

APPLICANT: Last Stand Fitness, LLC
678-824-2850

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Parks F. Huff 770-422-7016

TITLEHOLDER: Lewyn-Atlanta Road Partnership

PROPERTY LOCATION: On the west side of Atlanta Road at
Brownwood Lane, and on the east side of Interstate 285, south of Atlanta
Road (4620 Atlanta Road).

ACCESS TO PROPERTY: Atlanta Road

PHYSICAL CHARACTERISTICS TO SITE: Existing warehouse
distribution facility

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Pilot Travel Center
- SOUTH:** GC/Office Warehouse
- EAST:** GC/Retail Shops
- WEST:** I-285 and PVC/Flats at West Village

PETITION NO: Z-45

HEARING DATE (PC): 11-06-12

HEARING DATE (BOC): 11-20-12

PRESENT ZONING: LI

PROPOSED ZONING: LI with
Stipulations

PROPOSED USE: Additional Use as
a Fitness Facility

SIZE OF TRACT: 3.795 acres

DISTRICT: 17

LAND LOT(S): 763

PARCEL(S): 13

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

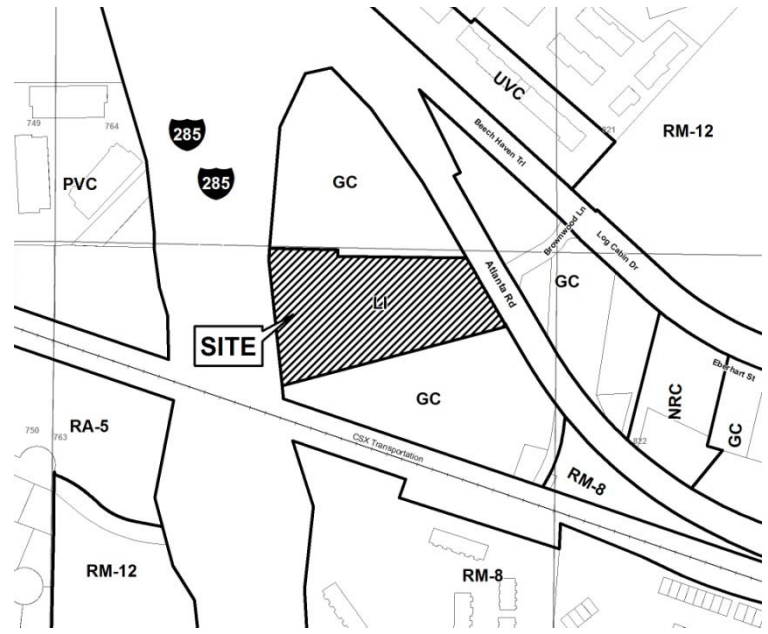
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

