



*Doug Rhodes – Chairman,  
Cindi Michael – Vice-Chair,  
Dan Harrison, Don Bergwall,  
Phillip Jackson, SaVaughn Irons  
Lacey Ragus*

## KENNESAW PLANNING COMMISSION

September 1, 2021 – 7:00 P.M.

Meeting Minutes

City Hall Council Chambers

### Upcoming Mayor and Council Meeting: September 20, 2021

**This public meeting is being conducted via the use of real-time telephonic technology allowing the public simultaneous access to the public meeting. The meeting may be accessed using Facebook Live via the following link: <https://www.Facebook.com/City of Kennesaw/>**

You may attend the meeting in person with limited seating available at both the City Hall Council Chambers and the Ben Robertson Community Center, if needed. If you are unable to attend in person and will like to provide public comment on a specific agenda item, you can email [kennesawcouncil@kennesaw-ga.gov](mailto:kennesawcouncil@kennesaw-ga.gov) no later than 6:00 P.M. the night of the regular meeting. Your comment on a specific agenda item will be read aloud or grouped into categories for the record. Please note that the Planning Commission serves as an advisory board that makes recommendations to Mayor and Council unless otherwise noted.

- ❖ Mr. Simmons makes a special announcement describing the tone and processes of the evening's meeting. He states that things will move a little slower due to additional processes dealing with language so that everyone will understand what's being said and be able to participate. He introduces Ms. Tanyel Aviles, Zoning Clerk, and Ms. Villar, the interpreter. Ms. Villar will be interpreting between Spanish and English during the meeting. He explains that the meeting will be following Robert's Rules of Order and describes the general outline and order of events. He recites the preamble which is then translated to Spanish by Ms. Villar, and the meeting commences.

\*\*\*Please note ALL transcription is written in English though ALL meeting content was translated by the interpreter for understanding purposes\*\*\*

#### **I. Call Meeting to Order/Roll Call**

- Meeting called to order at 7:00 p.m. by Vice Chairman Michael. Vice Chairman Michael takes a moment to say that the Planning Commission is an advisory board to Mayor and Council, and that no final decisions will be made on any agenda item, only recommendations. All applications will be heard before Mayor and Council on September 20, 2021.
- Roll Call: Cindi Michael, Don Bergwall, Phillip Jackson and SaVaughn Irons
- Absent: Dan Harrison, Doug Rhodes and Lacey Ragus
- Staff Present: Darryl Simmons (Zoning Administrator), Albert Trevino (Assistant Zoning Administrator & Planner) and Tanyel Aviles (Zoning Clerk)
- Applicants present: Garvis Sams (Related Development, LLC), Daniel Harari (Related Development, LLC) and Ms. Amparo Villar Garcia, the applicant-provided interpreter.

#### **II. Approval of Meeting Minutes: August 4, 2021**

- Motion by Commissioner Bergwall to approve the August 4, 2021 Meeting Minutes
- Seconded by Commissioner Irons
- **Motion carried by vote 3 – 0. Vice Chair Michaels abstains.**

