look at having other options to come in and out of Tara. That's it.

MR. RHODES: I think that these can be addressed by Mr. Simmons possibly addressing some of the road and infrastructure improvements going on on Cherokee and the applicant can possibly address the height of the building at road frontage. Would you go first in addressing that.

MR. HOWIE: So the height of the buildings, talking

about a visual, if you go at -- if you go out to the corner of Cherokee Street and McCollum, you'll see the essentially two and a half story town homes that are the --

MR. RHODES: Office condos?

MR. HOWIE: -- office condos that are currently there. That is the scale that the first set of drawings represented when you see the retail with the office up above. The difference is now those are literally up against Cherokee Street, so the scale -- the height doesn't grow but the scale does, I guess you would say.

So at this point -- that right there. So this building right here is -- the roof line is no different than what exists today with the current office town homes. There is a dormer window on the front side but they chose not to build one. The roof pitches are the same, the height is the same.

So the building scale that exists today is what we're proposing. The six-story building that you're referencing is behind all of these buildings internal and it sits down 40 feet. The height of the building from Cherokee Street is the same as this, no different.

MR. RHODES: That was the one had the two parking --

MR. HOWIE: Has the two parking garages. That's the only six-story building on the property. It has the

parking garage underneath. So from Cherokee Street or from Smith Drive, that particular location you're not going to see six stories.

You would have to literally go into the development, behind the building and around the backside and down to be able to see the six stories. And that's internal to the multifamily development that would not be seen by the public unless they just made a point to go see that.

From Cherokee Street and from McCollum it looks just like this, no different.

MR. RHODES: Thank you, sir.

Mr. Simmons, would you be able to address the road improvements right there that are going to occur? I believe there was reference to four traffic lanes and one -- I don't like the term "suicide lane," but the by-directional turning or something a little more soft might be appropriate.

MR. SIMMONS: I don't have the -- we have the overall schematic for the whole section and they're all broken down by the intersections, but there will be -- there will be improvements for turning lanes and for suicide lane -- yeah, a turning lane.

The other thing I wanted to mention that I

think what one of the citizens asked about was the simple math for transportation and the cars.

There really isn't a simple math by counting up the units. There is a little bit -- it's a little bit more involved.

I mentioned at the beginning that this is DRI, Development of Regional Impact. Part of that process is that the applicant through ARC and the Department of Community Affairs, they have to go through an extensive transportation study.

It's not your typical corridor, car count, peak time corridor stay that you would see if it was a single lot development.

This is very extensive and is driven by GRTA. It hasn't been done in a simple format but at a higher level of detail that is being done and that is what -- the findings from the review is what Mayor and Council will be looking at.

How traffic is dispersed from Jiles and Wade Green and all the feeder and local streets, all that is calculated to a matrix. And that then will tell you a true traffic impact of how much traffic, how many cars actually come down Jiles and where they branch off as you head into town.

So that's more of an intense transaction

study than just a little bit more than looking at the number of units and times it by two and, okay, everybody has two and a half cars.

I mean, we'd like to wrap our heads around that if it was that simple but it's just not. I guess had I'm saying is that there is going to be a higher level of detail because traffic is an issue that we want to make sure we're addressing.

GRTA wants to make sure, the City wants to make sure and of course Cobb County and the City wants to make sure and that's going to be part of the review process.

MR. RHODES: You may or may not be able to answer this. After Ben King, is there any -- I know that we have in our master plan for the City square, we have substantial improvements, bridges and some other stuff, but anything slated that you're able to discuss or know of from Ben King on down into downtown Kennesaw?

MR. SIMMONS: Of course, we have or SPLOST program project that talks about all of the grids and all of the bypass streets that's been pretty much designed. We have that information where anybody wants it will be shared.

MR. RHODES: I think it might beneficial to

the general public who is interested in this application.

MR. SIMMONS: Correct. I will be happy to provide that information, whoever wants it.

MR. RHODES: Darryl's phone is.

MR. SIMMONS: It's online. I have my card here and I'm happy for anyone that wants my card, I will dig it out.

MR. RHODES: I mean, it's a valid concern from the citizen there about traffic flow and how things are going to evolve over time and how this plays into it. Thank you, Mr. Simmons.

Any other further public comment? Yes, sir.

CITIZEN SPEAKER: My name is Joel Lungsford and I am a resident in Kennesaw. I don't live in the communities that specifically surround this development, but I do own one of the properties that is going to be acquired in this so I guess you could say I have some skin in the game.

But even if I didn't, I would urge you to support this because, you know, if it plays out like they've got it done here, I think this could be really good for the City of Kennesaw.

My wife and I, we go to Woodstock quite a lot because of the development that they have done

there. There have been many times on the way back I have said to my wife, man, I wish they would do something like this in Kennesaw.

I live here. This is where I work, you know. Still going to be in this community. Still going to have my office here. I would really love to spend my money in Kennesaw. This is where I live.

And, you know, like I said, if this thing plays out like they said, I think it would be really beneficial to the City. Anyway, that's all.

MR. RHODES: Thank you so much.

Yes, ma'am, in the back.

CITIZEN SPEAKER: Hi, my name is Anna Ross. I would like to ask a question. The people that live in the neighborhood now, there are a lot of the people that are very poor living in mobile homes. What will happen to those people?

And I know from when Campus Colony was sold they were given some money to move. And some of the people I knew in that area, they moved but they could not find the rent at that low of a price.

So once they spent the money they were given to move into a place, now they're in trouble on

what to do with the rent.

MR. RHODES: I don't know if there is a relocation package or anything of that nature offered.

CITIZEN SPEAKER: We're in one of the areas that has not sold to the development yet. One of the one -- one of the real estate agents that came out and spoke with us first told us that if we did not sell, that in time inspectors would be coming out and they would wind up closing our mobile homes down and we would wind up with just a piece of property sitting there that would be worthless.

And so I'm wondering for the people that choose not to sell and not to become part of the development, not just my family but other people, you know, like other businesses all that choose not to sell, is the City -- are there -- are there any concerns we should have over that?

MR. RHODES: I wouldn't believe that would be the case with Kennesaw, no, ma'am, that there would be some code enforcement vendetta against people that wouldn't sell.

