



**APPLICANT:** West Cobb Office Investors, LLC  
770-480-5632

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

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

**PROPERTY LOCATION:** Located on the west side of Kennesaw Due West Road, south of Stilesboro Road (1483 Kennesaw Due West Road).

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

**PHYSICAL CHARACTERISTICS TO SITE:** Existing building

**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

**PETITION NO:** LUP-18

**HEARING DATE (PC):** 06-03-10

**HEARING DATE (BOC):** 06-15-10

**PRESENT ZONING:** LRO

**PROPOSED ZONING:** Land Use Permit (Renewal)

**PROPOSED USE:** Dance Studio

**SIZE OF TRACT:** 0.699 acre

**DISTRICT:** 20

**LAND LOT(S):** 241

**PARCEL(S):** 20

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

**COMMISSION DISTRICT:** 1

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

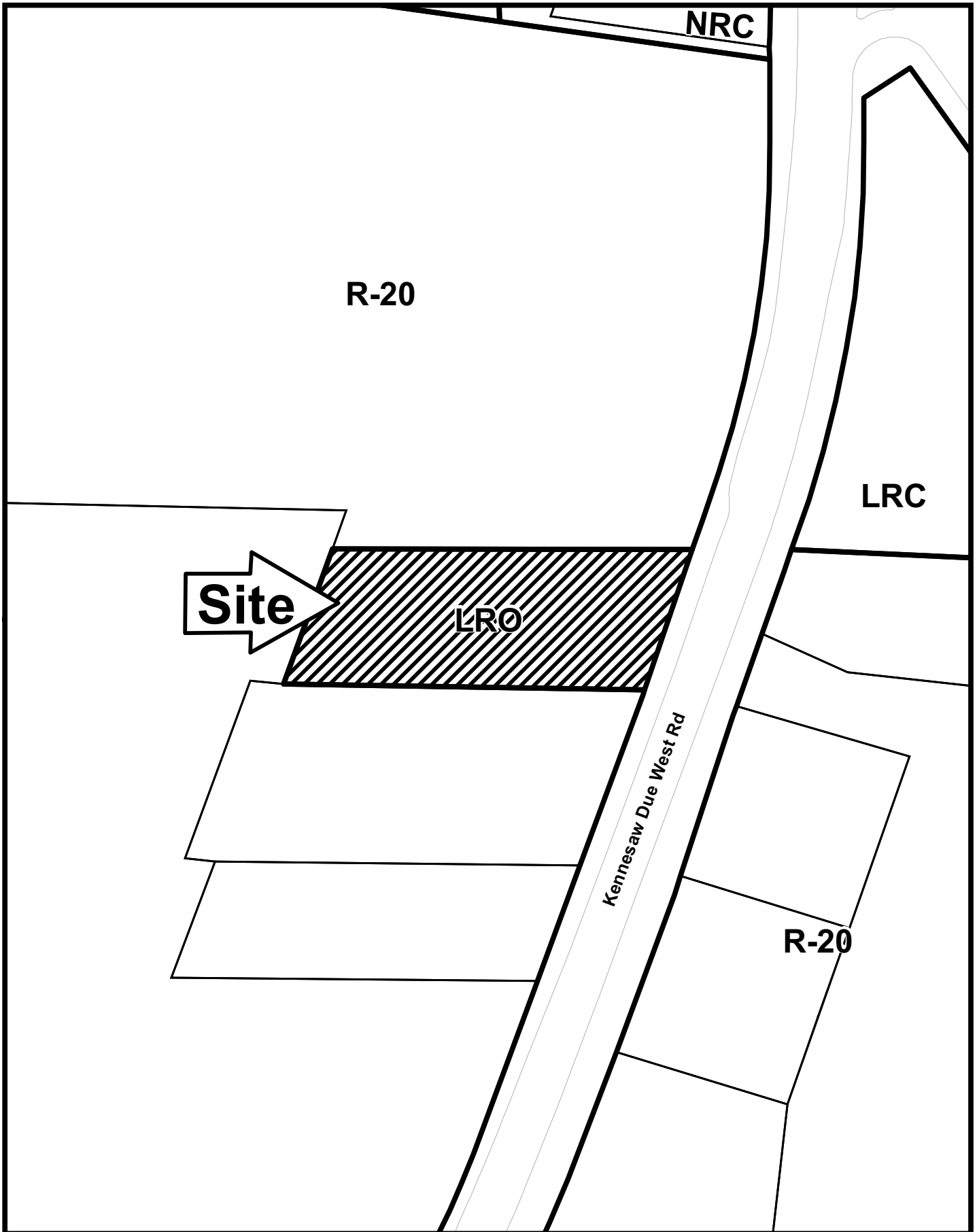
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

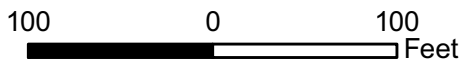
**STIPULATIONS:**





# LUP-18



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



-  City Boundary
-  Zoning Boundary

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

**PETITION NO.:** LUP-18

**PRESENT ZONING:** LRO

**PETITION FOR:** LUP

\*\*\*\*\*

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

The applicant is requesting a renewal of their Temporary Land Use Permit to operate a dance studio from this property. The existing one-story building will remain in its current state, with a brick and EFIS facade. The dance studio will be open seven days a week, from 11:00 a.m. to 8:00 p.m. There will be 4 to 5 employees, and the applicant is requesting this LUP for 24 months. The previous stipulations are attached for review (see Exhibit "A").

**Historic Preservation:** No comment.

**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.

\*\*\*\*\*

**WATER & SEWER COMMENTS:**

Records show address connected to water and sewer.

