

**FEBRUARY 18, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 6

PURPOSE

To consider a stipulation amendment for Alterman Woodlawn, LLC regarding rezoning application Z-20 of 2012 (Alterman Woodlawn, LLC), for property located at the southeast intersection of Johnson Ferry Road and Woodlawn Parkway in Land Lot 13 of the 1st District.

BACKGROUND

The subject property was rezoned to Neighborhood Retail Commercial for an AAA Car Care business in 2012. One of the zoning conditions require other uses to be approved by the Board of Commissioners as an Other Business Item. The applicant would like to use a rear portion of the building for a medically related use or a medical office. It was formally used by an MRI business. No changes are proposed for the existing building. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

(Stipulation Amendment)
Application for "Other Business"
Cobb County, Georgia

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

BOC Hearing Date Requested: 02/18/2014

Applicant: Alterman Woodlawn, LLC **Phone #:** (404) 255-8881
(applicant's name printed)

Address: Suite 150, 6095 Lake Forrest Drive, Atlanta, GA 30328 **E-Mail:** _____

Moore Ingram Johnson & Steele, LLP **John H. Moore** **Address:** Emerson Overlook, 326 Roswell Street Marietta, GA 30060

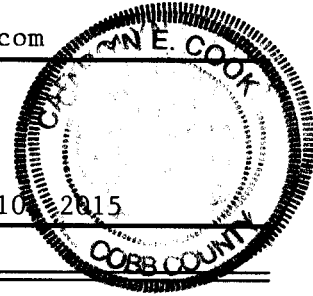
(representative's name, printed)

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800 w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public

My commission expires: January 10, 2015



Titleholder(s): Alterman Woodlawn, LLC **Phone #:** (404) 255-8881
(property owner's name printed)

Address: Suite 150, 6095 Lake Forrest Drive, Atlanta, GA 30328 **E-Mail:** _____

See Attached Exhibit "A" for Signature of Titleholder's Representative

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-20 (2012)

Date of Zoning Decision: 06/19/2012 **Original Date of Hearing:** 05/15/2012

Location: 1197 Johnson Ferry Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 13 **District(s):** 1st

State specifically the need or reason(s) for Other Business: _____

See Exhibit "B" attached hereto and incorporated herein by reference.

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

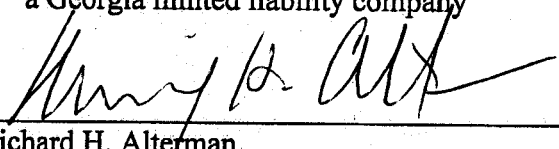
Application No.: Z-20 (2012)
Original Hearing Date: May 15, 2012
Date of Zoning Decision: June 19, 2012
Current Hearing Date: February 18, 2014

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: Alterman Woodlawn, LLC

ALTERMAN WOODLAWN, LLC
a Delaware limited liability company

BY: ALTERMAN PROPERTIES, LLC
a Georgia limited liability company

BY: 
Richard H. Alterman
Manager

Address: Suite 150, 6095 Lake Forrest Drive
Atlanta, Georgia 30328

Telephone No.: (404) 255-8881

Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: April 25, 2014

[Notary Seal] Notary Public, DeKalb County, Georgia
My Commission Expires April 25, 2014

COBB COUNTY ZONING DEPARTMENT
2014 JUN 14 PM 2:13
COBB COUNTY ZONING DEPARTMENT

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.:	Z-20 (2012)
Original Hearing Date:	May 15, 2012
Date of Zoning Decision:	June 19, 2012
Current Hearing Date:	February 18, 2014

Applicant/Property Owner: Alterman Woodlawn, LLC

On June 19, 2012, the Cobb County Board of Commissioners approved the rezoning of a 1.31 acre developed tract located at 1197 Johnson Ferry Road (hereinafter "Property" or "Subject Property") to the Community Retail Commercial ("CRC") zoning category. The purpose of rezoning the Property was to allow for renovations and improvements, both interior and exterior, and the connection of two existing structures into one single retail building. The majority of the newly renovated building would be for a use-specific purpose; and renovations and upgrades to the exterior of the portion of the structure termed the "MRI building" was to remain separate and for the user at the time of rezoning. A true and correct copy of the final, official minutes reflecting the approval, and the stipulations therefor, is attached and made a part of this overall Application for "Other Business."