But I will let the applicant address that. Sometimes there is, sometimes there is isn't a relocation package offered.

MR. HOWIE: And the answer to that is, yes, this Campus Colony project, as well as one of the other projects over off of 41, relocation program associated with it, staff associated with it, same thing.

This one is a little bit different, in that both of those communities were single owner, where the mobile home was leased or leased the property.

In this case, we are at two years we're purchasing over 60 individual fee-simple lots where the mobile home owned them, either owner occupied and the owner has a tenant.

Depending on who the tenant is, the owner will be addressing that with the tenant and on an individual basis, depending on which one -- which location it is, then we have plans to address it as well.

MR. RHODES: Okay.

MR. HOWIE: One other -- the comment about the real estate agent. I'll be the first to admit we had a very zealous real estate agent that was fired.

MR. RHODES: Okay.

MR. HOWIE: Some comments that were inappropriate and we addressed that.

MR. RHODES: Appreciate the openness. If there is no other, I want to try to close this up. If there is something new or something you need to get on public record?

Very good. Again, I thank you for your attention this evening. It's good to get involved in the community and be aware of what's going on. Anytime you see those little yellow signs go up, take the time to read it.

It's always something that's going on in your neighborhood or your community and it's good to be part of that. With that said, if there is no other questions or comments from the commission, I will go ahead and call for a motion.

We need to hear these in sequence. Where we hear the rezoning first, I will call for a motion if there is no questions.

MS. EDWARDS: I approve the rezoning request.

MR. RHODES: I have a motion. Do you want to add the verbiage or the stipulations that Mr. Simmons had. It might be good to have those seven stipulations added to your motion.

MS. EDWARDS: With the additional inclusion of the seven form-based code zoning districts for T4l and T40 and variances and variant conditions.

MR. RHODES: Very good. And they were read into the record by Mr. Simmons for the record. I have a motion. Do I have a second? I have a second. All those in favor with a show of hands.

Very good. In addition to the rezoning, the variances as presented and reviewed, call for a motion on those, please.

(off-the-record discussion.)

MR. RHODES: Okay. There is a typo. I'm going to make sure the record states that there is a typo on the variances. They're misnumbered. There are 12 variances. Darryl reviewed all of these and they're part of the public record, but they were misnumbered in a document that we received.

So just to make a point of clarification for the record, there were 12 that were read into the record reviewed by Mr. Simmons and that's what I'll call for a motion on.

MR. BERGWELL: Mr. Chairman?

MR. RHODES: Yes, sir.

MR. BERGWELL: I would move that the variances for 3550 Cherokee Street mixed-use project as outlined under the 12 items specified be approved.

MR. RHODES: Very good. I have a motion. Do I have a second?

MS. EDWARDS: Second.

MR. RHODES: I have a second. With a show of hands, all those in favor. Very good. Again, there are two chances if you have any more public comment or want to be part of the process again, the 15th of this month in these chambers and the 7th of next month in these chambers.

And we do appreciate you coming out and being a part of our process this evening. Thank you very much.

Mr. Simmons, any new or old business?

MR. SIMMONS: No, sir.

MR. RHODES: Take a motion to adjourn.

MS. MICHAEL: So move.

MR. RHODES: Second? Everybody in favor? Thank you very much.

(Proceedings concluded at 9:06 p.m.)

* * *

CERTIFICATE

STATE OF GEORGIA:

COBB COUNTY:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 75 represent a true and correct transcript of the evidence given upon said proceedings.

This, the 8th day of November 2017.

DEBBIE C. HENNINGS, CCR-B-2007
My commission expires the
31st day of March 2018

MINUTES OF MAYOR & CITY COUNCIL SPECIAL CALL MEETING
CITY OF KENNESAW
Council Chambers
Wednesday, November 15, 2017
6:30 p.m.

Present: Mayor Derek Easterling
Councilmember James Eaton
Councilmember Jimmy Dickens
Councilmember Jim Sebastian
City Clerk Debra Taylor
City Manager Jeff Drobney
City Attorney Randall Bentley

Absent: Mayor Protem Nimesh Patel
Councilmember Yvette Daniel

I. INVOCATION
The invocation was led by City Attorney Randall Bentley.

II. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Mayor Easterling.

III. CALL TO ORDER

IV. ANNOUNCEMENTS

V. PRESENTATIONS
No items.

VI. OLD BUSINESS
No items.

VII. NEW BUSINESS
No items.

VIII. COMMITTEE AND BOARD REPORTS:

IX. PUBLIC HEARING(S)

[Attorney Randall Bentley swore-in any witnesses or individuals offering comments on the agenda.]

Agenda items IX-A and B were presented concurrently.

A. Authorization for approval of ORDINANCE of a Master Plan Development requested and submitted by Sanctuary Development LLC for properties identified in Land Lot 99 along Cherokee Street. Project to be known as EastPark Village.

Properties located in Land Lot 99, 20th District, 2nd Section, Cobb County. Said request to rezone parcels as identified on Exhibit "A" from City O&I, MHP, NRC, NS. LI and R-15 to City T4O and T4L under the adopted form based code district. The rezoning request is for the consideration of a proposed mixed use development consisting of commercial, retail, single-family housing, condominiums, apartments and cottages to be developed on the 57+/- acres. Application was advertised in the Marietta Daily Journal on October 20, 2017 and October 27, 2017 with property posting October 26, 2017. Planning Commission at a special called meeting of November 8, 2017 made recommendation by Motion made by Keisha Edwards and seconded by Cindi Michael to approve the form based code zoning of T4O and T4L with inclusion of staff's recommendation and conditions read into the record as follows:

1) Master Plan subject to all recommendations and findings from the DRI regional review by ARC, GRTA.
2) Master plan subject to conditions to be finalized under separate development agreement between the applicant and City of Kennesaw regarding the construction timeline and issuance of certificates of occupancy for residential and commercial components.
3) Applicant to coordinate ROW improvement project for Cherokee Street under SPLOST program to ensure that the project does not undermine city improvement project timeline.
4) Pre and post construction hydrology report to ensure that storm water runoff is addressed and there are no negative effects to adjacent properties.
5) Detailed landscaping buffer schedule and detail will incorporate evergreen trees and solid fencing along all property lines abutting residential and commercial properties not part of the master plan development. Tree variety to be in compliance with city of Kennesaw landscaping ordinance and buffer ordinance in the Unified Development Code.
6) Reversionary clause to be incorporated and approved by all parties that states that construction must be implemented within two years of date of approval. Failure to implement development activity will result in the subject parcels being restored to original zoning district with all privileges for land uses to the property owners.
7) Applicant to pursue any opportunity to reduce the overall residential density impact by reduction of residential units in any of the residential components of the master plan.

