

Z-13
(2011)

REVISED

FEB - 9 2011

Joe
2.25

- LEGEND**
- X-X- = Barbed Wire
 - SS = Sanitary Sewer
 - FH = Fire Hydrant
 - PP = Power Pole
 - IPF = Iron Pin Placed
 - IPF = Iron Pin Found
 - MON = Monument Found
 - LP = Light Pole
 - EP = Edge Pavement
 - POB = Point of Beginning
 - CTP = Crimp Top Pin Found
 - B/C = Back of Curb
 - CL = Centerline
 - CL = Chain Link Fence
 - SSMH = Sewer Manhole
 - SSE = Sanitary Sewer Easement
 - CB = Catch Basin
 - DI = Drop Inlet
 - PL = Property Line
 - CMP = Corrugated Metal Pipe
 - RCP = Reinforced Conc. Pipe
 - DE = Drainage Easement
 - WV = Water Valve
 - WM = Water Meter
 - R/W = Right of Way
 - ~ ~ ~ = Power Line

PIN #
16031000110
2250 Shallowford Road
Zoned R-20

PIN #
16031000120
Zoned R-20

PIN #
16031000140
3770 Bryant Lane
Zoned R-20

PIN #
16031000130
Zoned R-15

LL
310

LL
339

PIN #
16031000130
3771 Shallow Court
Zoned R-15
Lot 53

53

Shallowford Road R/W Varies

Shallow Court 40' RW



Revised: February 03, 2011 to change to "Rezoning Survey for". Job #: 008610

- All iron pins are 1/2" Rebar unless otherwise noted.
- Equipment used: Topcon GTS Total Station
- The field data upon which this plat is based has a closure precision of 1 foot in 25,000 feet and an angular error of 0.3 seconds per angle point, and was adjusted using Compass Rule.
- This plat has been calculated for closure and is found accurate within one foot in 150,000± feet.
- This plat subject to all easements public and private.

Re-Zoning Survey for:
Mark & Edie Sayeg

2280 Shallowford Road
PIN# 16031000130 & 16031000120
Land Lot(s) 310 & 339, 16th District, 2nd Sect:
Cobb County, Georgia

Area = 0.63 Acres, 27,785 Sq.Ft.

This plat may be based on a recorded plat from iron pins referenced on said plat for closure be in.

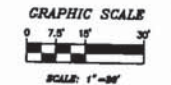
According to F.I.R.M. Community Panel # 13067C0061G, dated 12-16-2008 this property is not located in an area having special flood hazards.

Perimeter Surveying Co., Inc
1065 Sandown Road, Marietta, GA 30008
Phone: (770) 425-6824 Fax: (770) 425-6768

Plat Book: Deed Book:14725
Page: 1545

Computed by: RSNutt
Drawn by: KLNutt
Checked by: KLNutt

Party Chief: DBNMS
Date Surveyed: 05/28/2010
Date Drawn: 06/01/2010



APPLICANT: House Rabbit Society/North Georgia Chapter, Inc.
678-653-7175

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
J. Kevin Moore 770-429-1499

TITLEHOLDER: Mark Sayeg and Edie Sayeg

PROPERTY LOCATION: At the southwestern intersection of
Shallowford Road and Shallow Court.

ACCESS TO PROPERTY: Shallowford Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house used
for rabbit rescue shelter with resident caretaker per LUP-27 of 2010.

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Commercial Strip Center (Across Shallowford Road)
- SOUTH:** R-15/Heatherwood Subdivision
- EAST:** R-15/Heatherwood Subdivision
- WEST:** R-20/Single-family House

