



LAND CASES	LAND USE OR ZONING	
	FROM	TO
AV	LU	
AX	<b>RZ2018-01</b>	<b>R-20, PUD-R</b>
DX		<b>PUD-R</b>
HBR	AV – Administrative Variance AX – Annexation DX – De-annexation HBR – Historic Board Review LU – Land Use	
SLUP	RZ – Re-zoning SLUP – Special Land Use	
ZV	ZV – Variance	

**3088 Rutledge Rd & 3057 N Main St**  
**Land Lot 127, Tax Parcels 9 & 23**

 Subject Properties

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

*Diana Eastbrook*  
 MAYOR

*Diana Taylor*  
 CITY CLERK



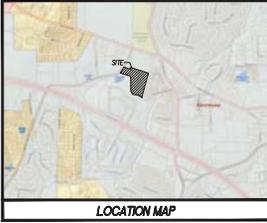
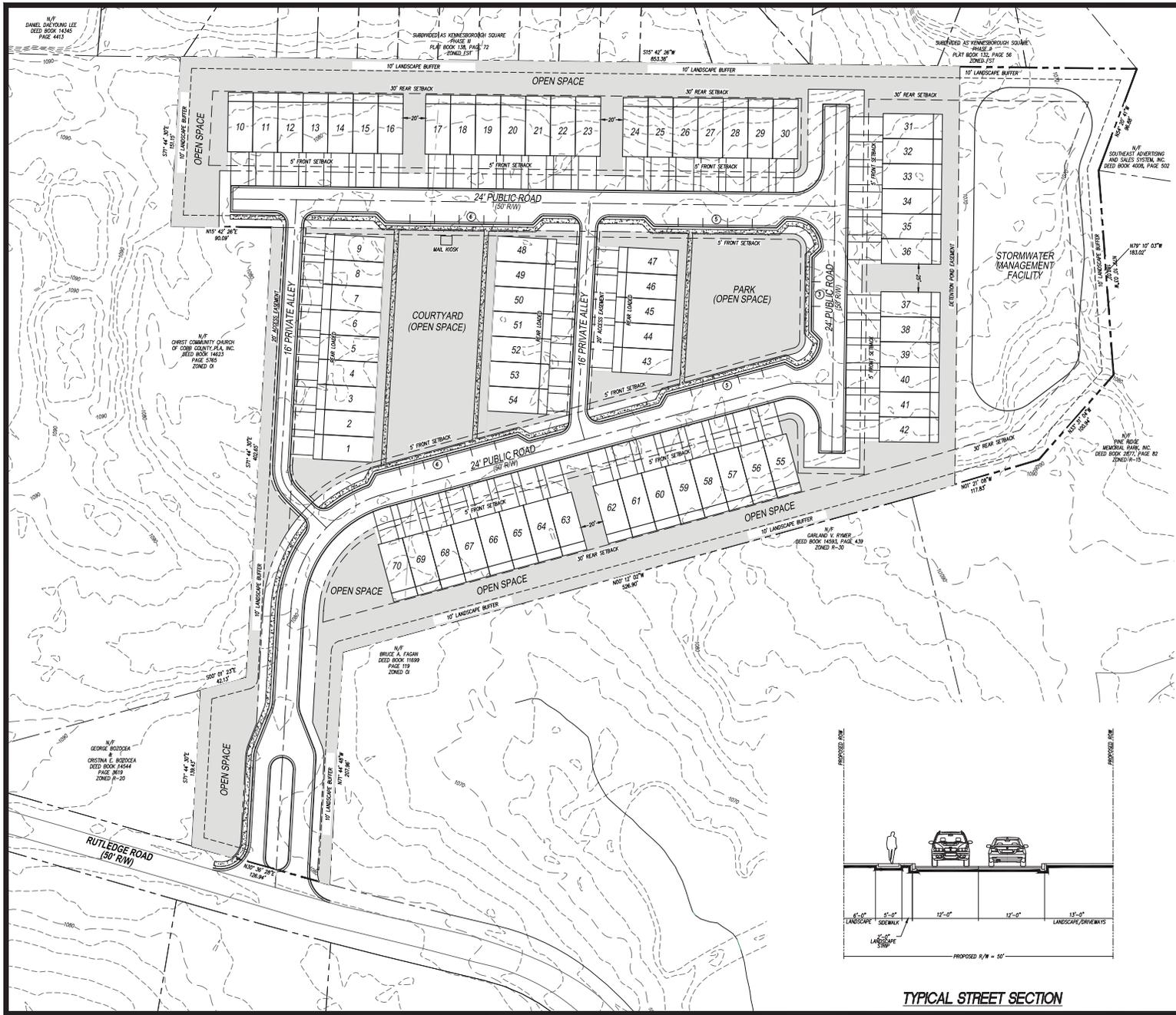
Scale: 1" = 200'  
 Print Date: 11/29/2017  
 RZ2018\_01\_Aerial.ap

 ZONING

 KENNESAW CITY LIMITS

 COBB COUNTY

 LAND LOT



**DEVELOPMENT SUMMARY**

ZONING	EXISTING ZONING	PLD-B
	PROPOSED ZONING	PLD-B
AREA	SITE AREA	8.41 ACRES
	OPEN SPACE	2.13 ACRES
DENSITY	OPEN SPACE PROVIDED (INCLUDING BUFFERS)	2.13 ACRES (25%)
	NUMBER OF UNITS	70 UNITS
	PROPOSED DENSITY	8.1 UNITS/ACRE
SETBACKS	FRONT	5 FEET
	SIDE	5 FEET
	REAR	30 FEET
	MINIMUM HOUSE SIZE	1,000 SF
	MAXIMUM BUILDING HEIGHT	45 FEET
	MAXIMUM COVERAGE	40%

**UTILITY NOTES**

- WATER PROVIDED BY COBB COUNTY
- SEWER PROVIDED BY COBB COUNTY

**STREET NOTES**

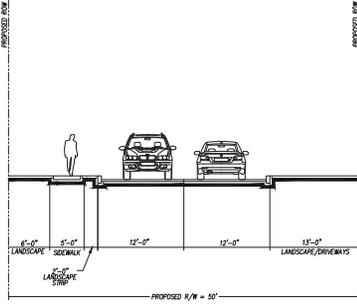
- ENTRANCE IS A DIVIDED ENTRANCE WITH A 20' R/W
- THE MAIN THROUGH DRIVEWAY ARE 24' WIDE TO ROAD WITH A 50' R/W AND SIDEWALK ON ONE SIDE OF THE ROAD.
- ALLEYS ARE 10' FROM BOC TO BOC AND ARE PRIVATE.
- ALL STREETS ARE PUBLIC.

**GENERAL NOTES**

- 1) THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR INTERMEDIATE REGION FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY PANEL NO. LND020005 LAST REVISED DECEMBER 16, 2006.
- 2) THERE ARE NO CEMETRIES ON THIS SITE.

**UNIT BREAKDOWN**

- 22' X 45' REAR ENTRY TOWN HOME - 21
- 22' X 45' FRONT ENTRY TOWN HOME - 49



24 HOUR CONTACT:  
**JEFF SMITH**  
 404.328.6280



THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL CHANGES MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



LAND PLAN  
 RUTLEDGE ROAD TRACT  
 LAND LOTS 127 AND 140  
 20TH DISTRICT, 2ND SECTION  
 KENNESAW, GEORGIA

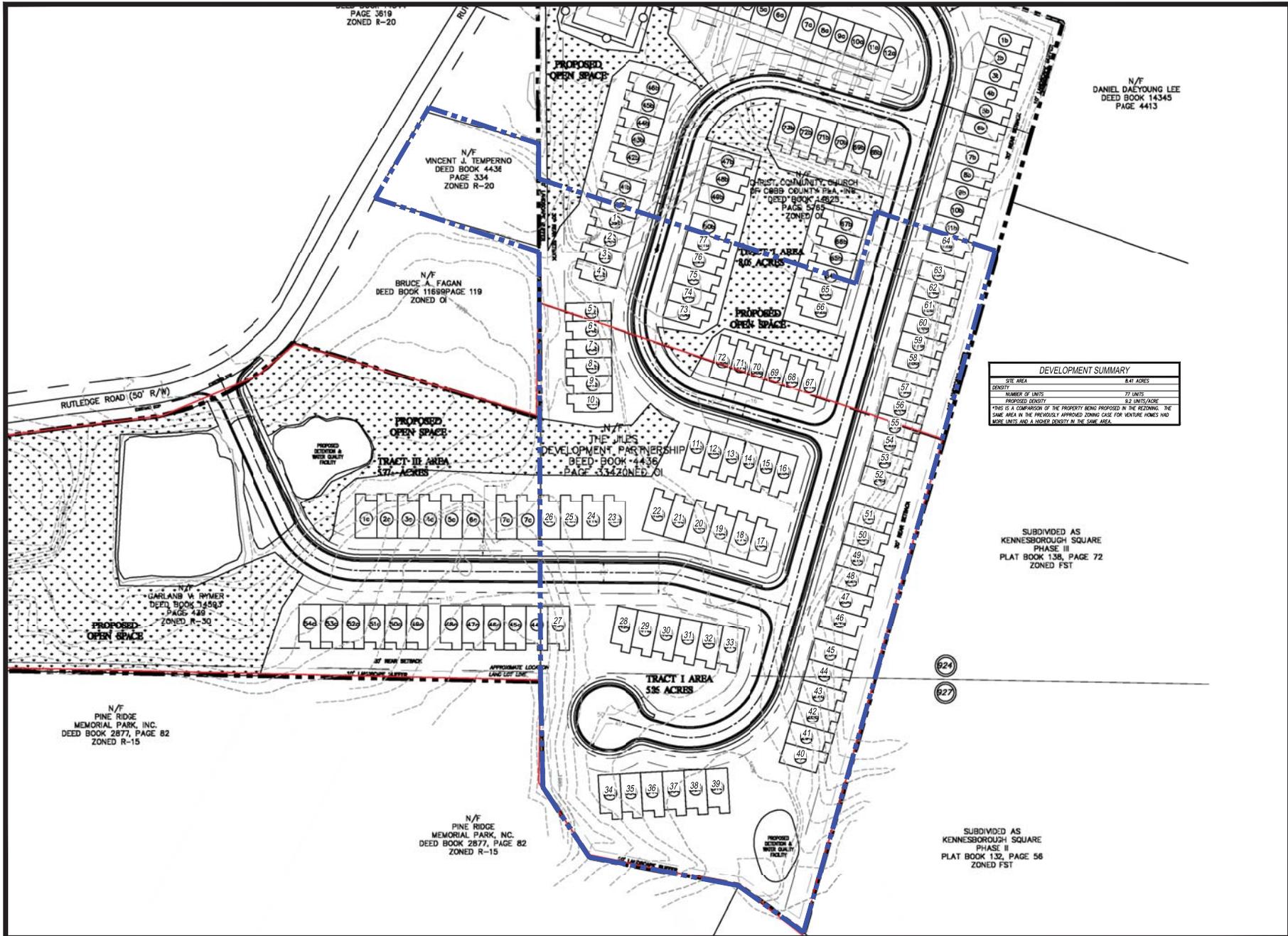
OWNER/DEVELOPER  
 LDS PARTNERS, LLC  
 20 HEADS OVERLOOK COURT  
 ATLANTA, GEORGIA 30328

GSWCC CERTIFICATION NUMBER: 36629  
 EXPIRATION DATE: 08.01.2018



REVISIONS

ZONING PLAN  
**Z100**



**DEVELOPMENT SUMMARY**

SITE AREA	8.41 ACRES
DENSITY	9.2 UNITS/ACRE
NUMBER OF UNITS	77 UNITS
PROPOSED DENSITY	9.2 UNITS/ACRE

\*THIS IS A COMPARISON OF THE PROPERTY BEING PROPOSED IN THE REZONING. THE SAME AREA IN THE PREVIOUSLY APPROVED ZONING CASE FOR VENTURE HOMES HAD MORE UNITS AND A HIGHER DENSITY IN THE SAME AREA.

