



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-50

Public Hearing Dates:

PC: 08-07-18

BOC: 08-21-18

SITE BACKGROUND

Applicant: Titanz Fitness, LLC

Phone: N/A

Email: N/A

Representative Contact: Parks F. Huff

Phone: (770) 422-7016

Email: phuff@slhb-law.com

Titleholder: AMC Cobb Holdings, LLC

Property Location: South side of South Cobb Industrial Boulevard, west of Martin Court

Address: 1834 South Cobb Industrial Boulevard

Access to Property: South Cobb Industrial Boulevard

QUICK FACTS

Commission District: 2-Ott

Current Zoning: HI (Heavy Industrial)

Current use of property: Warehouse

Proposed zoning: HI (Heavy Industrial) with Stipulations

Proposed use: Indoor Recreation

Future Land Use Designation: IC (Industrial Compatible)

Site Acreage: 1.28 ac

District: 17

Land Lot: 619 and 678

Parcel #: 17061900200

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Jason Campbell)

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

1. Site plan received by the Zoning Division on May 3, 2018, with the District Commissioner approving minor modifications;
2. Variances mentioned in the Zoning comments;
3. Fire Department comments and recommendations;
4. Site Plan Review comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. Department of Transportation comments and recommendations.

Z-50
(2018)

Rezoning Plat 1834 South Cobb Industrial

Cobb County, Georgia
Land Lot 678, 17th District, 2nd Section

prepared for:

Mr. Daniel Stuckart
Titanz Fitness
1834 South Cobb Industrial
Boulevard
Smyrna, Georgia 30082



Scale: 1" = 20'
May 3, 2018



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

South Cobb Industrial Boulevard

(50' r/w)