PETITION NO: Z-13

HEARING DATE (PC): 04-05-11

HEARING DATE (BOC): 04-19-11

PRESENT ZONING: R-15, R-20

PROPOSED ZONING: NRC

PROPOSED USE: Rabbit Rescue Shelter

SIZE OF TRACT: 0.63 acre

DISTRICT: 16

LAND LOT(S): 310, 339

PARCEL(S): 12

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

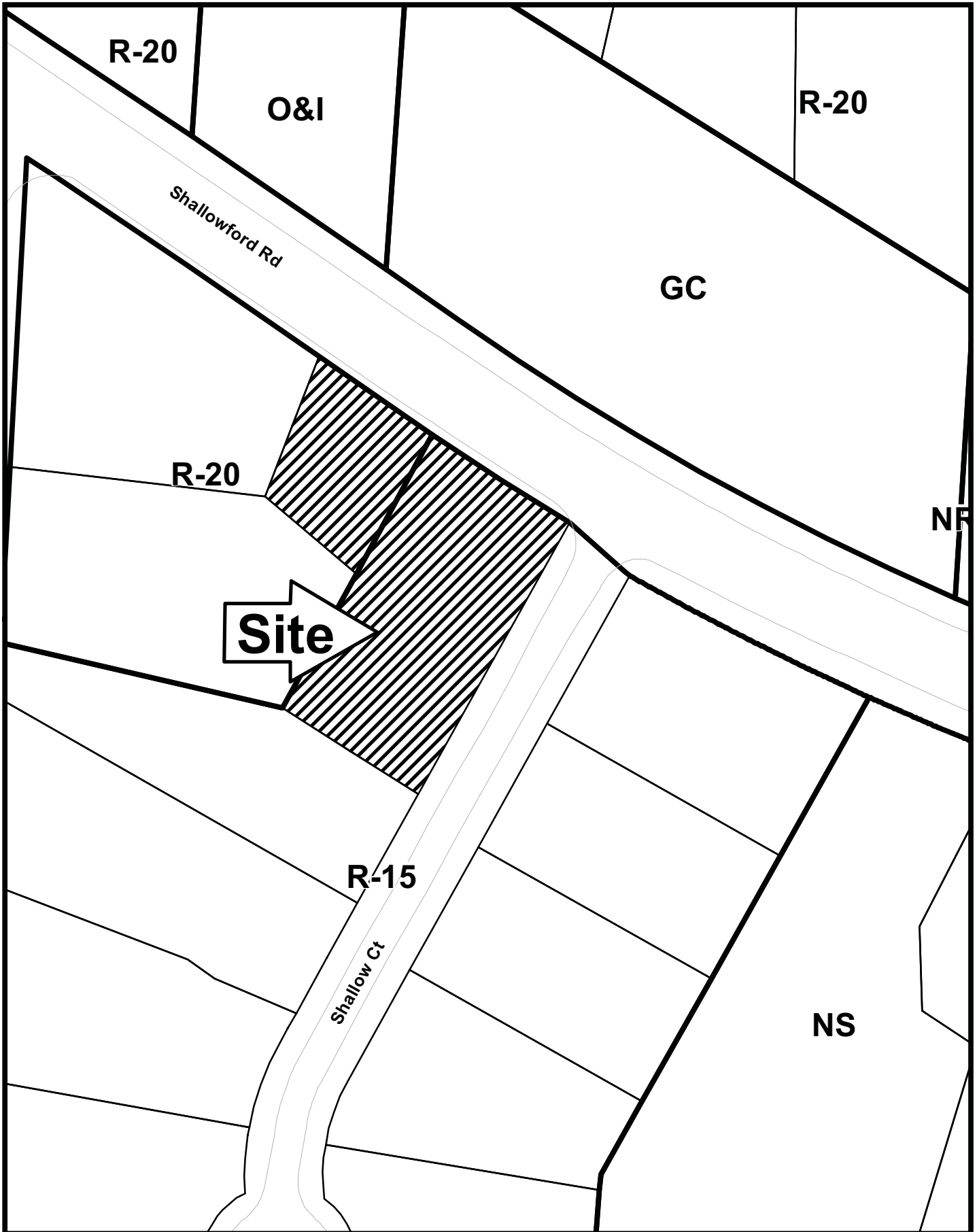
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

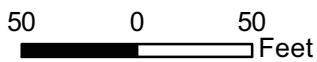
STIPULATIONS:



Z-13



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



City Boundary
Zoning Boundary

APPLICANT: House Rabbit Society/North Georgia Chapter, Inc. PETITION NO.: Z-13

PRESENT ZONING: R-15 and R-20 PETITION FOR: NRC

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center and Low Density Residential

Proposed Number of Buildings: 1 (Existing) **Total Square Footage of Development:** 1,730

F.A.R.: 0.062 **Square Footage/Acre:** 2,746

Parking Spaces Required: 8 **Parking Spaces Provided:** Not striped out

Applicant is requesting the NRC zoning category in order to rezone the property for a rabbit rescue shelter and allowing one caretaker to live at the site. Previously, the applicant was granted a Temporary Land User Permit (LUP-27) in 2010 and the applicant wishes to rezone in order to not continuously seek an LUP each year. Per the attached minutes of that LUP, the Planning Division was directed to include the subject property in the year-end Comprehensive Land Use Plan/Map Amendments. The applicant was instructed, at that time, to apply for rezoning at the earliest convenience for appropriate rezoning. Applicant is now making the request pursuant to the minutes of LUP-27 of 2010. Applicant is proposing the continued use of a rabbit rescue shelter with a resident caretaker under the new zoning category instead of a land use permit. The house will remain traditional in appearance. The proposed hours of operation are Tuesday/Wednesday – 11 a.m. until 7 p.m.; Thursday/Friday – 11 a.m. until 3 p.m.; Saturday – 11 a.m. until 5 p.m.; and Sunday – by appointment. The applicant has submitted a zoning impact analysis, which is attached for review.

