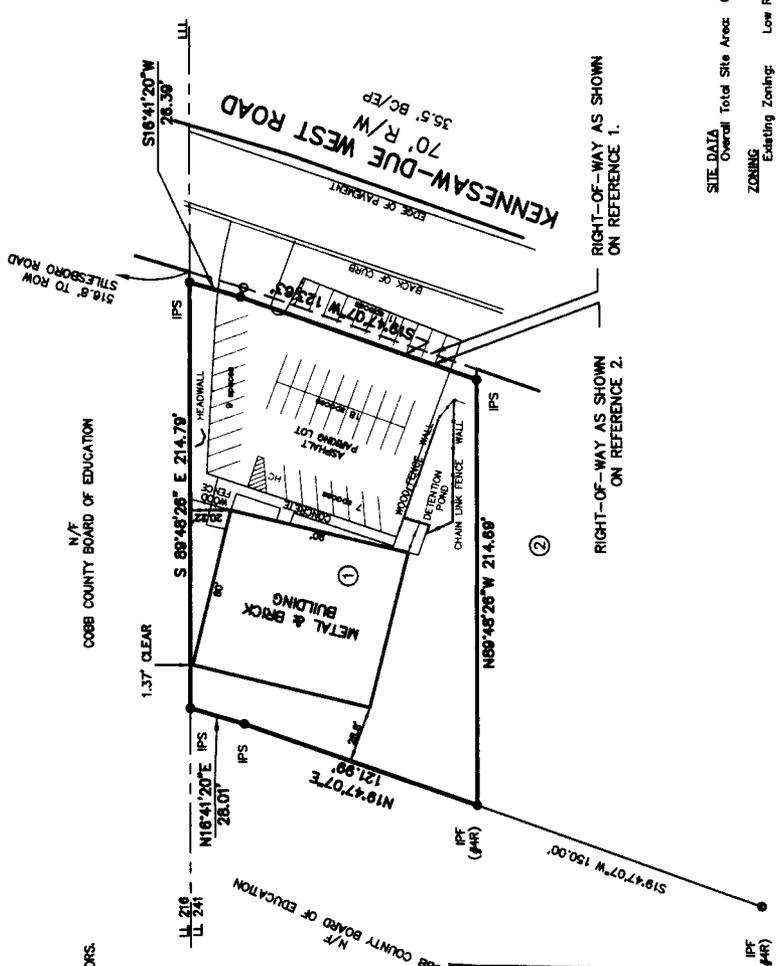


Z-24  
(2008)

- REFERENCES
1. REFERENCE PLAT OF SUBDIVISION ENTITLED THOMAS H. EUBANKS SUBDIVISION, DATED JAN. 1969, PREPARED BY WELKER & ASSOC'S.
  2. REFERENCE PLAN OF SITE DEVELOPMENT DATED 08-21-92, BY WEST GEORGIA SURVEYORS.



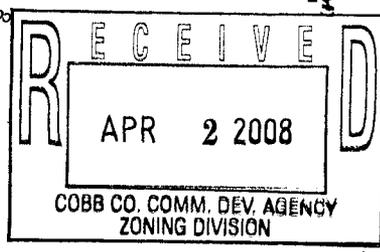
**SITE DATA**  
Overall Total Site Area: 0.699 Acres

**ZONING**  
Existing Zoning: Low Rise Office (LRO)  
Proposed Zoning: Neighborhood Retail Commercial (NRC)

**PARKING**  
Total Spaces Required: 36  
Total Spaces Provided: 45

**CONTACT**  
West Cobb Office Investors, LLC  
Michael Lynington  
(770) 617-1559

**AREA**  
30,442 SQ. FT.  
0.699 ACRES



THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA (FEDERAL FLOOD HAZARD) COMMUNITY PANEL NUMBER 1308700030F, DATED 8-16-92. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN \_\_\_\_\_ FEET. AN ADJUSTMENT OF \_\_\_\_\_ PER HUNDRED FEET AND WAS ADJUSTED USING \_\_\_\_\_ RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN \_\_\_\_\_ FEET.

