

**AUGUST 16, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 044

PURPOSE

To consider amending the site plan and zoning stipulations for Paradise Group for rezoning application Z-141 (Ben Lefkowitz) of 1994, for property located on the west side of Johnson Ferry Road, north of Waterfront Circle in Land Lot 470 of the 16th District (3075 Johnson Ferry Road).

BACKGROUND

The subject property was rezoned in 1994 for Light Automotive Repair. One of the stipulations required the property owner to have a right-in/right-out only. The property was developed in the 1990's for an oil change business with a full access driveway onto Johnson Ferry Road. The applicant was researching the 1994 zoning stipulations and discovered the driveway was not in compliance with the zoning conditions. The applicant would like delete the stipulation for a right-in/right-out only since the driveway functions well. Cobb D.O.T. does not object to keeping the driveway full access. If approved, all previous stipulations not in conflict with this amendment should remain in place.

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

OB-044-2016

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

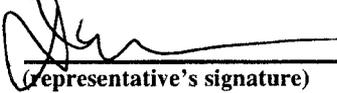
BOC Hearing Date Requested: August 16, 2016

Applicant: Paradise Group, LLC **Phone #:** 404-444-8924
(applicant's name printed)

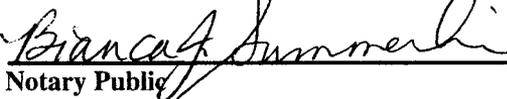
Address: 2901 Rigsby Lane, Safety Harbor, FL 34695 **E-Mail:** dmattson@paradiseventuresinc.com

Dave Mattson **Address:** 2901 Rigsby Lane, Safety Harbor, FL 34695

(representative's name, printed)

 **Phone #:** 404-444-8924 **E-Mail:** dmattson@paradiseventuresinc.com
(representative's signature)

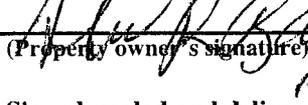
Signed, sealed and delivered in presence of:

 **My commission expires:** _____
Notary Public



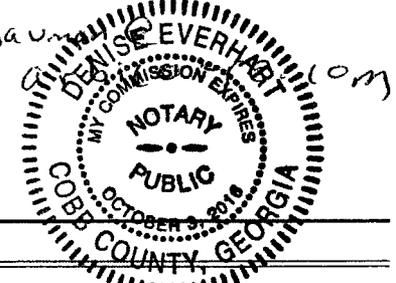
Titleholder(s): Texlube Investments, LLC **Phone #:** 770-955-7676
(property owner's name printed)

Address: 3350 Riverwood Pkwy, SE **E-Mail:** abauman@arbitlo-re.com
Suite 450, Atlanta 30339

 **Authorized Signature**
Andrew R. Bauman
(Property owner's signature)

Signed, sealed and delivered in presence of:

 **My commission expires:** _____
Notary Public



Commission District: 3 **Zoning Case:** Z-141

Size of property in acres: 0.5793 **Original Date of Hearing:** September 20, 1994

Location: 3750 Johnson Ferry Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 470 **District(s):** 16

State specifically the need or reason(s) for Other Business: This application is being made to remove Zoning Condition 4 that requires the driveway to be a right in right out only. The driveway is currently built as a full access drive. Zoning condition 7 requires a left turn lane at the median break for left turn access into the site. See attached Z-141 conditions.

(List or attach additional information if needed)

Application for Rezoning Cobb County

(type or print clearly)

Application No. 2141
Hearing Date: 9/30/97

Applicant Ben M Lefkowitz Business Phone 796-0543 Home Phone 933-9032

Ben M. Lefkowitz Address 3273 Dunberry Chase, Marietta, GA 30067

(representative's name, printed)
Ben M. Lefkowitz Business Phone 396-0543

(representative's signature)

Signed, sealed and delivered in presence of

Donald A. Biggeln
Notary Public
My commission expires: _____

Notary Public, Hall County, Georgia
My Commission Expires May 12, 1998

Titleholder KATHLEEN H. WENDEL Business Phone 641-1910 Home Phone 998-5110

Signature Kathleen H. Wendel Address 4684 THREE SPRINGS CT.

(attach additional signatures, if needed) MARIETTA, GA 30062

Signed, sealed and delivered in presence of:

Melanie A. Montero
Notary Public
My commission expires: August 8, 1997

Zoning Request From O E I to NRC

(present zoning) (proposed zoning)

For the Purpose of LIGHT AUTOMOTIVE (OIL, LUBE) Size of Tract 0.56 Acre(s)

(subdivision, restaurant, warehouse, apt., etc.)

Location 3075 JOHNSON FERRY ROAD MARIETTA, GEORGIA 30062

(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 740-470 District 16th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no such assets. If any, they are as follows:

Ben M Lefkowitz
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is not such a cemetery. If any, they are as follows:

Ben M Lefkowitz
(applicant's signature)

ORIGINAL DATE OF APPLICATION: 9-20-94

APPLICANT'S NAME: BEN LEFKOWITZ

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

BOC DECISION OF 9-20-94: The Board of Commissioners approved application subject to: 1) revised site plan submitted, received by Staff on August 5, 1994, marked as Exhibit "A"; 2) landscape buffer to be approved by Staff; 3) signage to be ground based monument style; 4) driveway on Johnson Ferry Road to be designed as right-in/right-out only; 5) owner/developer is required to meet all Development Standards and Ordinances related to project improvements; 6) establishment of an architectural control committee to include the site owner, site operator, Cobb Planning and Zoning Staff member, and David Hong, representing the East Cobb Civic Association and neighborhood residents (this committee is to come to conclusions to unresolved issues before development begins); 7) installation of a left-turn storage bay to be constructed within the existing median break to accommodate commercial traffic; 8) applicant to provide interparcel access to the adjacent parcel to the north when adjacent tract is development commercially. Motion by Byrne, second by Wysong, carried 5-0.