Applicant seeks an amendment to bullet point no. 5 of the final, official minutes of the June 19, 2012, Zoning Hearing which reads as follows:

- for this use only, any other use to be approved by the Board of Commissioners as an Other Business Item

The purpose of this amendment is to allow the separate MRI building to be used for medical/medical-related offices and/or medical services facility rather than a specific medical use, such as MRI. Applicant currently has a prospective tenant for the building which is medical related and to prohibit the use would cause undue hardship upon Applicant. The use approved for the main building is not affected or altered by this requested amendment and shall remain as set forth in the original zoning minutes and stipulations.

The amendment requested and presented above in no way adversely impacts or affects the remainder of the overall development. If the requested amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 19, 2012, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

COBB COUNTY ZONING DEPARTMENT
2014 JUN 14 PM 2:13

**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR REZONING—
JUNE 19, 2012**

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-20 (2012) –
JUNE 19, 2012**

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 JAN 14 PM 2:13
COBB COUNTY ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 19, 2012
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 19, 2012 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Helen Goreham
Commissioner Woody Thompson
Commissioner Robert Ott

Z-20

ALTERMAN WOODLAWN, LLC (owner) requesting Rezoning from **NS with Stipulations** to **CRC** for the purpose of Office and Retail in Land Lot 13 of the 1st District. Located at the southeast intersection of Johnson Ferry Road and Woodlawn Parkway (1197 Johnson Ferry Road).

The public hearing was opened and Mr. John Moore, Ms. Trish Steiner, and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **delete** Rezoning to the NRC zoning district, **subject to:**

- **specific to site plan received by the Zoning Division on May 30, 2012 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 30, 2012 (attached and made a part of these minutes) with the following changes:**
 - **Item No. 4 – add to end: “, with no more than 8,000 square feet set aside for automotive work.”**
 - **Item No. 6 a – revise to read: “No body work including automotive painting”**
 - **Item No. 6 c – add to end: “including any work that requires the removal of the engine or transmission from the vehicle”**

- Item No. 6 d – revise to read: *“No display of any automotive items for sale allowed outside the building or posted on inside windows including tires, wipers, and automotive maintenance products.”*
 - Item No. 6 f – revise to read: *“All automotive fluids to be captured on site, stored in sealed containers, emptied regularly (approximately once a week), and no fluids flushed into sewer system”*
 - Item No. 7 – revise 2nd sentence: *“The building in which the MRI medical office is currently located shall be bricked to match the brick of the renovated main building.”*
 - Item No. 7 – revise last sentence to read: *“The storefront windows along Johnson Ferry Road shall either be raised above the visual level of car passengers or tinted and shall be shown on elevations to be approved by the District Commissioner.”*
 - Item No. 8 – add to end: *“Exit and entrance doors to remain closed except as necessary to allow cars to enter and exit the building.”*
 - Item No. 9 – add to end: *“and to obtain approval for any substitutions from the District Commissioner.”*
 - Item No. 12 – revise to read: *“All dumpsters servicing the retail center shall be contained within a minimum eight (8) foot high brick veneer enclosure on three sides with solid wooden swing doors on the access side and shall match the main building. All dumpsters shall contain rubber lids to minimize noise.”*
 - Item No. 18 – add to end: *“and subject to approval by the District Commissioner.”*
 - Add Item No. 21 – *“The hours of operation are to be Monday through Saturday, 7 a.m. until 9 p.m. and Sunday 1 p.m. until 7 p.m. unless revised as a result of the new elevations.”*
 - Add Item No. 22 – *“Air conditioners to be placed on the roof and screened from all sides.”*
 - Add Item No. 23 – *“The sign will be modified to match the exterior of the building.”*
- final elevations to be approved by the District Commissioners and shall include the color and style of the brick which will be complimentary to the area and also to show either the raised windows or color of tinting
 - entire building, including the MRI building, to be bricked, with the final color selection and style to be approved by the District Commissioner
 - for this use *only*, any other use to be approved by the Board of Commissioners as an Other Business Item

- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- *revised Cobb DOT comments and recommendations, with the exception of installation of sidewalk on Woodlawn Parkway*
- **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**