SUBDIVIDED AS  
KENNESBOROUGH SQUARE  
PHASE III  
PLAT BOOK 138, PAGE 72  
ZONED FST

SUBDIVIDED AS  
KENNESBOROUGH SQUARE  
PHASE II  
PLAT BOOK 132, PAGE 58  
ZONED FST



**RIDGE PLANNING AND ENGINEERING**  
13805 MARIETTA AVENUE, SUITE 200  
MARIETTA, GA 30066  
OFFICE: 770-938-9000

**LAND PLAN**  
**RUTLEDGE ROAD TRACT**  
LAND LOTS 17 AND 140  
20TH DISTRICT, 2ND SECTION  
KENNESAW, GEORGIA

**OWNER/DEVELOPER**  
LDS PARTNERS, LLC  
20 HEADS OVERLOOK COURT  
ATLANTA, GEORGIA 30328

GSWCC CERTIFICATION NUMBER: 36629  
EXPIRATION DATE: 08.01.2018

**REVISIONS**

NO.	DATE	DESCRIPTION

VENTURE HOMES  
REZONING PLAN  
**Z110**  
16025 OLD ZONING PLAN.DWG 11/13/17  
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# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

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

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

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ADAM J. ROZEN

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WWW.SLHB-LAW.COM

November 16, 2017

## **VIA HAND DELIVERY:**

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

Re: Application of LDS Partners, LLC to Rezone a 8.41 Acre Tract from R-20 & PUD-R to PUD-R (attached); Land Lots 127 & 140; 20<sup>th</sup> District, 2<sup>nd</sup> Section, City of Kennesaw, Cobb County, Georgia.

Dear Darryl:

This firm has been engaged by and represents LDS Partners, LLC concerning the above-captioned Application for Rezoning. In that regard, enclosed please find the original Application for Rezoning, including the following:

1. Copies of the deeds reflecting the record titleholders.
2. Individual tract and overall legal descriptions of the subject property. A copy in Word format is contained on the cd-rom.
3. One (1) large scale and one (1) letter sized copies of the site plan prepared by Ridge Planning and Engineering drawn to scale.
4. Elevations/renderings depicting the architectural style and composition of the buildings will be provided under separate cover.
5. Copies of Cobb County and City of Kennesaw paid tax receipts.
6. Directions from City Hall to the subject property.
7. A cd-rom containing a pdf copy of the entire Application package.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY:**

Mr. Darryl Simmons, Planning & Zoning Administrator

City of Kennesaw

November 22, 2017

Page 2

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8. A Constitutional Challenge.
  9. A check made payable to the City of Kennesaw in the sum of Three-Hundred Seventy-Five Dollars (\$375.00).

Once the Application has been processed, I will be contacting you to discuss potential issues which staff may have regarding the application. In the interim, please do not hesitate to contact me should you or your staff have any questions or need any additional information or documentation.

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff  
[phuff@slhb-law.com](mailto:phuff@slhb-law.com)

PFH/klk  
Enclosures

cc: Mr. Jeff Smith, P.E., LDS Partners, LLC (via email w/attachments)

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
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ADAM J. ROZEN

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December 7, 2017

## **VIA EMAIL ONLY**

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

Re: Application of LDS Partners, LLC to Rezone a 8.41 Acre Tract from R-20 & PUD-R to PUD-R (attached); Land Lots 127 & 140; 20<sup>th</sup> District, 2<sup>nd</sup> Section, City of Kennesaw, Cobb County, Georgia.

Dear Darryl:

LDS Partners, LLC proposes to develop a townhome community on Rutledge Road. A majority of the property was zoned PUD-R for a similar community in 2014. However, some of the properties involved in the 2014 application have decided not to sell and LDS has assembled some additional property to create another access point to Rutledge Road. Therefore, LDS proposes to amend some of the conditions from the 2014 rezoning case and to rezone property that is currently zoned R-20 to PUD-R for the proposed new access to Rutledge Road. Kennesaw anticipates this type of development on the subject property based upon the previously approved zoning and the Future Land Use Map designation of Residential High. Following is a list of conditions that are modified from the previously approved conditions that are adjusted for the current property configuration.

1. Maximum net density of 8.3 units per acre with 70 townhomes. The density on the subject property is actually less than the previously approved plans.
2. Minimum driveway depth of twenty (20) feet from sidewalk so no vehicle or portion of vehicles crossing into the sidewalk.
3. Architecture for the townhomes will be similar to the attached renderings submitted by the applicant.

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

## **VIA EMAIL ONLY**

Mr. Darryl Simmons

City of Kennesaw

December 7, 2017

Page 2

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4. Maximum height of all townhomes not to exceed forty five (45) feet.
5. Maximum building coverage to be 40%.
6. Minimum house size shall be 1,400 sq. feet.
7. Front setbacks will be a minimum of five (5) feet as depicted on the site plan. However, the driveways will be a minimum of twenty (20) feet in length from the edge of the sidewalk to the front of the garage ensuring that cars can park on the driveway.
8. Major side setbacks will be five (5) feet from the right-of-way. However, no structure shall be closer than eighteen (18) feet from the curb on the roadway.
9. Minimum side-setback between structures will be fifteen (15) feet.
10. Major rear-yard setback will be thirty (30) feet from the exterior property line.
11. Minimum rear-yard setback will be thirty (30) feet from back of structure to back of structure (interior lots).
12. Open space to be provided within development to be a minimum of 25% or 2 acres excluding ponds and will include a pocket park and courtyard area as shown on the Zoning Plan by Ridge Planning and Engineering dated 11/13/17.
13. There shall be a minimum ten (10) foot maintained buffer along the exterior of the development. Said buffer may be graded and replanted.
14. This original zoning condition no longer applies to the subject property.
15. School bus stops and potential shelters will be coordinated with the Board of Education.
16. Applicant will work to ensure that a proper buffer is enforced for the rear of the property subject to City Codes and staff verification with the cemetery and Winkenhofer Funeral Home.
17. The Covenants will give the Homeowners Association control over rental restrictions.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

**VIA EMAIL ONLY**

Mr. Darryl Simmons  
City of Kennesaw  
December 7, 2017  
Page 3

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18. Applicant will reach an agreement with the cemetery to the south on an appropriate buffer which will include adequate fencing and landscaping to separate the two uses.

With the above-described stipulations, the project will be an excellent addition to the city. Please let me know if there are any questions or concerns regarding the proposed development or the zoning modifications.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

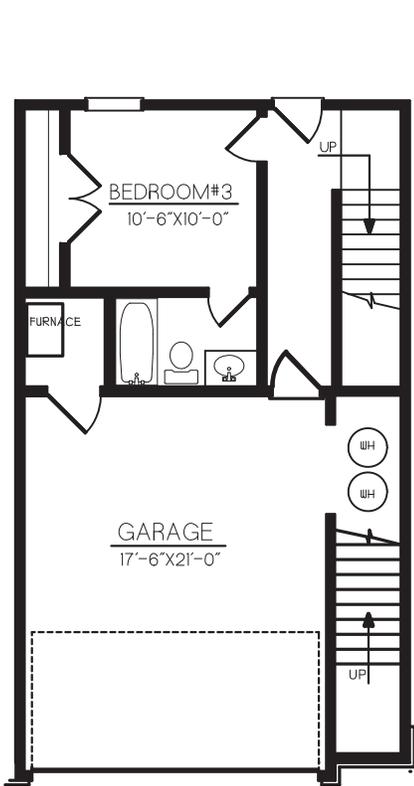


Parks F. Huff  
[phuff@slhb-law.com](mailto:phuff@slhb-law.com)

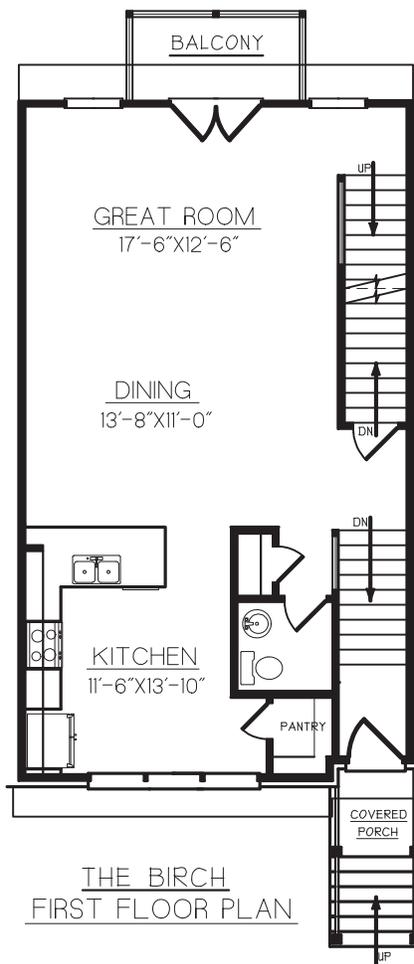
PFH/sfw  
Enclosures

cc: Mr. Jeff Smith, P.E., LDS Partners, LLC (via email w/attachments)  
Diane Wroblewski, City of Kennesaw