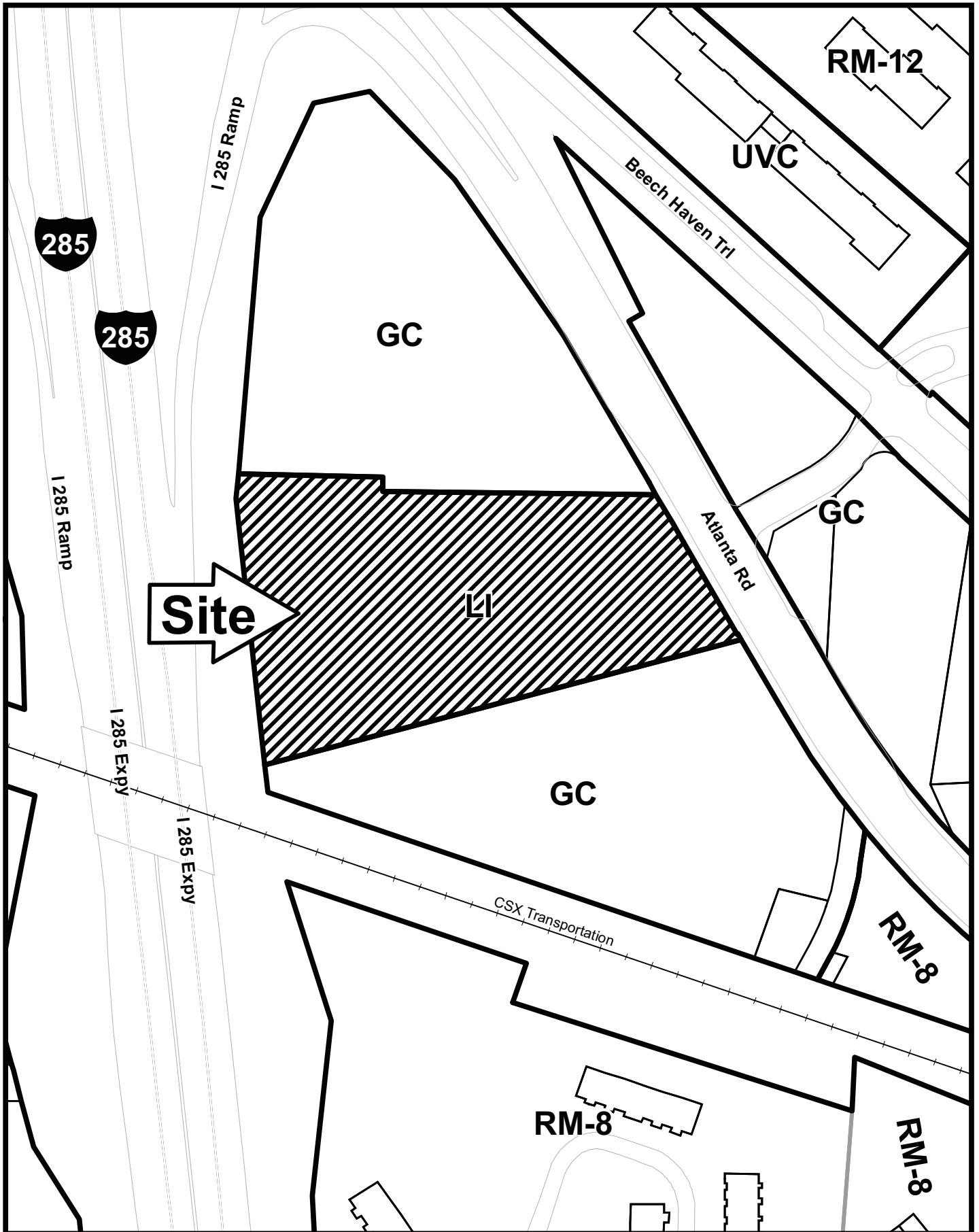
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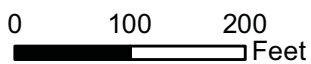
STIPULATIONS:



Z-45



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



City Boundary
Zoning Boundary

APPLICANT: Last Stand Fitness, LLC

PETITION NO.: Z-45

PRESENT ZONING: LI

PETITION FOR: LI w/Stipulations

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center (CAC)

Proposed Number of Buildings: 1 (Existing) **Total Square Footage of Development:** 65,844

F.A.R.: .40 **Square Footage/Acre:** 17,843

Parking Spaces Required: 21 (for the 4,200 sq ft space) **Parking Spaces Provided:** 59

Applicant is requesting to rezone the subject property to the Light Industrial (LI) category with stipulations allowing the additional use of a fitness studio to operate in a space in the existing building. The hours of operation will be staggered early morning and evening classes Monday through Friday from 5:30 a.m. to 7:30 a.m. and 5:30 p.m. to 8:30 p.m. and on Saturday from 9 a.m. until 12 p.m. These proposed hours of operation will not conflict with the hours of the existing businesses.

The subject property received a variance (V-206 of 12/14/94) to waive the side setback from 20 feet to five feet along the northern side of the property (minutes attached).

Cemetery Preservation: No comment.

FIRE COMMENTS:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT: Last Stand Fitness, LLC

PETITION NO.: Z-45

PRESENT ZONING: LI

PETITION FOR: LI w/Stipulations

PLANNING COMMENTS:

The applicant is requesting a rezoning from LI to LI with stipulations for purposes of an additional use as a Fitness Facility. The 3.795 acre site is located on the west side of Atlanta Road at Brownwood Lane, and on the east side of Interstate 285, south of Atlanta Road (4620 Atlanta Road).

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category with a CRC with stipulations zoning designation. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities.