VOTE: ADOPTED unanimously

Clerk's Note: Applicant to meet with the ECCA as well as with Mr. Dana Johnson to ensure project meets the intent of the Johnson Ferry Urban Design Plan prior to meeting with District Commissioner.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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KENDRA A. BIRTSCH¹

OF COUNSEL:
JOHN L. SKELTON, JR.¹

¹ ALSO ADMITTED IN TN
² ALSO ADMITTED IN FL
³ ALSO ADMITTED IN NM
⁴ ALSO ADMITTED IN CA
⁵ ALSO ADMITTED IN TX
⁶ ALSO ADMITTED IN AL
⁷ ALSO ADMITTED IN KY
⁸ ALSO ADMITTED IN WV
⁹ ALSO ADMITTED IN NY
¹⁰ ADMITTED ONLY IN TN
¹¹ ADMITTED ONLY IN FL

May 30, 2012

Hand Delivered

MAY 30 2012

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

Min. Bk. 666 Petition No. 2-20
Doc. Type letter of agreeable
conditions
Meeting Date 6/19/12

RE: Application for Rezoning - Application No. Z-20 (2012)
Applicant/Property Owner: Alterman Woodlawn, LLC
Property: 1.31 acres, more or less, located at
1197 Johnson Ferry Road, Land Lot 13,
1st District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Alterman Woodlawn, LLC, who is the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in their Application for Rezoning with regard to an approximately 1.31 acre tract located at 1197 Johnson Ferry Road, Land Lot 13, 1st District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives, ongoing discussions and meetings with area property owners and representatives of the East Cobb Civic Association, Inc., communications with the Cobb County Department of Transportation, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this revised

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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Meeting Date 6/19/12
Continued

letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed April 25, 2012. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing zoning category of Neighborhood Shopping ("NS") to the proposed zoning category of Community Retail Commercial ("CRC"), site plan specific to that certain revised Zoning Site Plan prepared for Applicant by Commercial Site Solutions dated February 29, 2012, last revised May 22, 2012, and submitted to the Zoning Office this date contemporaneously with this revised stipulation letter. A reduced copy of the revised Zoning Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Zoning Site Plan hereinabove referenced, same being prepared by Commercial Site Solutions dated February 29, 2012, last revised May 22, 2012, and submitted to the Zoning Office contemporaneously herewith.
- (4) The Subject Property consists of approximately 1.31 acres. Applicant proposes the connection of the two existing buildings and the renovation of the buildings into a single retail building, having approximately 11,350 square feet of building space, excluding the MRI space, which facility shall remain in its current location.
- (5) The renovated building shall be used for retail and office uses and automotive diagnostic testing, automotive maintenance, and light automotive repair.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

- (6) The following automotive uses shall be specifically excluded:
- (a) No body work;
 - (b) No on-site tow trucks, but drop-offs are allowed;
 - (c) No major engine work (engines pulled from vehicles);
 - (d) No display of tires outside the building;
 - (e) No floor drains;
 - (f) No oil or fluids shall be flushed into the sewer system; and
 - (g) Any vehicles required to be left overnight shall be kept inside.
- (7) The exterior of the existing main building shall consist of brick veneer with awnings and aluminum-type storefront windows, and shall be substantially similar to the elevation attached hereto as Exhibit "B" and incorporated herein by reference. The building in which the MRI medical office is currently located shall be painted to blend with the brick of the renovated main building. The storefront windows along Johnson Ferry Road shall be tinted.
- (8) The motor vehicle bays located within the interior of the main building shall only be accessed by means of one entrance and one exit from said building, as shown and depicted on the referenced Zoning Site Plan.
- (9) Street lights along Johnson Ferry Road and Woodlawn Parkway shall match the existing themed lighting used within the Woodlawn Square Shopping Center development. If it is not reasonable to match said lighting, Applicant agrees to install equal or better themed lighting as close as possible to the existing.
- (10) Lighting fixtures for parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (11) Security lighting on the renovated building shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (12) All dumpsters servicing the retail center shall be contained within a minimum eight (8) foot high masonry enclosure on three sides with solid wooden swing doors on the access side. All dumpsters shall contain rubber lids to minimize noise.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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Petition No. 2-20
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Continued