EQUIPMENT UTILIZED: ANGULAR \_\_\_\_\_ TOPSOON 303  
LINEAR \_\_\_\_\_ TOPSOON 303

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY.

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.

ZONING PLAT FOR:  
**WEST COBB OFFICE INVESTORS**

LOT: 1	REVISIONS: ---
SUBDIVISION THOMAS H. EUBANKS SUBDIVISION	
PLAT BOOK PAGE	
LAND LOT: 241	CC: LT
DISTRICT: 20th	DIV: RFS
SECTION: 2nd	CHKD: LUN
COUNTY: COBB	
STATE: GEORGIA	92/990231.dwg
DATE: MARCH 31, 2008	SCALE: 1"=40'
	JOB: 08-0044

**WEST GEORGIA SURVEYORS, INC.**  
P.O. BOX 828 30061  
Marietta, Georgia  
(770) 428-2122  
FAX: (770) 422-9178



**APPLICANT:** West Cobb Office Investors, LLC  
770-617-1559

**PETITION NO:** Z-24

**REPRESENTATIVE:** Sams, Larkin & Huff, LLP  
Garvis L. Sams, Jr. 770-422-7016

**HEARING DATE (PC):** 06-03-08

**HEARING DATE (BOC):** 06-17-08

**TITLEHOLDER:** West Cobb Office Investors, LLC

**PRESENT ZONING:** LRO

**PROPOSED ZONING:** NRC

**PROPERTY LOCATION:** Located on the west side of Kennesaw  
Due West Road, south of Stilesboro Road.

**PROPOSED USE:** Professional Offices  
And A Dance Studio

**ACCESS TO PROPERTY:** Kennesaw Due West Road

**SIZE OF TRACT:** 0.699 acre

**DISTRICT:** 20

**PHYSICAL CHARACTERISTICS TO SITE:** Existing  
commercial building

**LAND LOT(S):** 241

**PARCEL(S):** 20

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Hayes Elementary School
- SOUTH:** R-20/ Single-family house
- EAST:** R-20/ Single-family house
- WEST:** R-20/ Hayes Elementary School