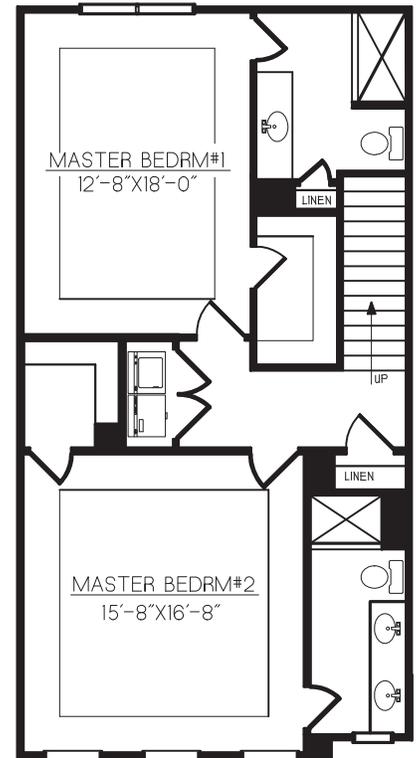




THE BIRCH  
BASEMENT PLAN



THE BIRCH  
FIRST FLOOR PLAN



THE BIRCH  
SECOND FLOOR PLAN



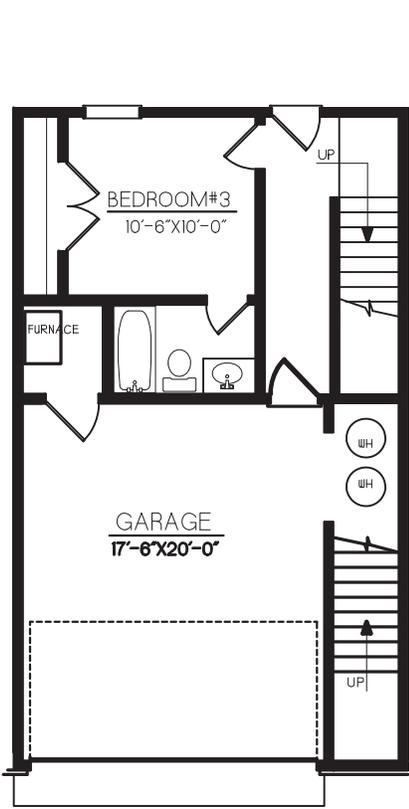
THE BIRCH  
FRONT ELEVATION A-1



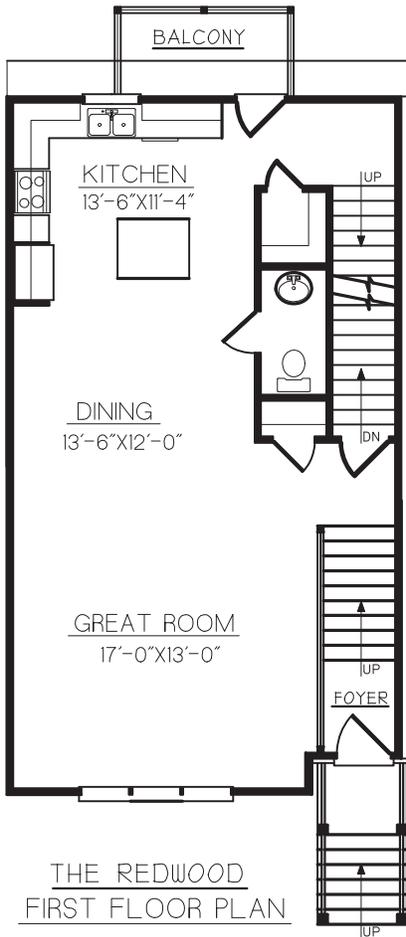
THE BIRCH  
FRONT ELEVATION A-2



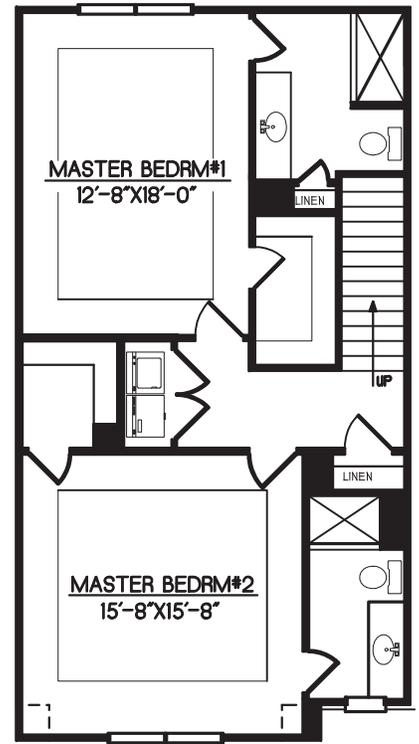
THE BIRCH  
FRONT ELEVATION A-3



THE REDWOOD  
BASEMENT PLAN



THE REDWOOD  
FIRST FLOOR PLAN



THE REDWOOD  
SECOND FLOOR PLAN



THE REDWOOD  
FRONT ELEVATION A-1



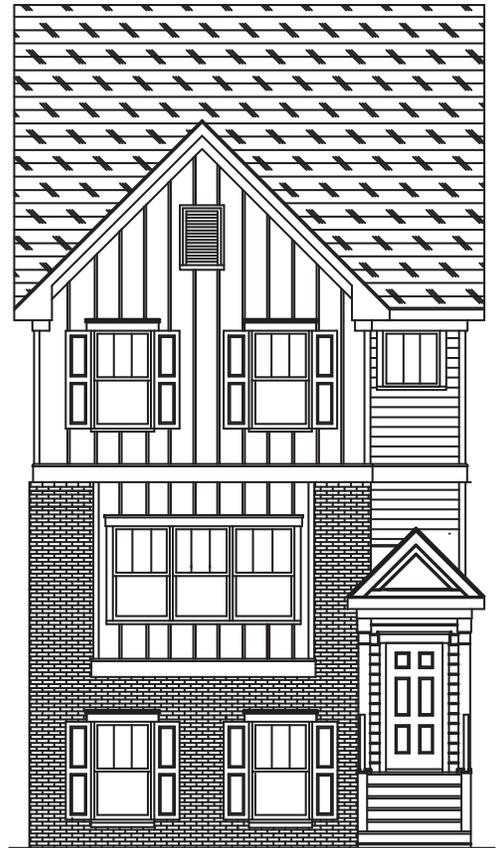
THE REDWOOD  
FRONT ELEVATION A-2



THE ATLANTA  
FRONT ELEVATION A-1



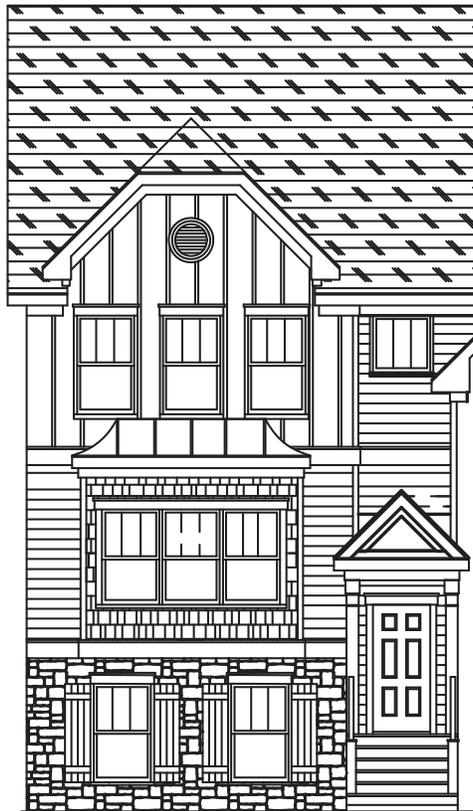
THE ATLANTA  
FRONT ELEVATION A-2



THE ATLANTA  
FRONT ELEVATION A-3



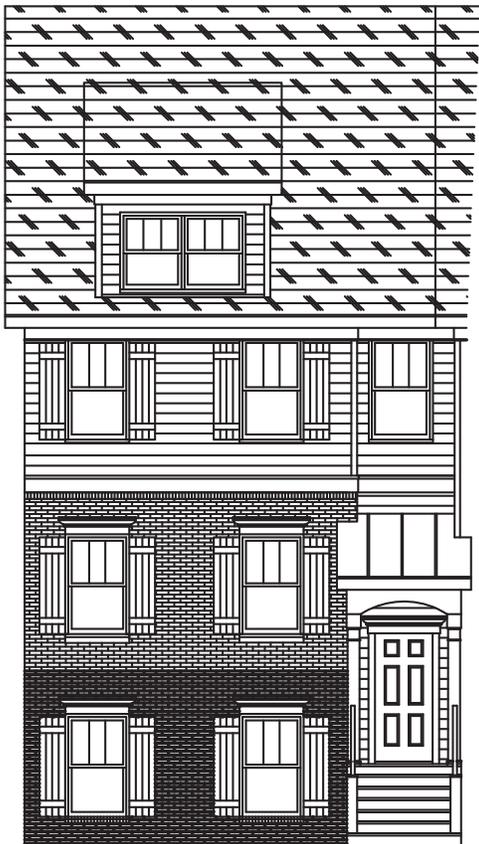
**THE AUSTIN  
FRONT ELEVATION A-1**



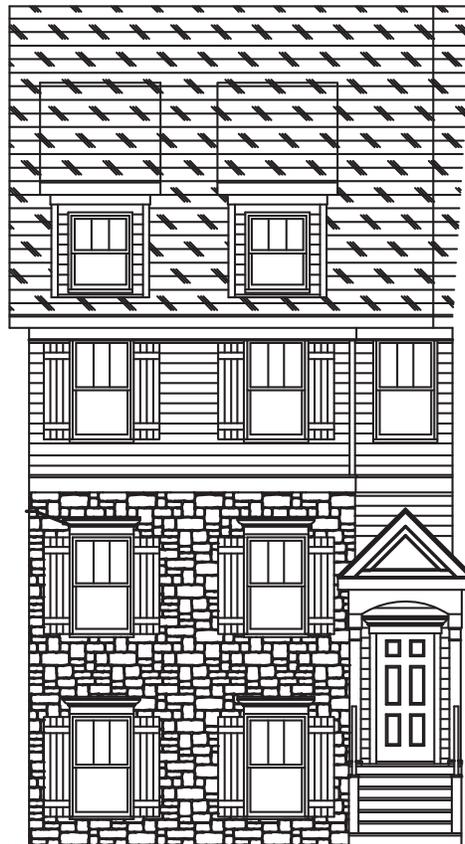
**THE AUSTIN  
FRONT ELEVATION A-2**



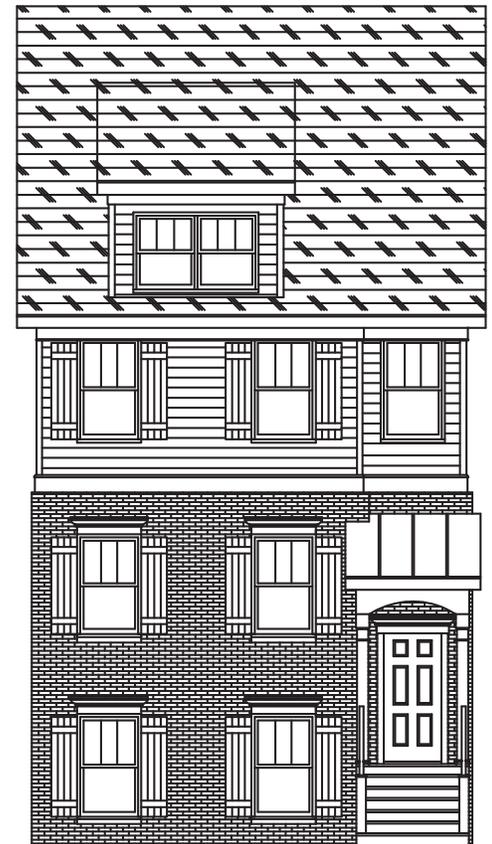
**THE AUSTIN  
FRONT ELEVATION A-3**



THE JACKSON  
FRONT ELEVATION A-1



THE JACKSON  
FRONT ELEVATION A-2



THE JACKSON  
FRONT ELEVATION A-3

LEGAL DESCRIPTION  
3057 Main Street  
Land Lot 127, Tax Parcel 230

Two acres of the following tract are included in the rezoning: ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 127 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being 8.05 acres as shown on that certain ALTA/ACSM Survey prepared for Christ Community Church of Cobb County PCA, Inc., Ticor Title Insurance Company, and Key Worth Bank, dated February 26, 2008 revised August 1, 2008, prepared by Travis Pruitt & Associates, Inc., Jon G. Adams, Georgia Registered Land Surveyor No. 2768, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the intersection of the easterly right of way of Rutledge Road (having a 50 foot right of way) with the southwesterly right of way of North Main Street (aka Old US 41 Highway, aka State Route 293, aka Old Dixie Highway, having a 60 foot right of way); thence running south 71 degrees 07 minutes 27 seconds east as measured along the southwesterly right of way of North Main Street for a distance of 551.23 feet to a nail and comer; thence leaving said right of way and running thence south 26 degrees 07 minutes 35 seconds east for a distance of 11.31 feet to a point and comer; thence running south 18 degrees 52 minutes 18 seconds west for a distance of 70 feet, to a point and comer; thence running south 71 degrees 02 minutes 52 seconds east for a distance of 104.02 feet to a point and comer; thence running south 15 degrees 59 minutes 24 seconds west for a distance of 221.68 feet to a point; thence running south 16 degrees 00 minutes 38 seconds west for a distance of 300.23 feet to a point and comer; thence running north 71 degrees 07 minutes 27 seconds west for a distance of 515.50 feet to a point and comer; thence running north 00 degrees 26 minutes 54 seconds west for a distance of 68.37 feet to a 3/4" open top pipe found; thence running north 00 degrees 20 minutes 21 seconds west for a distance of 123.68 feet to a 1/2" open top pipe found; thence running north 00 degrees 09 minutes 26 seconds west for a distance of 214.55 feet to a 112" rebar found on the easterly right of way of Rutledge Road; thence running in a northerly direction as measured along the easterly right of way of Rutledge Road and following the curvature thereof, an arc distance of 167.24 feet (said arc being subtended by a chord bearing north 10 degrees 52 minutes 18 seconds east, a chord distance of 166.20 feet, and having a radius of 432.25 feet) to the point of BEGINNING. (Overall tract)

