

AUGUST 18, 2020 ZONING HEARING

“OTHER BUSINESS”

COMMISSION DISTRICT 4

ITEM OB-027

PURPOSE

To consider a site plan and stipulation amendment for Rekeep Investments, Inc. regarding rezoning case #32 of 1988. The property is located on the north side of Veterans Memorial Highway, east of Vonda Lane, in Land Lots 1294 and 1297 of the 19th District (1058 Veterans Memorial Highway). *(Continued by staff from the May 19, 2020 hearing until the June 16, 2020 Board of Commissioners hearing; Continued by the Board of Commissioners from the June 16, 2020 and July 21, 2020 Board of Commissioners hearing until the August 18, 2020 Board of Commissioners hearing).*

BACKGROUND

The applicant owns 4.79 acres on Veterans Memorial Highway that was rezoned to General Commercial in 1988 a part of a larger tract. The property was rezoned with many stipulations concerning the site plan and uses permitted on the property, including a stipulation that required a “major grocery” use in the shopping center. The property never developed with a shopping center. The applicant would like to remove all the stipulations on the property so they can lease and use the property without any encumbrances.

STAFF COMMENTS

Fire comments: No comments.

Stormwater management: Subject to plan review for any proposed site improvements.

Water and Sewer: No additional comments.

Cobb DOT: Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and zoning minutes.

Application for "Other Business"

08-27

Cobb County, Georgia

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

BOC Hearing Date Requested: 5-19-20

Applicant: Rekeep Investments Inc Phone #: 404 867 9881
(applicant's name printed)

Address: 1408 Howell Mill Road Atlanta 30318 E-Mail: rekeep@gmail.com

Michael Decher Address: 1408 Howell Mill Road, Atlanta 30318
(representative's name printed)

M. Decher Phone #: 404 458 7054 E-Mail: rekeep@gmail.com
(representative's name printed)

Signed, sealed and delivered in presence of:

My commission expires: _____
Notary Public

Titleholder(s): Rekeep Investments Inc Phone #: 404 367 9881
(property owner's name printed)

Address: 1408 Howell Mill Road, Atlanta E-Mail: rekeep@gmail.com

(Property owner's signature)
Signed, sealed and delivered in presence of:

My commission expires: _____
Notary Public

Commission District: Cobb County Zoning Case: 32

Size of property in acres: 7,0123 Original Date of Hearing: 3/15/1988

Location: 1058 Veterans Memorial Highway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1294 and 1297 District(s): see enclosed

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

(List or attach additional information if needed)

COBB COUNTY, GEORGIA
COBB COUNTY ZONING DIVISION

Personally appeared before me, and attesting officer duly authorized by law to administer oaths, the undersigned affiant who after being duly sworn, deposes and states as follows:

My name is Michael Peeker. I am authorized representative of Rekeep Investments, Inc. and this is my signature:

M. Peeker

This 14th day of April, 2020.

Michael Peeker

Print Name:

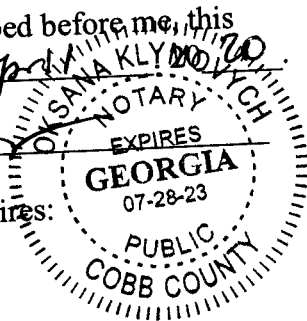
Address: 1708 Howell Mill Rd
Atlanta GA 30318

Telephone #: 404 367 9881

Sworn to and subscribed before me, this
14th day of April, 2020.

Notary Public

My Commission Expires:



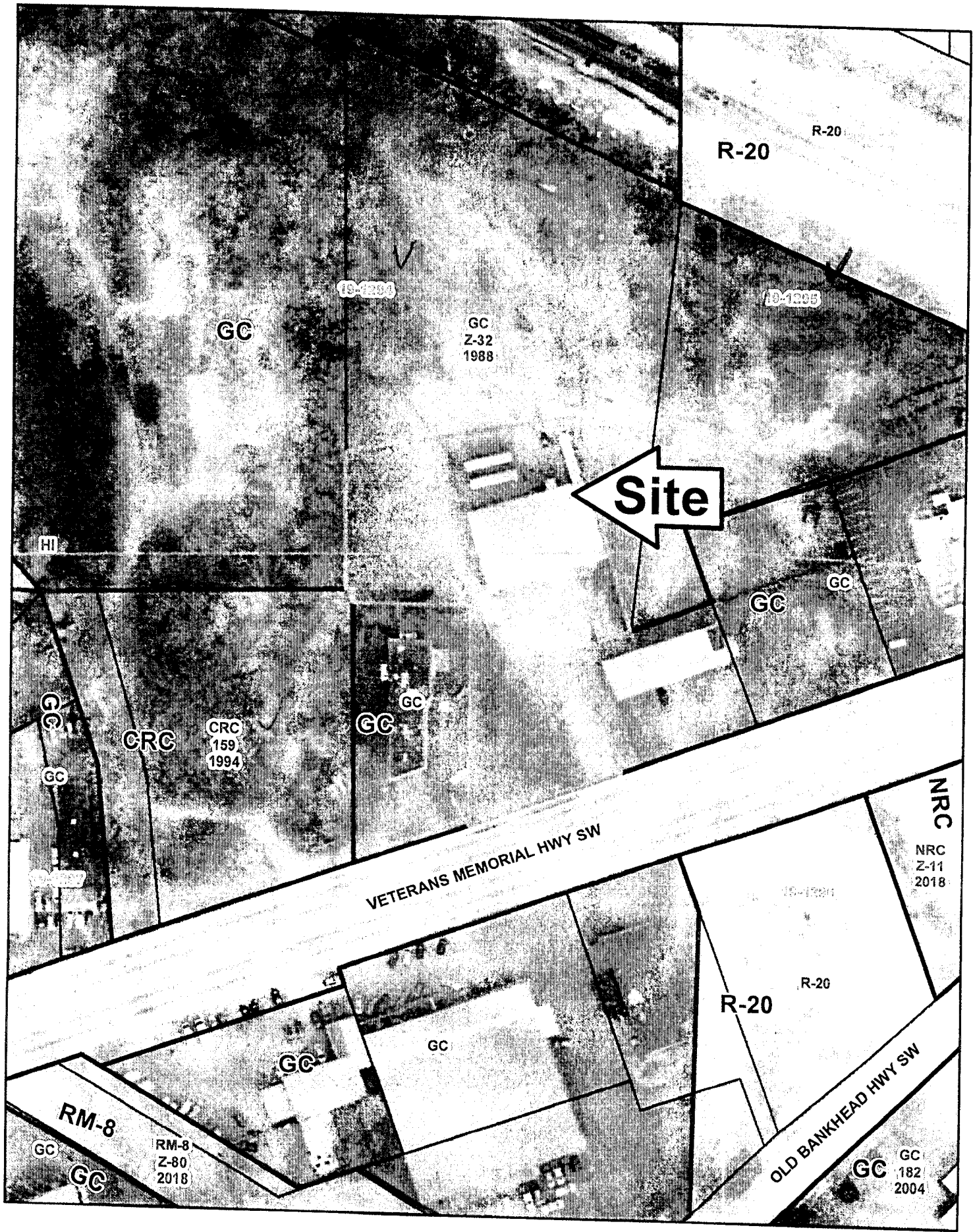
OB-27

The reason the application is filed is the following:

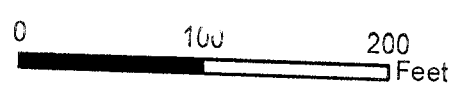
On March 15, 1988 Cobb County Planning Commission approved re-zoning application #32 requesting reasoning of Land Lots 1294 and 1297 (presently parcels located at 1058 Veterans Memorial Highway # 19129700030; 19129500370 and 19129400490) from HI (heavy industrial) to GC (General Commercial) subject to the following :

- 1) shopping center use only (major grocery required);
- 2) buffering and landscaping to be approved by staff;
- 3) revised parking layout to be approved by staff;
- 4) inter-parcel access to be provided for both lots if necessary;
- 5) no billboard or portable signs;
- 6) subject to Development Control Comments during Plan Review;
- 7) signage to be approved by Staff;
- 8) no pool halls or bars.

The conditions listed above were never met. Present owner of the property is filling the application for "other business". He would like to remove the conditions and confirm zoning status for parcels 1294 and 1297.



This map is provided for display and planning purposes only. It is not meant to be a legal description.



**APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)**

Application No. 32

Hearing Date 3-15-88
(205)

Applicant Elliot B. Maisel Business Phone (205) 343-5900 Home Phone (205) 343-1531
(business name)
Not Applicable Address P. O. Box 160247
(representative's name, printed) Mobile, Alabama 36616
[Signature] Business Phone same as above Home Phone same as above
(representative's signature)

Titleholder W.C. Barnes Business Phone 404 948-2447 Home Phone 404-948-746
Friedrich Welker Address 692 Barnes Dr. Mableton, GA.
(attach additional signatures, if needed)
Signature W.C. Barnes Address Floyd Rd. Mableton, GA.