### III. Old Business:

1. (A) **AX2021-03** – Consideration to annex property located at 1650 N Cobb Parkway from County Mobile Home Park (MHP) to City Planned Village Community (PVC) as submitted by Related Development, LLC. Said request to annex property is for multi-family residential and single-family attached units. Property consists of 31.12 +/- acres and lying in land lot 207, tax parcel 222.
  - Vice Chairman Michael introduces both case AX2021-03 and case RZ2021-03 together as they will be heard concurrently.
  - Mr. Simmons states that he will be giving a brief presentation, and then allow the applicant to come up. He states that, back in 2015, the City of Kennesaw approved Phase I of this project. This is a Master Plan project with two (2) phases. The first phase, the commercial piece, was done in 2015. It was fully developed on fifty two (52) acres. It includes shops, restaurants and one residential senior apartment building. The mobile home park that is being discussed in this meeting is Phase II, and that will be the residential component of the development. The proposal that was presented to the City by the applicant is to have three hundred and thirty two (332) multi-family apartments and sixty three (63) attached townhome units. The acreage is currently in Cobb County. Therefore, the property must be annexed into the City limits, and then rezoned to Planned Village Community (PVC). The City must follow the State required process to annex the property and rezone it properly. Part of the process is that the application is submitted for review and feedback from Cobb County. Cobb County government has received the application, has reviewed it and submitted a letter of non-objection with recommendations which Staff has entered into the record. As with any rezoning of a property, the City Staff prepared a staff analysis which shows the City's Future Land Use map, and how this proposal is in line with the Future Land Use goals for this area. In addition to rezoning the large tract, which is the mobile home park, this application also covers the rezoning of a portion that's already in the City zoned General Commercial (GC) and Office Institutional (OI). Mr. Simmons states that staff will provide a recommendation towards the end of the meeting. He then invites the applicant to present.
  - Mr. Sams approaches the podium and introduces himself and his support staff. Mr. Sams states that this case was fully presented at the previous meeting. So, it has been heard, considered and held. Typically with a case that has been tabled or held and a full presentation has been made, they don't cover the minutia. So, he'll be brief. The motion to hold and table this case was three (3) pronged. Number one (1), to ensure that there would be an interpreter/translator here. Number two (2), to make certain that Related and its representatives met all the residents of Castle Lake which has been done on a number of occasions. In addition to Mr. Harari and other members of his staff, they've been fortunate to have the City's Mr. Albert Trevino attend some of those as well to have

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the City's presence in those meetings. The Commission has been provided with some information that Mr. Harari has reduced to a spreadsheet for Staff and Commission purposes.

- Mr. Sams continues. He states that, since they last appeared before the Commission, there were several Staff recommendations that did not necessarily coincide with what they had. So, the documentation the Commission has before them shows that they have incorporated all of Staff's comments and recommendations and tweaked, corrected and revised theirs accordingly. The continued coordination with City Staff has been incredibly productive. The property is a 32.6 acre tract located across Noonday Creek from the Fuqua Development that is a mixed-use development anchored by Wholefoods. It was incredibly successful and is the first prong of this mixed-use development. This is the second and final prong with a mixed residential component. This is a part of the overall City's Master Plan which means it embodies the policy and intent of the Mayor and City Council. The development across Noonday Creek is approximately three hundred and fifty (350) square feet of mixed-use components. That rezoning and annexation also required the building of a bridge across Noonday creek which has been done. Obligated through the development agreement, Related is to complete a spine road that also traverses this property. Lastly, they have revised stipulations incorporating City Staff's analysis. Staff has recommended that the applications be approved. The County has no objection to it. It meets with the City's Master Plan. This is a strategic expansion of the City's boundaries, and, more importantly, the City is required by law to annex unincorporated islands which are pieces of property that otherwise had no legal obligation to remain in the County. The City is obligated to do that. So, they ask that the Commission follow Staff's recommendations. He then invites Mr. Harari to speak.
- Mr. Harari approaches the podium and introduces himself. He states that he has been spearheading the relocation effort with the current residents at Castle Lake. Last month, they were deferred because City Staff did not believe that they had a thorough enough plan. He states that, over the last thirty (30) days, they have taken steps to meet with residents individually, and make sure that everyone understands the issue at hand. They did meet with residents on five (5) or six (6) separate nights. They have met with all sixty one (61) residences that are currently at the mobile home park. They informed the residents of the situation and made sure they understood the timing and the situation. They explained to the residents that the park is currently under contract with Related and will be redeveloped. They explained that part of the approval process was to go to Planning Commission. They shared the date of September 1, 2021, and that final approval would come from Mayor and Council on September 20, 2021. They did inform the residents that the current plan is for residents in single-wide lots to be compensated thirty-five hundred (3500) dollars, and residents in double-wide lots to be compensated five thousand (5000) dollars. They also informed the tenants of their options. They can sell their trailer if they aren't interested in moving it. They put the residents in touch with a couple of companies that purchased individual trailers, and a few companies have come out. He states about nine (9) residents have already sold their trailers. So, the residents

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will keep the full proceeds from the sale of their trailers in addition to the relocation assistance funds that Related will be providing them. Thirteen (13) residents have received offers to purchase their trailers, but are currently weighing out their options. They want to talk to other potential buyers to see if they can get a better price, or may even choose to move their trailers instead. Nine (9) trailers have already indicated that they want to move their trailer to a new location for various reasons. Some have very nice trailers or have put a lot of money into their trailers, and they don't think they can sell for the numbers that they would want. Related is in the process of trying to get a final number of residents that want to one hundred percent (100%) move their trailers because Related wants to work directly with moving companies. For instance, with thirty (30) trailers that want to move, Related can work directly with different moving companies with the goal being none of these residents have to come out of pocket to relocate their homes. They understand that thirty five hundred (3500) dollars or five thousand (5000) dollars may not be sufficient. So, they are trying to make sure they know the right number of residents that definitely want to move out. They've already been talking to several moving companies about working with them on bulk contracts to get (inaudible) scale so the residents don't have to come out of pocket.

