

**JUNE 21, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM #2

PURPOSE

To consider a stipulation amendment for Warrior Pride Fitness, LLC regarding rezoning case Z-162 of 2003 and Z-112 of 2004, for property located on the south side of Dallas Highway, between Old Trace Road and Kennesaw View Drive in Land Lot 332 of the 20th District.

BACKGROUND

The subject property was rezoned to NRC, LRO and R-30 for a commercial and residential development in 2004. This other business item only concerns a small piece of NRC zoned property located near the center of the property. The rezoning stipulations restricted the hours of operation for non-restaurant uses to open at 8:00 a.m. The applicant runs a fitness center and would like to open their business at 5:30 a.m. to attract the before-work clients. This proposed stipulation amendment is for this user and unit number (401) only. All other zoning stipulations would remain intact. The Board of Commissioners' decision is attached.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Current zoning stipulations (Exhibit A)
Site plan (Exhibit B)
Other Business application (Exhibit C)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 16, 2004
PAGE 15

OTHER BUSINESS #1 [Z-162 (Olympia Development Group, Inc.) of November 18, 2003] AND Z-112: (Continued)

- 23) There shall be interparcel access between the LRO and NRC portions of the proposed development, as shown and reflected on the referenced revised Zoning Plan.
- 24) There shall be no cell towers and no satellite dishes greater than twenty-four (24) inches in diameter.
- 25) There shall be no antennae or towers which exceed eight (8) feet above the gutter line on any retail building or that exceed the top of the roof line of any office building.
- 26) There shall be no outside vending machines, flyer boxes, or the like, located within the proposed overall development.
- 27) Applicant agrees the proposed retail/office development may only be open for business to the public during the following hours:

Retail:

- The retail square footage shall be allowed to operate between the hours of 8:00 a.m. to 10:00 p.m.;

Restaurants:

- Any restaurant shall be allowed to operate between the hours of 8:00 a.m. to 10:00 p.m. Sunday through Thursday;
 - Any restaurant shall be allowed to operate between the hours of 8:00 a.m. and 11:00 p.m. Friday and Saturday.
 - Coffee shop shall be allowed to operate between the hours of 6:00 a.m. to 10:00 p.m. Sunday through Thursday;
 - Coffee shop shall be allowed to operate between the hours of 6:00 a.m. and 11:00 p.m. Friday and Saturday.
- 28) Deliveries to the proposed overall development shall take place Monday through Saturday from 8:00 a.m. to 7:00 p.m.
 - 29) Parking lot cleaning mechanical equipment shall be restricted to hours Monday through Friday from 8:00 a.m. to 7:00 p.m.

