

10-11-12

**APPLICANT:** Ray L. Diodati  
(770) 426-0780

**REPRESENTATIVE:** Brad Diodati  
(678) 618-3992

**TITLEHOLDER:** Diodati Acquisitions, LLC

**PROPERTY LOCATION:** Southeast side of Cobb Place  
Boulevard, southeast of Vaughn Road.

**ACCESS TO PROPERTY:** Cobb Place Boulevard

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant with  
a section of parking lot used by the business to the southwest (also  
owned by the applicant.

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** LI/Office-Warehouse Development

**SOUTH:** GC/Cobb County Collision Center

**EAST:** LI/Office-Warehouse and Power Station O&I/Undeveloped

**WEST:** LI/Aarons Rents Corporate Facility

**PETITION NO:** Z-17

**HEARING DATE (PC):** 05-03-11

**HEARING DATE (BOC):** 05-17-11

**PRESENT ZONING:** LI with  
Stipulations

**PROPOSED ZONING:** GC

**PROPOSED USE:** Indoor Recreation

**SIZE OF TRACT:** 7.5 acres

**DISTRICT:** 20

**LAND LOT(S):** 173

**PARCEL(S):** 59

**TAXES:** **PAID** ☒ **DUE** ☐

**COMMISSION DISTRICT:** 1

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

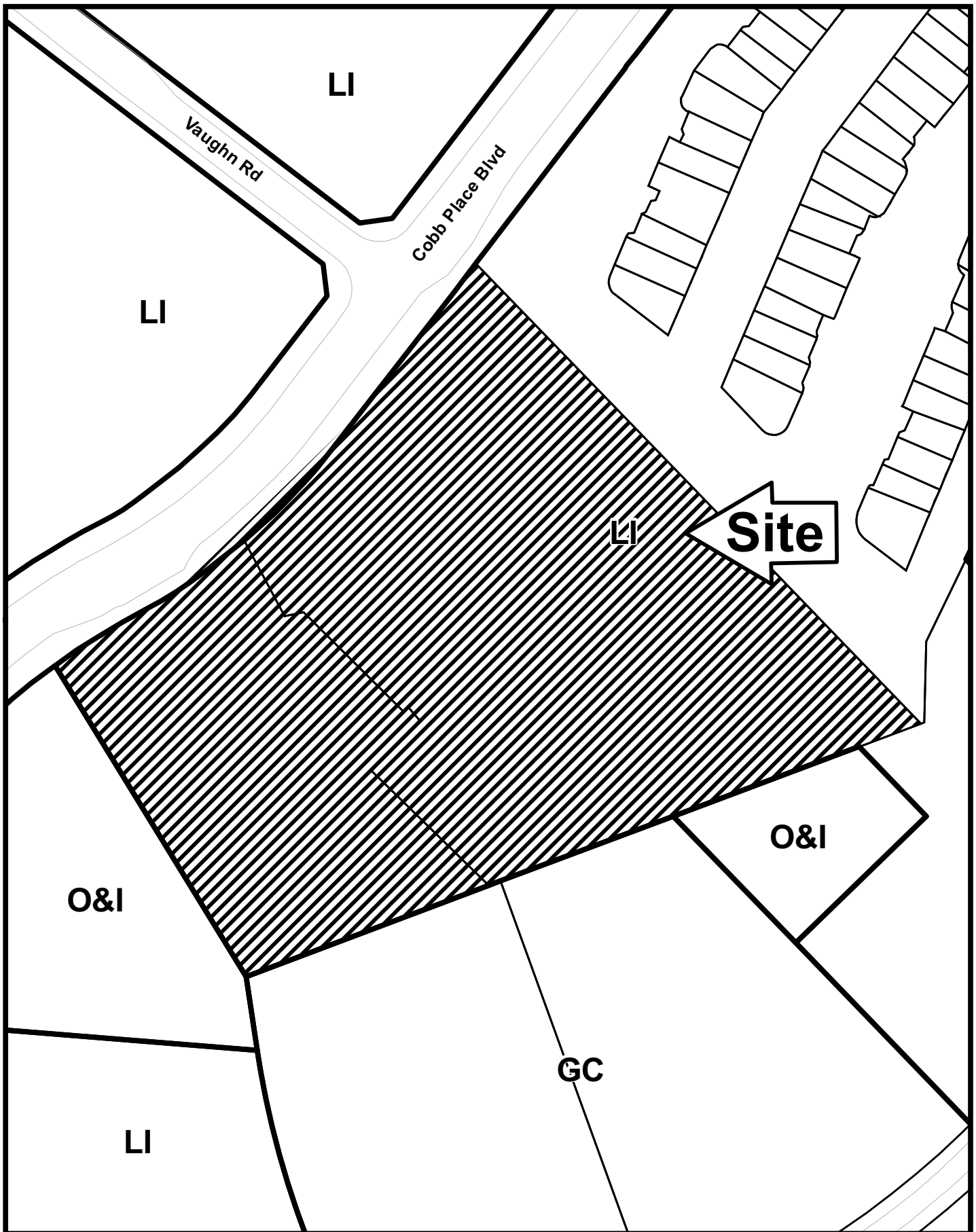
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