- Mr. Harari continues. He states there are thirty (30) residential trailers that are currently weighing their options. They're trying to see if they want to sell their homes or move their homes. Backing up, Mr. Harari states that Related has committed to providing funds to residents. At least half of the funds that have been committed to them will be given the week after the September 20, 2021 hearing. But everything is a bit of a moving part, again their preference is to work with movers so no resident has to come out of pocket. Over the next few weeks, there will be other potential buyers/purchasers for the trailers coming to the park, speaking with tenants and hopefully making them offers. Hopefully, they can sell their homes and get funds from that transaction immediately. They already know of two (2) or three (3) potential purchasers that will be coming to the park to speak with residents in the next few weeks. One of the hopes is that, with the funds the residents get from selling their mobile homes and the funds that they receive from Related, they will have enough money to buy a starter home, rent a single-family home or rent an apartment. Somewhat of an upgrade. Related wants to make sure their quality of life is being improved by this process. Mr. Harari states that it will be an ongoing process. They realize that, and realize that they will have to continue to work with residents on an individual basis. For example, one of the issues they've uncovered are title issues. Some folks have technically purchased their mobile homes but the title isn't under their names or there are liens on their title. So, Related is actually working with an attorney that specializes in mobile homes to make sure that they can get a clean title, and be able to move or sell their homes. He states this is not a one size fits all issue, and they are approaching this on a case by case basis. They are one hundred percent (100%) committed to continuing to work with the residents. Mr. Harari concludes.
- Vice Chairman Michael asks if there are any questions from the Commissioners.

- Mr. Simmons approaches the podium. He states he would like to provide some clarification and house cleaning before they enter the question and answer portion. He points out that roll call for the evening had not been taken.
- Vice Chairman Michael takes roll call. \*\*\*Please see roll call Section II\*\*\*
- Mr. Simmons continues. He states this is an appropriate time for the Commission members to ask any questions of the applicant or Staff. When that is done, they will open the floor to public comment, and he wants to offer some protocol for that section. Because there are two (2) rooms, one (1) in the Council chambers and one (1) at the Ben Robertson Community Center, they will take turns speaking. One (1) room at a time. Mr. Simmons asks if the Commission members have any questions or comments at this time for the applicant or Staff.
- Commissioner Jackson asks if there is a reversionary clause.
- Mr. Simmons answers yes, there is.
- Commissioner Jackson states that given the inconvenience and difficulties involved in relocating the residents, he recommends the reversionary clause be removed after the relocations are made. Would that be ok?
- Mr. Simmons states that the reversionary clause is for twenty four (24) months. He states he will let the applicant respond as to whether or not that is enough time, and whether or not it needs to stay.
- Mr. Sams approaches the podium. He reiterates that they did include the reversionary clause for twenty four (24) months. The way it's worded is if, for some reason through due diligence and other reasons, the property is not appropriate (they've done enough engineering to know that's not the case) or things simply fell apart, it would revert back. However, if the Commission would prefer to do away with the reversionary clause after the relocation assistance has taken place that is fine with the applicant.
- Vice Chairman Michael asks if there are any more questions. Seeing none. She states she herself has a couple of questions. She states that she does not see a deceleration lane or a traffic light in the plan. They're going from sixty (60) housing units to three hundred and ninety five (395). That's quite a bit more traffic. Is a traffic light not necessary there on Old 41? It's fairly busy.
- Mr. Simmons explains that there is a traffic light installed as part of the SPLOST project that aligns the entrance and Stanley Road. So, there's a light already installed and functioning at that intersection or that corridor that aligns with the entrance to this proposed development. Regarding the deceleration lane and the entrance, that's going to have to meet all of the City's plan review standards with the Public Works Department and Cobb EMT standards when they go to plan review.
- Vice Chairman Michael states that neither one had been obvious in the supplied visuals.