- (13) Entrance signage for the proposed retail structure shall be ground based, monument style signage. The finish, materials, and colors for the signage shall be compatible with and complementary to the renovated building. Further, such signage shall contain no flashing sign components. There shall be no roof signs and no exterior, temporary signs excepting only grand opening signage, and signage indicating the coming development.
- (14) All signage located on the renovated and existing buildings shall be pursuant to Cobb County Code.
- (15) There shall be no vehicles or vehicles of any type parked in front of the retail building containing tenant identification signage or advertising signage; excepting only that one (1) customer shuttle vehicle shall be permitted. Additionally, there shall be no vehicles parked in front of the building with "for sale" signs posted thereon.
- (16) Access to the retail center shall be as shown and reflected on the referenced Site Plan.
- (17) Applicant agrees that during the period of renovation and construction of the retail building, access to the retail center shall be limited to Johnson Ferry Road.
- (18) Applicant agrees to preserve the existing trees on the Subject Property; as well as, enhance the landscaping with additional trees and shrubs pursuant to a landscape plan to be submitted at the Cobb County Planning Commission Hearing. All landscaping shall be subject to approval of the Cobb County Arborist during the plan review process.
- (19) Minor modifications to the within stipulations, the referenced Site Plan, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (20) All setback, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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May 30, 2012

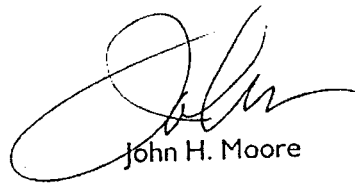
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We believe the requested zoning, pursuant to the revised Zoning Site Plan and the revised stipulations set forth herein, is appropriate for the Subject Property while taking into consideration the surrounding uses and developments. We very much appreciate your assistance, and the consideration of the Planning Commission and Board of Commissioners in this requested rezoning of the Property.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachments

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert J. Ott
Joann Birrell
(With Copies of Attachments)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Robert Hovey
Christi S. Trombetti
Mike Terry
(With Copies of Attachments)

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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May 30, 2012

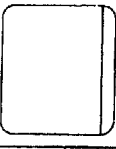
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Meeting Date 0/19/12
Continued

c: Jill Flamm, President
East Cobb Civic Association, Inc.
(With Copies of Attachments)

Trish Steiner, Member
Eric Jacobson, Member
East Cobb Civic Association, Inc.
(With Copies of Attachments)

Alterman Woodlawn, LLC
(With Copies of Attachments)

REVISIONS		
NO.	DATE	DESCRIPTION

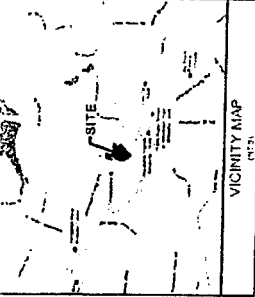


COMMERCIAL SITE SOLUTIONS
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MPV
 PROFESSIONAL PLANNING & DESIGN
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 WOODLAWN, GA 30188
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ZONING SITE PLAN
 COBB COUNTY, GEORGIA
 AAA AUTO CLUB
 SOUTH

1-2



SITE INFORMATION

PROJECT INFORMATION
 PROJECT NAME: AAA AUTO CLUB SOUTH
 PROJECT ADDRESS: 1115 JOHNSON FERRY ROAD, SUITE 200, WOODLAWN, GA 30188
 PROJECT CONTACT: [REDACTED]
 PROJECT PHONE: [REDACTED]
 PROJECT FAX: [REDACTED]
 PROJECT EMAIL: [REDACTED]

OWNER INFORMATION
 OWNER NAME: AAA AUTO CLUB SOUTH
 OWNER ADDRESS: 1115 JOHNSON FERRY ROAD, SUITE 200, WOODLAWN, GA 30188
 OWNER CONTACT: [REDACTED]
 OWNER PHONE: [REDACTED]
 OWNER FAX: [REDACTED]
 OWNER EMAIL: [REDACTED]

DESIGNER INFORMATION
 DESIGNER NAME: MPV PROFESSIONAL PLANNING & DESIGN
 DESIGNER ADDRESS: 1115 JOHNSON FERRY ROAD, SUITE 200, WOODLAWN, GA 30188
 DESIGNER CONTACT: [REDACTED]
 DESIGNER PHONE: [REDACTED]
 DESIGNER FAX: [REDACTED]
 DESIGNER EMAIL: [REDACTED]