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

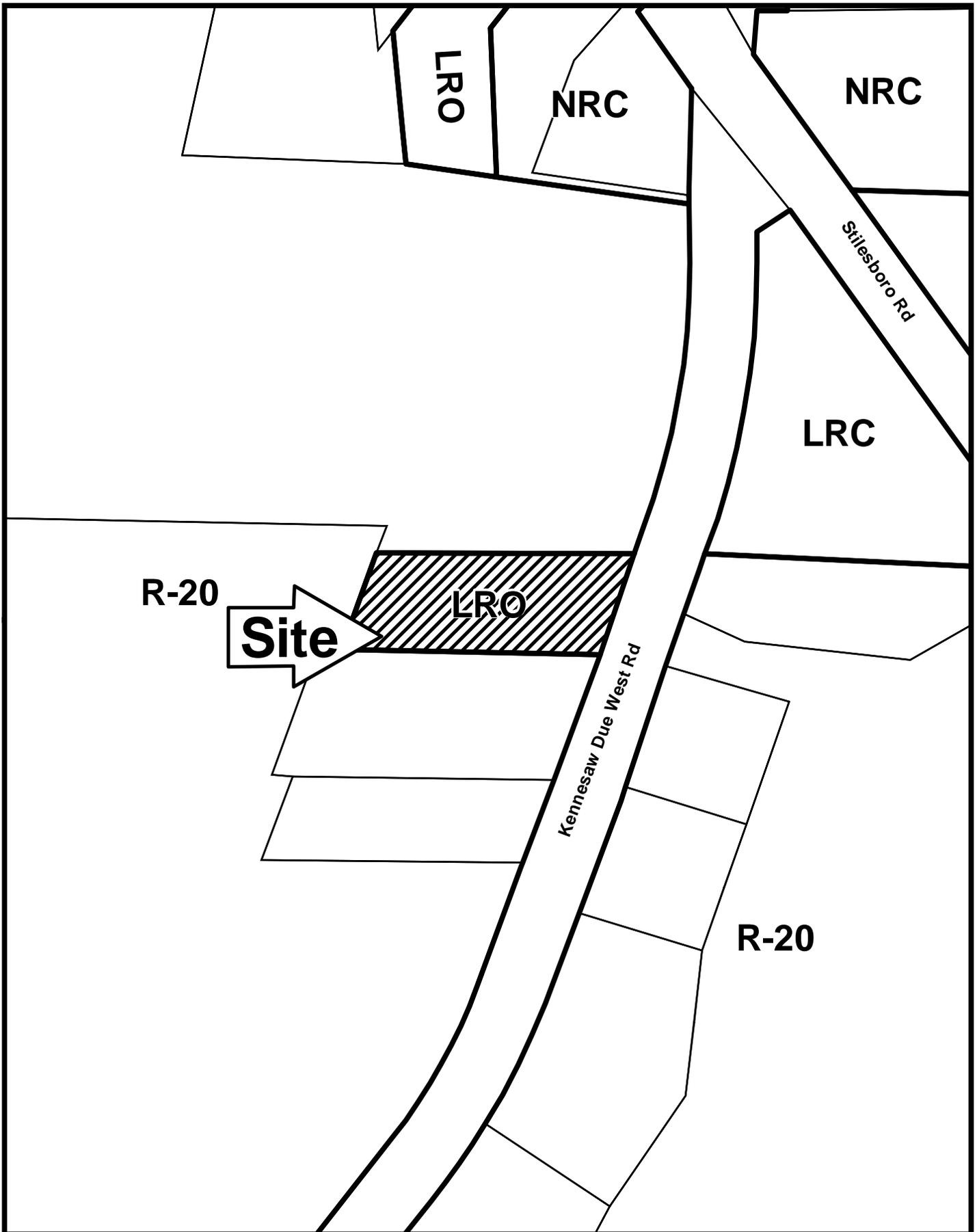
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

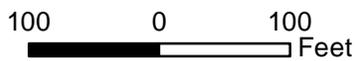
**STIPULATIONS:**



# Z-24



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



**APPLICANT:** West Cobb Office Investors, LLC

**PETITION NO.:** Z-24

**PRESENT ZONING:** LRO

**PETITION FOR:** NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

**Staff Member Responsible:** John P. Pederson, AICP

**Land Use Plan Recommendation:** Parks/Recreation/Conservation

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 7,200

**F.A.R.:** 0.24      **Square Footage/Acre:** 10,300

**Parking Spaces Required:** 31      **Parking Spaces Provided:** 45

The applicant is requesting the NRC zoning district to operate a dance studio and professional offices from this property. The existing one-story building will remain in its current state, with a brick and EFIS facade. The previous zoning conditions contained a reversionary clause which caused the property to be zoned LRO. The professional offices are anticipated to be open Monday through Friday, from 8:00 a.m. to 6:00 p.m. The dance studio will be open Monday through Saturday, from 9:00 a.m. to 9:00 p.m. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A". The applicant has submitted a letter of agreeable stipulations (see Exhibit "B").