\*\*\*\*\*

**TRAFFIC COMMENTS:**

Recommend removing parking spaces from right-of-way.

\*\*\*\*\*

**FIRE COMMENTS:**

No comments.

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**STORMWATER MANAGEMENT COMMENTS:**

No comments.

## STAFF RECOMMENDATIONS

### **LUP-18      WEST COBB OFFICE INVESTORS, LLC**

The applicant's proposal is zoned in a non-residential zoning district. 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. The applicant's proposal will not physically change the property in any way. Additionally, the dance studio use has helped to provide some stability for this property, which has gone through different tenants throughout the years. There have been no complaints regarding this use since it was approved two years ago. Based on the above analysis, Staff recommends APPROVAL for 24 months subject to:

- All previous stipulations (see Exhibit "A").

**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.**

# Application for Rezoning

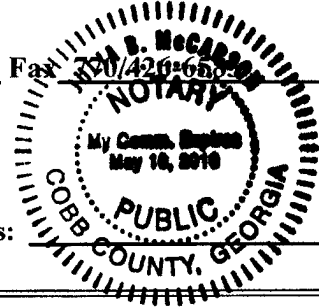
## Cobb County, Georgia

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

Application No. 2-1  
PC Hearing Date: 5/06/08 6-03-08  
BOC Hearing Date: 5/14/08 6-17-08

Applicant West Cobb Office Investors, LLC Business Phone 770/617-1559  
(applicant's name printed)  
Address 432 Westlake Drive, Marietta, GA 30064 Home Phone \_\_\_\_\_  
Garvis L. Sams, Jr. 377 Powder Springs Street, Suite 100  
SAMS, LARKIN & HUFF, LLP Address Marietta, GA 30064  
(representative's name, printed)

By: [Signature] Business Phone 770/422-7016 Fax 770/422-6500  
Garvis L. Sams, Jr., Attorney for Applicant



Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

My commission expires: \_\_\_\_\_

Titleholder West Cobb Office Investors, LLC Business Phone 770/617-1559 Home Phone \_\_\_\_\_  
(titleholder's name, printed)  
West Cobb Office Investors, LLC  
Signature By: [Signature] Address 432 Westlake Drive, Marietta, GA 30064  
Michael Langston

Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

My commission expires: \_\_\_\_\_

Notary Public, Cobb County, GA  
My Commission Expires June 3rd, 2009

Zoning Request From LRO to Neighborhood Retail Commercial (NRC)  
(present zoning) (proposed zoning)

For the Purpose of Professional Offices and Dance Studio Size of Tract 0.699 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location 1483 Kennesaw Due West Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 241 District(s) 20th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any exist, provide documentation with this application.

WEST COBB OFFICE INVESTORS, LLC  
By: [Signature]  
Garvis L. Sams, Jr., Attorney for Applicant

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any exist, provide documentation with this application.

WEST COBB OFFICE INVESTORS, LLC  
By: [Signature]  
Garvis L. Sams, Jr., Attorney for Applicant

ORIGINAL DATE OF APPLICATION: \_\_\_\_\_ 06-17-08

APPLICANTS NAME: \_\_\_\_\_ **WEST COBB OFFICE INVESTORS, LLC**

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

**BOC DECISION OF 06-17-08 ZONING HEARING:**

**WEST COBB OFFICE INVESTORS, LLC** (owner) requesting Rezoning from **LRO** to **NRC** for the purpose of Professional Offices and a Dance Studio in Land Lot 241 of the 20<sup>th</sup> District. Located on the west side of Kennesaw Due West Road, south of Stilesboro Road.

MOTION: Motion by Lee, second by Kesting, as part of the Consent Agenda, to delete Rezoning to the **LRO** zoning district **with a 24 month Land Use Permit, and further subject to:**

- allowance of dance studio use within this zoning district and, if the dance studio business is discontinued, the LUP ceases
- letter of agreeable conditions from Garvis L. Sams, Jr., dated May 2, 2008 not otherwise in conflict and with the following changes (attached and made a part of these minutes):
  - Item No. 5 – Add to the end: *“No electronic signboards or flashing lights, and no vehicles parked for advertising purposes visible from the right-of-way.”*
  - Item No. 10 - Add (c): *“Parking spaces that will be in the right-of-way voluntarily donated by this letter may be used 'as is' until County roadwork requires their removal and/or relocation. In the meantime, those spaces may not be counted against parking space requirements under the Cobb Code”*
- District Commissioner may approve minor modifications
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

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

Min. Bk. 56  
Doc. Type Letter of  
agreeable conditions  
Meeting Date 6-17-08

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

May 2, 2008

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TELEPHONE  
770-426-6583  
FACSIMILE  
[SAMSLARKINHUFF.COM](http://SAMSLARKINHUFF.COM)

\*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.



SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-24  
Meeting Date 6-17-08  
Continued

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

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Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
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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.

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<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).

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A LIMITED LIABILITY PARTNERSHIP

Petition No. \_\_\_\_\_  
Meeting Date 10-17-08  
Continued

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

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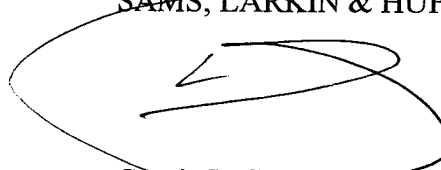
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10. Compliance with recommendations from the Cobb County Department of Transportation with respect to traffic and transportational issues, including the following:
  - a. The voluntary donation and conveyance of right-of-way so that the County can 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

Petition No. \_\_\_\_\_  
Meeting Date 6-17-08  
Continued

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

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Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
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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