DGM
LAND PLANNING
CONSULTANTS



1635 Old Hwy 41
SUITE 112-314
KENNESAW
GA 30152
770 514-9006
FAX 514-9491

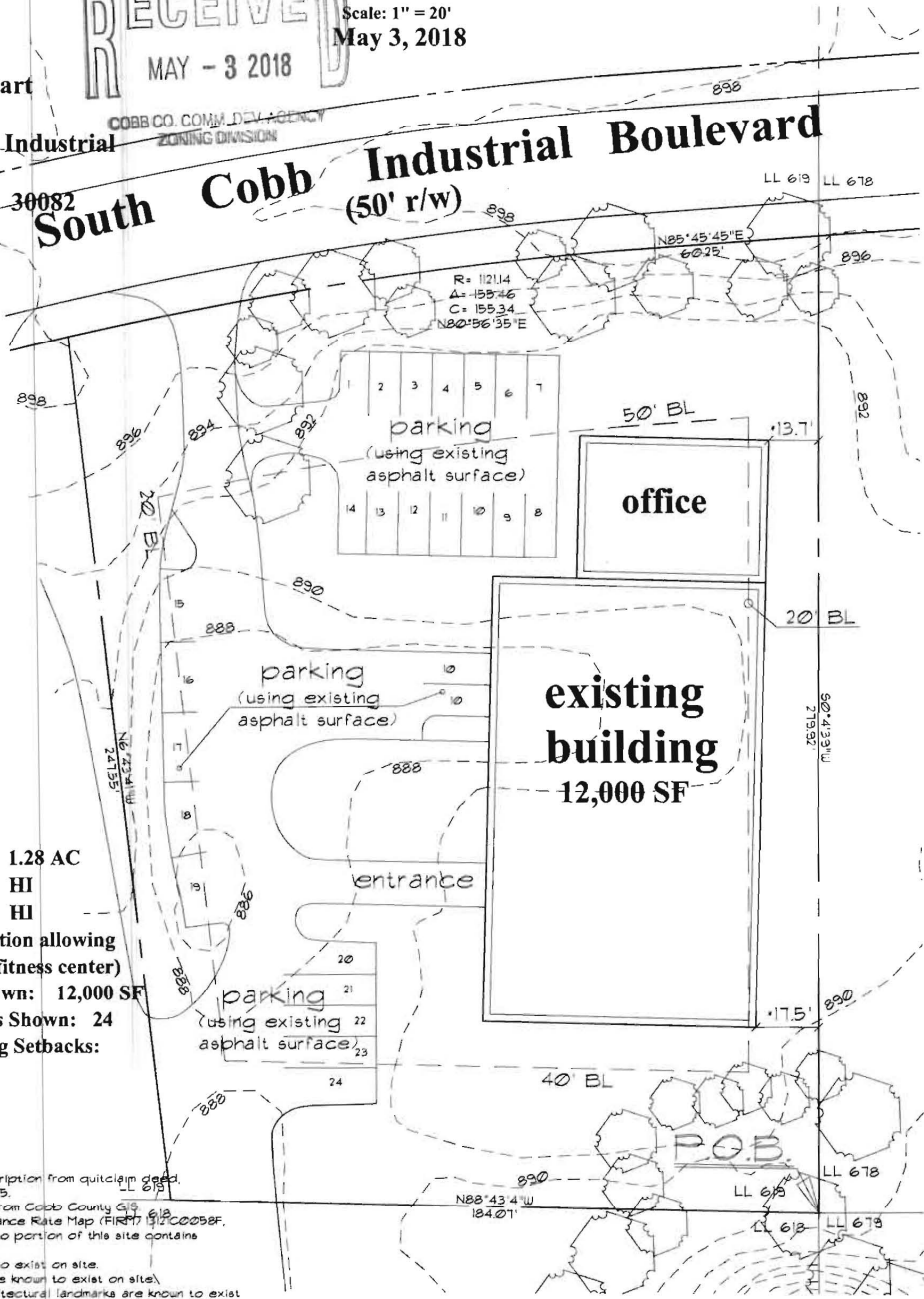


Site Data

Total Site Area: 1.28 AC
Existing Zoning: HI
Proposed Zoning: HI
(with stipulation allowing
the use of an indoor fitness center)
Total Bldg. Area Shown: 12,000 SF
Total Parking Spaces Shown: 24
HI Required Building Setbacks:
front: 50'
side: 20'
rear: 40'

Notes:

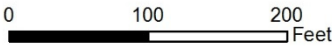
1. Boundary from legal description from quitclaim deed dated December 8, 2015.
2. Topographic information from Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) 13120058F, effective on 2013-3-4, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. No streams or wetlands are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.





Z-50 2018-Aerial Map



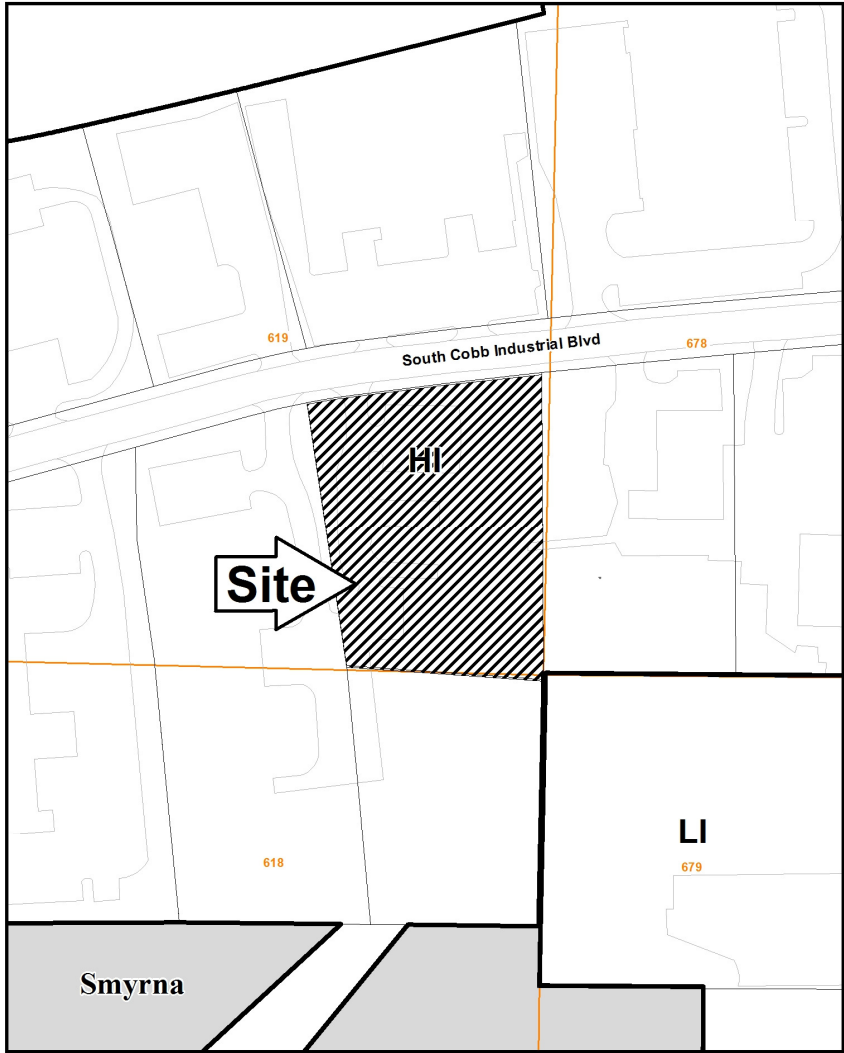
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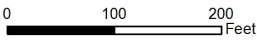
-  Zoning Boundary
-  City Boundary