Center Point
 ENGINEERING
 400 WESTBROOK AVENUE, SUITE 100
 ALBUQUERQUE, NEW MEXICO 87102
 CONTACT: (505) 263-1111

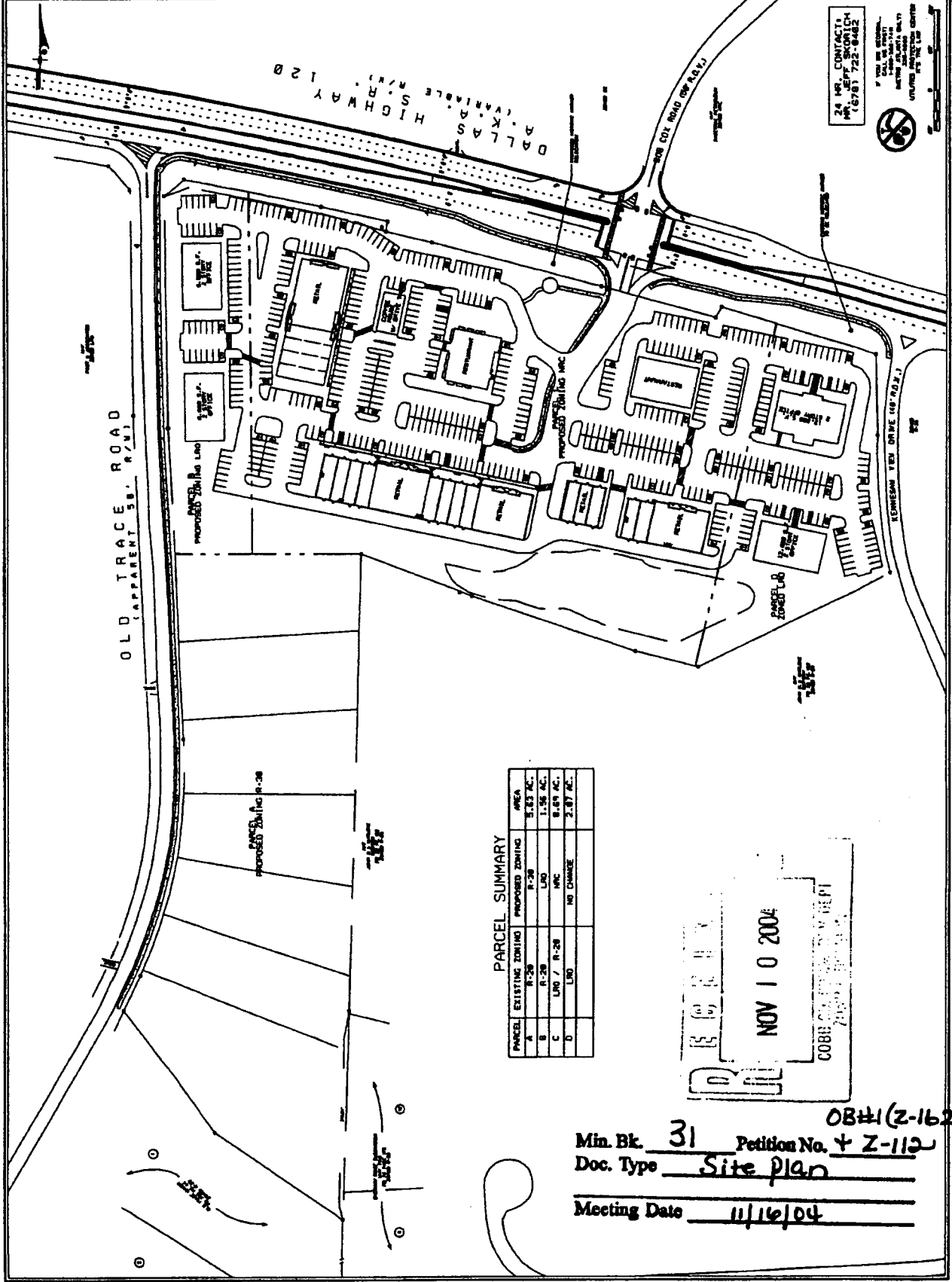
PDS
 PROFESSIONAL DESIGN SERVICES
 2700 N. CANTONVILLE ROAD
 SUITE 100
 PHOENIX, ARIZONA 85018
 (602) 722-0822

PROJECT: THE VILLAGE AT OLD TRACE

TASK: Zoning plan



PROJECT INFORMATION
 THE NAME OF OLD TRACE PROJECT:
 PROJECT NUMBER:
 PROJECT LOCATION:
 DATE OF THIS PLAN:
 DRAWN BY:
 CHECKED BY:
 SCALE:



24 HR. CONTACT: MR. MICHAEL (602) 722-0822
 IF YOU ARE BEING CALLED BY PHONE, PLEASE IDENTIFY YOURSELF AS A CENTER POINT ENGINEERING CONTACT. UNLAWFUL PROJECTS WILL BE REPORTED TO THE CITY.

PARCEL SUMMARY

PARCEL	EXISTING ZONING	PROPOSED ZONING	AREA
A	R-20	R-20	3.83 AC.
B	R-20	LRD	1.56 AC.
C	LRD / R-20	MDC	8.69 AC.
D	LRD	NO CHANGE	2.87 AC.

RECEIVED
 NOV 10 2004
 COBB COUNTY PLANNING DEPT
 7500 W. BURNING TREE BLVD
 ALPHARETTA, GA 30629

Min. Bk. 31 Petition No. 4 Z-112
 Doc. Type Site plan
 Meeting Date 11/16/04

OB#1(2-162 of 11/18/03

Application for "Other Business" Cobb County, Georgia

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

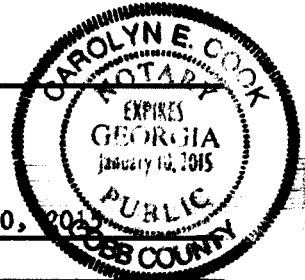
BOC Hearing Date Requested: June 21, 2011

Applicant: Warrior Pride Fitness, LLC Phone #: (404) 313-6955
(applicant's name printed)

