

**OCTOBER 16, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM # 4**

**PURPOSE**

To consider site plan and stipulation amendment for Masjid-Al-hedaya of Marietta, Inc. regarding rezoning application Z-103 of 1997 (Piedmont Properties, Inc.), for property located on the east side of Kennesaw Due West Road, north of Stilesboro Road in Land Lot 216 of the 20<sup>th</sup> District.

**BACKGROUND**

The subject property is zoned NRC and O&I subject to many zoning stipulations. One of the zoning stipulations requires the Board of Commissioners to approve the uses on the property. The Board of Commissioners had previously approved retail, office and sit down restaurants on the property. The applicant would like to place a house of worship in one of the office buildings in the back of the property. The religious service that would have the most people would have approximately 150 people attending, which would require 38 parking spaces. The building they are utilizing has 58 parking spaces immediately adjoining it; the overall property has 312 parking spaces. The applicant would also have religious education on the weekends from 10:00am to 2:00pm. If approved, all other zoning stipulation would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulations amendment.

**ATTACHMENTS**

Other Business application and zoning stipulations.

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 10/16/12

**Applicant:** Masjid-Al-hedaya of Marietta, Inc. Phone #: 678-596-0724  
(applicant's name printed)

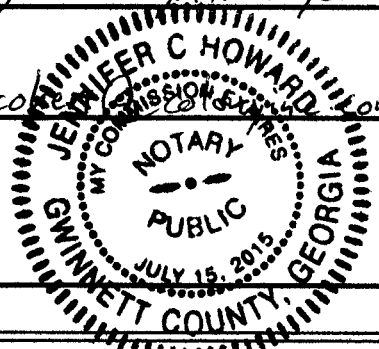
**Address:** P.O.Box 1893 Marietta, Ga 30061 E-Mail: aht.059@gmail.com

Kyle Cohen Address: 3500 Lenox Road, ste 760 Atlanta, GA 30326  
(representative's name, printed)

[Signature] Phone #: (678) 539-2719 E-Mail: kcohen@kcohen.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Jennifer C. Howard My commission expires: \_\_\_\_\_  
Notary Public



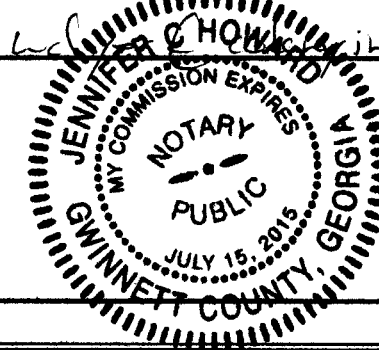
**Titleholder(s):** MB REO-GA Office, LLC. Phone #: (678) 535-2715  
(property owner's name printed)

**Address:** 3500 Lenox Rd ste 760 Atlanta, GA 30326 E-Mail: mbreo@mbreo.com

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Jennifer C. Howard My commission expires: \_\_\_\_\_  
Notary Public



**Commission District:** 1 **Zoning Case:** 103 of 97

**Date of Zoning Decision:** \_\_\_\_\_ **Original Date of Hearing:** 10/16/12

**Location:** 1600 Kennesaw Due West Road, Bldg #1600, Kennesaw, GA 30152.  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 20021601940, 20021601950 **District(s):** D+I

**State specifically the need or reason(s) for Other Business:** Seeking permission to operate a place of worship at the property located at 1600 Kennesaw Due West Road, Building 1600, Kennesaw, Georgia, 30152.

(List or attach additional information if needed)



*Z-1039 1997*  
*Stipulation letter as*  
*referenced in A Memorandum of Agreement*  
*Zoning Minutes of 8-19-97* *KTH*

*Z-103*  
*Rec'd 8-5-97 by Applicant*  
*(PA)*

FROM: Residents of Stilesboro Crossing II

TO: Cobb County Planning Commission

The undersigned residents and homeowners/voters of the neighborhood known as Stilesboro Crossing, immediately adjacent to that parcel of land on Kennesaw Due West Road near the Stilesboro Road intersection for which re-zoning has been requested have met with a representative from Piedmont Properties.

Having agreed to certain conditions as listed herein, Piedmont Properties further agrees to give Stilesboro Crossing II Subdivision the following conditions as a part of the rezoning request:

1. A minimum of a 50 foot undisturbed buffer along the northern boundary of the property.
2. A 6 foot high privacy fence along the inside edge of said buffer on an elevated berm of no less than 4 feet.
3. A natural privacy screen to be planted on the north side of said fence consisting of Leland Cypress or similar type of growth.
4. All dumpster pads and/or dumpsters to be permanently located on the south side of the property.
5. No restaurants/establishments to serve alcoholic beverages.
6. No fast food restaurants allowed.