LEGAL DESCRIPTION  
3057 Main Street  
Land Lot 127, Tax Parcel 2

All THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 127 and 140, of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being 5.86 acres designated as Tract 3 on that certain ALTA/ACSM Survey prepared for Christ Community Church of Cobb County PCA, Inc., Ticor Title Insurance Company, and KeyWorth Bank, dated February 26, 2008, revised August 1, 2008, prepared by Travis Pruitt & Associates, Inc., Jon G. Adams, Georgia Registered Land Surveyor No. 2768 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, Commence at a 1/2" rebar found at the intersection of the easterly right of way of Rutledge Road (having a 50 foot right of way) with the southwesterly right of way of North Main St (aka Old US 41 Highway, aka State Route 293, aka Old Dixie Highway, having a 60

foot right of way); thence proceed in a southerly direction as measured along the easterly right of way of Rutledge Road and following the curvature thereof, an arc distance of 161.24 feet (said arc being subtended by a chord bearing south 10 degrees 52 minutes 18 seconds west, a chord distance of 166.20 feet, and having a radius of 432.25 feet) to a point: thence leaving said right of way and proceeding thence south 00 degrees 09 minutes 26 seconds east for a distance of 268.16 feet to a point: thence proceed south 00 degrees 20 minutes 21 seconds east for a distance of 123.68 feet to a point: thence proceed south 00 degrees 26 minutes 54 seconds east for a distance of 68.37 feet to a point and corner: said point and corner being the TRUE POINT OF BEGINNING; thence running south 71 degrees 07 minutes 27 seconds east for a distance of 515.50 feet to a point and corner; thence running south 16 degrees 00 minutes 38 seconds west for a distance of 326.60 feet to a 1/2" rebar found; thence running south 15 degrees 59 minutes 12 seconds west for a distance of 290.63 feet to a 1/2" rebar found and corner; thence running north 54 degrees 18 minutes 09 seconds west for a distance of 96.88 feet to a 1/2" rebar found and corner; thence running north 79 degrees 08 minutes 24 seconds west for a distance of 183.03 feet to a 1/2" rebar found and corner; thence running north 33 degrees 30 minutes 44 seconds west for a distance of 100.73 feet to a 1/2" rebar found and corner; thence running north 01 degree 20 minutes 44 seconds west for a distance of 128.01 feet to a 1/2" rebar found; thence running north 00 degrees 05 minutes 13 seconds east for a distance of 317.65 feet to a 1/2" rebar found: thence running north 00 degrees 26 minutes 54 seconds west for a distance of 139.47 feet to the point of BEGINNING. (OPTION PROPERTY)

LEGAL DESCRIPTION  
3088 Rutledge Road  
Land Lot 127

All that tract or parcel of land lying and being in Land Lot 127 or the 20th District, 2nd Section Cobb County Georgia as per survey by West Georgia Surveyors, Inc. dated May 19, 1994 and being more particularly described as follows:

Beginning at a point on the southeasterly side of Rutledge Road, said point being 260 feet southwest as measured along the southeasterly side of Rutledge Road from the intersection of the southeasterly side of Rutledge Road and the westerly side of Arnold Road; running thence southwesterly along the southeasterly side of Rutledge Road 124 feet to a point; thence southeasterly 219 feet to a point on the westerly side of Arnold Road; thence north along the west side of Arnold Road; 124 feet to a point; thence northwest along the southerly property line of property now or formerly owned by Earl Grady Arnold 147 feet to a point on the southeasterly side of Rutledge Road being the point of beginning.

**CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE REZONING**

1.

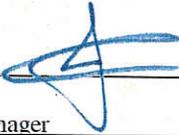
My name is Jeff Smith. I am the secretary, assistant secretary or other officer to whom the operating agreement or Bylaws has delegated the responsibility for authenticating records of the company **LDS PARTNERS, LLC** (the "Applicant Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant Company's Rezoning Application of certain real property located in the City of Kennesaw, Georgia.

2.

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

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

**LDS PARTNERS, LLC**

By: \_\_\_\_\_  \_\_\_\_\_ (SEAL)

Member / Manager  
Title

## Section 1908 Standards for Decisions- Rezoning

Section 1908 of the Kennesaw Zoning Code details thirteen zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages if necessary

	Comments
(1) Would the proposed amendment be consistent and compatible with the City's land use and development, plans, goals and objective?	See Attached
(2) Would the proposed amendment tend to increase, decrease, or have no impact on traffic safety and congestion in the streets?	See Attached
(3) Would the proposed amendment tend to increase, decrease, or have no relationship to safety from fire and other dangers?	See Attached
(4) Would the proposed amendment tend to promote, diminish, or have no influence on the public health and general welfare of the city?	See Attached
(5) Would the proposed amendment tend to increase, decrease, or have no influence on the adequate (provisions) of light or air?	See Attached
(6) Would the proposed amendment tend to cause, prevent, or have no influence on the overcrowding of land?	See Attached
(7) Would the proposed amendment tend to cause, prevent, or have no relationship on the population distribution within the city-creating any area so dense in population as to adversely affect the health, safety, and general welfare of the city?	See Attached
(8) Would the proposed amendment tend to impede, facilitate, or have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities or facilities?	See Attached
(9) Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?	See Attached
(10) Would the proposed amendment tend to require only reasonable expenditures of public funds, or would the amendment tend to require an excessive or premature expenditure of public funds?	See Attached
(11) Would the proposed amendment tend to promote, diminish or have no influence upon the aesthetic effect of existing and future uses of property and the surrounding area?	See Attached
(12) Would the proposed amendment have measurable adverse economic effect on the value of the surrounding or adjacent property?	See Attached
(13) Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?	See Attached

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

Yes, the subject property is presently zoned R-20 and PUD-R and the proposed rezoning of the subject property to PUD-R will allow the development of an attached residential planned unit development in an area on the Future Land Use Map designated as Residential High and Industrial. The area is designated as Industrial and Residential High on the Future Land Use Map.

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

Rutledge Road has a 50' right-of-way and is better suited for residential utilization rather than industrial travel. The road is not scheduled for improvements as part of the current SPLOST. The property is already zoned for PUD-R so the modification will not change the amount of traffic permitted on Rutledge Road over the existing use, or other uses that might be allowed if the property was developed as Industrial consistent with the Future Land Use Map.

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

Design of internal streets will be in compliance with Fire Prevention and Life Safety requirements and shall provide appropriate access for Fire Apparatus and Public Safety Vehicles. The number of units is consistent with the already approved PUD-R so there is no additional burden on emergency services.

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

The rezoning proposal will have no adverse relationship to the public health and general welfare. The property is already zoned PUD-R and the area is listed as the East Pine Revitalization District on the Future Development Map indicating the city desires for new projects to occur in this area.

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

The rezoning proposal will have no influence upon the adequate provisions for light and/or air.

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

The rezoning proposal will only modify an existing PUD-R zoning to allow for the proposed development. The property is largely in a Residential High designation in the Future Land Use Map so the proposal will not overcrowd land.

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

The proposed residential density is consistent with the comprehensive plan and is located in close proximity to Highway 41 retail and downtown Kennesaw.

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

Placing this density of housing close to downtown and close to retail shopping on Highway 41 is good planning related to the provision of transportation and other infrastructure.

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

The property to the east is already developed in a high density residential manner so the proposal is compatible with this existing development.

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

The proposal will only provide a tax base and will not create an unreasonable public expenditure.

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

The proposed development will spur some revitalization of an area with new housing.

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

The price of the new homes will only increase the value of surrounding properties.

13. Would the proposed amendment create an isolated district unrelated to adjacent and nearby districts?

The proposed zoning will not create an isolated district.





**REZONING APPLICATION**  
Required Fee \$375.00

Date Received 11/22/17  
Staff's Initials SK

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** 3057 Main Street and 3088 Rutledge Road

Land Lot 127 & 140 Tax Parcel 20012700020  
20012702300  
20012700090 Lot Size 8.41 Acres

Resident Population \_\_\_\_\_ Housing Units 70 Other Buildings \_\_\_\_\_

Zoning Request from:

Present Zoning R-20 & PUD - R To: PUD - R

For the purpose of: Fee Simple Townhouse Community

**APPLICANT** LDS Partners, LLC

**APPLICANT EMAIL** jeff@ridgepe.com

Applicant address \_\_\_\_\_

(Home#) \_\_\_\_\_ (Fax#) \_\_\_\_\_ (Work#) \_\_\_\_\_

(Cell#) \_\_\_\_\_

Applicant Signature See Attached Date \_\_\_\_\_

Signed, sealed and delivered in presence of:

Notary \_\_\_\_\_ Date \_\_\_\_\_

**REPRESENTATIVE** Parks F. Huff, Attorney for Applicant (SAMS, LARKIN, HUFF & BALLI, LLP)

(Fax #) 770-426-6583 (Work#) 770-422-7016 (Cell#) 404-975-8859

Representative Signature [Signature] Date 11-21-17

Signed, sealed and delivered in presence of:

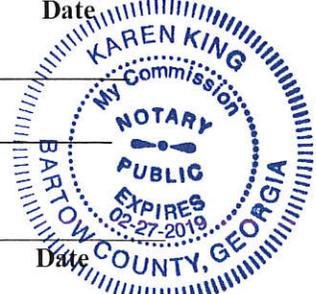
Notary Karen L. King Date 11-21-17

**TITLEHOLDER:** See Attached Telephone: \_\_\_\_\_

Signature: \_\_\_\_\_ Address: \_\_\_\_\_

Signed, sealed and delivered in presence of:

Notary \_\_\_\_\_ Date \_\_\_\_\_





# REZONING APPLICATION

Required Fee \$375.00

Date Received 11/22/17  
Staff's Initials SB

Is this property located within the Kennesaw Historic District (yes) \_\_\_\_\_ (no) \_\_\_\_\_

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

REZONING PROPERTY ADDRESS 3057 MAIN ST

Land Lot 127 Tax Parcel 230 Lot Size 8± AC

Resident Population \_\_\_\_\_ Housing Units 70 Other Buildings \_\_\_\_\_

Zoning Request from:

Present Zoning PUD-R To: PUD-R

For the purpose of: BUILDING 70 TOWNHOMES

APPLICANT LDS PARTNERS, LLC / JEFF SMITH

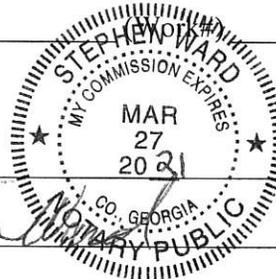
APPLICANT EMAIL JEFF@RIDGEPE.COM

Applicant address 20 HEARDS OVERLOOK CT, ATLANTA, GA 30328

(Home#) \_\_\_\_\_ (Fax#) \_\_\_\_\_

(Cell#) 404.328.6280

Applicant Signature \_\_\_\_\_



Date 11/21/17

Signed, sealed and delivered in presence of: \_\_\_\_\_

Notary

Date 11/21/17

REPRESENTATIVE \_\_\_\_\_

(Fax #) \_\_\_\_\_ (Work#) \_\_\_\_\_ (Cell#) \_\_\_\_\_

Representative Signature \_\_\_\_\_ Date \_\_\_\_\_

Signed, sealed and delivered in presence of: \_\_\_\_\_

Notary

Date

\* TITLEHOLDER: Christ Community Church Telephone: 478-718-7957

Signature: Robert Barker Address: 4359 Acworth Due West Rd. Ste. 440

Not Signed, sealed and delivered in presence of: \_\_\_\_\_

Notary

Date 11/17/17



Jay C. Stephenson  
Clerk of Superior Court Cobb Cty. Ga.

RETURN TO:  
MOORE INGRAM JOHNSON & STEELE, LLP  
192 ANDERSON ST.  
MARIETTA GA 30060

08R115.1

RR

**LIMITED  
WARRANTY DEED**

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made the 1st day of August, in the year TWO THOUSAND EIGHT, between

**THE JILES DEVELOPMENT PARTNERSHIP**  
**A Georgia general partnership**  
**Comprised of William N. Jiles, Jr., John David Jiles, and**  
**William N. Jiles, Jr., as Trustee of**  
**The Helen Jiles Trust**

of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

**CHRIST COMMUNITY CHURCH OF COBB COUNTY PCA, INC.**  
**A Georgia non-profit corporation**

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

WITNESSETH that: Grantor, for and in consideration of the sum of OTHER VALUABLE CONSIDERATIONS AND TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey, and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 127 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference.