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**FIRE COMMENTS:**

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT West Cobb Office Investors, LLC

PETITION NO. Z-024

PRESENT ZONING LRO

PETITION FOR NRC

\*\*\*\*\*

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

**WATER COMMENTS:**

- Available at Development?  Yes  No
- Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s) 12" DI / E side Due West Rd

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

- In Drainage Basin?  Yes  No
- At Development?  Yes  No
- Approximate Distance to Nearest Sewer: At site in road
- Estimated Waste Generation (in G.P.D.): **A D F** 720 **Peak** 1800
- Treatment Plant: Noonday
- Plant Capacity Available?  Yes  No
- Line Capacity Available?  Yes  No
- Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years
- Dry Sewers Required?  Yes  No
- Off-site Easements Required?  Yes\*  No
- Flow Test Required?  Yes  No
- Septic Tank Recommended by this Department?  Yes  No
- Subject to Health Department Approval?  Yes  No

\* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Notes FYI:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: West Cobb Office Investors, LLC

PETITION NO.: Z-24

PRESENT ZONING: LRO

PETITION FOR: NRC

\*\*\*\*\*

**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITIONS

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream \_\_\_\_\_.

**APPLICANT: West Cobb Office Investors, LLC**

**PETITION NO.: Z-24**

**PRESENT ZONING: LRO**

**PETITION FOR: NRC**

● \*\*\*\*\*

DRAINAGE COMMENTS CONTINUED

**SPECIAL SITE CONDITIONS**

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

**INSUFFICIENT INFORMATION**

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

**ADDITIONAL COMMENTS**

1. This is an existing facility and no improvements are proposed. The existing detention pond wall appears to be in good condition. However, the pond bottom has a substantial accumulation of sediment and debris that needs to be cleaned out. This maintenance should be performed prior to issuance of any certificates of occupancy.

**APPLICANT: West Cobb Office Investors, LLC**

**PETITION NO.: Z-24**

**PRESENT ZONING: LRO**

**PETITION FOR: NRC**

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Kennesaw Due West Rd	15800	Major Collector	45 mph	Cobb County	80'

*Based on 2003 traffic counting data taken by Cobb County DOT.*

**COMMENTS AND OBSERVATIONS**

Kennesaw Due West Road is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Kennesaw Due West Road, a minimum of 40' from the roadway centerline.

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

## STAFF RECOMMENDATIONS

### Z-24            WEST COBB OFFICE INVESTORS, LLC

- A.    It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties for the requested zoning district. However, the dance studio use is a low intensity use based on prior cases involving dance studios. This would be compatible with other uses in the LRO zoning district.
- B.    It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property, if allowed as an additional permitted use under LRO. The applicant's proposal will not physically change the property in any way. Additionally, the dance studio may help provide some stability for this property, which has gone through different tenants lately.
- C.    It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D.    It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Parks/Recreation/Conservation Land Use Category.
- E.    It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which gives supporting grounds for deleting the property to LRO, with a stipulation allowing the dance studio use. The dance studio use is a low intensity use that would be compatible with professional offices. Deleting the proposal to LRO, with a dance studio use, would continue to provide a reasonable transition in zoning intensity.

Based on the above analysis, Staff recommends DELETION to LRO subject to the following conditions:

- Allowance of the dance studio use;
- Letter from Mr. Garvis L. Sams, Jr. dated May 2, 2008 (not in conflict with Staff comments);
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations;

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION  
OF WEST COBB OFFICE INVESTORS, LLC**

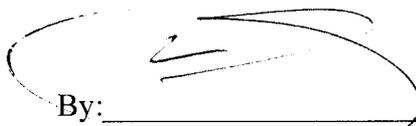
COMES NOW, WEST COBB OFFICE INVESTORS, LLC, and,  
pursuant to §134-121(A)(7) of the Cobb County Zoning Ordinance, files this Zoning  
Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Kennesaw Due West Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, many of which are institutional uses, existing commercial developments or properties slated for non-residential development.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in the LRO classification in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification of LRO.

- D. The zoning proposal will have no appreciable adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is not entirely consistent with those uses and purposes formerly contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map. However, the property has been used for commercial (GC) or office (LRO) purposes since 1992.
- F. There is no substantial relationship between the existing zoning classification of LRO and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Kennesaw Due West Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 2<sup>nd</sup> day of April, 2008.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.