Motion Carried: 4-0. Keisha Edwards, Cindi Michael, Cam Perdue, and Don Bergwall. STAFF RECOMMENDATION: Darryl Simmons, Zoning Administrator, recommends approval of the rezoning to the form based code zoning districts T4L & T4O with variances with the following conditions: 1) Master Plan subject to all recommendations and findings from the DRI regional review by ARC, GRTA; 2) Master plan subject to conditions to be finalized under separate development agreement between the applicant and City of Kennesaw regarding the construction timeline and issuance of certificates of occupancy for residential and commercial components; 3) Applicant to coordinate ROW improvement project for Cherokee Street under SPLOST program to ensure that the project does not undermine city improvement project timeline; 4) Pre and post construction hydrology report to

ensure that storm water runoff is addressed and there are no negative effects to adjacent properties; 5) Detailed landscaping buffer schedule and detail will incorporate evergreen trees and solid fencing along all property lines abutting residential and commercial properties not part of the master plan development. Tree variety to be in compliance with city of Kennesaw landscaping ordinance and buffer ordinance in the Unified Development Code; 6) Reversionary clause to be incorporated and approved by all parties that states that construction must be implemented within two years of date of approval. Failure to implement development activity will result in the subject parcels being restored to original zoning district with all privileges for land uses to the property owners; and 7) Applicant to pursue any opportunity to reduce the overall residential density impact by reduction of residential units in any of the residential components of the master plan.

Zoning Administrator Darryl Simmons announced this is the second of three public hearings on the Cherokee Street Corridor project. This is a master plan concept proposal via our Form Based Code consisting of 57.64 acres to incorporate 850 units, a hotel, outdoor market village, office space and retail. Variances will be required due to topography challenges. The Cherokee Street area was identified as a redevelopment area in 2008 and then adopted as part of an updated Comprehensive Plan in 2017. Mr. Simmons introduced applicant Chad Howay.

CHAD HOWAY (Sanctuary Development): This process started two years ago. They have a 6th district special area plan which is a subsection of the zoning code that allows the creation of districts inside those special plan areas. There are considerable topographic challenges including a ridge area with a 60-ft drop off, which are requiring variances. A variance will allow under building for two levels with parking, but the scale and scope will be the same from the road. This is a brief synopsis per district: District 2 will compose of age-restricted senior housing for sale with elevated walkways; District 3 has the T4O overlay, all residential with townhomes, single family, green space, no pool but there will be a gathering space, and two-story – there are topographical issues; District 4 will retain two existing restaurants (Thai and BBQ) but their parking will be impacted. They will add one small restaurant to this area; District 6 will require variance for building height and setback, there is an extensive buffer of 50-ft and they will add a fence, age restricted senior housing, and there are topographic issues. There have been public concerns about possible KSU student rentals, especially by the bed and they are asking for a variance. The area is age restricted to 55+ and they are asking for rental by the bed variance which is how they propose to rent this particular product type of cottage style senior housing set in an apartment community.

7:14 PM Floor Open for Public Comment on Items A and B

DONNA NORTON (Tara resident): Has concerns about 55 and older by the bed – does that variance open it up nearby? There are a number of them now owned by LLC's. How can we give one LLC the option of by the bed and not offer to others? Tara does not want to become the "ghetto" behind the new development. Can the city do something for Tara for this limited income area, such as sidewalks?

City Manager Jeff Drobney commented the City has applied for CDBG funds and federal dollars for stormwater improvements, curb, gutter and sidewalks for this income-impacted area. We need folks like you to help us gather some of the income data and information which people hesitate to supply. Part of being able to apply for this type of funding is based on income levels so the City has to do surveys. The City just installed a new playground a few weeks ago, so we are actively trying to enhance the Tara neighborhood.

DONALD DAVEY (Scarlet Lane resident): He moved to Kennesaw 25 years ago and District 3 of this project is directly behind his house. Right now we're going to have 1,200 people in his back yard so he wants at least a 25-ft buffer to afford him some privacy; right now it's a 15-ft buffer. His house was recently appraised at $150,000 which is not low income, but this will cause his house to reduce in value. There are also drainage issues because the property currently floods now when it rains and needs to be addressed. This construction would cause every house along the back side of the development to flood even more because it is somewhat lower than the little ridge.

7:24 PM Floor Closed to Public Comment

There were no further questions or comments from Mayor, Council, public or staff. No action will be taken until the December 7, 2017 special call meeting.

Agenda items IX-A and B were presented concurrently.

B. Authorization for approval of requested variances for the Cherokee Street Project, known as EastPark Village. Properties located in Land Lot 99, 20th District, 2nd Section, Cobb County. Said requested variances as summarized by staff as to density, setbacks, block perimeter, buffers, building placement, building form, building function, screening and fencing, open space, off street parking and loading, landscape standards and architectural standards. All request for variances are in the T4O and T4L under the adopted form based code district. Application was advertised in the Marietta Daily Journal on October 20, 2017 and October 27, 2017 with property posting October 26, 2017. Planning Commission at a special called meeting of November 8, 2017, motion was made by Don Bergwall and seconded by Cam Perdue to approve the requested variances as summarized by staff as to density, setbacks, block perimeter, buffers, building placement, building form, building function, screening and fencing, open space, off street parking and loading, landscape standards and architectural standards. Motion Carried: 4-0. Don Bergwall, Cam Perdue, Keisha Edwards and Cindi Michael. STAFF RECOMMENDATION: Darryl Simmons, Zoning Administrator, recommends approval of the variances from the form based code zoning districts T4L & T4O. Density, Setbacks, Block Perimeter, Buffer, Building Placement, Building Form, Building Function, Screening and Fencing, Open Space, Off street Parking & Loading, Landscape Standards and Architectural Standards.

