

**JULY 17, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM # 3**

**PURPOSE**

To consider amending the site plan and stipulations for Ray Diodati regarding rezoning application Z-17 (Ray L. Diodati) of 2011, for property located on the southeast side of Cobb Place Boulevard, southeast of Vaughn Road, in Land Lot 173 of the 20<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned on May 17, 2011 to allow the additional use of commercial indoor recreation on this property for a tennis facility. It was zoned subject to a site plan and architectural elevation. The tennis facility concept did not materialize and the owner/applicant is requesting the Board of Commissioners amend the approved site plan and building elevation to allow the applicant to build an office/warehouse on this property. It should be noted the proposed site plan and elevation were approved previously (in 2008), but was never constructed. If approved, all other stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

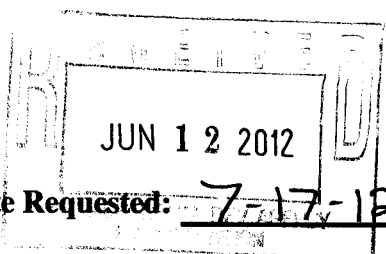
**ATTACHMENTS**

Other Business Application, proposed site plan, proposed building elevation and zoning stipulations.

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 7-17-12



Applicant: Ray Diodati Phone #: 770-426-0780  
(applicant's name printed)

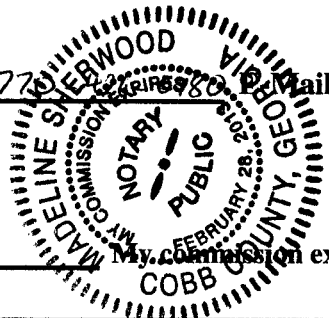
Address: P.O. Box 441286 Kennesaw, GA 30160 E-Mail: ray@randrdevelopers.com

Ray Diodati Address: P.O. Box 441286 Kennesaw, GA 30160  
(representative's name, printed)

Ray Diodati Phone #: 770-426-0780 E-Mail: ray@randrdevelopers.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Madeline Sherwood My commission expires: 2/28/13  
Notary Public



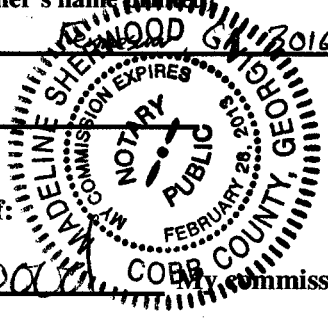
Titleholder(s): Diodati Acquisitions, LLC Phone #: 770-426-0780  
(property owner's name printed)

Address: P.O. Box 441286 Kennesaw, GA 30160 E-Mail: ray@randrdevelopers.com

Ray Diodati  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Madeline Sherwood My commission expires: 2/28/13  
Notary Public



Commission District: 1 Zoning Case: \_\_\_\_\_

Date of Zoning Decision: \_\_\_\_\_ Original Date of Hearing: 5-17-11

Location: Southeast side of Cobb Place Boulevard, Southeast of Vaughn Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 173 District(s): 20<sup>th</sup>

State specifically the need or reason(s) for Other Business: Request modification to Z-17 of 2011 to delete the commercial indoor recreation usage with outside tennis courts, corresponding with Town Center Design Guidelines, and allow for office and warehouse use, corresponding to LI Zoning District Guidelines.