In consideration of these conditions becoming a part of the rezoning request, and assuming full compliance, the undersigned to agree to support Piedmont Properties in their request for rezoning of this property for the express purposes as presented to said residents/property owners on July 21, 1997.

*Agreed to by Piedmont*  
*Properties, Inc. by*  
*M. L. Denberg, President*

# Piedmont Properties, Inc.

August 18, 1997

*Z-103 of 1997  
Stipulation letter  
(addendum to 1st letter)  
as referenced in zoning  
minutes of 8-19-97.  
MSI*

*Z-103  
Rec'd 8-19-97  
MSI*

Cobb County Board of Commissioners  
100 Cherokee Street  
Suite 300  
Marietta, GA 30090-9680

**RE: Petition No. Z-103, NRC and O&I Development  
Kennesaw Due West Road at Stilesboro Road**

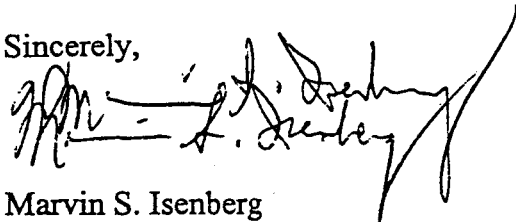
Gentlemen:

In addition to the conditions that Piedmont Properties, Inc. has consented to in its agreement with the adjacent neighborhood, Stilesboro Crossing, Unit I and with Cobb County DOT, Piedmont Properties, Inc. will agree to do, and have as part of its written conditions attached to the proposed zoning, the following items:

1. The landscape plan, as submitted and revised for the Planning Commission, will be adhered to once the development proceeds.
2. The exterior of all buildings will be either all brick or majority brick so as to conform to the surrounding neighborhood. There will be a brick monument sign for the entire shopping center.
3. All dumpsters will be rubberized containers, and pick up hours will be during normal working hours, if possible.

Thank you for your consideration.

Sincerely,

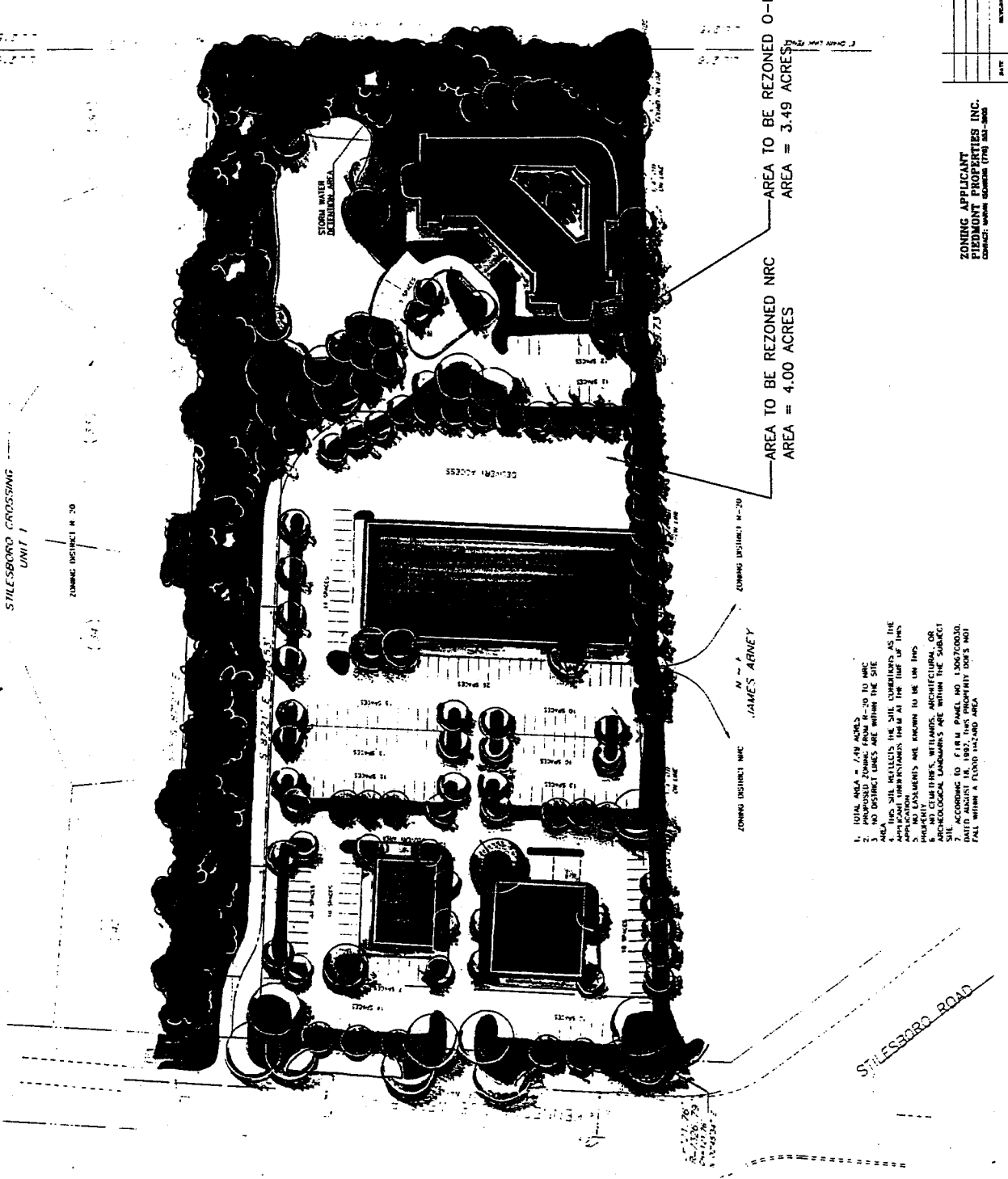
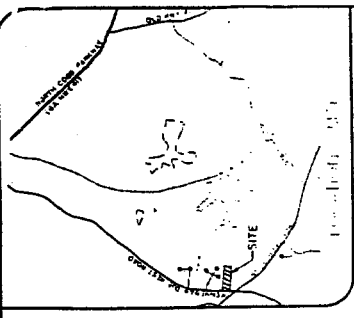


