

**NOVEMBER 18, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-68

PURPOSE

To consider a stipulation amendment for Erik Peterson regarding rezoning application Z-45 of 2012 (Last Stand Fitness, LLC), for property located on the west side of Atlanta Road at Brownwood Lane, and on the east side of I-285, south of Atlanta Road in Land Lot 763 of the 17th District.

BACKGROUND

The subject property was rezoned in 2012 to allow a fitness facility to occupy one of the lease spaces that front Atlanta Road. Earlier this year the Board of Commissioners approved a dance and exercise studio in a lease space that also fronts Atlanta Road. This was two doors down from the existing fitness facility. The current applicant would like to lease a space that fronts Atlanta Road for an indoor baseball training and fitness facility. It is important to note that this side of the building looks like a commercial space with a brick front with large windows. The zoning stipulations would have to be amended to allow the applicant's use in the building. No exterior changes will be made to the building. If approved, all previous zoning stipulations would remain in effect.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

OB-68

Cobb County, Georgia

OCT - 1 2014

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

BOC Hearing Date Requested: 10/21/14

Applicant: Eric Peterson (Peterson) Phone #: 404 307 8260
(applicant's name printed)

Address: 1372 ~~W~~ Wynbrook Trace E-Mail: erik@risingbrothertravel.com
Shawn Kimberly Mableton, GA 30120 30339

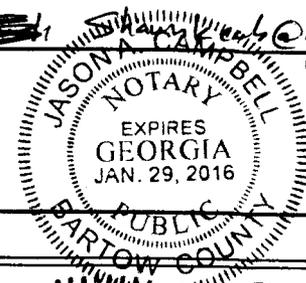
(representative's name, printed) Address: 495 Somerset Drive Dallas, GA
30157

(representative's signature) Phone #: 404 597 0636 E-Mail: ~~erik@risingbrothertravel.com~~ shawnkimberly@gmail.com

Signed, sealed and delivered in presence of:

Jason A. Campbell
Notary Public

My commission expires: _____



Titleholder(s): Sam Lindsey Phone #: _____
(property owner's name printed)

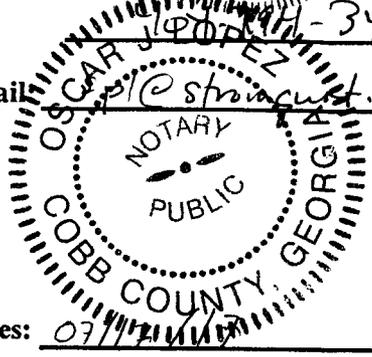
Address: 4620 Atlanta Rd Smyrna, GA E-Mail: scap@strongarm.com
30080 30339

(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: 07/11/2014



Commission District: 2 Zoning Case: Z-45

Date of Zoning Decision: 11-20-12 Original Date of Hearing: 11-20-12

Location: 4620-B S. Atlanta Rd Smyrna, GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 763 District(s): 17

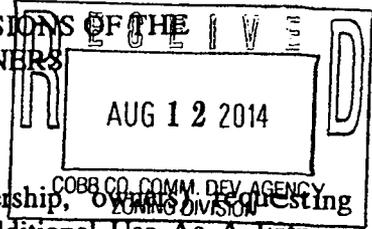
State specifically the need or reason(s) for Other Business: The current zoning is LI (Light Industrial) the business, Epic Sports Performance, is an indoor baseball training facility, or fitness facility. Thus the zoning would not allow such a business to operate without an "Other Business" variance.

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 11-20-12

APPLICANTS NAME: LAST STAND FITNESS, LLC

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



BOC DECISION OF 11-20-12 ZONING HEARING:

LAST STAND FITNESS, LLC (Lewyn-Atlanta Road Partnership, **requesting** Rezoning from **LI** to **LI with Stipulations** for the purpose of Additional Use As A Fitness Facility in Land Lot 763 of the 17th District. 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).