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.

FIRE COMMENTS:

C/O: Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

APPLICANT House Rabbit Society/North Georgia Chapter, Inc.

PETITION NO. Z-013

PRESENT ZONING R-15, R-20

PETITION FOR NRC

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): 16" DI S / side Shallowford Road

Additional Comments: Also 6" DI E / side Shallow Ct

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 in Shallow Court

Estimated Waste Generation (in G.P.D.): **A D F** 400 **Peak=** 1000

Treatment Plant: **Noonday**

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 ans 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: Health Dept approval required for continued use of existing septic system for proposed use. Connection to sewer may required based on Health Dept assessment.

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: House Rabbit Society/N GA Chapter, Inc.

PETITION NO.: Z-13

PRESENT ZONING: R-15, R-20

PETITION FOR: NRC

DRAINAGE COMMENTS

No comments.

APPLICANT: House Rabbit Society/ North Georgia Chapter, Inc.

PETITION NO.: Z-13

PRESENT ZONING: R-15, R-20

PETITION FOR: NRC

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
Shallowford Road	19000	Arterial	45 mph	Cobb County	100'
Shallow Court	N/A	Local	25 mph	Cobb County	50'

Based on 2006 traffic counting data taken by Cobb County DOT (Shallowford Road)

COMMENTS AND OBSERVATIONS

Shallowford 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.

Shallow Court is classified as a local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Shallowford 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. Recommend applicant consider entering into a development agreement pursuant of 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 Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend no access to Shallow Court.

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

STAFF RECOMMENDATIONS

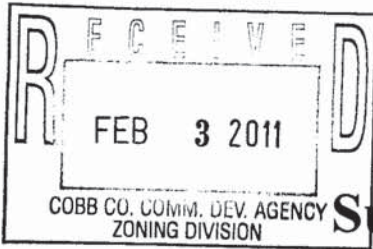
Z-13 HOUSE RABBIT SOCIETY/NORTH GEORGIA CHAPTER, INC.

- 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. The property is across the street from developed commercial properties and other commercial properties are located at the nearby intersection of Shallowford and Trickum Roads.
- 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. While nearby properties are zoned and developed commercially, the abutting properties are residentially zoned and the applicant's proposal will remain as the use that was approved as LUP-27 of 2010. The applicant's proposal is a low intensity retail use with limited hours of operation and deliveries.
- 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 to be within the Neighborhood Activity Center and Low Density Residential land use categories. Applicant's proposal is compatible with the *Cobb County Land Use Plan*. The proposal will allow for a transition between existing residential neighborhoods and more heavily commercialized areas. The applicant will reserve the residential feel of the property, while allowing this minimal impact of the adjacent neighborhoods.
- 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 Limited Retail Commercial (LRC) category. Applicant's proposal will requests the continuance of a very limited retail use that was previously approved by the Board of Commissioners as LUP-27 of 2010. Applicant is following the direction of the BOC in making this application for rezoning.

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

- Revised site plan received by the Zoning Division on February 9, 2011, with the District Commissioner approving minor modifications;
- This use only;
- Resident caretaker to be on site to ensure safety and security of animals and property;
- Shelter to have no more than 20 pens;
- Signage to comply with the Cobb County Sign Ordinance;
- Sale of products directly related to the care of rabbits *only*;
- No access to Shallow Court;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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- 13
(2011)

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Not Applicable
- 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): Rabbit Rescue Shelter
- b) Proposed building architecture: Traditional - Residential in appearance
- c) Proposed hours/days of operation: Tuesday/Wednesday-11:00 a.m.-7:00 p.m.;
Thursday/Friday-11:00 a.m.-3:00 p.m.; Saturday-11:00 a.m.-5:00 p.m.;
- d) List all requested variances: None known at this time Sunday-By Appointment

.....
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

*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.