Marvin S. Isenberg  
President

MSI:kl

2-105- Landscaping as presented was referenced in lettering agreeable conditions

*red*



AREA TO BE REZONED NRC  
AREA = 4.00 ACRES

AREA TO BE REZONED O-1  
AREA = 3.49 ACRES

1. TOTAL AREA OF 7.49 ACRES
2. NO DISTRICT LINES ARE WITHIN THE SITE
3. AREA THIS SITE BELONGS TO THE SITE SUBMITTER AS THE APPLICANT THEREFORE HAS THE RIGHT AT THE TIME OF THIS APPLICATION TO REZONE THE SITE
4. NO LANDMARKS ARE KNOWN TO BE ON THIS PROPERTY
5. THE SITE IS A RESIDENTIAL DEVELOPMENT AND THE ARCHITECTURAL LANDMARKS ARE WITHIN THE SUBJECT SITE
6. ACCORDING TO THE 1997 ZONING ORDINANCE, THE DATE OF THE 1997 ZONING ORDINANCE IS 1997. THIS PROPERTY DOES NOT FALL WITHIN A FLOOD HAZARD AREA



**CIVIL DESIGN, INC.**  
PROFESSIONAL LANDSCAPE ARCHITECTS, LICENSED AND REGISTERED

**PIEDMONT PROPERTIES, INC.**

DATE: 11-11-14  
PROJECT: 14-001

SCALE: 1" = 100'

DATE: 11-11-14

PROJECT: 14-001

SCALE: 1" = 100'

ZONING APPLICANT:  
PIEDMONT PROPERTIES INC.  
CONTACT: WANDA GORDON (704) 581-3800

ORIGINAL DATE OF APPLICATION: 08-19-97APPLICANTS NAME: PIEDMONT PROPERTIES, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 10-19-04 ZONING HEARING:**

**OTHER BUSINESS ITEM #1 – TO CONSIDER A SITE PLAN AND USE  
APPROVAL FOR CANDLER DEVELOPMENT COMPANY REGARDING Z-103  
(PIEDMONT PROPERTIES, INC.) OF AUGUST 19, 1997**

To consider a site plan and use approval for Candler Development Company regarding Z-103 (Piedmont Properties, Inc.) of August 19, 1997, for property located on the east side of Kennesaw Due West Road, north of Stilesboro Road in Land Lot 216 of the 20<sup>th</sup> District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for approval of site plan and use. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Lee, to **approve** site plan and use for Candler Development Company regarding Z-103 (Piedmont Properties, Inc.) of August 19, 1997, for property located on the east side of Kennesaw Due West Road, north of Stilesboro Road in Land Lot 216 of the 20<sup>th</sup> District **subject to:**

- **site plan to be revised to depict right-in/right-out access from curb cut on Kennesaw Due West Road in approximately the middle of the property; with final site plan to be approved by District Commissioner**
- **allowance of sit-down restaurants that serve alcohol by the drink only**
- **no restaurants with drive-thru facilities**
- **ground-based monument signage**
- **environmentally sensitive, decorative lighting**
- **installation of pedestrian walkways within the development**
- **minimum number of parking spaces allowed by Code**
- **all other previously approved conditions/stipulations to remain in full force and effect**

VOTE: **ADOPTED** unanimously

