

**SEPTEMBER 20, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM OB-056

PURPOSE

To consider a site plan and stipulation amendment for Red Deer Mt., LLC regarding rezoning application Z-103 of 1997 (Piedmont Properties, Inc.), for property located on the east side of Kennesaw Due West Road, north of Stileboro Road in Land Lot 216 of the 20th District.

BACKGROUND

The subject property was rezoned site plan specific in 1997 for a commercial development. This Other Business item concerns the building in the rear of the development. It was originally approved as a rectangular +/-6,900 square foot office building. The applicant would like to revise the approved site plan to construct a 5,440 square foot office building. The building would be used as a veterinary office. If approved, all previous zoning stipulations would remain in effect.

RECOMMENDATION

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

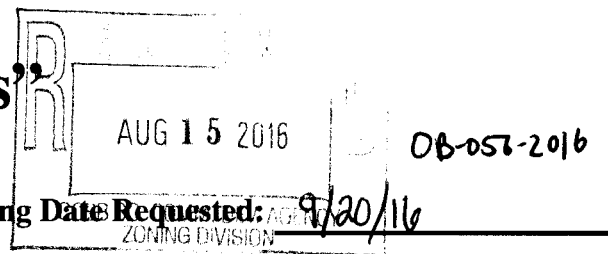
ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 9/20/16



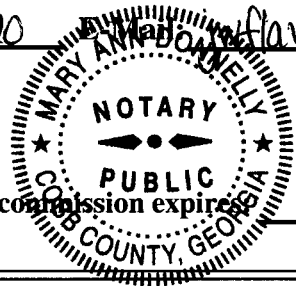
Applicant: Red Deer Mt, LLC; Carrie Friedewald = owner Phone #: 770-419-0362
(applicant's name printed) Suite 507 30152
Address: 1600 Kennesaw Dine West Rd, Kennesaw GA E-Mail: dr Carrie@kennesawvet.com

James W. Friedewald Address: 272 Washington Ave Marietta, GA 30060
(representative's name, printed)

James W. Friedewald Phone #: 770-424-8420 Email: mfaw1@bellsouth.net
(representative's signature)

Signed, sealed and delivered in presence of:

Mary Ann Donnelly My commission expires June 24, 2017
Notary Public



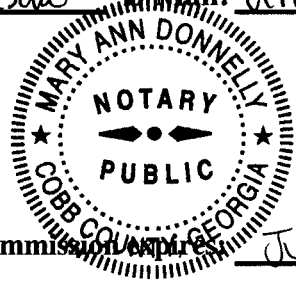
Titleholder(s): Carrie Friedewald, DVM; Red Deer Mt, LLC Phone #: 770-419-0362
(property owner's name printed) 30152

Address: 1600 Kennesaw Dine West Rd Suite 507 Kennesaw E-Mail: dr Carrie@kennesawvet.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

Mary Ann Donnelly My commission expires June 24, 2017
Notary Public



Commission District: 1 **Zoning Case:** 2103-97

Size of property in acres: +/- 0.76 **Original Date of Hearing:** 8/19/97

Location: 1600 Kennesaw Dine West Rd Kennesaw GA 30152 → Rear of Stilesboro Crossing
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 216 **District(s):** 20th

State specifically the need or reason(s) for Other Business: Minor change in the footprint of the building originally approved (footprint changed from a rectangle to an "L" shape).

ORIGINAL DATE OF APPLICATION: 08/97

APPLICANT'S NAME: PIEDMONT PROPERTIES, INC.

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

BOC DECISION OF 08-19-97 ZONING HEARING:

PIEDMONT PROPERTIES, INC. (Allie Brown, owner) for Rezoning from R-20 to NRC and OI for the purpose of Retail Center, Restaurant and Assisted Living Center in Land Lot 216 of the 20th District. 7.49 acres. Located on the east side of Kennesaw Due West Road, north of Stilesboro Road. The Board of Commissioners approved rezoning of property to the NRC and OI zoning districts subject to: 1) letters of agreeable conditions attached and made a part hereof; 2) project subject to Cobb DOT comments and recommendations; 3) owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns; 4) project subject to Stormwater Management Division comments and recommendations; 4) Water and Sewer Department comments and recommendations; 5) site plan(s) and uses to be brought back to the Board of Commissioners for approval prior to permitting. Motion by Cooper, second by Byrne, carried 5-0.