7:14 PM Floor Open to Public Comment

See comments in Item IX-A.

7:24 PM Floor Closed to Public Comment

There were no further questions or comments from Mayor, Council, public or staff. No action will be taken until the December 7, 2017 special call meeting.

X. CONSENT AGENDA

No items.

XI. PUBLIC SAFETY

BILL WESTENBERGER, Police Chief
LINDA DAVIS, 911 Communications Director

No items.

XII. INFORMATION TECHNOLOGY

RICK ARNOLD, Co-Director
JOSHUA GUERRERO, Co-Director

No items.

XIII. PUBLIC WORKS

RICKY STEWART, Director

No items.

XIV. RECREATION AND CULTURE

RICHARD BANZ, Museum and Agency Director
DOUG TAYLOR, Parks and Recreation Director
ANN PARSONS, Smith-Gilbert Gardens Director

No items.

XV. COMMUNITY DEVELOPMENT

ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
SCOTT BANKS, Building Official

No items.

XVI. FINANCE AND ADMINISTRATION

GINA AULD, Finance Director

No items.

XVII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR

No items.

XVIII. CITY MANAGERS REPORT – Jeff Drobney

No items.

XIX. 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.

No items.

XX. COUNCIL COMMENTS

No items.

XXI. 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.

No items.

XXII. ADJOURN

Mayor Easterling adjourned at 7:30 p.m. The next regularly scheduled meeting will be held Monday, November 20, 2017 at 6:30 p.m. in the Council Chambers. The public is encouraged to attend.

_____

Debra Taylor, City Clerk

Certified Copy Transcript

In The Matter Of:

City of Kennesaw, Georgia

Special Called Meeting

November 15th, 2017

6:30 p.m.

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CITY OF KENNESAW, GEORGIA

SPECIAL CALLED MEETING

NOVEMBER 15, 2017

6:30 P.M.

Derek Easterling, Mayor
Jeff Drobney, City Manager
Debra Taylor, City Clerk, MMC
James Eaton, Council Member
Jimmy Dickens, Council Member
Jim Sebastian, Council Member
Randall Bentley, City Attorney

* * *

P R O O C E E D I N G S

MAYOR EASTERLING: Good evening, ladies and gentlemen. Welcome to the City of Kennesaw special called meeting for Wednesday, November 15, 2017. The time is 6:34 p.m.

Thank you all for being here. This is a special called meeting, as such we're going to conduct it as a regular meeting. We're going to rise for the invocation by the city attorney and I'll lead us in the pledge of allegiance tonight. Please rise.

(Mr. Bentley leads invocation, followed by pledge of allegiance by Mayor Easterling.)

MAYOR EASTERLING: For the record, quorum is met. Let the record reflect that Council Member Daniel is absent and Council Member Patel is absent. We were advised of that, but he is available by phone if need be. So quorum -- the requirements for quorum have been met.

Ladies and gentlemen, if you believe that you will testify or provide any comments tonight for any reason, please stand to be sworn in.

(Whereupon, those citizens to provide public comment were duly sworn in by Mr. Bentley at this time.)

MR. BENTLEY: When you come up to the lectern, please sign your name and announce your name, as well as address, I would appreciate it. Thank you.

MAYOR EASTERLING: Okay. It is a public hearing for authorization for approval of ordinance of a master plan development requested and submitted by Sanctuary Development, LLC for properties identified in Land Lot 99 along Cherokee Street. This project will be known as EastPark Village.

Mr. Simmons, will you be presenting?

MR. SIMMONS: Good evening, Mayor and Council, ladies and gentlemen. I'll be very brief because I'd like to have the applicant go through the full presentation.

This is a master plan concept which is being proposed under our adopted code for the form-based code that was specifically adopted for two primary areas, the Cherokee Street corridor and downtown central business district.

What the applicant has presented to the City of Kennesaw is a master plan, mixed-unit, mixed-use development over 57.64 acres. It will incorporate 850 residential units, as well as a hotel, outdoor market village, a grocery store, office space and retail as part of a master plan concept.

As regulated by the zoning ordinance, this is going to require rezoning and variance application because of some of the design challenges because of the topography

and other challenges for that area.

So the applicant has detailed all of the variances and the reasons and justifications for the variance requests as part of their application and tonight they're going to walk through the components and the districts or the special districts that's created within this master plan request.

The Cherokee Street area in particular has been identified as a redevelopment area back in 2008. The City of Kennesaw adopted a redevelopment area map which showed 13 areas of interest that we would concentrate efforts on for redevelopment, and the Cherokee Street area is one of the 13.

And that was on our adopted map that was done in 2008 with cooperation and collaboration with economic development, Planning and Zoning Department and the Development Authority.

Then the City adopted an updated comprehensive plan in 2017, and this use -- this plan development does meet the comprehensive plan vision for that area as a master plan concept.

The categories under the comprehensive plan, there are three that encompass this whole area: Planning and development, which is the areas on the eastern side of Cherokee Street along the right of way going east,

including the Chalker Mobile Home Park.

Then you have neighborhood activity center, which is those parcels that front Cherokee Street on both sides heading north and southbound along Cherokee Street.

And then you've got low to medium residential parcels located behind Cherokee Street on the western side of Cherokee Street.

So the mixed-use concept, the redevelopment concept is in line with the comprehensive plan and the vision for this area. The applicant will go through the components of each of the districts and answer questions and staff will be available to answer any questions regarding the form-based code as needed.

Again, the property is one of 13 areas that we have targeted for redevelopment. This special called meeting is one of three public hearings. The first one was November 8th in front of the planning commission. Then tonight is the second public hearing and the third and final public hearing is December 7th, when Mayor Council will have to take action.

So with that, I will yield the floor to the applicant and go through -- they can go their presentation and then Q and A.

MAYOR EASTERLING: Thank you, Darryl.

Please state your name.

MR. HOWIE: Good evening, Mayor and Council. My name is Chad Howie with Sanctuary Development. Thank you for coming this evening. In the planning commission a few days ago I was explaining to them this process started about two years ago on this particular redevelopment.

The parcels in question that we're proposing the development for are a part of the 13 areas that Darryl has mentioned. And we looked at this property about two years ago with a couple of lenders to look at doing a different scale project, one that was much smaller in nature.