Master Plan/Corridor Study

Atlanta Road Corridor Study

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area Atlanta Road

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
 Yes No Not applicable
- Streetscape elements
 Yes No Not applicable
- Building Frontage
 Yes No Not applicable
- Parking Standard
 Yes No Not applicable
- Architecture standard
 Yes No Not applicable

APPLICANT Last Stand Fitness, LLC

PETITION NO. Z-045

PRESENT ZONING LI

PETITION FOR LI w/stips

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): **8" DI / W side of Atlanta Road**

Additional Comments: Existing water customer

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: 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**

Estimated Waste Generation (in G.P.D.): **A D F** TBD **Peak=** TBD

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drv 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 Existing sewer customer
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: Last Stand Fitness, LLC

PETITION NO.: Z-45

PRESENT ZONING: LI

PETITION FOR: LI w/ stips

STORMWATER MANAGEMENT COMMENTS

No comments.

APPLICANT: Last Stand Fitness, LLC

PETITION NO.: Z-45

PRESENT ZONING: LI

PETITION FOR: LI with Stipulations

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Atlanta Road	22,650	Arterial	45 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Georgia DOT (Atlanta Road)

COMMENTS AND OBSERVATIONS

Atlanta Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend coordinating with Georgia DOT to ensure compatibility with I-285 /Atlanta Road Interchange Operational Improvements project.

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

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STAFF RECOMMENDATIONS

Z-45 LAST STAND FITNESS, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in the area are zoned for retail uses.
- 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. The property is currently used as a warehouse/distribution facility and the proposed use will occupy only 4,200 square feet of the 65,844 square-foot building. The hours of operation will be early morning and evening and should not adversely affect other businesses in the area.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Community Activity Center (CAC) land use category. In this application, the proposed use is compatible with the land use category, but not the existing zoning of LI. The property has been zoned LI for many years and the proposed use is normally allowed in commercial zoning categories and not industrial. However, the industrial building is conducive to accommodating the fitness facility and the parking requirements can be met. Also, the limited hours of operation should help reduce any adverse impact to the surrounding area.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. Other properties in the area are zoned commercially with retail and other commercial uses. The proposed limited hours of operation will not conflict with operations of the existing warehouse/distribution businesses on the property and should also help reduce any adverse impact to other properties in the area.

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

- Site plan received by the Zoning Division on September 6, 2012, with the District Commissioner approving minor modifications;
- This additional use ONLY;
- Water and Sewer 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.

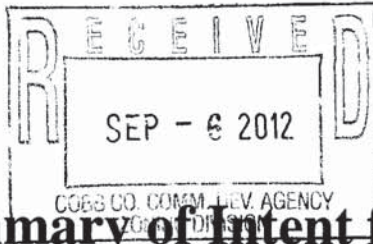
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Application No. 2-45

November 2012

Summary of Intent for Rezoning

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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Warehouse and Fitness Studio
- b) Proposed building architecture: Existing warehouse building
- c) Proposed hours/days of operation: Fitness Studio 5:30-7:30am and 5:30-8:30pm
Monday-Friday, Sat. 9:00am-12:00pm
- d) List all requested variances: Setback variance for existing building

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).



**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF LAST STAND FITNESS, LLC**

COMES NOW, LAST STAND FITNESS, LLC, and pursuant to

Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this their Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property that is suitable in the context of the development and existing zonings along this section of the Atlanta Road Corridor. The subject property is on the west side of Atlanta Road, east of Interstate 285. The predominant zonings and developments in the Atlanta Road Corridor are industrial and commercial developments which serve the surrounding communities and members of the public who travel Atlanta Road.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The preponderance of the properties adjacent to the subject property are zoned Industrially and Commercially and the proposed development does not conflict with those land use designations.

- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility.