This conveyance is made subject to all easements, covenants and restrictions of record.

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons CLAIMING BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.

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

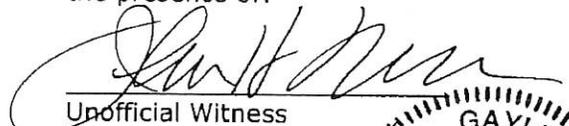
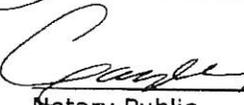
**THE JILES DEVELOPMENT PARTNERSHIP  
A Georgia general partnership**

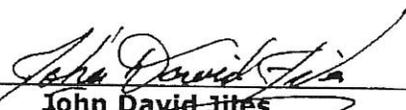
Signed, sealed and delivered in the presence of:

  
Unofficial Witness  
  
Notary Public  

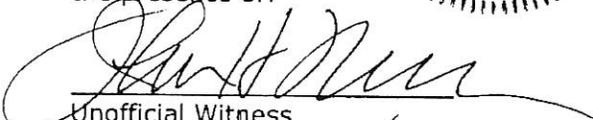
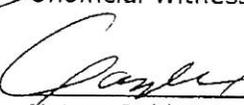

By:  (Seal)  
**William N. Jiles, Jr.**  
General Partner

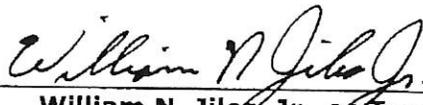
Signed, sealed and delivered in the presence of:

  
Unofficial Witness  
  
Notary Public  


By:  (Seal)  
**John David Jiles**  
General Partner

Signed, sealed and delivered in the presence of:

  
Unofficial Witness  
  
Notary Public  


By:  (Seal)  
**William N. Jiles, Jr., as Trustee  
Of The Helen Jiles Trust**  
General Partner

**EXHIBIT "A"**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 127 of the 20th District, 2nd Section, City of Kennesaw, Cobb County, Georgia, and being 5.05 acres designated as Tract 2 on that certain ALTA/ACSM Survey prepared for Christ Community Church of Cobb County PCA, Inc., Ticor Title Insurance Company, and KeyWorth Bank, dated February 26, 2008, revised August 1, 2008, prepared by Travis Pruitt & Associates, Inc., Jon G. Adams, Georgia Registered Land Surveyor No. 2768, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a 1/2" rebar found at the intersection of the easterly right of way of Rutledge Road (having a 50 foot right of way) with the southwesterly right of way of North Main Street (aka Old US 41 Highway, aka State Route 293, aka Old Dixie Highway, having a 60 foot right of way); thence proceed in a southerly direction as measured along the easterly right of way of Rutledge Road and following the curvature thereof, an arc distance of 167.24 feet (said arc being subtended by a chord bearing south 10 degrees 52 minutes 18 seconds west, a chord distance of 166.20 feet, and having a radius of 432.25 feet) to a point; thence leaving said right of way and proceeding thence south 00 degrees 09 minutes 26 seconds east for a distance of 53.61 feet to a point and corner, said point and corner being the TRUE POINT OF BEGINNING; thence running south 71 degrees 07 minutes 27 seconds east for a distance of 629.54 feet to a point and corner; thence running south 15 degrees 59 minutes 24 seconds west for a distance of 84.38 feet to a 1/2" rebar found; thence running south 16 degrees 00 minutes 38 seconds west for a distance of 300.23 feet to a point and corner; thence running north 71 degrees 07 minutes 27 seconds west for a distance of 515.50 feet to a point and corner; thence running north 00 degrees 26 minutes 54 seconds west for a distance of 68.37 feet to a 3/4" open top pipe found; thence running north 00 degrees 20 minutes 21 seconds west for a distance of 123.68 feet to a 1/2" open top pipe found; thence running north 00 degrees 09 minutes 26 seconds west for a distance of 214.55 feet to the point of BEGINNING. (Purchase)



**REZONING APPLICATION**

Required Fee \$375.00

Date Received 11/22/17  
Staff's Initials SRB

Is this property located within the Kennesaw Historic District (yes) \_\_\_\_\_ (no) \_\_\_\_\_

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

REZONING PROPERTY ADDRESS 3057 MAIN ST

Land Lot 127 Tax Parcel 2 Lot Size 5.86 AC

Resident Population \_\_\_\_\_ Housing Units 70 Other Buildings \_\_\_\_\_

Zoning Request from:

Present Zoning PUD-R To: PUD-R

For the purpose of: BUILDING 70 TOWNHOMES

APPLICANT LAS PARTNERS, LLC / JEFF SMITH

APPLICANT EMAIL JEFF@RIDGEPE.COM

Applicant address 20 HEARDS OVERLOOK CT, ATLANTA, GA 30328

(Home#) \_\_\_\_\_ (Fax#) \_\_\_\_\_

(Cell#) 404.328.6280

Applicant Signature \_\_\_\_\_ Date 11/21/17

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date 11/21/17



REPRESENTATIVE \_\_\_\_\_

(Fax #) \_\_\_\_\_ (Work#) \_\_\_\_\_ (Cell#) \_\_\_\_\_

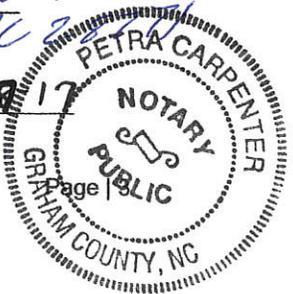
Representative Signature \_\_\_\_\_ Date \_\_\_\_\_

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date \_\_\_\_\_

TITLEHOLDER: WILLIAM N JILES Telephone: 828 362 9993

Signature: William N Jiles Address: 9208 Little Snowbird Rd  
Robbinsville NC 28769

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary Petra Carpenter Date 11-19-17



*Rebecca Keaton*

REBECCA KEATON  
CLERK OF SUPERIOR COURT Cobb Cty. GA.

Gayle Camp  
P.O. Box 1875  
Chatsworth, Ga  
30705

After recording, return to:  
Gayle Y. Camp, Attorney  
Morris, Manning & Martin, LLLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, NE  
Atlanta, Georgia 30326-1044

STATE OF NORTH CAROLINA  
COUNTY OF GRAHAM

**WARRANTY DEED**

THIS INDENTURE, made the 5<sup>th</sup> day of March, 2015, between **THE JILES DEVELOPMENT PARTNERSHIP, a Georgia general partnership**, as party of the first part, hereinafter called Grantor, and **WILLIAM N. JILES**, of the County of Graham, and State of North Carolina, as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee:

**ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 127 and 140 of the 20<sup>th</sup> District, 2<sup>nd</sup> Section, City of Kennesaw, Cobb County, Georgia, and being 5.86 acres more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference thereto.**

**This deed is given subject to all easements and restrictions of record, if any.**

**TO HAVE AND TO HOLD** the said described premises to Grantee, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee, forever, in fee simple.

**AND** Grantor will warrant and forever defend the right and title to the Property unto Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered  
in the presence of:

**THE JILES DEVELOPMENT PARTNERSHIP**

*Monica P. Farley*  
Witness

By: *William N. Jiles Jr.*  
William N. Jiles, Jr.  
its Managing General Partner

*Sandra Lambert Grogan*  
Notary Public

My Commission (Notary Seal)  
Expires 10-19-2018



**EXHIBIT "A"**  
Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 127 and 140, of the 20<sup>th</sup> District, 2<sup>nd</sup> Section, City of Kennesaw, Cobb County, Georgia, and being 5.86 acres designated as Tract 3 on that certain ALTA/ACSM Survey prepared for Christ Community Church of Cobb County PCA, Inc., Ticor Title Insurance Company, and KeyWorth Bank, dated February 26, 2008, revised August 1, 2008, prepared by Travis Pruitt & Associates, Inc., Jon G. Adams, Georgia Registered Land Surveyor No. 2768, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a ½" rebar found at the intersection of the easterly right of way of Rutledge Road (having a 50 foot right of way) with the southwesterly right of way of North Main Street (aka Old US 41 Highway, aka State Route 293, aka Old Dixie Highway, having a 60 foot right of way); thence proceed in a southerly direction as measured along the easterly right of way of Rutledge Road and following the curvature thereof, an arc distance of 167.24 feet (said arc being subtended by a chord bearing south 10 degrees 52 minutes 18 seconds west, a chord distance of 166.20 feet, and having a radius of 432.25 feet) to a point; thence leaving said right of way and proceeding thence south 00 degrees 09 minutes 26 seconds east for a distance of 268.16 feet to a point; thence proceed south 00 degrees 20 minutes 21 seconds east for a distance of 123.68 feet to a point; thence proceed south 00 degrees 26 minutes 54 seconds east for a distance of 68.27 feet to a point and corner, said point and corner being the TRUE POINT OF BEGINNING; thence running south 71 degrees 07 minutes 27 seconds east for a distance of 515.50 feet to a point and corner; thence running south 16 degrees 00 minute 38 seconds west for a distance of 326.60 feet to a ½" rebar found; thence running south 15 degrees 59 minutes 12 seconds west for a distance of 290.63 feet to a ½" rebar found and corner; thence running north 54 degrees 18 minutes 09 seconds west for a distance of 96.88 feet to a ½" rebar found and corner; thence running north 79 degrees 08 minutes 24 seconds west for a distance of 183.03 feet to a ½" rebar found and corner; thence running north 33 degrees 30 minutes 44 seconds west for a distance of 100.73 feet to a ½" rebar found and corner; thence running north 01 degree 20 minutes 44 seconds west for a distance of 128.01 feet to a ½" rebar found; thence running north 00 degrees 05 minutes 13 seconds east for a distance of 317.65 feet to a ½" rebar found; thence running north 00 degrees 26 minutes 54 seconds west for a distance of 139.47 feet to the point of BEGINNING.



Printed: 11/16/2017

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Payer:  
WILLIAM N & PAIGE E JILES

**JILES WILLIAM N**

**Payment Date: 10/16/2017**

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2017	20012700020	10/15/2017	Pay:	N/A	or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$6,479.90	<b>\$0.00</b>



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

City of Kennesaw / Search & Pay Taxes / Search /

## Parcel Number 20012700020

### Deed Holder

**Name** JILES WILLIAM N  
**Mailing Address** 9208 LITTLE SNOWBIRD RD  
 ROBBINSVILLE, NC 28771

### Parcel Information

<b>Location</b>	3057 N MAIN ST	<b>District</b>	3 - KENNESAW CITY
<b>Sec / Twp / Range</b>	--	<b>Property Class</b>	R5 - Residential Large Tract
<b>Legal Description</b>		<b>Deed Book</b>	
<b>Acreage</b>	5.880	<b>Deed Page</b>	
<b>Total Value</b>	\$563,470.00	<b>Deed Date</b>	

## Valuation and Tax Information

	2017 (This Year)		2016 (Last Year)	
	Full Market Value	Assessed	Full Market Value	Assessed
<b>Land Value</b>	0	0	563470	225388
<b>Total Value</b>	563470	225388	563470	225388
<b>Net Value</b>	<b>563470</b>	<b>225388</b>	<b>563470</b>	<b>225388</b>
<b>Levy Rate</b>		9.500000		9.500000
<b>Gross Tax</b>		\$2,141.18		\$2,141.18
<b>Net Annual Taxes</b>		<b>\$2,141.18</b>		<b>\$2,141.18</b>

Select Report ...

View Report

Please select a report.

Tax Services

- Search Tax Parcels
- Estimate Taxes

Need Help?

- Contact Us
- (770) 424-8274

Important Disclaimer

The City of Kennesaw - GA makes every effort to produce and publish the most accurate information possible; however, this material may be slightly dated which would have an impact on its accuracy. Any errors or omissions should be reported for investigation. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

The assessed values are subject to change before being finalized for ad valorem tax purposes. The information should be used for informational use only and does not constitute a legal document for the description of these properties. City of Kennesaw - GA disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

PAYMENTS:

All payments are processed through modal windows, which are HTTPS encrypted. Thus, all payment information is completely secure.