But when we went through the area with the lender, the lender's comment was, we love the project you're proposing but we cannot give you any of our resources to go in that area unless some of the other dynamics of the area change.

And so we went back to the drawing board, literally pulled up Google Earth and zoomed out and said, okay, if we make the project larger in scale and scope, what could we do?

And so we took an outline of the boundary of the -- took a boundary -- if you can zoom out for just a second and get you to open one more file for me, if you will. There is a file called T code. That's it.

So this is the -- zoom out. This is the area that represents the overlay that has been -- overlay across the area that Mayor and Council approved earlier this year.

And the purple represents T40, which is -- excuse me, T4O. The O means open. And T4l, L meaning limited. The difference between the two is the transect zone, and the O allows all of the items under the ordinance and the L limits it to residential.

So when the City overlayed, as you can see, buffering the residential neighborhoods to the east and west, you have the L sections.

When we looked at it from the perspective of being able to come up with a comprehensive project, we took this particular diagram and then -- if you'll switch back to the other drawing for me -- we ran the expanse of that line all the way around.

And this basically mirrors the overlay that exists today that's in place. So in looking at the overall site plan, the uses that were allowed under the T4 zoning, we came up with a six district special area plan. Special area plan under the Kennesaw ordinance is a subsection of zoning code that allows the creation of districts inside those special area plans.

When the special area plan is larger than a --

what's certain code section allows, you come up with different districts that separate those districts. We did that with six districts.

In the districts that we have, we want to go through each of those as we go from basically north to south. And the overall plan represents those six in order of the way we go through them.

District one, if you can zoom in. District one is a mixed-use component of the special area plan. In this particular plan here, we have a mixture of uses, as Mr. Simmons pointed out.

We have a multifamily component in this section here. We have a hotel. We have restaurants. Retail store facility here. And we have a large green space and open park area. In the section front here, we have an open market with a village green in the front of the multifamily component here.

This, to give you a variance, this is located at the intersection of Cherokee and McCollum, this way, this location here. Some of the architectural renderings that we have give you a better idea of the scale and scope of what this represents.

If you're standing at the intersection of Cherokee and McCollum, this represents if you're standing at West 22 looking across the street of what we would be

proposing.

The architecture is -- the scale of the architecture under the overlay that exists requires that the buildings be no more than three stories in height. As Mr. Simmons mentioned, we have some variances that we're asking for that I'll go through that are a result of the architect working through the details of the architecture that we're proposing and the building styles to keep the height of the buildings appropriate to the district and to answer the great challenges that we have associated with the area.

The Cherokee Street area along that section of Cherokee Street is a ridge and it essentially has 60 feet of fall from one side of Cherokee Street to Grant Drive. In the middle you have a 60 feet drop.

So where these buildings sit along the side of Cherokee Street, there is a substantial dropoff that you really can't see just driving down Cherokee Street.

When you start site planning it, we get to a point where we have got to create a building that captures grade in that location. So one of the variances that we focused on with the planning commission was the fact that the buildings as represented -- if you can zoom in on this. Little better picture toward the bottom one. That bottom right picture is what I'm looking for.

So this is a slice that goes right through the middle of the project. And this is McCollum and this is the mixed-use buildings that are pushed up to the front with the parking behind and then the building behind it.

The distance from McCollum and then from Cherokee Street from here to the bottom side of where Russell Drive comes to the community is approximately 60 feet.

The only way to handle that is one of two ways. You handle it with retaining walls or you handle it with changing the building height and putting parking for the associated retail under the building. And that's what we're proposing to do, which is why we have the variance for the additional height.

The building basement, so to speak, back here, this section here, the variance called for would be six stories tall on the rear side. I'll point out that that building, even though six stories, is not visible from any of the surrounding streets.

You have to go internally in the development behind the building to see the height of that. From the front side, you will see the same scale and scope as what you would see from Cherokee Street that is currently at the office town homes that you see at the intersection that reside there today.

So the office town homes that are in that location

are represented in the building -- it's hard to see it -- but there is a building that's to the left here. That's the scale of that building.

What we're doing with the grade is making sure that all of the building roof lines do not go above what's currently in that particular area today.

So we maintained the sight line as you come down the street. As we move down from district one, which was this area here, we come down to district two.

District two is a senior housing, for-sale district that has a two-story walkable community with -- it also has elevated walkways.

One of the things that is important for quality of life and for the type of community that we're proposing is that it is extremely walkable. It's tied to the associated retail and neighborhood services that are adjacent to it and is internal to the community -- if you scroll down a little bit.

You'll see that this has an elevated platform and this platform runs through the community and ties the buildings together so that the residents can walk over to see their neighbors on rainy days or it's snowing or inclement weather, they can walk on the down side to the associated retail or to visit their neighbors.

The architecture is similar to what is found around

Kennesaw currently in the scale and the vernacular. I'll move to district three.

District three is located on the west side of Cherokee Street. In the overlay, the majority of this site is in a T4O overlay. We are proposing to limit all of it to residential and not put any commercial uses except for working with the City in what we'll call district four here, a little restaurant node.

There are two existing restaurants that would not change. The barbecue restaurant and the Tai restaurant would be in the existing locations. The issues they have is that when the Cherokee Street Improvement Project starts next year, the parking is going to be significantly impacted in this area.

What we're proposing is adding another little restaurant here to create a little restaurant node along Cherokee Street and then working with the restaurant owners and the City to create a really safe parking situation to allow this to function much better than it currently does.

So the district four, while we do have one picture to look to, it does have a picture associated with it, it really is a parking scenario that we're trying to correct here.

The district three section is a town home community.

It is single family attached. It has -- it is not a gated community. It has access through and to the neighborhoods, sidewalks connect.

There is a large green area associated with it. In the community, we're proposing to have amenities such as grills, gathering area for family gatherings, a play center.

And there would be no -- one thing we brought up with the planning commission is there will be no pool. The reason why is it's not gated and there is a safety issue with people coming in and out of the pool area, so there would not be a pool in that location.

Here's some of the renderings of what it would look like. It's two story. Scalewise, it is the same height and architecture, vernacular is very similar to houses along Cherokee Street currently.

The community, as I said, is very walkable and it has a -- just bringing the -- the type of town home that you currently see around town, it doesn't meet form-based code that the ordinance requires, which is why we have to have some rezoning changes that we're proposing.