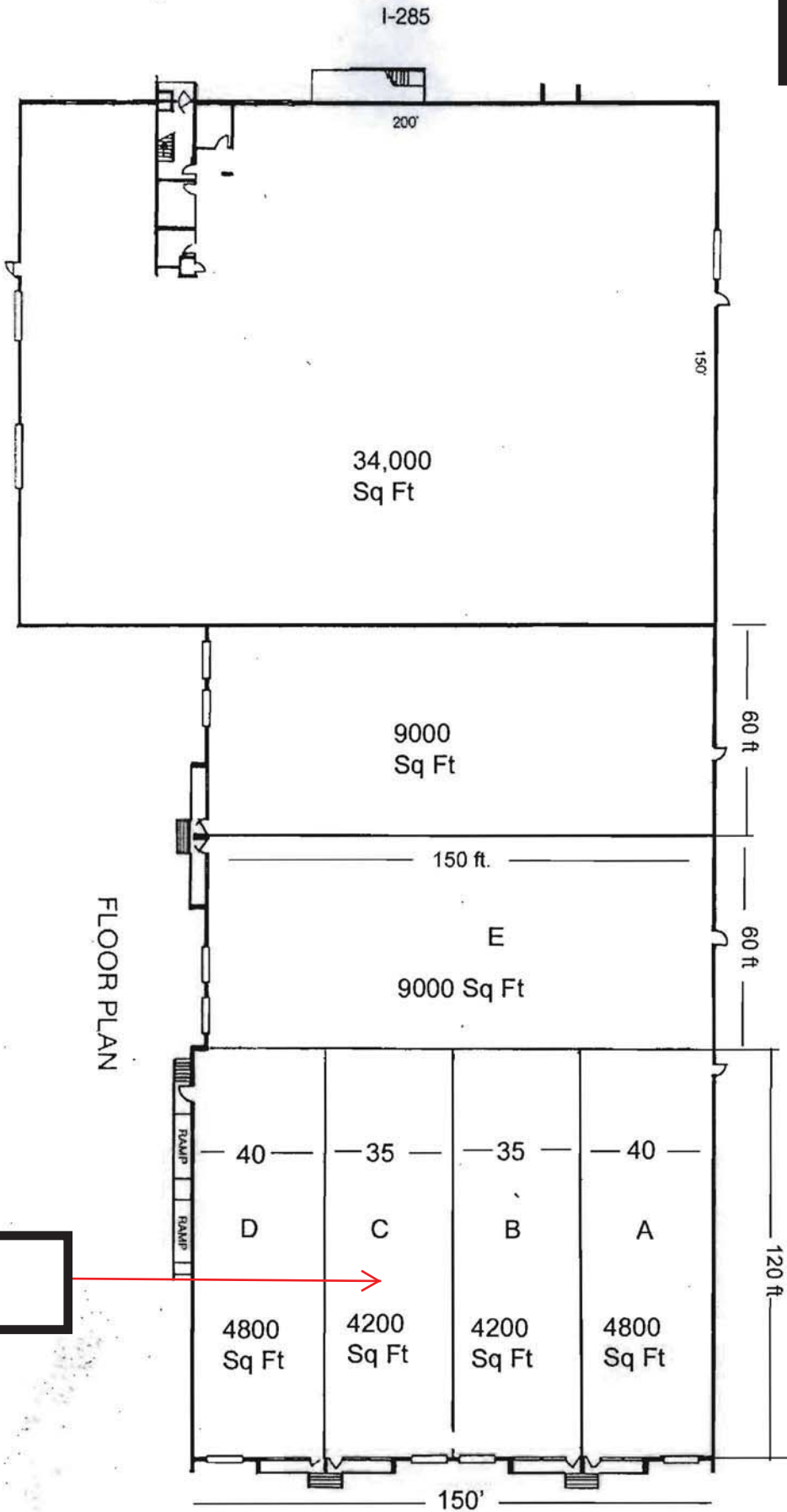
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools. The proposed use will primarily serve the traffic that travels this transportation corridor.
- E. The zoning proposal is consistent with Cobb County's Comprehensive Land Use Plan and Future Land Use Map which is denominated as a Community Activity Center (CAC).
- F. There is no substantial relationship between the existing zoning classification of Light Industrial (LI) which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of Atlanta Road, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 6th day of September, 2012.

SAMS, LARKIN & HUFF, LLP

By: 
PARKS F. HUFF, ESQ.
Attorney for Applicants
Ga. Bar No. 375010

Z-45 (2012)
Lease Plan
Layout



Applicant's
Space

4620 South Atlanta Road

PAGE 2 OF 2

APPLICATION NO. V-206

ORIGINAL DATE OF APPLICATION: 12-14-94

APPLICANT'S NAME: ESTHER LEWYN

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF ZONING APPEALS

THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY BOARD OF ZONING APPEALS ON DECEMBER 14, 1994

V-206 ESTHER LEWYN requests a variance to waive the side yard setback (north) from required 20 feet to 5 feet in Land Lot 763 of the 17th District. 3.8 acres. Located on the west side of Atlanta Road, north of the Seaboard Air Line Railroad.

BZA DECISION OF 12-14-94: The Board of Zoning Appeals, as part of the Consent Agenda, approved application subject to the Building Inspections Division comments which state that structure is to comply with T-600 S.B.C., with exterior walls may being required to be fire-rated and opening protected. Motion by Dawson, second by Homan, carried 5-0.

Karen L. Hach

Karen L. Hach, Deputy Clerk
Cobb County Board of Zoning Appeals