Office Hours are Monday through Friday from 8:00 a.m. - 5:00 p.m..

ARC GIS COBB COUNTY TAX COMMISSIONERS

## Unpaid Charges

Tax Year	Type	Amount	Interest	Penalty	Misc	Total	Bill Number	Special/ Drainage	Pay
2017	Tax	\$2,141.18	\$0.00	\$0.00	\$0.00	\$2,141.18	753036		Pay

## Tax History

Tax Year	Type	Amount	Interest	Penalty	Total	Bill Number	Special/ Drainage
2017	Tax	\$338.08	\$0.00	\$0.00	\$338.08	753037	
2017	Tax	\$1,803.10	\$0.00	\$0.00	\$1,803.10	753036	
2016	Tax	\$1,803.10	\$0.00	\$0.00	\$1,803.10	637252	
	Payment 11/28/2016	\$1,803.10	\$0.00	\$0.00	\$1,803.10		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2016	Tax	\$338.08	\$0.00	\$0.00	\$338.08	637252B	
	Payment 11/28/2016	\$338.08	\$0.00	\$0.00	\$338.08		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2015	Tax	\$337.21	\$0.00	\$0.00	\$337.21	505981B	
	Payment 12/2/2015	\$337.21	\$0.00	\$0.00	\$337.21		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2015	Tax	\$1,798.46	\$0.00	\$0.00	\$1,798.46	505981	
	Payment 12/2/2015	\$1,798.46	\$0.00	\$0.00	\$1,798.46		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2014	Tax	\$1,798.46	\$0.00	\$0.00	\$1,798.46	406223	
	Payment 12/3/2014	\$1,798.46	\$0.00	\$0.00	\$1,798.46		



**REZONING APPLICATION**  
Required Fee \$375.00

Date Received 11/22/17  
Staff's Initials SB

Is this property located within the Kennesaw Historic District (yes) \_\_\_\_\_ (no) \_\_\_\_\_

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

REZONING PROPERTY ADDRESS 3088 RUTLEDGE ROAD

Land Lot 127 Tax Parcel 230 Lot Size 1± AC

Resident Population \_\_\_\_\_ Housing Units 70 Other Buildings \_\_\_\_\_

Zoning Request from:

Present Zoning PUD-R To: PUD-R

For the purpose of: BUILDING 70 TOWNHOMES

APPLICANT LDS PARTNERS, LLC / JEFF SMITH

APPLICANT EMAIL JEFF@RIDGEPE.COM

Applicant address 20 HEARDS OVERLOOK CT, ATLANTA, GA 30328

(Home#) \_\_\_\_\_ (Fax#) \_\_\_\_\_ (Work#) \_\_\_\_\_

(Cell#) 404.328.6280

Applicant Signature \_\_\_\_\_ Date 11/22/17

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date 11/22/2017



REPRESENTATIVE \_\_\_\_\_

(Fax #) \_\_\_\_\_ (Work#) \_\_\_\_\_ (Cell#) \_\_\_\_\_

Representative Signature \_\_\_\_\_ Date \_\_\_\_\_

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date \_\_\_\_\_

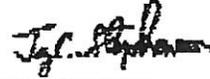
~~TITLEHOLDER~~ CHRIS PARLONTIERI Telephone: 404.518.1188

Signature: [Signature] Address: 3088 RUTLEDGE ROAD

Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary \_\_\_\_\_ Date 11/22/2017



BK: 14929 PG: 4711-4713  
Filed and Recorded Mar-22-2012 03:11:06PM  
DOC#: D2012-035800  
Real Estate Transfer Tax  
\$ 0.00  
0332012006013



JAY C. STEPHENSON  
CLERK OF SUPERIOR COURT Cobb Cty. GA.

Please Return to:  
McCalla Raymer, LLC.  
900 Holcomb Woods Parkway  
Roswell, GA 30076  
File#: 51297411

Purchaser: Christopher Parlontieri  
Property: 3088 Rutledge Rd Nw, Kennesaw, GA 30144

### SPECIAL WARRANTY DEED

#### STATE OF GEORGIA COUNTY OF FULTON

THIS INDENTURE, made this 9 day of March 2012 between **Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America** as party or parties of the first part, hereinafter called Grantor, and **Christopher Parlontieri** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH; that the said party of the first part, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said party of the second part, and assigns:

All that tract or parcel of land described on Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the only proper use, benefit and behalf of the said party of the second part, and assigns, forever. IN FEE SIMPLE.

AND the said party of the first part, for its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said party of the second part, and assigns, against the lawful claims of all persons claiming by, through or under the party of the first part, but not otherwise.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his/her hand and affixed his/her seal on this day the 9 day of March, 2012.

Signed, sealed and delivered in the presence of

Jeanette Foster  
Witness (Seal)

V. Gilbert  
Notary Public (Seal)

My Commission Expires:

(Notary Seal)



Grantor:

Fannie Mae A/K/A Federal National Mortgage Association organized and existing under the laws of the United States of America by McCalla Raymer LLC, their atty-in-fact, pursuant to Power of Attorney recorded in Deed Book 14647, Page 3186, Cobb County, Georgia Records

By: [Signature]

Name: Ral Yacu  
Title: Attorney

Attested by: [Signature]

Name: Janaun J. Ivy  
Title: Attorney In Fact

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 127 or the 20th District, 2nd Section Cobb County Georgia as per survey by West Georgia Surveyors, Inc. dated May 19, 1994 and being more particularly described as follows:  
Beginning at a point on the southeasterly side of Rutledge Road, said point being 260 feet southwest as measured along the southeasterly side of Rutledge Road from the intersection of the southeasterly side of Rutledge Road and the westerly side of Arnold Road; running thence southwesterly along the southeasterly side of Rutledge Road 124 feet to a point; thence southeasterly 219 feet to a point on the westerly side of Arnold Road; thence north along the west side of Arnold Road; 124 feet to a point; thence northwest along the southerly property line of property now or formerly owned by Earl Grady Arnold 147 feet to a point on the southeasterly side of Rutledge Road being the point of beginning.

GRANTEE HEREIN SHALL BE PROHIBITED FROM CONVEYING CAPTIONED PROPERTY FOR A SALES PRICE OF GREATER THAN \$54,180.00 FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THIS DEED. GRANTEE SHALL ALSO BE PROHIBITED FROM ENCUMBERING SUBJECT PROPERTY WITH A SECURITY INTEREST IN THE PRINCIPAL AMOUNT OF GREATER THAN \$54,180.00 FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THIS DEED. THESE RESTRICTIONS SHALL RUN WITH THE LAND AND ARE NOT PERSONAL TO GRANTEE.

THIS RESTRICTION SHALL TERMINATE IMMEDIATELY UPON CONVEYANCE AT ANY FORECLOSURE SALE RELATED TO A MORTGAGE OR DEED OF TRUST.

File# 51297411

Property Address: 3088 Rutledge Rd Nw, Kennesaw, GA 30144



Printed: 11/16/2017

### Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER  
 CHELLY MCDUFFIE CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer:  
chris parlontieri

PARLONTIERI CHRISTOPHER

**Payment Date: 10/18/2017**

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2017	20012700090	10/15/2017	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$6.90	\$58.37	\$0.00	\$0.00	\$1,232.75	\$0.00



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

City of Kennesaw / Search & Pay Taxes / Search /

## Parcel Number 20012700090

Tax Services

### Deed Holder

**Name** PARLONTIERI  
CHRISTOPHER

**Mailing Address** 101 GULF DR  
SANTA ROSA BEACH,  
FL 32459

- Search Tax Parcels
- Estimate Taxes

Need Help?

- Contact Us
- (770) 424-8274

### Parcel Information

<b>Location</b>	3088 RUTLEDGE RD	<b>District</b>	3 - KENNESAW CITY
<b>Sec / Twp / Range</b>	--	<b>Property Class</b>	R4 - Residential Small Tract
<b>Legal Description</b>		<b>Deed Book</b>	
<b>Acreage</b>	0.400	<b>Deed Page</b>	
<b>Total Value</b>	\$101,520.00	<b>Deed Date</b>	

Important Disclaimer

The City of Kennesaw - GA makes every effort to produce and publish the most accurate information possible; however, this material may be slightly dated which would have an impact on its accuracy. Any errors or omissions should be reported for investigation. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation.

The assessed values are subject to change before being finalized for ad valorem tax purposes. The information should be used for informational use only and does not constitute a legal document for the description of these properties. City of Kennesaw - GA disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

PAYMENTS:

All payments are processed through modal windows, which are HTTPS encrypted. Thus, all payment information is completely secure.

Office Hours are Monday through Friday from 8:00 a.m. - 5:00 p.m..

## Valuation and Tax Information

	2017 (This Year)		2016 (Last Year)	
	Full Market Value	Assessed	Full Market Value	Assessed
<b>Land Value</b>	0	0	30450	12180
<b>Building Value</b>	0	0	71070	28428
<b>Total Value</b>	101520	40608	101520	40608
<b>Net Value</b>	<b>101520</b>	<b>40608</b>	<b>101520</b>	<b>40608</b>
<b>Levy Rate</b>		9.500000		9.500000
<b>Gross Tax</b>		\$385.77		\$385.77
<b>Net Annual Taxes</b>		<b>\$385.77</b>		<b>\$385.77</b>

Select Report ...

View Report

ARC GIS COBB COUNTY TAX COMMISSIONERS

### Unpaid Charges

Tax Year	Type	Amount	Interest	Penalty	Misc	Total	Bill Number	Special/ Drainage	Pay
2017	Tax	\$385.77	\$0.00	\$0.00	\$0.00	\$385.77	753048		Pay

### Tax History

Tax Year	Type	Amount	Interest	Penalty	Total	Bill Number	Special/ Drainage
2017	Tax	\$324.86	\$0.00	\$0.00	\$324.86	753048	
2017	Tax	\$60.91	\$0.00	\$0.00	\$60.91	753049	
2016	Tax	\$60.91	\$0.33	\$0.00	\$61.24	637257B	
	Payment 12/28/2016	\$60.91	\$0.33	\$0.00	\$61.24		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2016	Tax	\$324.86	\$1.76	\$0.00	\$326.62	637257	
	Payment 12/28/2016	\$324.86	\$1.76	\$0.00	\$326.62		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2015	Tax	\$60.76	\$0.00	\$0.00	\$60.76	505986B	
	Payment 12/3/2015	\$60.76	\$0.00	\$0.00	\$60.76		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2015	Tax	\$324.06	\$0.00	\$0.00	\$324.06	505986	
	Payment 12/3/2015	\$324.06	\$0.00	\$0.00	\$324.06		
<b>Total Due</b>		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
2014	Tax	\$131.87	\$0.00	\$0.00	\$131.87	406228	
	Payment 11/26/2014	\$131.87	\$0.00	\$0.00	\$131.87		

TO THE MAYOR & CITY COUNCIL  
KENNESAW, GEORGIA

**CONSTITUTIONAL CHALLENGE**

COMES NOW, LDS PARTNERS, LLC, hereinafter referred to as the "Applicant", and asserts the following, to wit:

1.

By application to which this exhibit relates, Applicant has applied for a rezoning of certain real property lying and being in Kennesaw, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Zoning of the property seeks a rezoning from the existing categories of R-20 and PUD-R, as established by the governing authority of Kennesaw, Georgia to the zoning category of PUD-R as submitted.

3.

The current R-20 and PUD-R zoning classifications of the property and all intervening classifications between same and PUD-R as submitted are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning classifications of R-20 & PUD-R and all intervening classifications between same and PUD-R as submitted as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The Kennesaw Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 2 day of November, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

\_\_\_\_\_  
PARKS F. HUFF  
Attorney for Applicant  
Ga. Bar No. 375010



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

**CAMPAIGN CONTRIBUTIONS**

The undersigned Applicant herein certifies that they **have**  **have not**  made campaign contributions or gifts within two (2) years immediately preceding the filing of this application, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts to a member or members of the Mayor and Council or Planning Commission who will consider the application.