DATE
 DATE OF PLAN: 05/19/12
 DATE OF REVISION: [REDACTED]

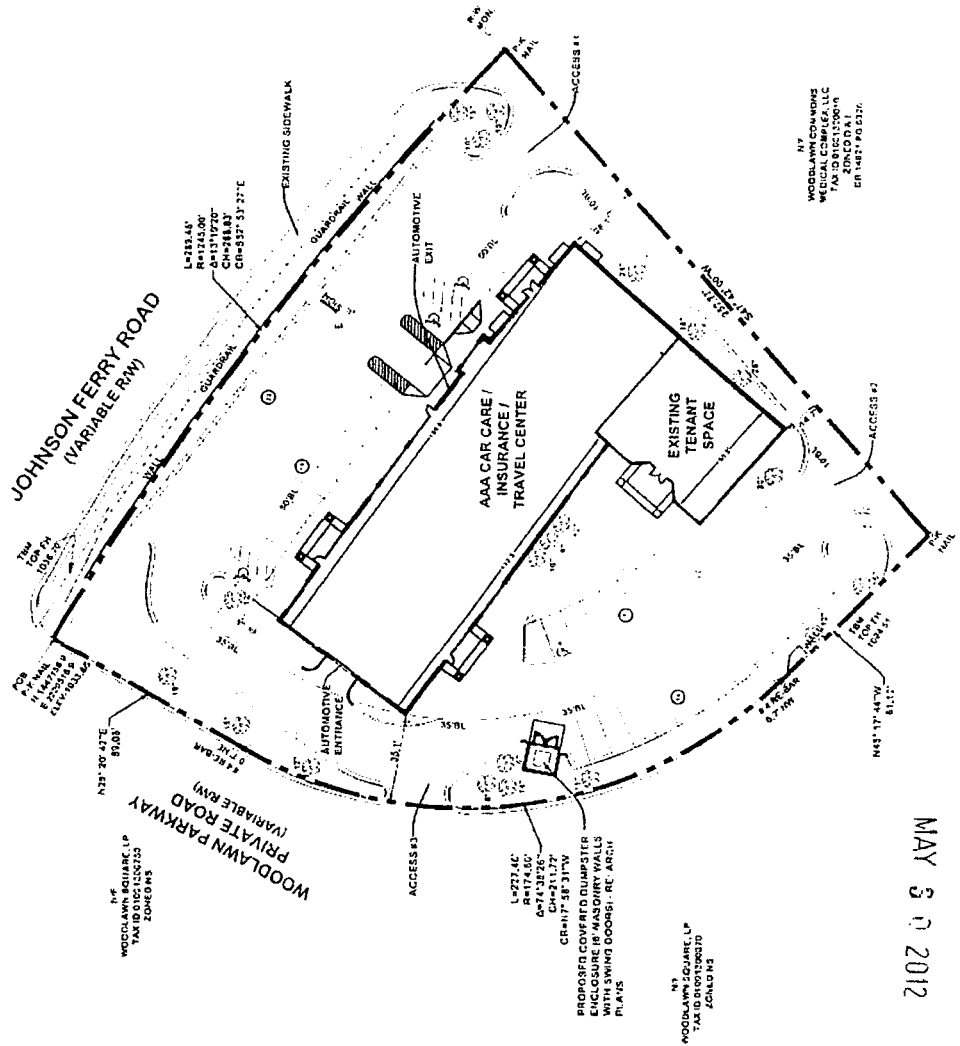
SCALE
 SCALE: AS SHOWN

NOTES
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
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 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.