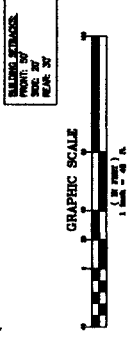
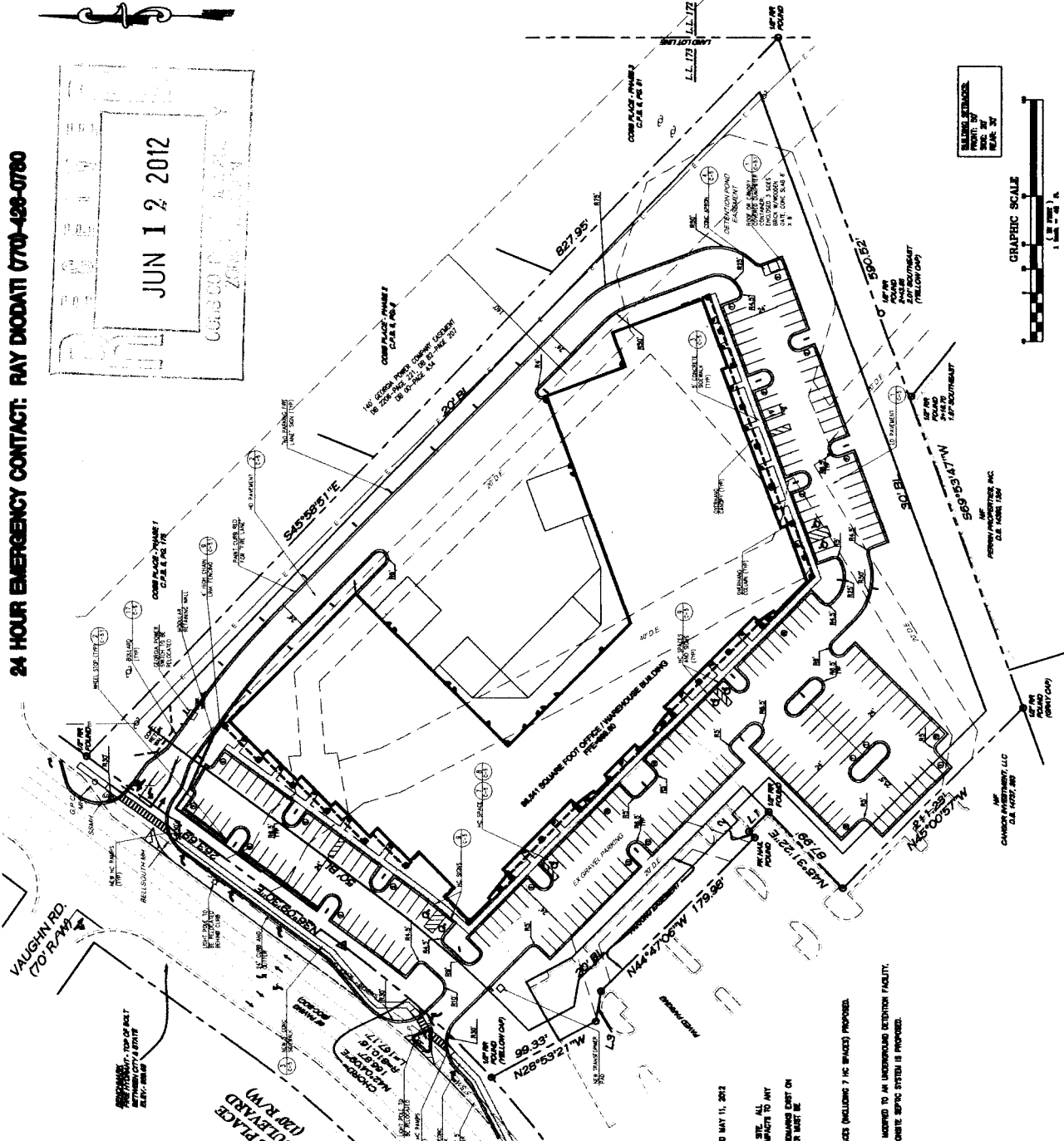
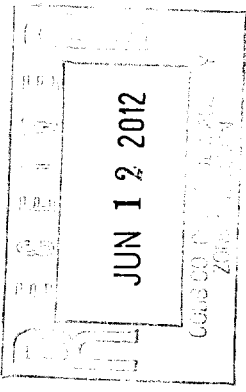
(List or attach additional information if needed)