- Mr. Sams states that they have in their original July 29<sup>th</sup> stipulation where they made provisions for a deceleration lane. Access points shall include deceleration lane and taper. The exact determination as far as width and length of deceleration lane is determined during the plan review process. Also, they are voluntarily conveying any additional right of way needed on Old Hwy 41, and a ten (10) foot no access easement so there can't be any other curb cuts onto Old 41.
- Mr. Simmons states that before they proceed with the public comment, he wants to add another consideration in regards to Commissioner Jackson's comment on the reversionary clause. It's Staff's recommendation at this time that they keep that reversionary clause in. However, he states to keep in mind, because this is such a unique situation, the City of Kennesaw through Mayor and Council can always extend the time period based on the circumstances.
- Mr. Simmons addresses the public and states that if they are willing to speak, to please come up to the microphone, sign in, give your name and your address, and make your comments directly to the Planning Commission.
- Vice Chairman Michael opens the floor to public comment. She asks that Mr. Simmons and Mr. Trevino take charge of calling people up as she is attending the meeting virtually, and cannot see the audience properly.
- Mr. Simmons acquiesces, and invites the public to raise their hand if they would like to come speak. He asks if there is someone at the Community Center that would like to speak.
- Mr. Trevino, who is at the Community Center, states that there is, and has the first speaker come up.
- Ms. Karla Rodriguez is the first to speak. She has two (2) questions. Firstly, she states that her rent is six hundred (600) dollars. She wants to know if after September they will have to pay rent for October, November and December.
- Mr. Harari states that the applicant does not yet own the property, and they hope to close on the property towards the end of November. If residents are still at Castle Lake December first, and the applicant is the owner of the property, then the residents will not be charged rent in December. Before December, they do not own the property, and that question would have to be diverted to the owner of the property. Mr. Harari is familiar with Ms. Rodriguez's situation and will be speaking with the owner on her behalf. Secondly, as he has already stated, the applicant's goal is to facilitate any resident wanting to move their trailer at no expense to them. They do not know as of yet the final number of residents who one hundred percent (100%) want to move their trailer. In the next two (2) to four (4) weeks, things should start to get much clearer. The applicant should get a better idea of who will be selling or moving their trailer in the next four (4) to six (6) weeks. He has committed to Ms. Rodriguez that he will speak to the owner regarding September, October and November rent, but she has the applicant's commitment that

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she will not be charged rent at Castle Lake if she is still there in December. That said, if she moves her trailer as of October 1<sup>st</sup>, she is not paying rent at Castle Lake.

- Ms. Villar, the interpreter, clarifies that if she moves in September then she wouldn't have to pay September rent.
- Mr. Harari states she is correct. That month would actually be prorated.
- Ms. Rodriguez states that she has two (2) children in school, and asks if it is possible to extend the time to the end of the school year.
- Mr. Harari clarifies that Ms. Rodriguez means May of 2022.
- Ms. Rodriguez states yes.
- Mr. Harari states that unfortunately they won't be able to allow folks to stay until May. He acknowledges that it's not an easy situation for anyone. However, depending on where she moves to, they may be able to help with assistance for her kids to be able to get to school. He assumes they may be in an area where they can use the bus, and may move into an area where they can't. There are different options available to explore where the applicant could be able to provide assistance in terms of transportation. But staying until May, from a financial stand point with lenders and investors, unfortunately is not possible.
- Ms. Rodriguez thanks Mr. Harari and departs.
- Mr. Trevino states he has one more speaker at the Community Center.
- Mr. Alejandro Del Ange approaches the podium. He states he has already sold his trailer. He is giving it to the new owner on October 31<sup>st</sup>, but the new owner said it will take him ten (10) to (15) days to move the trailer. So, his question is, does he still have to pay rent in November?
- Mr. Harari says no. As soon as Mr. Del Ange transfers the title to the purchaser, he has no more liability with the park. The new buyer will be responsible for paying those ten (10) to fifteen (15) days. If he signs the title over on October 31<sup>st</sup>, he is gone. He has no more legal responsibility to Castle Lake.
- Mr. Del Ange thanks Mr. Harari.
- Mr. Harari states that Mr. Del Ange has his information and may contact him whenever he'd like.
- Mr. Del Ange also states that he hasn't completely sold the trailer just yet but the process is about ninety percent (90%) done, and he still holds the title until the sale is complete.
- Mr. Harari reiterates that as soon as Mr. Del Ange transfers the title, he is done with Castle Lake, and he will still receive funds from related in addition to the proceeds from the sale of his trailer.
- Vice Chairman Michael asks if there are any more questions.