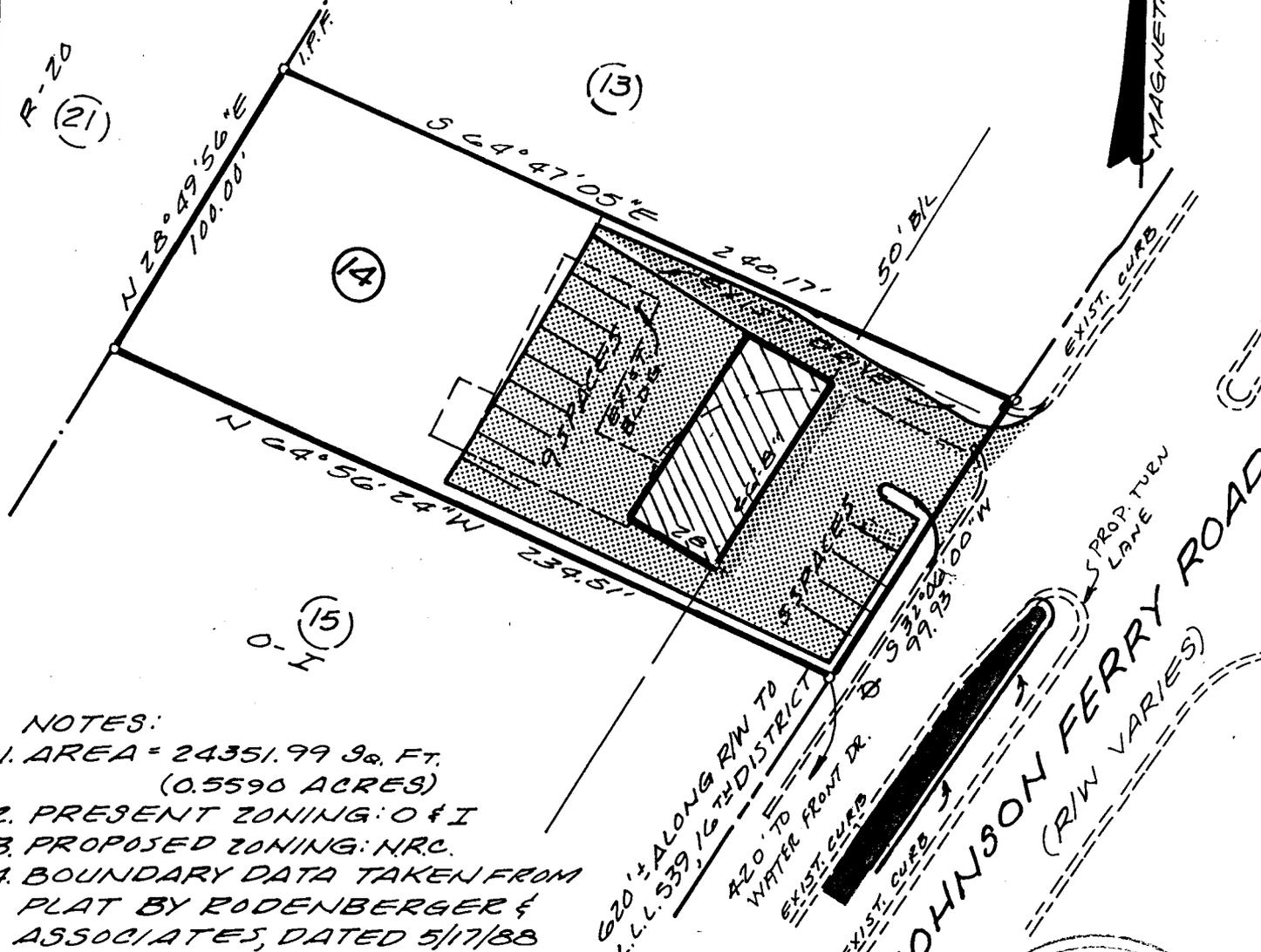
Karen L. Hach
Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners

2-141

*no large
site plan
in 1:6*

EXHIBIT "A" - as referenced
in zoning minutes of
9-20-94 (21)

*Revised site plan
8-5-94*



NOTES:

- 1. AREA = 24351.99 Sq. Ft. (0.5590 ACRES)
- 2. PRESENT ZONING: O & I
- 3. PROPOSED ZONING: N.R.C.
- 4. BOUNDARY DATA TAKEN FROM PLAT BY RODENBERGER & ASSOCIATES, DATED 5/17/88



ZONING PLAT
FOR
TEXACO EXPRESS LUBE

LOT: 14-A JOHNSON FERRY ESTATES
 LOCATED IN LAND LOT 470
 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA
 DATE: 7-5-94 SCALE: 1" = 50'

THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING ANY SPECIAL FLOOD HAZARD CONDITIONS.

AYRES ENGINEERING
 850 KENNESAW AVE.
 MARIETTA, GA.
 (404) 421-8140