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

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

**STIPULATIONS:**





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

100 0 100  
Feet



City Boundary  
Zoning Boundary

**APPLICANT:** Ray L. Diodati

**PETITION No.:** Z-17

**PRESENT ZONING:** LI with stipulations

**PETITION FOR:** GC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Industrial Compatible

**Proposed Number of Buildings:** 1

**Total Square Footage of Development:** 100,000

**F.A.R:** 0.30

**Square Footage/Acre:** 13,308

**Parking Spaces Required:** 500

**Parking Spaces Provided:** 224

Applicant is requesting the GC zoning district for the purpose of developing a tennis facility. The development includes a 100,000 square-foot building that will have 10 courts, locker facilities, an exercise area and administrative offices. In addition, seven outdoor courts are planned. The facility will host ALTA tennis ranging from Junior to Adult Professional. The proposed hours of operation are seven days per week from 7 a.m. until 11 p.m. The proposed building will be a 2-story with a mezzanine level and will consist of glass, brick and stucco. There will also be bleachers and a viewing deck on the inside. Applicant submitted the attached Impact Analysis for review. The property was previously rezoned from R-20, HI and O&I to LI as part of case Z-382 of 1986 for office and warehouse use only, and those minutes are attached hereto for reference. The zoning impact analysis is attached for review.

The applicant will require a contemporaneous variance to waive the number of required parking spaces from 500 to 224.

**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:** No comment.

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**FIRE COMMENTS:**

**C/O:** Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. 1015 Cobb Place Boulevard.

**APPLICANT:** Ray L. Diodati

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<b>PLANNING DIVISION COMMENTS:</b>
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Master Plan/Corridor Study

No comment.

Design Guidelines

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

If yes, design guidelines area Town Center Area Design Guidelines

Does the current site plan comply with the design requirements?

☐ Yes    ☒ No    ☐ Not applicable



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.

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PRESENT ZONING: LI w/ stips

PETITION FOR: GC

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<b>DRAINAGE COMMENTS</b>
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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.

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DRAINAGE COMMENTS CONTINUED
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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.



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**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.

## STAFF RECOMMENDATIONS

### **Z-17 RAY L. DIODATI**

- 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. Adjacent and nearby properties are zoned LI and are used for office/warehouse developments.
- 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 majority of the proposed use will be indoor recreation for a tennis facility. Most of the outdoor courts abut a power station and the rest back up to Cobb County Collision Center. Landscaping is proposed along that boundary on the southeastern property line.
- 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 the Industrial Compatible 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 give supporting grounds for deleting the applicant's rezoning proposal to the LI zoning category with a stipulation to allow the commercial indoor recreation facility. The LI zoning category currently allows *golf courses, outdoor golf driving ranges, and recreation grounds other than tennis courts or golf courses*.

Based on the above analysis, Staff recommends **DELETING** the request to **LI** subject to the following conditions:

- Allowance of commercial indoor recreation use, with outside tennis courts;
- Revised site plan received by the Zoning Division on April 4, 2011, with the District Commisisoner approving minor modifications;
- Town Center Area Design Guidelines;
- 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.**

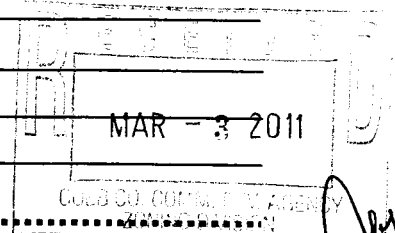
Application No. Z-17

May 2011

## 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): 100 000 sF  
b) Proposed building architecture: brick & stone  
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): indoor recreation  
b) Proposed building architecture: brick & stone  
c) Proposed hours/days of operation: N/A  
d) List all requested variances: \_\_\_\_\_

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

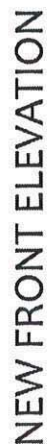
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\_\_\_\_\_

.....  
**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).**

NO

45-1



01-31-11

new project for  
PLACE  
COBB PLACE  
aaron

PROJECT NO. \_\_\_\_\_  
DATE: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
SHEET NO. \_\_\_\_\_

[illegible]

Z-17  
(2011)

APPLICATION FOR REZONING  
TO THE  
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES  
AND THE  
COBB COUNTY PLANNING COMMISSION  
(type or print clearly)