- Ms. Agustina Mendoza approaches the podium in the Council Chambers and introduces herself. Ms. Mendoza would like to know the time constraints of when the residents will be receiving their assistance funds.
- Mr. Harari states that he has shared this information with residents individually. He states the plan is to release half of those funds the week after September 20<sup>th</sup>, and the balance of the funds will be given to the residents the week before they leave the park. There is also a possibility that, once they understand the number of residents who want to move, they can work with movers directly and pay the movers directly.
- Ms. Mendoza states she has been looking for apartments and places to rent. She states they ask for a deposit, a good credit score and three (3) times the rent amount as an income to qualify. She also states the apartments she has been looking at are about twelve hundred (1200) dollars a month. This is why she wanted to know about the funds she would be receiving. She simply wanted to explain why she had asked the question, and departs.
- Ms. Norma Del Angel approaches the podium in the Community Center and introduces herself. She is concerned about the lean on her title. She wants to know what her options are.
- Mr. Harari states that he has spoken with her on the phone during the week. He mentioned to her that they will be helping people clear their titles. They will be working with attorneys that specialize in mobile homes. From his understanding, Ms. Del Angel no longer lives in the park, but is still paying rent. They are going to work with her to get her leans removed so she has a clean title. They have recommended that she first go to the DMV, and get those questions answered. He will then set up a meeting between Ms. Mendoza, the attorney and himself to figure out the next steps in getting the leans removed. So, she can either move the trailer or sell.
- Ms. Mendoza thanks Mr. Harari and departs.
- Mr. Enrique Pastrawa approaches the podium at the Community Center and introduces himself. He wants to know if the residents of Castle Lake will get their deposits back.
- Mr. Harari says yes, they will be getting their deposits back when they move out.
- Mr. Pastrawa thanks Mr. Harari and departs.
- Ms. Jessica Sepulveda approaches the podium in the Council Chambers and introduces herself. She has been recruited by the applicant and has been working with Mr. Harari to speak with the residents. She praises Mr. Harari for the great job he's been doing during the relocation and departs.
- Ms. Minerva Gomez approaches the podium at the Community Center and introduces herself. She states that in the history of her living in Castle Lake, she has not seen anyone get their deposit back and wants to clarify that they will in fact be receiving their deposits. She mentions that the state of the lots and the number of tickets one may have accrued normally affects receiving the deposit.

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- Mr. Harari states that that was the case when the property was being operated as a mobile home park, and, now as it is being redeveloped, residents will be getting their deposits back. Prior to Related coming in, if a tenant left the property messy, they would not get their deposit back. Now, since the property will be torn down and redeveloped, all of the residents will get their deposits back. He states that they have made that abundantly clear to the residents, and apologizes if the message is not coming across.
- The interpreter clarifies that Ms. Mendoza wasn't referring to traffic tickets, but tickets that were given by Castle Lake for infractions.
- Mr. Harari states that to his knowledge they have not enforced that policy for many years, and that they will not affect the residents receiving their deposits. He states he will communicate with the owner and management to confirm this. He then speaks with the property manager who is in attendance who confirms this, and makes sure that Ms. Mendoza is clear on the fact she will not be receiving any more tickets.
- She states that she is clear and departs.
- Ms. Maria Sanchez approaches the podium at the Community Center and introduces herself. She states that she moved on May 15<sup>th</sup>, but she hasn't moved or sold her trailer. She was also told that she couldn't sell a storage unit as well.
- Mr. Simmons states to the public that this Commission cannot answer those questions. That that is between her and a separate party, and Staff cannot answer those questions.
- Mr. Harari asks what lot number she is in and whether or not she still lives at Castle Lake.
- Ms. Sanchez answers lot one eighty six (186), and that she moved three (3) months ago.
- Mr. Harari states that that is the reason they have not met with her because they've been meeting with people at the park. He states that he will get her information from the property manager and reach out to her directly. But the reason that she hasn't been contacted is because they have been meeting at the park with people who live at the park.
- Ms. Sanchez departs.
- Mr. Simmons approaches the podium. He states that they want the residents to continue to have discussions with the applicant, but the agenda this evening really deals with the new development and the rezoning and annexation. Staff applauds everyone coming out, but most of the questions have been dealing with the rental and resident's negotiations with the applicant. It is important, but they really cannot answer all these questions on this agenda. They're glad the public has come out to voice their concerns, but the public comment is really directed towards questions about the new development and what's being proposed to be constructed there. So, unless there are specific questions dealing with the new development, the public comment needs to be limited to that.
- Mr. Simmons then recommends the Vice Chair close the public comment for the first agenda item AX2021-03, the annexation for the 31.12 acres located at 1650 N Cobb Pkwy.