Zoning Request From HI (Heavy Industrial) To GC (General Commercial District)
(present zoning) R-20 (proposed zoning)

For the Purpose of Shopping Center Size of Tract 7.0123 acre(s)
(subdivision, restaurant, warehouse, apts., etc.)
Location Fronting 208.91 feet along Bankhead Highway beginning at a point on the northe
right-of-way of Bankhead Highway 125.0 feet from the intersection of said
(street address, if applicable, nearest intersection, etc.)
northern right-of-way with the eastern right-of-way of Vonda Lane.
Land Lot(s) 1294 and 1297 District 19

Recommendation of Planning Commission 3/15/88 - Planning Commission recommended
application be approved subject to the following: 1) shopping center use only (major grocery anchor
required); 2) buffering and landscaping to be approved by Staff; 3) revised parking layout to be
approved by Staff; 4) inter-parcel access to be provided for both out lots if necessary; 5) no
billboard or portable signs; 6) subject to Development Control comments during Plan Review
cont.

[Signature] Chairman

Board of Commissioners' Decision 3/15/88 - Board of Commissioners approved application as
stated above and subject to applicant providing proof of acquiring title to liquor store property
and submitting appropriate warranty deed. Motion by Paschal, seconded by Smith, carried
3-0, Day abstaining.

[Signature] Chairman

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
COBB COUNTY PLANNING COMMISSION

Date of Application _____ Date of Hearing _____

Applicant's Name ELLIOT B. MAISEL

Address _____

Recommendation of Planning Commission (Cont. from Page 1)

process; 7) signage to be approved by Staff; 8) no pool halls or bars. Motion by Vansant,
seconded by Wise, carried 4-0.

Henry A. Vansant . Chairman

Final Decision of Board of Commissioners (Cont. from Page 1)

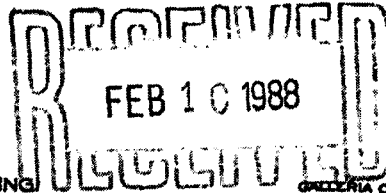
Carl E. Smith . Chairman

LAW OFFICES

ALSTON & BIRD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1200 CITIZENS & SOUTHERN NATIONAL BANK BUILDING
35 BROAD STREET
ATLANTA, GEORGIA 30335
404-586-1500



GALLERIA OFFICES
100 GALLERIA PARKWAY
SUITE 1200
ATLANTA, GEORGIA 30339
404-955-8400

SENT TO: _____

DIRECT DIAL NUMBER

CABLE: AMGRAM ATLANTA
TELEX: 54-2996

BY HAND DELIVERY

(404) 586-1655

February 10, 1988

Mark A. Danneman
Zoning Administrator
Cobb County Zoning Department
47 Waddell Street
Marietta, GA 30060

Re: Rezoning Application filed by Elliot B. Maisel for 7.0123 acre tract located off of Bankhead Highway; Heavy Industrial and R-20 to General Commercial

Dear Mr. Danneman:

You will recall that on Thursday, February 4, Conley Ingram and I met with you to discuss the referenced rezoning application. One of the matters we discussed was that portion of the property which appears to be zoned R-20.

Enclosed is a legal description of the R-20 parcel, together with two surveys of this area. For your convenience I have broken down the legal description into Tracts A and B as shown on the survey, and then have also provided you with a combined legal description.

That portion of the R-20 parcel designated as Tract A is on the 7.0123 acre parcel described in our rezoning application. Tract B is on the 4.5904 acre parcel adjacent to the 7.0123 acre parcel. This 4.5904 acre tract, as well as the 7.0123 acre tract, is shown on the survey that accompanied our rezoning application.

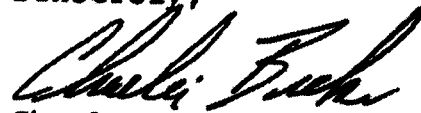
The owners of the 4.5904 acre parcel are Aaron W. Beck, Jimmy R. Beck, Milton H. Beck and Theron G. Beck d/b/a Midway & Associates, a Georgia partnership. Enclosed is a letter from the Becks consenting to the rezoning of the R-20 parcel to GC.

ALSTON & BIRD
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Mark A. Danneman
February 10, 1988
Page Two

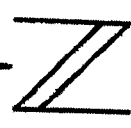
Thank you for allowing us to amend our rezoning application to include this R-20 parcel. If you have any questions, please do not hesitate to call me.