Proposed



DATE	12/14/11
SCALE	AS SHOWN
PROJECT	REVISIONS
DESIGNED BY	
CHECKED BY	
IN CHARGE	
APPROVED BY	

24 HOUR EMERGENCY CONTACT: RAY DIODATI (770) 426-0700



Site Notes:

1. THE SITE CONTAINS 2.51 ACRES
2. SITE ADDRESS: COBB PLACE BLVD, KENNESAW GA 30144
3. THE NORTH ARROW AND SCALE ARE SHOWN ON THIS PLAN
4. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY THE CRIBELLE COMPANY, INC. DATED MAY 11, 2012
5. THIS PROPERTY IS NOT UNDER A DESIGNATED F.A.A. SPECIAL FLOOD HAZARD AREA AS PER THE FLOOD INSURANCE RATE MAP #18003D040, DATED DECEMBER 16, 2009
6. THERE ARE NO BUILDINGS OF THE CITY OF KENNESAW (UNLESS OTHERWISE NOTED) WITHIN 200 FEET OF THE SITE.
7. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CULTURAL, ANTHROPOLOGICAL, OR ARCHAEOLOGICAL LANDMARKS EXIST ON OR NEAR THE PROPERTY. ANY SUCH LANDMARKS OR OTHER FEATURES OF HISTORIC OR SCIENTIFIC INTEREST SHALL BE IDENTIFIED AND PROTECTED BY THE ENGINEER PRIOR TO THE COMMENCEMENT OF CONSTRUCTION.
8. NO INFLUENCE EXIST WITHIN 100 FT OF THE PROJECT SITE.
9. THERE ARE NO BUFFER AREAS ASSOCIATED WITH THE PROPERTY.
10. THE PROPOSED PARKING SPACES ARE SHOWN ON THIS PLAN. THERE ARE THE TOTAL PARKING SPACES (INCLUDING 7 HC SPACES) PROPOSED.
11. ALL NEIGHBORLY UTILITY LINES FOR THE SURVEY ARE SHOWN ON THIS PLAN.
12. THERE ARE TWO PROPOSED ACCESS POINTS FOR THE PROPERTY.
13. THE EXISTING ESTIMATED EXTENSION AREA IS SHOWN ON THIS PLAN. THE EXISTING POND WILL BE MODIFIED TO AN UNDERGROUND EXTENSION FACILITY.
14. SANITARY SEWER WILL BE PROVIDED THROUGH CONNECTION TO COBB COUNTY SEWER SYSTEM. NO ON-SITE SEPTIC SYSTEM IS PROVIDED.

GENERAL CALCULATIONS:	
TOTAL BUILDING AREA = 86,241 SF	
PROFESSIONAL OFFICE PARKING REQUIRED = 51,624 SF / 208 SF = 248 SPACES	
WAREHOUSE PARKING REQUIRED = 34,177 SF / 2,000 SF = 17 SPACES	
TOTAL REQUIRED = 248 + 17 = 265 SPACES	
TOTAL PROVIDED = 265 SPACES (0 HC)	



ORIGINAL DATE OF APPLICATION: 05-17-11APPLICANTS NAME: RAY L. DIODATITHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS  
JUN 12 2012**BOC DECISION OF 05-17-11 ZONING HEARING:**