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- Vice Chairman Michael closes the floor to public comment, and asks if there are any questions from Commissioners or comments from staff.
- Mr. Simmons states that Staff recommends annexation.
- Vice Chairman Michael asks for a motion relating to the annexation, AX2021-03.
- Motion by Commissioner Jackson that the property be annexed by the City of Kennesaw.
- Seconded by Commissioner Bergwall.
- **Motion passes 3-0.**

(B) **RZ2021-03** – Consideration to rezone property located at 1650 N Cobb Parkway from County Mobile Home Park (MHP) to City Planned Village Community (PVC), rezone property located at 1810 Old 41 Highway (parcel number 20020700050) from City General Commercial (GC) to City PVC and rezone 1810 Old 41 Highway (parcel number 20020702270) from City Office/Institutional (OI) to City PVC as submitted by Related Development, LLC. Said request to rezone properties is for multi-family residential and single-family attached units. Total acreage of all three properties is 32.73 +/- acres and lying in land lot 207, tax parcels 5, 222 and 227.

- Mr. Simmons introduces the rezoning, RZ2021-03. He states that, though the agenda items were heard concurrently, she will have to reopen the floor to public comment again specifically to comment on the development and application.
- Vice Chairman Michael opens the floor to public comment specifically related to the rezoning of the property. There is no public commentary, and Vice Chairman Michaels closes the floor to public comment. She asks if there is any comment from Commissioners or Staff.
- Mr. Simmons states that he will read out the conditions for the Commission's consideration after Commissioner's questions.
- Commissioner Bergwall states that, with regard to the rezoning, in light of everything they have seen and what has developed on the adjacent site, there is little question that this is a compatible zoning for this area. It is part of the entire Marketplace development. With all things considered, while it's a difficult challenge for those that are personally involved, this is the correct use for this plan at this point in time and into the future.
- Vice Chairman Michael asks if there are any more questions or comments from Commissioners.
- Mr. Simmons states that he will try his best to summarize all of the twenty three (23) conditions that were referenced in the letters of stipulation that is dated July 29, 2021. It is also referenced and written in the staff analysis that was presented to the Planning Commission. He will do his best to summarize.
- Ms. Villar asks if it is possible to take a five (5) minute break.
- Vice Chairman Michael grants a five (5) minute break.