*Z-103 9/1997
Stipulation letter as
referred in A Memorandum of Agreement
Zoning Minutes of 8-19-97*

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

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. ... / President*

2-103 skip letter
pg. 2

A further concern of the residents involves the traffic problem which already exists at the intersection of Kennesaw Due West Road and Stilesboro Road and which certainly becomes worse with development of any kind. Specifically during early morning and late afternoon/evening "rush hour" periods, and to a greater degree during periods when schools are in session. Traffic backs up beyond the Hood Circle intersection on Kennesaw Due West Road and makes left hand turning onto Kennesaw Due West Road extremely difficult and frequently dangerous. The Undersigned therefore are at the mercy of the county leaders to be aware of the situation and have a plan ready to put into action in order to keep this situation from becoming impossible.

Marian Waldorf

1685 N. HOOD CT.
Mr. & Mrs. David H. Waldorf

Maria G. Justice & Melinda Justice 1640 S. Hood Ct
Kennesaw 30152

Mr. & Mrs. R. P. Reeves

John & Jan 1645 S. Hood Ct.
Kennesaw, GA 30152
Robert & Ann 2612 HOOD CIR.
KENNESAW, GA 30152

ROBERT HARTMANN

LINDA HARTMANN

Ann Kistner 2617 Hood Circle
KENNESAW, GA 30152

Ann Kistner

Doug Kistner 2617 Hood Cir
Kennesaw GA 30152

Sarah C. Hamilton Kennesaw 30152

Sarah Hamilton

Celeste Phillips

1670 N. HOOD CT. Ch. J. Wood

Paul D. Wood

Dana Wood

Carol Culver

Jewel F. York

Jimmie L. Silver

Piedmont Properties, Inc.

August 18, 1997

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

*Z-103
Rec'd 8-19-97
Ⓢ*

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**

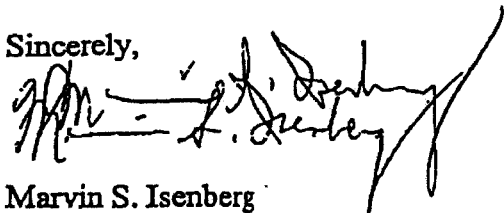
Gentlemen:

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,

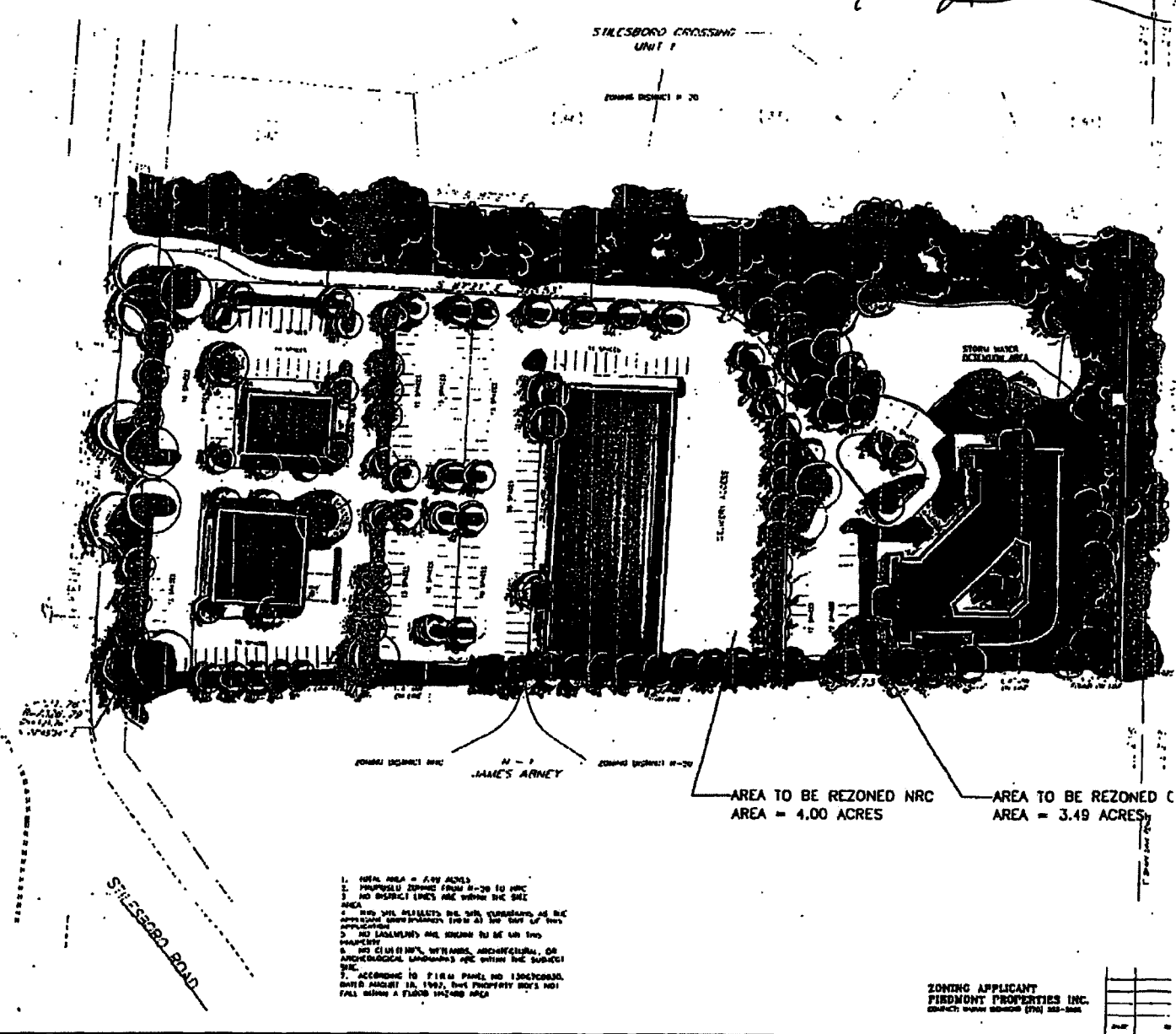


Marvin S. Isenberg
President

MSI:kl

2-103- Landscaping in previous case requires
 letting agreeable conditions

left



ZONE DISTRICT N-1
 N-1
 JAMES ARNEY
 ZONE DISTRICT N-20

AREA TO BE REZONED NRC
 AREA = 4.00 ACRES

AREA TO BE REZONED C
 AREA = 3.49 ACRES

Stilesboro Road

1. TOTAL AREA = 7.49 ACRES
2. PROPOSED ZONING FROM N-20 TO NRC
3. NO DISTRICT LINES ARE WITHIN THE SITE AREA
4. THIS SITE ALLEYS ARE NOT CONSIDERED AS THE APPROXIMATE EQUIVALENTS FROM A1 FOR ONE OF THIS APPLICATION
5. NO LANDMARKS ARE BELIEVED TO BE ON THIS PROPERTY
6. NO CLUSTERING, STRIPES, ARCHITECTURE, OR ANTHROPOLOGICAL LANDMARKS ARE WITHIN THE SUBJECT SITE
7. ACCORDING TO FIRM PANEL NO 130670030, DATED AUGUST 18, 1967, THIS PROPERTY DOES NOT FALL WITHIN A PLANNED UNIT DEVELOPMENT

ZONING APPLICANT
 FIRMONT PROPERTIES INC.
 CONTACT: WALTER SCHMIDT (704) 362-3888

ORIGINAL DATE OF APPLICATION: 08-19-97

APPLICANTS 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 20th 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 20th 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