MOTION: Motion by Ott, second by Birrell, to **approve** Rezoning to the **LI with Stipulations** zoning district subject to:

- Site plan received by the Zoning Division on September 6, 2012, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- Letter from Mr. Parks Huff dated November 1, 2012 (attached and made a part of these minutes)
- For this use only
- **Water and Sewer Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

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JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

November 1, 2012

VIA EMAIL: Jason.Campbell@cobbcounty.org
AND HAND DELIVERY

Mr. Jason Campbell, Planner
Cobb County Community Development Agency
Zoning Division
P.O. Box 649
Marietta, GA 30061

Re: Application of Last Stand Fitness, LLC
To Rezone a 3.795± Acre Tract from Light Industrial (LI) to
Light Industrial (LI) with Conditions
Land Lot 763, 17th District, 2nd Section, Cobb County, Georgia

Dear Jason:

I represent Last Stand Fitness, LLC dba Crossfit 285 in relation to the above-styled rezoning application for property known as 4620 South Atlanta Road, Smyrna, Georgia 30080. Crossfit 285 is a workout gym that operates out of an industrial space because they rely upon big heavy equipment like barbells, pull-up bars and ropes instead of treadmills and other electronic equipment. The Applicant requests this rezoning application to allow this additional use in the light industrial zoning category. The rezoning application is scheduled to be heard by the Planning Commission on November 6, 2012 and thereafter by the Board of Commissions on November 20, 2012. The following is a list of conditions that my client is willing to agree to become part of the rezoning approval.

1. The applicant will agree to reline the sixteen (16) spaces depicted on Exhibit "A" to provide parking for its client.
2. The rezoning specifically includes workout gym as an allowable use under light industrial.
3. The workout gymnasium will be limited to a 4,200 square foot space within the existing warehouse buildings and any expansion must be approved by the District Commissioner.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-45
Meeting Date 11/20/12
Continued

VIA EMAIL: Jason.Campbell@cobbcounty.org
AND HAND DELIVERY

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Mr. Jason Campbell, Planner
Cobb County Community Development Agency
Zoning Division
November 1, 2012
Page 2

In the past, Cobb County has approved gymnasiums and other recreational use of industrial space because warehouses provide for big open areas that are needed for recreational use. By limiting the amount of recreational space to 4,200 square feet, parking will not be a problem in this large industrial park. The Applicant has not received any negative comments from other tenants or neighboring property owners regarding this request. Please contact me if you have any questions or concerns regarding these proposed conditions.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/dvm
Enclosures

cc: Members, Cobb County Board of Commissioners (via email and regular mail)
Members, Cobb County Planning Commission (via email)
Mr. Tim Davidson, Cobb County Water System (via email and regular mail)
Ms. Jane Stricklin, P.E. (via email)
Mr. David Breaden, P.E. (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Presnell, Deputy County Clerk (via email)
Ms. Robin Meyer, MIC (via email)
Last Stand Fitness, LLC

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 16, 2014
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OTHER BUSINESS (CONT.)

~~O.B. 55 (CONT.)~~

- Approval is for the deletion of requirement to extend Third Flag Parkway to Factory Shoals Road and the revision of Drainage comments regarding building number three only (the requirement for installation of sidewalk, curb, and gutter on Bob White Road to remain in effect)
- Site plan received by the Zoning Division July 24, 2014, with District Commissioner approving minor modifications (attached and made a part of these minutes)
- Letter from Ms. Jessica Hill dated August 4, 2014 including Summary of Request, *not otherwise in conflict*, (attached and made a part of these minutes) and with the following change:
 - Item No. 2 – delete in its entirety
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

~~VOTE: ADOPTED unanimously~~

O.B. 56

To consider a stipulation amendment for The Space Atlanta, LLC regarding rezoning application Z-45 of 2012 (Last Stand Fitness, LLC), for property located on the west side of Atlanta Road at Brownwood Lane, and on the east side of I-285, south of Atlanta Road in Land Lot 763 of the 17th District.

Mr. Pederson provided information regarding a stipulation amendment to allow a dance and exercise studio. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **approve** O.B. 56 for The Space Atlanta, LLC regarding rezoning application Z-45 of 2012 (Last Stand Fitness, LLC), for property located on the west side of Atlanta Road at Brownwood Lane, and on the east side of I-285, south of Atlanta Road in Land Lot 763 of the 17th District, subject to:

- Approval is for the amendment of approved uses to include a dance and exercise studio
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED unanimously