In this location, as well as district six that we'll get to in a minute, the topography is one of the most significant problems we have in the site. The form-based code has a guide that we go by to design the community to

a certain standard.

Form-based code also has a, literally, a blank section in it that you can write your own code. Instead of rewriting the code that Kennesaw has already adopted, what we thought was more prudent was to go through and imagine the code architecturally and then see what variances we associated with it before we did a brand new code.

That's why we ended up with the variances that we have. And the town homes in this location, the topography is significant here as well. There is almost 80 feet of fall along Cherokee Street coming down the street along Cherokee Street to the back side of the Tara neighborhood.

As you come down, one of the people brought up in the planning commissions was the height of the fence. The fence, if you can imagine if you want separation between neighbors, we're asking for a maximum of eight feet, not six feet.

The reason why is because if you're in one backyard and they have a six-foot fence and you're on the down side, for that to be six feet, you have to reduce this one to four feet. And then this person doesn't have a backyard that basically they can enjoy.

So it basically asks for the increase in that so

that the person in the downside yard, which is steps down topography, it raises the height of the fence. That occurs also in district six, and we'll get to in a minute.

District four we went over. This is the area that we're going to help alleviate the parking situation when the street improvements are done.

This is just a shot of Cherokee Street, the restaurant in the background here showing town homes, two tied together.

District six is currently along the line with Grant Drive, and the variances associated with this particular piece of property have to do with again building height and with the setbacks along this section here.

One thing this map doesn't show that exists currently is a natural, pretty extensive buffer between the back of Grant Drive and the back of Kennesaw Station Town Homes.

There is approximately anywhere from 30 to 50 feet between the back that's heavily wooded between the two. And we're proposing to put in, in addition to that, a fence that separates the community here.

District six is a for rent senior housing community. It is age restricted. And one of the things that I want to convey with district six that I want to make sure is

very clear is there was some confusion in the planning commission that the -- when we started talking about the type of residents that live in the community, the resident is -- excuse me, the community is age restricted.

Both the variances for district two and district six have age restrictions on them. One of the concerns that was voiced in the community meetings that we had before the planning commission was that the rental could draw students from Kennesaw State University.

And the rental by the bed variance that we're asking for is problematically a part of how we propose to rent this particular product type. It is a cottage style senior housing community, where you have attached and detached residences but they're for rent.

And those particular -- those particular residences are in a different rental model than what you would typically see in an apartment community, therefore we have to ask for a variance for rental by the bed.

When we proposed the variances, one of the things that we made sure we did is include in the variance request an age restriction. So both the -- for all of the districts, in the summary as well as the larger list of variances, all of the districts have similar variances, but those two in particular have a variance

for rental by the bed.

And the rental by the bed is -- would prohibit student housing or students from renting in the community by virtue of the fact that we are restricting the community to age 55 or greater. So we alleviate that issue on the rental by the bed concern.

MR. DICKENS: Could you repeat that.

MR. HOWIE: So the district two and district six where we're asking for the variance by the rental by the bed, it has an age restriction that no one less than the age of 55 can reside in the community unless they're married or -- there is laws surrounding that.

But it would be virtually impossible for students unless a student is 55 or older would not be renting in the community.

going back to some of the challenges associated with the -- go back to the site again. Most of the variances that are associated with the project represented have to do with the site topography. The site is extremely challenging.

And the form-based code only allows -- well, doesn't only allow. It is designed around a development that is built on flat property, and we do not have that here. We have a significant topographical challenge.

So in planning commission we went through

several of those. If you have any questions, I'll be happy to go through those, but each one of them are ones I tried to address this evening to give you an understanding of the challenges associated with it. But if you have any other questions associated in particular with those, I would be happy to answer those.

MR. DICKENS: I do.

MR. HOWIE: Yes, sir.

MR. DICKENS: In the beginning you were talking about the level of the -- had a dip or something.

MR. HOWIE: It's -- yes, sir, it's approximately 40 feet, so it's about four to five stories in height.

MR. DICKENS: So the dip is at least three stories, four stories?

MR. HOWIE: Actually, more than four stories, yes, sir, by the time you fill.

MR. DICKENS: So looking from Cherokee Street, it won't look like some skyscraper?

MR. HOWIE: No, sir. The stated goal of the architect was real simple. If you pull up to the intersection of McCollum and Cherokee and you're sitting at a stoplight and you look across to the development, the one thing that was important is that the scale is no greater than that, no matter where you ride up and down Cherokee Street or up and down McCollum.

It does not get any larger than what currently exists today. And the topography allows us to do that because of the -- one thing that also would not be viable from a retail standpoint is that retailers need to be seen from the street. People drive by, there is a pizza place or there is a coffee shop or there is a favorite bookstore or grocery store.

Those locations have to be on what we call on grade with the street. It falls off so significantly that building the height that we're proposing, if you can imagine keeping all of the roof heights the same for Cherokee Street, it falls away and the building grows as it goes down, so the roof heights stay the same and we keep the architectural intent of all these buildings looking similar in scale to be level with each other.

If we didn't, if you look out from Cherokee Street and you remove the existing office town homes that are there, you would see the tops of the mobile homes behind them and literally just disappear. That's how significant the grade is on the area on Russell Drive.

So to answer your question, you would not have -- even though they're a six-story structure, which two of the structures, two of the levels is a parking deck under the building -- the only way that you can see that is to go -- take the drawing to the north.

The only place that you can see that six stories is literally from this location right here. And this is all the private development here. If you're down in the park that we're proposing to have public access -- there will be a private park that will have public access.

If you're in this area here, you will see that. But if you're up here on McCollum, this is going to be no greater than the drawing that I just represented a minute ago when you look at it this way.

This building basically becomes a natural retaining wall and holds up all the parking associated with this area here.

MAYOR EASTERLING: Sir, I have a question. I want to make sure we are consistent in our actions. Is that the sum of your presentation? This is a public hearing and I want the public to be able to ask questions, if that's the sum of your presentation.

Mr. Fox, do you have anything that you would like to render to us before I open the floor to public comment or would you and Darryl care to stand at the podium. If you would stand at the podium as we listen to public comment.