Application No. 382

Hearing Date 12-16-86

Applicant Senior Corp. Business Phone 952-7349 Home Phone 672-0202  
(business name)  
Michael E. Paris Address 100 Galleria Pkwy., Ste. 470., Atl., GA 30339  
(representative's name, printed)  
Michael E. Paris Business Phone 672-0202 Home Phone   
(representative's signature)

Titleholder Senior Corp. Business Phone 672-0202 Home Phone   
Signature Michael E. Paris, V.P. Address 100 Galleria Pkwy., Ste. 470, Atl., GA 30339  
(attach additional signatures, if needed)

Zoning Request From R-20, H.I., O.I. To L.I., O.I.  
(present zoning) (proposed zoning)

For the Purpose of Office, Office/Warehouse Size of Tract  acre(s)  
(subdivision, restaurant, warehouse, apts., etc.)

Location Roberts Boulevard  
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 173,174 District 20th

Recommendation of Planning Commission 12-16-86 Planning Commission recommended application  
be approved subject to office and warehouse use only and agreeable conditions on density, and subject  
to no building permits to be issued until sewer becomes available. Motion by Brown, seconded by  
Thompson; carried 5-0.

Henry A. Thompson Chairman

Board of Commissioners' Decision 12-16-86 Board of Commissioners approved application as state  
above. Motion by Thompson, seconded by Williams; carried 5-0.

Carl E. Smith Chairman



POPE & LAND  
ENTERPRISES, INC.

February 23, 2011

Ms. Gina Diodati  
R&R Developers  
2100 Barrett Park Dr.  
Suite 501  
Kennesaw, GA 30144

MAR - 8 20

RE: Atlanta Tennis Center

Dear Gina,

Thank you for recently presenting the concept of developing the Atlanta Tennis Center on property in Barrett owned by an R&R Developers-related entity. The proposed Atlanta Tennis Center is a unique and exciting concept which would be an asset to the Barrett mixed use development and an amenity to all tenants, visitors and residents in the Town Center area submarket.

I believe that the proposed Atlanta Tennis Center would be a welcome addition to the area because it could accommodate and serve the student population in nearby Kennesaw State University, the daily population of workers in the millions of square feet of office space in the Town Center area and complement the recreational amenities that are already available in the area such as Kennesaw Mountain National Park, the new LA Fitness on Barrett Parkway and the recently completed Noonday Creek Trail System; all of which are within walking distance of the proposed site.

Best wishes for continued success with the development and implementation of the concept. Please let me know if I can assist you in any way in my capacity as a fellow property owner in Barrett, as the President of the Barrett Master Association or as Chairman of the Town Center Area CID.

Sincerely,

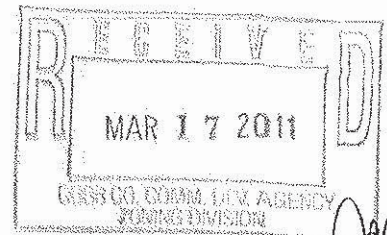
H. Mason Zimmerman

Cc: Carol Kratsas  
Jennifer Koontz  
Lanie Shipp

*Jan*  
11:30



March 16, 2011



TO: Jason A. Campbell  
Cobb County Community Development

FR: Ray L. Diodati  
Diodati Acquisitions, LLC

RE: Rezoning application for case number Z-17  
Cobb Place Blvd., Kennesaw, GA 30144

Per our meeting this morning, below are our responses to Requirements for Rezoning Application, Paragraph 9, items a-f:

(a)

The Barrett Parkway area was originally designed as a work/live/play community. Our proposed project, the ATL Indoor Tennis facility is a perfect fit into the recreational aspect of the area. The building will be adjacent to the Noonday Creek Trail and within walking distance to LA Fitness and eventually, once the remainder of NDC Trail is completed, to Kennesaw Mountain Park.

(b)

Rezoning of the property to accommodate this project will have no adverse affect to any of the nearby properties. In fact, we see it as a much welcome and needed amenity.

(c)

Currently property is zoned office warehouse, LI. With office and office warehouse vacancy rates rising in the area, we feel rezoning to GC, thus allowing the proposed tennis facility will bring a unique and exciting project to the area. And with close proximity to business professionals, KSU and surrounding residential areas, we anticipate the center will be a great success.



(d)

The project will not create any further burden to the areas streets, transportation facilities, utilities or nearby schools.

(e)

Barrett Business Park was originally designed as a mixed use development. Again, we believe the center will be a welcome addition as a much needed recreational amenity to the area.

(f)

Once again, as stated above, we feel rezoning this property to allow for our proposed tennis center will be an asset to the overall Barrett Community.

Sincerely,

Ray Diodati

Diodati Acquisitions, LLC

770-426-0780

[ray@RandRdevelopers.com](mailto:ray@RandRdevelopers.com)