Address: 817 Registry Terrace, N.W., Kennesaw, GA 30152 E-Mail: _____
Moore Ingram Johnson & Steele, LLP

J. Kevin Moore Address: Emerson Overlook, 326 Roswell Street
Marietta, GA 30060
(representative's name, printed)

J. Kevin Moore Phone #: (770) 429-1499 E-Mail: jkm@mij.s.com
(representative's signature) Georgia Bar No. 519728 w7@mij.s.com



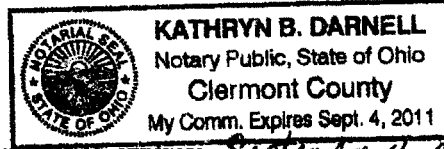
Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2015
Notary Public

Titleholder(s): VIKING PARTNERS VOT LLC Phone #: 513 793 9919
(property owner's name printed)

Address: 4901 HUNT RD, CINCINNATI, OH 45242 E-Mail: BEATERS@VIKINGPRT.COM
RLUCAS

[Signature]
(Property owner's signature)



Signed, sealed and delivered in presence of:

Kathryn B. Darnell My commission expires: September 4, 2011
Notary Public

Commission District: 1 (Goreham) **Zoning Case:** Z-162 (2003); Z-112 (2004)

Date of Zoning Decision: 11/16/2004 **Original Date of Hearing:** 11/18/2003
02/17/2004 08/17/2004

Location: Southerly side of Dallas Highway; south of intersection with Bob Cox Road
(street address, if applicable; nearest intersection, etc.) (Village at Old Trace)

Land Lot(s): 332 **District(s):** 20th

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

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

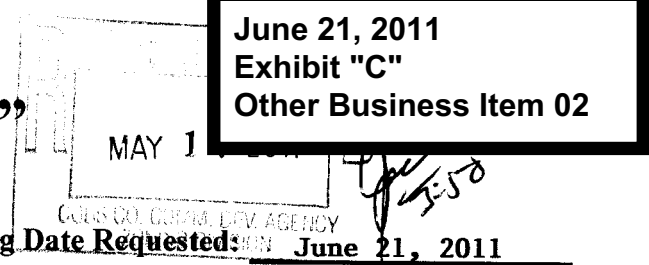
(List or attach additional information if needed)

June 21, 2011
Exhibit "C"
Other Business Item 02

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: June 21, 2011



Applicant: Warrior Pride Fitness, LLC Phone #: (404) 313-6955
(applicant's name printed)

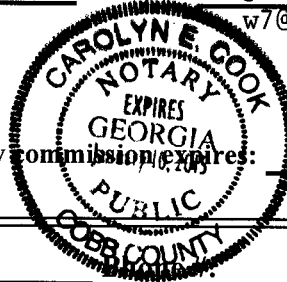
Address: 817 Registry Terrace, N.W., Kennesaw, GA 30152 E-Mail: _____
Moore Ingram Johnson & Steele, LLP

J. Kevin Moore Address: Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jkm@mijs.com
(representative's signature) Georgia Bar No. 519728 w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2015
Notary Public



Titleholder(s): _____
(property owner's name printed)

Address: _____ E-Mail: _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public

Commission District: 1 (Goreham) **Zoning Case:** Z-162 (2003); Z-112 (2004)

Date of Zoning Decision: 11/16/2004 **Original Date of Hearing:** 11/18/2003
02/17/2004 08/17/2004

Location: Southerly side of Dallas Highway; south of intersection with Bob Cox Road
(street address, if applicable; nearest intersection, etc.) (Village at Old Trace)

Land Lot(s): 332 **District(s):** 20th

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

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

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

**Application Nos.: Z-162 (2003)
Z-112 (2004)**
**Original Hearing Dates: November 18, 2003
August 17, 2004**
**Date of Zoning Decisions: February 17, 2004
November 16, 2004**
Current Hearing Date: June 21, 2011

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Warrior Pride Fitness, LLC

Applicant requests that stipulation no. 27 set forth in the final minutes of the Board of Commissioners Zoning Hearing held on November 16, 2004, be amended as to Applicant's business use only (fitness center) and only for unit no. 401 of the Subject Property, as follows:

- Existing condition restricts operating hours to 8:00 a.m. to 10:00 p.m.;
- For this use and unit only, operating hours to be 5:30 a.m. to 10:00 p.m.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on November 16, 2004, in Application No. Z-162 (2003) and Z-112 (2004), are unaltered or unchanged by this request for stipulation amendment.