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- Mr. Simmons continues. He states that, due to time constraints, they've posted the stipulation letter online which states the twenty three (23) zoning conditions that were put together with the cooperation from City Staff. All of Staff's concerns were addressed, and were a part of the stipulation letter. The stipulation letter covers items including: the covenants, the architectural styles and materials, the maximum number of multi-family units (which is three hundred and thirty two [332]), the number of townhomes (which will be sixty three [63]), the reversionary clause, the quality and location of new signage, the network of walking trails, the landscaping review process, the lighting of the property and lighting plan, the granting of the Planning and Zoning Administrator certain authority for minor changes/revisions (not including setbacks, density, etc.), and drainage easements. All of the designs and the plans will be in compliance with the plan review process dealing with the deceleration lanes, right away, dedication of easements for trails (which will eventually connect to Noonday Creek), and underground utilities. This summarizes all of the twenty three (23) conditions that the applicant agreed to, and Staff would like to make it part of the record for rezoning. He is referencing the stipulation letter dated July 29, 2021 entered into the record. With those stipulations, Staff recommends the rezoning, RZ2021-03.
  - Vice Chairman Michael states for the record that item number seven (7) in the stipulation letter states that, "Freestanding signage, including sandwich style retail boards and other signage shall be permitted in accordance with the terms and provisions of the Cobb County Sign Ordinance." Should that not be corrected to the Kennesaw Sign Ordinance?
  - Mr. Simmons states that yes, it will be corrected to the City of Kennesaw sign ordinance.
  - Vice Chairman Michael states she wants the correction on record.
  - Vice Chairman Michael asks if anyone has questions. Seeing as there are none, she calls for a motion.
  - Motion made by Commissioner Bergwall to approve the rezoning request, RZ2021-03, in accordance with the stipulation letter of July 29, 2021 and also in accordance with the aggressive action of the developer to continue to assist the residents of that property.
  - Seconded by Commissioner Jackson.
  - **Motion passes 3-0.**
2. (A) **AX2021-04** – Consideration to annex parcel located at 1880 Old 41 Highway from County General Commercial (GC) to City GC as submitted by the City of Kennesaw. Said request to annex property under the 60% method per O.C.G.A. 36-36-32 and to satisfy O.C.G.A. 36-36-4 which states that the creation of an unincorporated island is prohibited. Property consists of 1.072 +/- acres and lying in land lot 207 and tax parcel 4.
- Mr. Simmons introduces both case AX2021-04 and case RZ2021-04 together as they will be heard concurrently. He states that, because they are annexing the larger tract that is on this agenda, this small tract must be annexed as well to not create a service delivery issue or be in violation of O.C.G.A title 36. With that, the Staff recommendation is the annexation of this parcel at 1.072 +/- acres as well as the rezoning from County General

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Commercial (GC) to City GC. He adds for the record that Staff did follow all of the notification processes. They went to the site. The site is not currently occupied by a business. They made a lot of attempts to contact the property owner via email and phone numbers on record. They utilized Cobb County Tax records as well as certified mail and posting of the property. To date, there has been no response from the property owner.

- Vice Chairman Michael asks if there are any questions from the Commissioners, and opens the floor for public comment. Seeing as there are neither, she closes the floor for public comment and calls for a motion.
- Motion made by Commissioner Bergwall to approve the annexation request, AX2021-04, as presented.
- Seconded by Commissioner Irons.
- **Motion passes 3-0.**

(B) **RZ2021-04** – Consideration to rezone parcel located at 1880 Old 41 Highway from County General Commercial (GC) to City GC as submitted by the City of Kennesaw. Said request to annex property under the 60% method per O.C.G.A. 36-36-32 and to satisfy O.C.G.A. 36-36-4 which states that the creation of an unincorporated island is prohibited. Property consists of 1.072 +/- acres and lying in land lot 207 and tax parcel 4.

- Vice Chairman Michael introduces RZ2021-04, and asks for Staff comments.
- Mr. Simmons states that Staff recommends this City initiated rezoning and annexation. Staff followed all of the protocols both for the rezoning and annexation. The information has been submitted to Cobb County along with the other rezoning and annexation applications. Staff is trying to be in compliance with title 36 regarding cleaning up any unincorporated islands that would be created. So, this rezoning application is being recommended for approval in order to be compliant with O.C.G.A. standards and the City's Comprehensive Plan and Land Use Plan for service delivery.
- Vice Chairman Michael asks if there are any questions from Commissioners. There are none. She then opens the floor for public comments. There are none. She closes the floor to public comment, and asks for a motion.
- Motion made by Commissioner Jackson to approve the rezoning of the property from County General Commercial to City General Commercial as submitted by the City of Kennesaw.
- Seconded by Commissioner Irons.
- **Motion passes 3-0.**

#### IV. New Business

1. No new business

#### V. Planning and Zoning Staff Comments



- Mr. Simmons thanks Commissioners, Staff and the Interpreter.
- Vice Chairman Michael concurs and mimics Mr. Simmons sentiments. She then calls for a motion to adjourn.
- Commissioner Bergwall motions to adjourn.
- Commissioner Irons seconds.

**VI. Adjourn**

- Adjourn 9:39pm.

DRAFT