Attorney for Applicant

Ga. Bar No. 623950

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI\*  
MELISSA P. HAISTEN  
JUSTIN H. MEEKS

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

SAMSLARKINHUFF.COM

May 2, 2008

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661

Re: Application of West Cobb Office Investors, LLC to Rezone a 0.699 Acre Tract  
from LRO to Neighborhood Retail Commercial (NRC) (No. Z-24)

Dear John:

You will recall that this firm has been engaged by and represents West Cobb Office Investors, LLC, the applicant and the property owner concerning the above-captioned Application for Rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on June 3, 2008 and, thereafter, is scheduled for consideration and final action by the Cobb County Board of Commissioners on June 17, 2008.

With respect to the foregoing and in accordance with our discussions with the County's professional staff, this letter will serve as my client's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. Rezoning of the subject property shall be from Low Rise Office (LRO) to Neighborhood Retail Commercial (NRC) in substantial conformity to that certain site plan for West Cobb Office Investors prepared by West Georgia Surveyors, Inc. filed contemporaneously with the application for rezoning.

**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 2  
May 2, 2008

3. The total site area of the subject property consists of 0.699 acres with an existing building which will be re-habbed and retrofitted to accommodate professional offices and a dance studio.<sup>1</sup>
4. The architectural style and composition of the building shall remain in substantial conformity to the present architectural style and composition.
5. If additional signage is constructed in the future it shall be ground based, monument style signage with the finish, materials and colors being in substantial conformity to the architectural style and composition of the building.
6. The submission of a landscape plan during the Plan Review process subject to review and approval by the Community Development Department. Additionally, the applicant agrees to the following:
  - a. The dumpster shall be enclosed on at least three (3) sides consistent with the architectural style and composition as aforementioned. Said dumpster shall be located in an area which is as unobtrusive as possible.
  - b. Detention/water quality areas shall be attractively landscaped.
  - c. HVAC equipment shall be screened from the frontage and side views or any view which is visible from adjacent businesses or rights-of-way
7. Environmentally sensitive lighting, themed to the architecture and styling of the building, shall be utilized.
8. Compliance with the recommendations from the Stormwater Management Division with respect to on site detention and water quality with respect to the existing detention facility on the subject property.
9. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.

---

<sup>1</sup> The subject property was originally rezoned to the General Commercial (GC) classification in 1992 for the purposes of a community indoor recreational facility (No. Z-80).

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL and**  
**HAND DELIVERY**

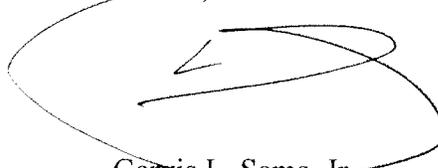
Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 3  
May 2, 2008

10. Compliance with recommendations from the Cobb County Department of Transportation with respect to traffic and transportational issues, including the following:
  - a. The voluntary donation and conveyance of right-of-way so that the County can achieve 40' from the centerline of Kennesaw-Due West Road (major collector).
  - b. To the extent that sidewalk, curb or gutter is disturbed during construction on the subject property, it shall be replaced and restored.
11. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
12. The District Commissioner shall retain the latitude to review and approve modifications to the site plan, landscape plan, architecture and these stipulations/conditions during the Plan Review process.

With the subject property being located within the confines of an area denominated as Park/Recreation/Conservation, the proposed rezoning is entirely appropriate. However, please do not hesitate to call should you require any additional documentation or information prior to the formulation of your Zoning Analysis and staff recommendations. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLSjr/jbmc

cc: Shown on next page.

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 4  
May 2, 2008

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery  
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail  
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail  
Mr. John M. Morey, P.E. – VIA E-Mail  
Mr. David W. Breden, P.E. – VIA E-Mail  
Ms. Karen L. King, Deputy County Clerk – VIA Hand Delivery  
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery  
Ms. Keli Gambrill, PLAN – VIA E-Mail  
Mr. Mike Langston, West Cobb Office Investors, LLC – VIA E-Mail