**FINANCIAL INTEREST**

The undersigned Petitioner herein certifies that, to the best of its knowledge, information, and belief, the Mayor, any member of the Planning Commission **does**  **does not** :

- 1) Have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property;
- 2) Have a financial interest (direct ownership interest of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property; and
- 3) Have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above.

The undersigned Petitioner:

CERTIFY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT,  
 THIS 21<sup>ST</sup> DAY OF NOVEMBER, 2017

JEFF SMITH  
 APPLICANT'S SIGNATURE

Applicant means any person who makes application and any attorney, other person representing or acting on behalf of a person who makes application to the Mayor and Council and Planning Commission.

Stephen Ward  
 Notary

11/21/17  
 Date

Commission expires: MARCH 27, 2021



**CAMPAIGN DISCLOSURE REPORT<sup>1</sup>**  
**BY ATTORNEY FOR APPLICANT<sup>2</sup>**

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

Yes \_\_\_\_\_

If so, the Applicant and the attorney representing the Application must file a disclosure report with the Kennesaw City Council within ten (10) days after this Application is first filed.

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

The name of the member(s) of the Kennesaw City Council or Planning Commission to whom the campaign contribution or gift was made: Pat Ferris

The dollar amount of each campaign contribution made by the Applicant to the member(s) of the Kennesaw City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application and the date of each such contribution: \$300.00 (10/19/2017)

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the Applicant to the member(s) of the Kennesaw City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application: N/A

I certify that the foregoing information is true and correct, this the 21 day of Nov, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By:   
\_\_\_\_\_  
PARKS F. HUFF  
Attorney for Applicant

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

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

**DISCLOSURE**

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES", YOU MAY BE REQUIRED UNDER O.C.G.A. Sec. 36-67A-3 TO PROVIDE FURTHER INFORMATION:

- A) ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CITY OF KENNESAW PLANNING COMMISSION OR CITY OF KENNESAW MAYOR AND COUNCIL? **NO**
  
- B) DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY? **NO**
  
- C) DOES A MEMBER OF THE FAMILY OF SUCH OFFICIALS HAVE AN INTEREST IN THE SUBJECT PROPERTY AS DESCRIBED IN (A) AND (B)? **NO**
  
- D) WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THIS APPLICATION, HAVE YOU MADE CAMPAIGN CONTRIBUTION(S) OR GIVEN GIFTS TO SUCH PUBLIC OFFICIALS AGGREGATING \$250.00 OR MORE? **YES** (\$300.00 to Pat Ferris on 10/19/2017)

SAMS, LARKIN, HUFF & BALLI, LLP

By: \_\_\_\_\_

PARKS F. HUFF  
Attorney for Applicant

11-21-2017

\_\_\_\_\_  
DATE

**CITY OF KENNESAW, GEORGIA**

**ORDINANCE NO. 2014-18, 2014**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT DESIGNATION FROM CITY O&I/R-30 to CITY PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) WITH STIPULATIONS PROPERTIES LOCATED AT 3057 MAIN STREET WITH ADDITIONAL PARCELS IDENTIFIED AS NOTED (LAND LOT 127 TAX PARCELS 11, 230 & 2)**

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

**WHEREAS**, VENTURE HOMES, INC. represented by Sean Randall made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from O&I/R-30 to CITY PUD-R w stipulations for properties located at 3057 Main Street with additional parcels (Land Lot 127 Tax Parcels 11, 230 & 2) and as more particularly described below); and

**WHEREAS**, notice was advertised in the Marietta Daily Journal on October 17, 2014, of a public hearing before the Kennesaw Planning Commission held on November 05, 2014 and the Mayor and Council on November 17, 2014; and

**WHEREAS**, the Kennesaw Planning Commission held a public hearing on this proposal on November 05, 2014; and

**WHEREAS**, the Mayor and Council held a public hearing to consider this proposal on November 17, 2014; and

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

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

**SECTION 1.** The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from **CITY O&I/R-30 to CITY PUD-R w/ stipulations** for the following described property:

**PROPERTY DESCRIPTION**

EXHIBIT "A"  
3040 Rutledge Road  
Land Lot 127, Tax Parcel 11  
5.8+/-

All that tract or parcel of land lying and being in Land Lot 127 of the 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being shown on plat of survey of property of Gospel Light Baptist Tabernacle, Inc. By Richard Maskevich, Registered Land Surveyor, dated August 17, 1971 and being more particularly described as follows:

BEGINNING at an iron pin Located on the south land lot line of Land Lot 127 a distance of 556 feet easterly from the south west corner of Land Lot 127; thence running north 89 degrees 29 minutes east along the south land lot line of Land Lot 127 a distance of 753.3 feet to an iron pin located on the westerly side of the right of way of Giles Road (also known as Arnold Drive); thence running north 2 degrees 52 minutes east along the westerly side of Giles Road (also known as Arnold Drive) a distance of 318.5 feet to an iron pin; thence running north 74 degrees 28 minutes west a distance of 314.1 feet to an iron pin located on the south easterly side of the right of way of Rutledge Road; thence running south westerly along the south easterly side of the right of way of Rutledge Road and following the curvature thereof a distance of 506 feet to an iron pin; thence running south 1 degree 30 minutes east a distance of 267 feet to an iron pin and the point of beginning.

Also conveyed in addition to the above described property is such interest as I have in the Giles Road right of way, the same having formerly been a road but is presently not used and has been abandoned.

EXHIBIT "A"  
3057 Main Street  
Land Lot 127, Tax Parcel 230  
8.02+/-

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 127 of the 20<sup>th</sup> District, 2<sup>nd</sup> Section, City of Kennesaw, Cobb County, Georgia, and being 8.05 acres as shown on that certain ALTA/ACSM Survey prepared for Christ Community Church of Cobb County PCA, Inc., Ticor Title Insurance Company, and Key Worth Bank, dated February 26, 2008 revised August 1, 2008, prepared by Travis Pruitt & Associates, Inc., Jon G. Adams, Georgia Registered Land Surveyor No. 2768, and being more particularly described as follows:

BEGINNING at a 1/2" rebar found at the intersection of the easterly right of way of Rutledge Road (having a 50 foot right of way) with the southwesterly right of way of North Main Street (aka Old US 41 Highway, aka State Route 293, aka Old Dixie Highway, having a 60 foot right of way); thence running south 71 degrees 07 minutes 27 seconds east as measured along the southwesterly right of way of North Main Street for a distance of 551.23 feet to a nail and comer; thence leaving said right of way and running thence south 26 degrees 07 minutes 35 seconds east for a distance of 11.31 feet to a point and comer; thence running south 18 degrees 52 minutes 18 seconds west for a distance of 70 feet, to a point and comer; thence running south 71 degrees 02 minutes 52 seconds east for a distance of 104.02 feet to a point and comer; thence running south 15 degrees 59 minutes 24 seconds west for a distance of 221.68 feet to a point; thence running south 16 degrees 00 minutes 38 seconds west for a distance of 300.23 feet to a point and comer; thence running north 71 degrees 07 minutes 27

seconds west for a distance of 515.50 feet to a point and corner; thence running north 00 degrees 26 minutes 54 seconds west for a distance of 68.37 feet to a 3/4" open top pipe found; thence running north 00 degrees 20 minutes 21 seconds west for a distance of 123.68 feet to a 1/2" open top pipe found; thence running north 00 degrees 09 minutes 26 seconds west for a distance of 214.55 feet to a 112" rebar found on the easterly right of way of Rutledge Road; thence running in a northerly direction as measured along the easterly right of way of Rutledge Road and following the curvature thereof, an arc distance of 167.24 feet (said arc being subtended by a chord bearing north 10 degrees 52 minutes 18 seconds east, a chord distance of 166.20 feet, and having a radius of 432.25 feet) to the point of BEGINNING. (Overall tract)

EXHIBIT "A"  
3057 Main Street  
Land Lot 127, Tax Parcel 2  
5.86+/-

All THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 127 and 140, of the 20th District, 2<sup>nd</sup> Section, City of Kennesaw, Cobb County, Georgia, and being 5.86 acres designated as Tract 3 on that certain ALTA/ACSM Survey prepared for Christ Community Church of Cobb County PCA, Inc., Ticor Title Insurance Company, and KeyWorth Bank, dated February 26, 2008, revised August 1, 2008, prepared by Travis Pruitt & Associates, Inc., Jon G. Adams, Georgia Registered Land Surveyor No. 2768 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, Commence at a 1/2" rebar found at the intersection of the easterly right of way of Rutledge Road (having a 50 foot right of way) with the southwesterly right of way of North Main St (aka Old US 41 Highway, aka State Route 293, aka Old Dixie Highway, having a 60 foot right of way); thence proceed in a southerly direction as measured along the easterly right of way of Rutledge Road and following the curvature thereof, an arc distance of 161.24 feet (said arc being subtended by a chord bearing south 10 degrees 52 minutes 18 seconds west, a chord distance of 166.20 feet, and having a radius of 432.25 feet) to a point: thence leaving said right of way and proceeding thence south 00 degrees 09 minutes 26 seconds east for a distance of 268.16 feet to a point: thence proceed south 00 degrees 20 minutes 21 seconds east for a distance of 123.68 feet to a point: thence proceed south 00 degrees 26 minutes 54 seconds east for a distance of 68.37 feet to a point and corner: said point and corner being the TRUE POINT OF BEGINNING; thence running south 71 degrees 07 minutes 27 seconds east for a distance of 515.50 feet to a point and corner; thence running south 16 degrees 00 minutes 38 seconds west for a distance of 326.60 feet to a 1/2" rebar found; thence running south 15 degrees 59 minutes 12 seconds west for a distance of 290.63 feet to a 1/2" rebar found and corner; thence running north 54 degrees 18 minutes 09 seconds west for a distance of 96.88 feet to a 1/2" rebar found and corner; thence running north 79 degrees 08 minutes 24 seconds west for a distance of 183.03 feet to a 1/2" rebar found and corner; thence running north 33 degrees 30 minutes 44 seconds west for a distance of 100.73 feet to a 1/2" rebar found and corner; thence running north 01 degree 20 minutes 44 seconds west for a distance of 128.01 feet to a 1/2" rebar found; thence running north 00 degrees 05 minutes 13 seconds east for a distance of 317.65 feet to a 1/2" rebar found: thence running north 00 degrees 26

minutes 54 seconds west for a distance of 139.47 feet to the point of BEGINNING.  
(OPTION PROPERTY)

**SECTION 2. BE IT FURTHER ORDAINED THAT** the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from **CITY O&I/R-30 to CITY PUD-R (Planned Unit Development Residential)** with the following conditions:

1. Maximum net density of 7.78 dwelling units per acre – 141 units
2. Minimum driveway depth of 20 feet from sidewalk so no vehicle or portion of vehicles crossing into the sidewalk
3. Architecture for all three townhome types will be similar to color renderings prepared by Caldwell Cline architects prepared for Venture Homes
4. Maximum height of all townhomes not to exceed 45 feet
5. Maximum building coverage to be 40%
6. Minimum house size-1,400 sq. feet
7. Front setbacks-minimum 20 feet measured from sidewalk
8. Major side setbacks- 20 feet from right-of-way
9. Minimum side setback between structures -15feet
10. Major rear yard setback 30 feet from exterior property line
11. Minimum rear yard setback 30 from back of structure to back of structure (interior lots)
12. Open space to be provided within development to be a minimum of 5.23 acres excluding ponds and will have a pervious trail system that will provide alternative access from the front of the development to the back.
13. Minimum 30 foot maintained buffer along exterior of development
14. Open space area park located on frontage of North Main street to incorporate a minimum 5 foot winding sidewalk with dense landscaping
15. School bus sheltered pick up stations to be located with coordination with Cobb Board of education and city staff
16. Applicant will work to ensure that a proper buffer is enforce for the rear of the property subject to City Codes and staff verification with the cemetery and Winkenhofer Funeral Home.
17. HOA, with matter of addressing rental properties
18. Concurrent with the successful rezoning of the property, Venture Homes would dedicate a “20’ Naturally Maintained Buffer” (an increase of 10’ of additional buffer) along the south side property line of the proposed development from the most southeasterly corner of the property and running continuously westerly and northwesterly south of the planned detention pond and behind the planned townhome units 40c-45c and ending at the property corner closest the planned townhome unit 53c and ending adjacent to the east side of the existing 10’ chain link fence. This “20’ Naturally Maintained Buffer” will be dedicated at the time of

platting of the property. It is anticipated that the Winkenhofer cemetery property owners may, at their discretion, install additional landscaping along the property line adjacent to the "20' Naturally Maintained Buffer" to provide additional screening (referenced site plan approved with the zoning dated 9/22/2014 and prepared by HDG Heaver Design Group).