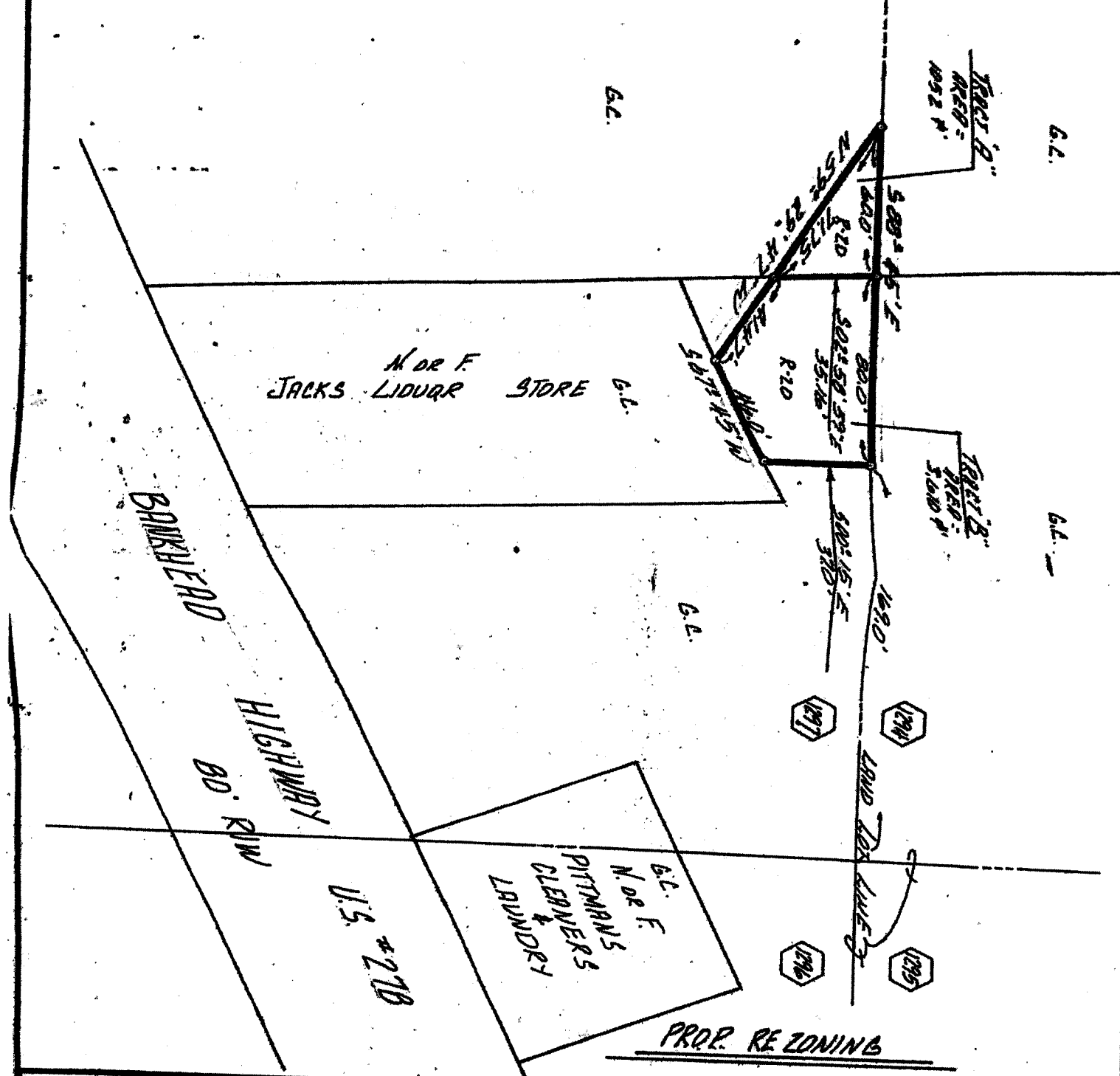
Sincerely,



Charles A. Brake, Jr.

Enc.
cc: Elliot B. Maisel
Ray E. Uttenhove
G. Conley Ingram
Bernard L. Greer, Jr.
CABjr/prb

MAGNETIC NORTH 



IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED

Richard E. Nutt
MEMBER GA. ASSN. REG. LAND SURVEYORS



MID ATLANTIC SURVEYING CO. INC. 1009 CONCORD RD. SMYRNA, GA. 30080
PHONE

SURVEY FOR		REVISIONS
ELLIOTT B. MAISEL		
LAND LOTS - 1291		
DISTRICT - 19 TH SECTION - 2 ND CO.		
COUNTY - COBB		DWN - CHKD
STATE - GEORGIA		JOB NO.
DATE - 2-2-88	SCALE 1" = 40'	



Cobb County Georgia Online Mapping



This map is a user-generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

400.0 0 200.00 400.0 Feet



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Cobb County Georgia



Map Notes:

1:2,400