North
Zoning: HI (Heavy Industrial)
Future Land Use: IC (Industrial Compatible)

Z-50 2018-GIS



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



 Zoning Boundary
 City Boundary

WEST
Zoning: HI (Heavy Industrial)
Future Land Use: IC (Industrial Compatible)

EAST
Zoning: HI (Heavy Industrial)
Future Land Use: IC (Industrial Compatible)

SOUTH
Zoning: HI (Heavy Industrial)
Future Land Use: IC (Industrial Compatible)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, and warehousing and storage, which are on properties delineated within an industrial category as defined and shown on the Cobb County Comprehensive Land Use Plan: A Policy Guide, adopted November 27, 1990. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such as to ensure compatibility with surrounding properties.

Requested zoning district for the property

The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, and warehousing and storage, which are on properties delineated within an industrial category as defined and shown on the Cobb County Comprehensive Land Use Plan: A Policy Guide, adopted November 27, 1990. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such as to ensure compatibility with surrounding properties.

Summary of the applicant's proposal

The applicant is requesting the Heavy Industrial (HI) zoning district to allow an indoor fitness facility as a permitted use. This use is not currently allowed under the HI zoning district. The existing 12,000 square-foot building will be used with no changes to the exterior, and will operate 24 hours per day, seven days per week.

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 1
Total sq. footage of development: 12,000
Floor area ratio: 0.21
Square footage per acre: 9,375
Required parking spaces: 60
Proposed parking spaces: 24
Acres in floodplain or wetlands: 0
Impervious surface shown: Under requirement

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the request will require the following contemporaneous variances:

1. Waive the side setback on the east property line from the required 20 feet to 13 feet for the existing building; and
2. Waive the number of required parking spaces from 60 to 24.

DEPARTMENT COMMENTS- Fire Department

1. The building may require both fire alarm and fire sprinkler systems.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.). Contact Site Plan Review, 770-528-2147.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Unnamed Tributary to Nickajack Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Existing facility.
7. Special site conditions and/or additional comments:
 - No immediate site improvements are proposed or anticipated.
 - Stormwater management must be provided upon redevelopment or substantial improvement of site.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Industrial Compatible (IC) future land use category. The purpose of the IC category is to provide for areas that can support light industrial, office/warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Smyrna

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

There is an IC area located along South Cobb Industrial Boulevard, west of South Cobb Drive. This area is largely surrounded by residential uses within the City of Smyrna. As additional development and redevelopment occurs in this area it will be important to consider buffering, architectural, and use restrictions to protect the adjacent residential uses.