19. Venture Homes, at its sole cost and expense, shall construct an eight foot (8') high wooden privacy fence along the southern property line adjacent to the cemetery property beginning at the westerly end of the existing 10' chain link fence and running the lesser of two hundred and sixty feet (260') or such length as necessary to provide screening behind all the disturbed area from the development of the planned townhome units 52c-63c. The desire is to screen as much as possible the view of the cemetery maintenance building, event home & pavilion as well as the cemetery property from view by the planned townhome units which back up to the cemetery property. Venture Homes shall be required to construct the privacy fence prior to obtaining a final plat(s) on the planned lots 52c-63c (referenced site plan approved with the zoning dated 9/22/2014 and prepared by HDG Heaver Design Group).

**SECTION 3. BE IT FURTHER ORDAINED THAT** it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

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

PASSED AND ADOPTED by the Kennesaw City Council on this 17<sup>th</sup> day of November, 2014.

ATTEST:

CITY OF KENNESAW:

  
\_\_\_\_\_  
Debra Taylor, City Clerk

  
\_\_\_\_\_  
Mark Mathews, Mayor



**CITY OF KENNESAW, GEORGIA**

**ORDINANCE NO. 2008-33, 2008**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT DESIGNATION FROM CITY URBAN VILLAGE COMMERCIAL (UVC) TO CITY O&I (Office/Institutional) FOR PROPERTY LOCATED AT 3057 NORTH MAIN STREET (LAND LOT 127, 140, TAX PARCEL 02)**

**WHEREAS**, Christ Community Church of Cobb County PCA, Inc. has made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from City Urban Village Community (UVC) to City Office Institutional (O & I) for property located at 3057 North Main Street, 13.92 acre+/- parcel Land Lots 127, 140 Tax Parcel 02 (as more particularly described below); and

**WHEREAS**, notice was advertised in the Marietta Daily Journal on July 18, 2008 of a public hearing before the Kennesaw Planning Commission held on August 06, 2008 and the Mayor and Council on August 18, 2008; and

**WHEREAS**, the Kennesaw Planning Commission held public hearing on August 06, 2008; and

**WHEREAS**, the Mayor and Council held public hearing on August 18, 2008; and

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

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

**SECTION 1.** The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from City Urban Village Commercial (UVC) to City Office Institutional (O & I) for property located at 3057 North Main Street, 13.92 acre+/- parcel Land Lots 127, 140 Tax Parcel 02 (as more particularly described below); and

**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in Land Lots 127 and 140 of the 20<sup>th</sup> District, 2<sup>nd</sup> Section, City of Kennesaw, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a ½" rebar found at the intersection of the easterly right-of-way of Rutledge Road (50 foot right-of-way) and the southerly right-of-way of North Main Street (60 foot right-of-way), also known as Old U.S. 41 Highway, also known as State Route 293, also known as Old Dixie Highway; thence proceeding along said right-of-way of North Main Street south 71° 07' 27" east a distance of 559.23 feet to a nail set; thence

leaving said right-of-way of North Main Street and proceeding south 18° 52' 18" west a distance of 75.00 feet to a ½" rebar found; thence proceeding south 71° 02' 52" east a distance of 103.87 feet to a nail found; thence proceeding south 15° 59' 24" west a distance of 224.68 feet to a ½" rebar found at the northwesterly corner of Kennesborough Square Phase III; thence proceeding with westerly property line of Kennesborough Square Phase III south 16° 00' 38" west a distance of 626.83 feet to a ½" rebar found at the northwesterly corner of Kennesborough Square Phase II; thence proceeding with westerly property line of Kennesborough Square Phase II south 15° 59' 12" west a distance of 290.63 feet to a ½" rebar found; thence leaving said westerly property line of Kennesborough Square Phase II and proceeding north 54° 18' 09" west a distance of 96.88 feet to a ½" rebar found; thence proceeding north 79° 08' 24" west a distance of 183.03 feet to a ½" rebar found; thence proceeding north 33° 30' 44" west a distance of 100.73 feet to a ½" rebar found; thence proceeding north 01° 20' 44" west a distance of 128.01 feet to a ½" rebar found; thence proceeding north 00° 05' 13" east a distance of 317.65 feet to a ½" rebar found; thence north 00° 26' 54" west a distance of 207.84 feet to a ¾" open top pipe found; thence proceeding north 00° 20' 21" west a distance of 123.68 feet to a 1½" rebar found; thence proceeding north 00° 09' 26" west a distance of 268.16 feet to a ½" rebar found on the easterly right-of-way of Rutledge Road; thence proceeding along said right-of-way of Rutledge Road along a curve to the left having a radius of 432.25 feet and a length of 167.24 feet (said curve having a chord bearing of north 10° 52' 18" east and a chord distance of 166.20 feet) to the POINT OF BEGINNING.

**SECTION 2. BE IT FURTHER ORDAINED THAT** the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from City Urban Village Commercial (UVC) to City Office Institutional (O & I)

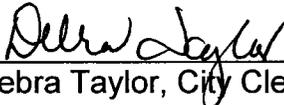
**SECTION 3. BE IT FURTHER ORDAINED THAT** it is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

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

PASSED AND ADOPTED by the Kennesaw City Council on this 18<sup>th</sup> day of August, 2008.

ATTEST:

CITY OF KENNESAW:

  
Debra Taylor, City Clerk



  
Mark Mathews, Mayor

**CITY OF KENNESAW, GEORGIA**

**ORDINANCE NO. 2004-40**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KENNESAW, GEORGIA SO AS TO CHANGE THE ZONING DISTRICT DESIGNATION FROM CITY LI (Light Industrial) TO CITY UVC ( Urban Village Commercial) FOR PROPERTY LOCATED AT 3057 N. MAIN STREET**

**WHEREAS, THE COLUMNS GROUP, INC.** has made application to amend the Official Zoning Map of the City of Kennesaw, Georgia so as to change the zoning designation from City LI (Light Industrial) to City to City UVC (Urban Village Commercial) on 13.926 acre+/- parcel located at 3057 N. Main Street (as more particularly described below); and

**WHEREAS,** notice was advertised in the Marietta Daily Journal on May 28, 2004, of a public hearing before the Kennesaw Planning Commission held on June 14, 2004 and the Mayor and Council on July 6, 2004; and

**WHEREAS, The** Kennesaw Planning Commission held a public hearing on this proposal on June 14, 2004; and

**WHEREAS, the** Mayor and Council held a public hearing on this proposal on July 6, 2004; and

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

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

**SECTION 1.** The Official Zoning Map of the City of Kennesaw, Georgia is hereby amended so as to change the zoning district designation from City LI (Light Industrial) to City UVC (Urban Village Commercial) for the following described property:

Legal Description  
Kennesaw Fishery

ALL THAT TRACT OR PARCEL of land lying in and being a portion of Land Lots 127 and 140 of the 20th District, 2nd Section, Cobb County, City of Kennesaw, Georgia and being more particularly described .as follows:

BEGINNING at an iron pin set at a point formed by the intersection of the southerly right-of-way of Main Street North, a.k.a. Old U.S. 41, State Route 293 (60' R/W) with the easterly right-of-way of Rutledge Road (50' R/W); thence along said right-of-way of

Main Street North south 71 degrees 09 minutes 04 seconds east a distance of 559.40 feet to a #4 rebar found; thence leaving said right-of-way south 18 degrees 48 minutes 29seconds west a distance of 74.99 feet to a #4 rebar found; thence south 71 degrees 09minutes 51 seconds east a distance of 103.82 feet to an iron pin set; thence south 15degrees 57 minutes 08 seconds west a distance of 224. 99 feet to a #4 rebar found, said point being the northwest corner of Lot 13, Kennesborough Square, Phase III (plat Book138, page 72); thence along the westerly line of said subdivision south 15 degrees 58minutes 56 seconds west a distance of 626. 73 feet to a #4 rebar found, said point being the southwest corner of Lot 25, said subdivision, and also being the northwest corner of Lot 102, Kennesborough Square, Phase II (Plat Book 132, page 56); thence along the westerly line of said Phase II south 15 degrees 58 minutes 09 seconds west a distance of 290.72 feet to a #4 rebar found, said point being the southwest corner of Lot 104 of said Phase II; thence north 54 degrees 20 minutes 42 seconds west a distance of 96.88 feet to a#4 rebar found; thence north 79 degrees 10 minutes 03 seconds west a distance of 183.02 feet to a #4 rebar found; thence north 33 degrees 31 minutes 04 seconds west a distance of 100.94 feet to a #4 rebar found; thence north 01 degrees 21 minutes 08 seconds west a distance of 127.88 feet to a #4 rebar found; thence north 00 degrees 04 minutes 48seconds east a distance of 317.66 feet to a 1-1/2" open top pipe found; thence north 00 degrees 29 minutes 16 seconds west a distance of 207.91 feet to a 1" open top pipe found; thence north 00 degrees 22 minutes 12 seconds west a distance of 123.65 feet to a 1-1/2"open top pipe found; thence north 00 degrees 1 0 minutes 38 seconds west a distance of 268.16 feet to a #4 rebar found located on the aforementioned easterly right-of-way of Rutledge Road; thence along said right-of-way following the curvature to the left a distance of 167.29 feet to an iron pin set and the POINT OF BEGINNING, said curve having 31 radius of 432.28 feet and being subtended by a chord bearing north 10 degrees 46 minutes 37 seconds east and distance of 166.24 feet.

Together with and subject to easements, covenants and restrictions of record.

Said tract containing 13.926 acres, more or less, as shown on that certain plat of survey entitled "Boundary Survey for Pridemark Homes, Inc." prepared by Surveys Plus, Inc., dated 4-29-04.

**SECTION 2. BE IT FURTHER ORDAINED THAT** the amendment to the Official Zoning Map outlined in Section 1 above is adopted to change the zoning district designation from City LI (Light Industrial to City UVC (Urban Village Commercial) subject to the stipulations of staff and Mayor and Council as follows:

1. Approved site plan specific to plan dated 4-30-04 prepared by Surveys Plus, Inc. as follows:
  - a. Maximum 6.83 DUA
  - b. 103 total residential units
  - c. Private Road
  - d. Minimum setback from private roads 25 feet for single family and townhome units
  - e. Utilize brick and stone facades on all sides of structures throughout the development for residential and commercial components as per color elevations submitted to staff nad made part of the rezoning file
  - f. Buffer area to include mix of hardwoods and evergreens, pines

- g. Install 6' fencing within buffer
  - h. Utilize decorative lighting throughout development along Main Street and Rutledge Road. Design to resemble lighting in Downtown Kennesaw Area.
2. No More than 5% be rental units.
  3. Installation of pedestrian cross-walks
  4. No accel-decel lanes required to Rutledge Road
  5. Install three (3) trees per unit.
  6. Install brick pavers at the entrance.

**SECTION 3. BE IT FURTHER ORDAINED THAT** it is hereby declared to be the intention of this ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, and phrase is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

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

ADOPTED THIS 6<sup>th</sup> DAY OF July, 2004.



Attest:

Diane H. Coker  
Diane Coker, City Clerk

Leonard Church  
Leonard Church, Mayor