MR. FOX: Mayor, the only thing I would add at this time for the Council is Chad and Darryl were focusing on the zoning and the variance actions that would be considered in the next public hearing. What we will be

presenting to the Mayor and Council is a development agreement between the City and Sanctuary Development that would be tied to this development.

And that really addresses probably a number of the questions that Council is having in mind in terms of road abandonment, dedication of right of way associated with the Cherokee Street Project, property swaps are contemplated, creation of new public parks that would be dedicated in the phasing and sequencing of the different districts that were presented, but we will be providing that very shortly.

We have been working with legal on finalizing that document. So that is a piece of the overall puzzle that isn't presented tonight.

MAYOR EASTERLING: Okay. Darryl, let me just reiterate, since you're at the podium now, you can correct me, it is a public hearing. There are two items, A and B on here. Both items A and B were discussed in the presentation, the requirements of each.

When we do both -- when it does come before Mayor and Council for a final vote on December 7th, they will be considered independent of each other, but for the purposes of this meeting, the public hearing, both A and B will be subject for questioning?

MR. SIMMONS: Correct. And just to Bob's

statements, a couple of things that are still pending that we don't have that I didn't mention before is because of the scope of this project -- because of the scope of this project, this project qualifies as development of regional impact, which is a criteria threshold that was kind of dictated by the Department of Community Affairs and the Atlanta Regional Commission.

And what occurs when a development of a certain size is presented for rezoning action by local authority, the Atlanta Regional Commission has a format and a program so that it is reviewed regionally by not just the City of Kennesaw but other jurisdictions and agencies for particular things.

In this particular case, there will be an extensive transportation component and study that will be submitted, paid for and submitted by the applicant traffic engineering group to ARC and to GRTA that asks for specific transportation information, matrix and calculations.

And that has to meet their criteria and they will then render a recommendations and findings that will be presented as part of the overall report to Mayor and Council before December 7th.

So you'll have all of that data that's determining impacts, the true impacts of the traffic based on this

development and it will be based on more of a wider scope of study by transportation.

It's not your standard corridor study, but this is going to be a very extensive by GRTA's requirements. So I just wanted to add that, as well as you'll be receiving recommendations from the local jurisdictions, such as Cobb County, City of Marietta, City of Acworth. I think it goes as far as Cherokee County as well because it's a regional review.

So it's going to take time for all of those comments to come in. There is an open window for review. ARC will compile all of those recommendations and they'll make that part of their final recommendations for Mayor and Council's review prior to taking action December 7th. So I just want to make sure you understood that there were some --

MAYOR EASTERLING: Yes, sir.

MR. SIMMONS: -- pending items that we don't have for tonight's public hearing but you will have before you take action.

MAYOR EASTERLING: Very good. All right. Having that information, I hope that makes it a little clearer for those in the audience. At this time, 7:14 p.m., and the floor for public comment is now open.

Mr. Bentley, if you would, sir, please keep a timer

for our speakers limited to four mints. If you would keep the physical timer to keep us straight. The clerk will note the time. Four or five. We can go with five.

Good evening, ma'am. Since you're the first one up, I'll say again, once you sign in, if you would just state your name and your address for the record and the timer will start when you do.

CITIZEN SPEAKER: Okay. It's Donna Norton and I'm at 6010 Ashley Way in Tara. I was the confusion the other night on the 55 and older by the bed at the development meeting.

I understand that this development is for 55 and older. My question is, is by allowing this development to do by the bed, which is an LLC, does that open up the surrounding areas to do by the bed?

And I talked to Mr. Simmons and he said, no, that becomes a boarding house, which is not allowed. The problem is you can stand in my front yard and I can show you seven rental properties, and out of the seven, four are owned by an LLC.

We just gave them the a crack to go through to rent by the bed to college students. That's where my concern comes in. Is there some kind of guarantee or something we can do that will prevent that?

How can we give one LLC the option to do this by the

bed and not give others?

MAYOR EASTERLING: Mr. Simmons?

MR. SIMMONS: I'll try to answer. It's a great question. As you know, we adopted in our zoning ordinance occupancy standards similar to Cobb County as far as single-family residences, and that's three or less unrelated folks could live in a single-family home.

As far as renting by the bed, like I said, it would not be opening a door for a zoning issue because this is specific to 55 and older. And it's also not -- we're not asking or we're not trying to promote, as we define as boarding homes or rooming homes, which is defined in our zoning ordinance.

So we're not opening up any opportunities. If there are any issues in our subdivisions dealing with too many people living in a home, then please let us know and we'll have code enforcement that will address that.

That's been an ongoing problem citywide, whether for LLCs and landlords putting too many people in a home. We even had a couple of cases that went to court where they were running a rooming house. They were renting out rooms with separate keys. And we investigated it, brought it to court and it was addressed.

So if that is a case, we would be happy to take that information and investigate it.

MAYOR EASTERLING: Thank you, Mr. Simmons. I know he took the bulk of your time. You're still on the clock.

CITIZEN SPEAKER: I've got a really quick one here. As everybody knows, Tara has fell behind, too little too late, and now we're playing catchup. The majority of our residents are approaching retirement or are retired or well past retired, which means there is limited income in the area.

We don't want to become -- and I speak for myself and my family, not for the whole neighborhood. But we do not want to become the low income, the -- for lack of a better word, the ghetto behind the pretty houses.

So what can the City do for Tara to help us and our locked-in income families to bring our subdivision up? I'm probably one of the only ones in the subdivision that the first thing out of my mouth would be a sidewalk, and I'll probably get shot on the way home for that comment because nobody else wants them. But I think that's a great thing.

But is there something the City can do for Tara to help us get up to code to look like everybody else in the area?

MAYOR EASTERLING: You want to take that?

MR. DROBNEY: Sure. We are working on that area.

We are in the process and have applied CDBG funds, federal dollars, for both stormwater improvement, curb and gutter and sidewalks. But we need folks like you to help us gather some of the data and the information.

I think we have talked about that a little bit before. Part of us being able to get CDBG money is, quite honestly, based on income levels and so we have to do surveys.

And when we have held meetings with the neighborhood before, as you kind of mentioned, there has been some opposition to providing us with that information and that demographic information.