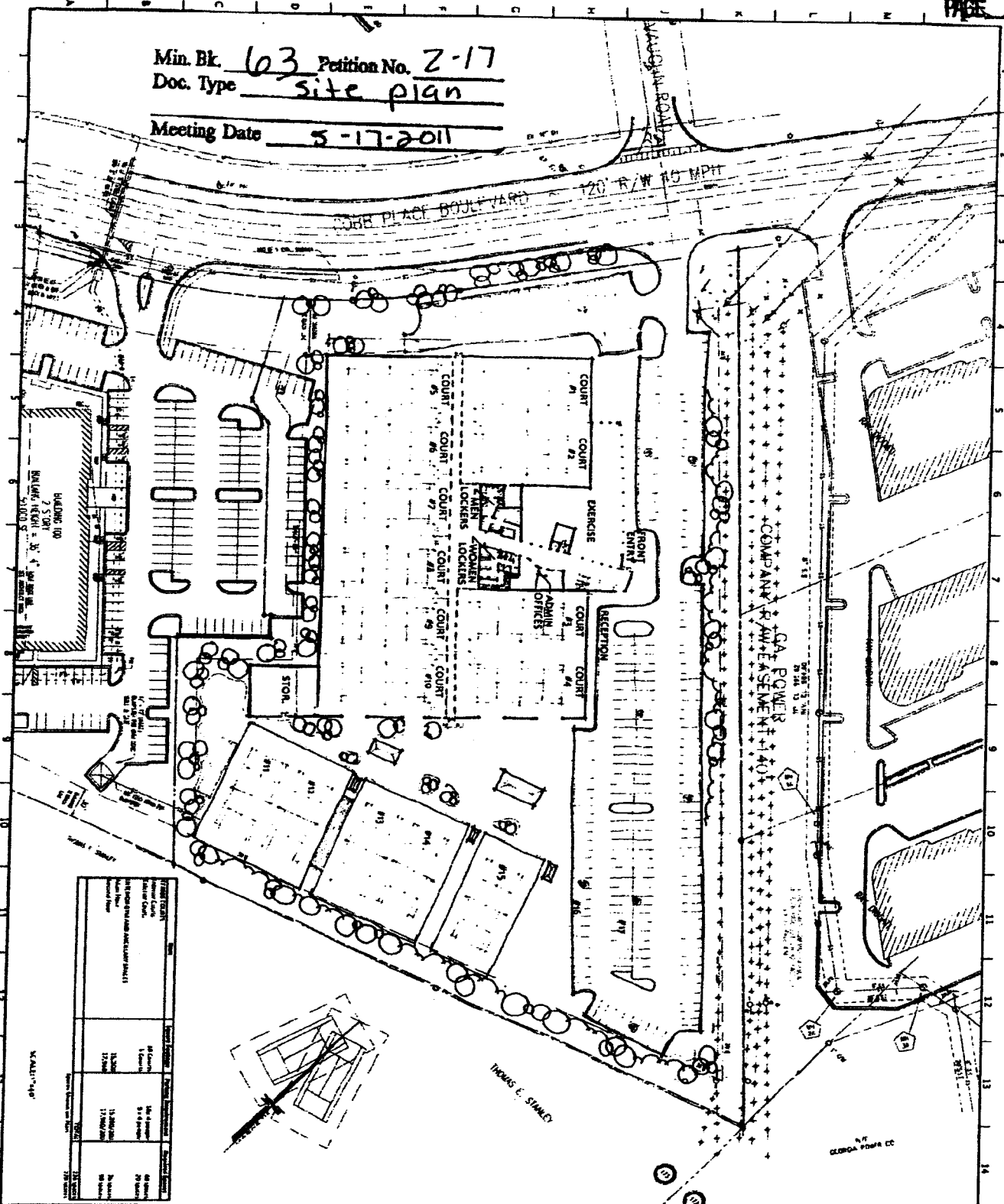
RAY L. DIODATI (Diodati Acquisitions, LLC, owner) requesting Rezoning from LI with Stipulations to GC for the purpose of Indoor Recreation in Land Lot 173 of the 20<sup>th</sup> District. Located on the southeast side of Cobb Place Boulevard, southeast of Vaughn Road.