PERMITS
 PERMIT NO. [REDACTED]
 PERMIT DATE [REDACTED]
 PERMIT TYPE [REDACTED]

REVISIONS
 REVISION NO. [REDACTED]
 REVISION DATE [REDACTED]
 REVISION DESCRIPTION [REDACTED]

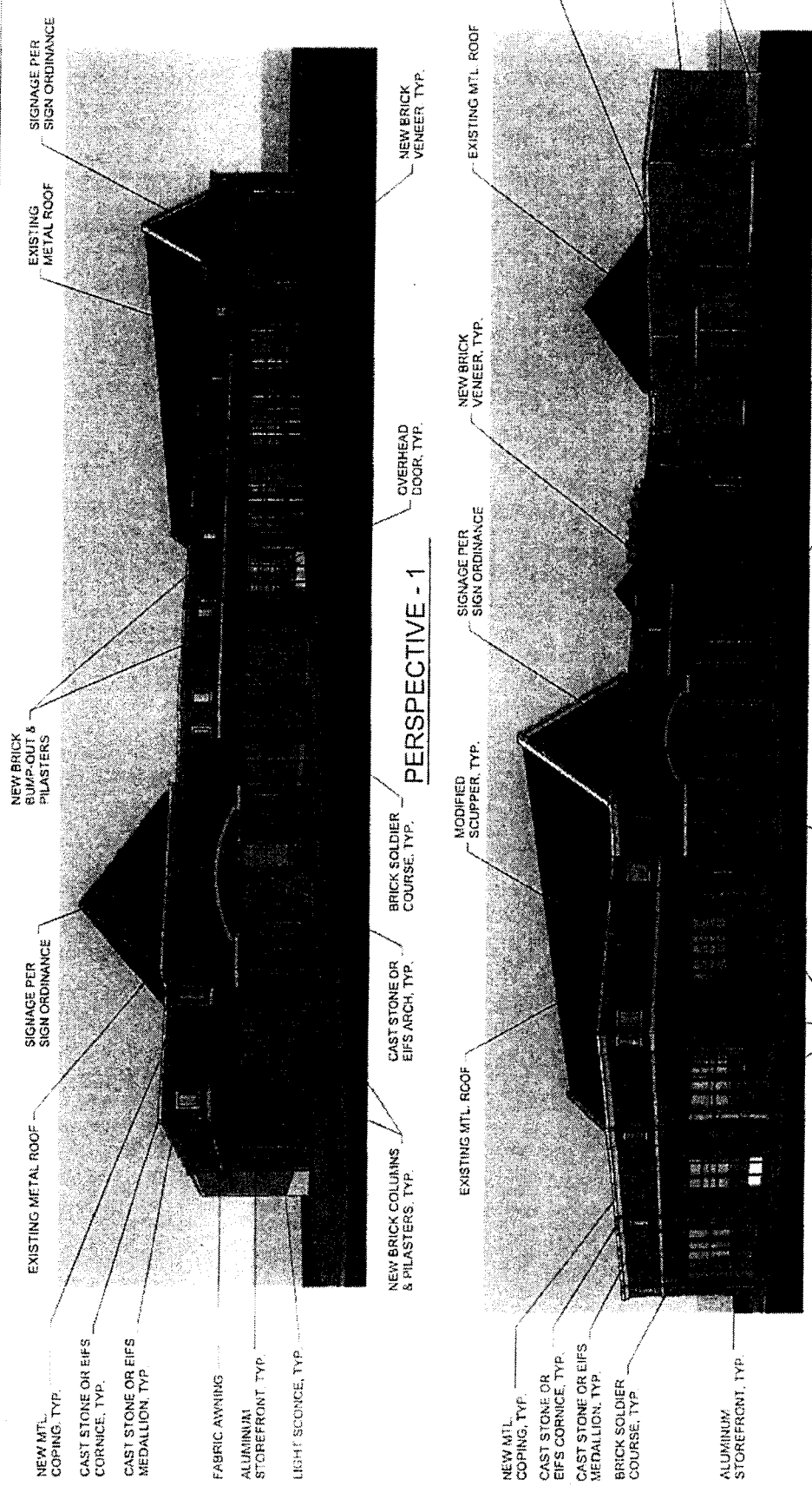
Petition No. 2-20
 Filing Date 6/19/12
 Commission



MAY 30 2012

Exhibit "A"

Petition No. 2-20
 Meeting Date 12/19/12
 Continued



PERSPECTIVE - 1

PERSPECTIVE - 2

FOR PRESENTATION PURPOSES ONLY © AI DESIGN GROUP

MPV  **AAA**  **ai DESIGN GROUP**

MPV PROPERTIES
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