So anything that you could do to help -- you know, we attempted to work with some of the neighbors previously and had a meeting I thought was very productive.

We just put a brand new playground in, just opened just a few weeks ago. So we are actively attempting to enhance. We have one area that we're finishing up this year that our focus is going to be in the Tara area.

We would love to have some help. So if you're willing to help gather some of your neighbors and such, maybe you participated or not, I don't know, with some of the neighborhood watch efforts.

So if you're willing to help us, we would love to

have that help. I don't know if that answers your question or not, but we are trying as much as we can to get the federal dollars to put into that area.

MAYOR EASTERLING: And I know you may know, but for everybody else, CDBG, Community Development Block Grant. Those are the federal dollars.

CITIZEN SPEAKER: Thank you.

MAYOR EASTERLING: Thank you.

MR. DROBNEY: So if you'll help us, please let us know.

CITIZEN SPEAKER: I'll be there.

MR. DROBNEY: Awesome. Thank you.

MAYOR EASTERLING: Anyone else? I don't believe you were sworn in, so if you would.

(Whereupon, those citizens to provide public comment were duly sworn in by Mr. Bentley at this time.)

MR. BENTLEY: Please sign in and state your name.

MAYOR EASTERLING: Good evening, sir.

CITIZEN SPEAKER: My name is Donald Davie. I'm at 414 Scarlet Lane, which is right directly behind district three, I believe you're calling it. I have lived there for 25 years. It's been very nice to live in Kennesaw.

Right now we're going to have 1,200 people plopped in my backyard. I would like to see at least a wider buffer between those developments and the back of my

house.

I believe it's 15 feet right now, but I would like at least 20 to 25 feet so the people that are on their back porches can't look directly in my backyard when I'm doing things.

As far as I'm concerned, the quality of life is going to be quite a bit worse off than it used to be. My property values are going to go down. I just had my house appraised at $150,000. I just put --

MR. BENTLEY: If you can speak into the microphone.

CITIZEN SPEAKER: I just had my house appraised at $150,000, which is definitely not low income. I believe the value of my house is going to go down when I have 1,200 people moving into my backyard, basically.

Also, there is drainage issues back there. Whenever it rains, it's basically a flood that comes off of that property right now. I don't know if that's been addressed with their plans, but it could be because every house along the back side of that development is somewhat lower than the little ridge that's right there.

So I don't -- I don't know if that's going to be addressed. That's about all I have to say.

MAYOR EASTERLING: Thank you, sir.

CITIZEN SPEAKER: Thank you.

MAYOR EASTERLING: Anyone else for public comment?

Seeing none and hearing none, the floor is closed to public comment. Council, I'll open it up for your questions.

MR. EATON: I'm good.

MAYOR EASTERLING: Mr. Sebastian, do you have anything?

MR. SEBASTIAN: I haven't had a chance to look totally over. What I would like is possibly to take some time before next Monday to meet with the developers and our staff to ask some questions.

MR. BENTLEY: Make sure you have a quorum. We probably can work that out.

MR. SEBASTIAN: Asking the City Manager to set that up.

MAYOR EASTERLING: Council Dickens?

MR. DICKENS: Yes, I would like the developer, if you would, to address the drainage issue.

MR. HOWIE: The short answer is there would be no impact to the adjacent properties. The Kennesaw standards, Cobb County standards and the Georgia standards all require any new development to maintain the existing amount of water leaving the site at the same or less.

And we would work with the engineers to ensure that there is no water or any drainage issues associated with that area coming down across the houses.

There is a pretty significant grade change between the proposed line to the back of those houses. That's something that we have recognized in the way that we have oriented the location.

Let me go through something and show you something here quick to help explain that. The orientation of this -- there is not a topography shown on this drawing, but you see how the town homes are oriented north to south in this location right here? They're oriented all through here located north to south.

The reason why is exactly that issue, to make sure that the water, for example in this location here, where the drive behind comes around, we oriented the buildings in such a way that, one, the buildings stack down the slope so the water runs this direction, down to the detention area, rather than leaving property running this way.

In addition to that, since all of these face north and south, there are no -- there is no one looking -- the comment was made that you're

looking in my backyard.

We're very sensitive to that. And in addition to the buffer that we're proposing here, there is a natural buffer that exists already. We add buffer to that, as well as we add a fence to it and then the back of these town homes that face east-west, the back of this, per the Kennesaw code, is that the garage faces the alley.

So there is no one that lives in these units here that can look back and see the houses behind. So we have been very careful to make sure that, not only through the vegetative screen but also oriented the buildings, to make sure they're not looking down on the other neighbors.

MR. DICKENS: So you're saying that, for example, this gentleman's property, they wouldn't be able to see inside his backyard?

MR. HOWIE: I can't say they won't look inside his backyard from the standpoint of walking along somewhere on the site, but the way that they're oriented here, they would not be looking in the backyard. It would be literally physically impossible to do that.

MR. DICKENS: That's all my questions.

MAYOR EASTERLING: Thank you. Well, without

any further questions, do you have -- Mr. Simmons, anything else to report?

MR. SIMMONS: No. I would like to apologize. I think it was brought to our attention as we were adding more information on our website, the conceptual plan for some reason was either replaced or it was dropped automatically.

So we're going to make sure that for December 7th, we're going to make sure everything is on the website and also on the agenda packet, we're going to have.

I'll work with the City clerk to make sure we upload just about everything from soup to nuts to make sure it's all there. We're just trying to get the most recent information.

There are so many changes and revisions, we try to put the most accurate information that was there, but we inadvertently -- it was updated before, but the plan for some reason was substituted or knocked off of the website.

So we're going to double-check that and add everything, reload everything back up there. If anyone has any questions about it, please contact me. But we want to get as much information on our website so everybody can see it.

MAYOR EASTERLING: Thank you very much. Ladies and gentlemen, without any further business, this special called meeting is closed. It's 7:30 p.m. Thank you all for being here. Please drive safely home.

(Proceedings concluded at 7:30 p.m.)

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CERTIFICATE

STATE OF GEORGIA:

COBB COUNTY:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 35 represent a true and correct transcript of the evidence given upon said hearing.

This, the 15th day of November 2017.

DEBBIE C. HENNINGS, CCR-B-2007
My commission expires the
31st day of March 2018