MOTION: Motion by Goreham, second by Thompson, as part of the Consent Agenda, to delete Rezoning to the LI zoning district subject to:

- site plan received at the public hearing, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- appearance of building to be in keeping with the submitted elevations (attached and made a part of these minutes)
- allowance of commercial indoor recreation use, with outside tennis courts
- subject to Town Center Area design guidelines
- Applicant to obtain off-site cross parking agreement with property located to the southeast (Stanley property), or other adjoining property of equal size
- contemporaneous variance for reduced number of parking spaces
- no on-street parking
- District Commissioner to approve minor changes
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

Min. Bk. 603 Petition No. 2-17  
Doc. Type site plan  
Meeting Date 5-17-2011



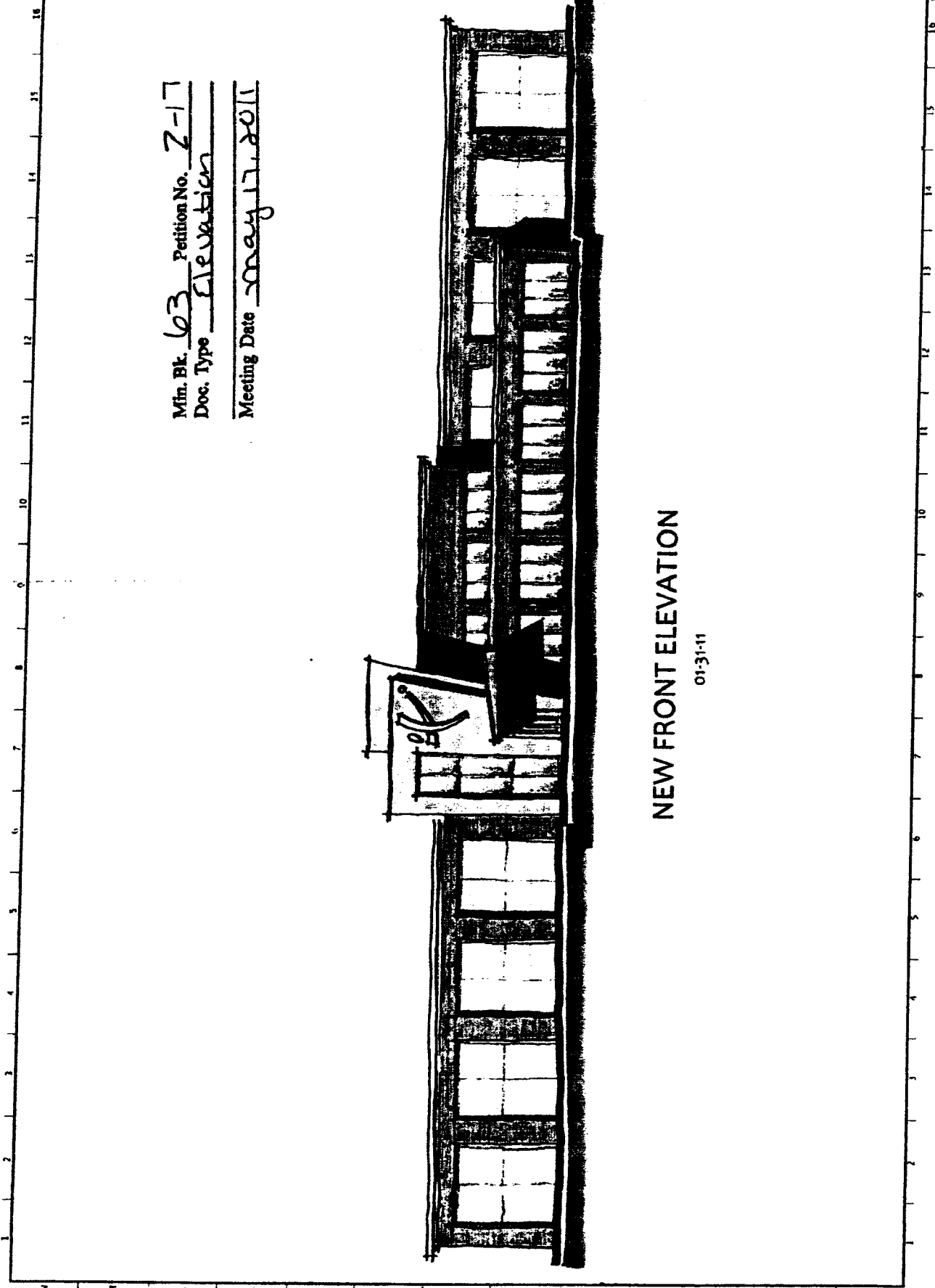
ITEM	DESCRIPTION	DATE	STATUS
1	Site Plan	5/17/11	Submitted
2	Site Plan	5/17/11	Approved
3	Site Plan	5/17/11	Approved
4	Site Plan	5/17/11	Approved
5	Site Plan	5/17/11	Approved
6	Site Plan	5/17/11	Approved
7	Site Plan	5/17/11	Approved
8	Site Plan	5/17/11	Approved
9	Site Plan	5/17/11	Approved
10	Site Plan	5/17/11	Approved
11	Site Plan	5/17/11	Approved
12	Site Plan	5/17/11	Approved
13	Site Plan	5/17/11	Approved
14	Site Plan	5/17/11	Approved
15	Site Plan	5/17/11	Approved
16	Site Plan	5/17/11	Approved