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

Is the property within an Opportunity Zone? Yes No

(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)

Is the property within an Enterprise Zone? Yes No

(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)? Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)? Yes No

Is this property within the Six Flags Special Service District? Yes No

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone? Yes No

Is the property within the Clear Zone (CZ)? Yes No

Is the property within the Accident Potential Zone (APZ I)? Yes No

Is the property within the Accident Potential Zone II (APZ II)? Yes No

Is the property within the Noise Zone? Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" in South Cobb Industrial Blvd

Additional water comments: Existing water customer. Backflow prevention must be installed on the existing unprotected/unmetered fire line prior to building permit.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: in South Cobb Industrial Blvd ROW

Estimated waste generation (in G.P.D.): Average daily flow = +0; Peak flow = +0

Treatment plant: South Cobb

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

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 sewer comments: existing sewer customer

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
South Cobb Industrial Boulevard	Local	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
South Cobb Industrial Boulevard	N/A	N/A	N/A

Comments and observations

South Cobb Industrial Boulevard is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of South Cobb Industrial Boulevard, a minimum of 30' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

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 this area are zoned for industrial uses.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The property was built as a warehouse/office. The applicant's proposal would be compatible with other properties in the area.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

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. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

While it is Staff's opinion that the applicant's rezoning request is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Industrial Compatible (IC) future land use category, the existing office/warehouse building is conducive to accommodating the fitness facility. In addition, the HI zoning district does allow sports training facilities as a permitted use.

STAFF ANALYSIS (Continued)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

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 this area are zoned and developed for industrial uses. The proposed business will make use of the existing building for the proposed fitness facility. Staff believes the proposed use will be similar when compared to sports training facilities, which are allowed in HI as permitted uses.

The staff analysis and recommendation 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.

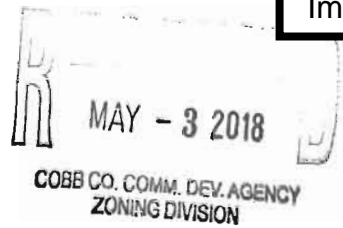
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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF TITANZ FITNESS, LLC

COMES NOW, TITANZ FITNESS, LLC, and pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the Subject Property which is suitable in the context of development and existing zonings along the South Cobb Industrial corridor. The Subject Property is zoned HI and the surrounding properties are zoned HI. The Applicant's use of the property as a commercial fitness center is suited for the space as the business requires large amounts of space for the type of services they offer. Their use would not be suitable for a typical retail strip center type of space.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The Applicant desires to be in an industrial location and the use or proposal will not affect nearby properties or future uses. The gym specializes in personal training and uses a lot of personal training rather than large classes. The use does not conflict with the surrounding uses which have adequate buffering. The applicant will agree to reasonable limitations that will ameliorate any potential negative impact to the surrounding properties.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned. There is not a health safety or welfare reason to prohibit an indoor recreation use within the HI zoned property or add this additional use to HI zoned property.
- 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 Applicant's business is in personal training so their classes do not exceed twelve persons at a time. There is not expected to be a negative




traffic impact to this proposal.

- E. The property is located within an area denominated as Industrial Compatible (“IC”) under and pursuant to Cobb County’s Future Land Use Map and Comprehensive Land Use Plan and is adjoined and surrounded by properties which are either zoned HI or LI and are utilized in an industrial manner. The zoning proposal is in conformity with the policy and intent of the land use plan.

- F. The existing conditions are similar to or the same as the conditions which have existed in this sub-area of the County for many years which is of an industrial character. Changing consumer preferences in the indoor recreation market make this building a preferred location for the Applicant. The subject parcel is an excellent candidate for the proposed use and the rezoning with stipulations will not prevent the property from being used for an industrial use in the future. All of these factors provide supporting grounds for approval of the zoning proposal.

Respectfully submitted, this the 2 day of May, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

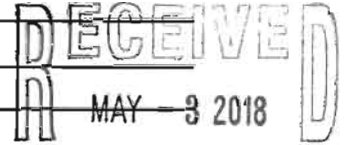
By: 
 PARKS F. HUFF
 Attorney for Applicant
 Ga. Bar No. 375010

SAMS, LARKIN, HUFF
 & BALLI, LLP
 A LIMITED LIABILITY PARTNERSHIP
 ATTORNEYS AT LAW
 SUITE 100
 376 POWDER SPRINGS ST.
 MARIETTA, GA 30064
 770.422.7016

Summary of Intent for Rezoning

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

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



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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

- a) Proposed use(s): Indoor fitness facility
b) Proposed building architecture: As built with no changes to exterior
c) Proposed hours/days of operation: 24 hours/7 days a week
d) List all requested variances: Variance requested to the 20' side setback to reflect as-built conditions; variance requested for required number of parking spaces

.....
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).

None known at this time

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____