FILED WITH COUNTY CLERK THIS 3rd DAY  
OF May 20 11 BY G. Diopati  
RE 2-17  
Karen J. King  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

new project for  
**COBB PLACE aaron**  
COBB PLACE  
\*\*\*\*\*



SHEET TITLE  
DRAWING NUMBER  
DATE FOR CONSTRUCTION



Min. Blk. 63 Petition No. 2-17  
 Doc. Type Elevation  
 Meeting Date May 17, 2011

NEW FRONT ELEVATION

01:31:11

NEW FRONT FOR  
 COBB PLACE  
 COBB PLACE  
 aaron

APPLICANT Ray L. Diodati

PETITION NO. Z-017

PRESENT ZONING LI w/stips

PETITION FOR GC

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): *10" DI NW side of Cobb Place Blvd*

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.

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**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: *At site in Cobb Place Blvd*

Estimated Waste Generation (in G.P.D.): **A D F** 10/capita **Peak=** 25/capita

Treatment Plant: **Noondav**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drw Sewers Required:  Yes  No

Off-site Easements Required:  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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments:

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 offsite easements, dedication of on and/or offsite 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: Ray L. Diodati

PETITION NO.: Z-17

PRESENT ZONING: LI w/ stips

PETITION FOR: GC

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**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 CONDITION

- 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 receiving system.

APPLICANT: Ray L. Diodati

PETITION NO.: Z-17

PRESENT ZONING: LI w/ stips

PETITION FOR: GC

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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. The site is encumbered by an existing detention pond as well as previously recorded multiple drainage easements. The current above-ground pond will be replaced by an underground facility. The new detention facility must account for the existing development on Tract 1, the proposed tennis center development on Tract 2 as well provide conveyance capacity for the upstream runoff through the site.
2. Any changes to the existing drainage easements must be reflected on a re-recorded plat.

**APPLICANT: Ray Diodati**

**PETITION NO.: Z-17**

**PRESENT ZONING: LI with Stipulations**

**PETITION FOR: GC**

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**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
Cobb Place Blvd	7300	Major Collector	40 mph	Cobb County	80'

*Based on 2009 traffic counting data taken by Cobb County DOT (Cobb Place Boulevard)*

**COMMENTS AND OBSERVATIONS**

Cobb Place Boulevard is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend installing sidewalk along the road frontage.

Recommend applicant relocate the proposed driveway and coordinate with Cobb County DOT on the location at the time of plan review.

Recommend deceleration lane on Cobb Place Boulevard for proposed access.

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