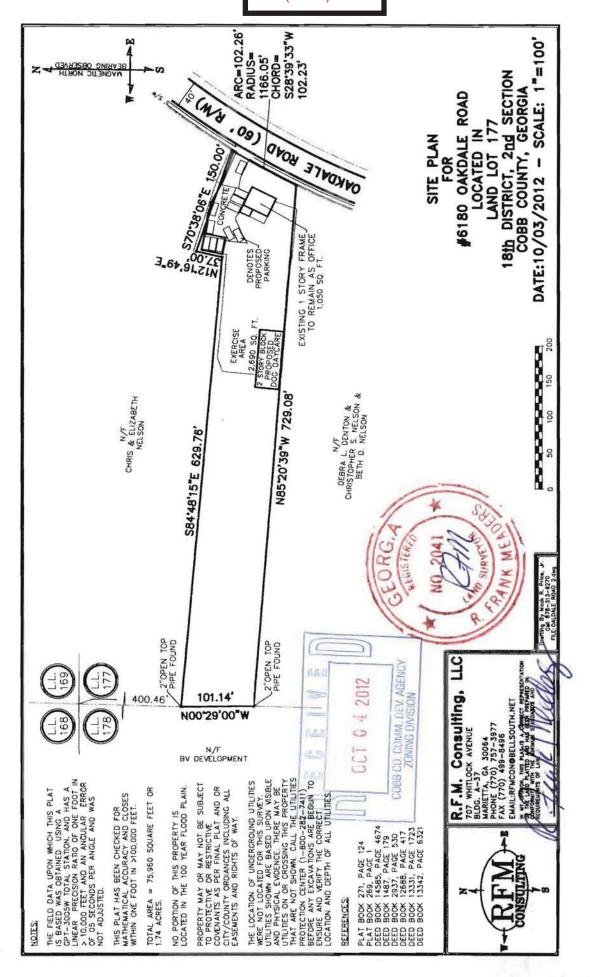
Z-49 (2012)



APPLICANT: Patr	icia F. McGinty	PETITION NO:	Z-49
404	-769-7475	HEARING DATE (PC): _	12-04-12
REPRESENTATIV	E: Garvis L. Sams, Jr. 770-422-7016	HEARING DATE (BOC)	:12-18-12
	Sams, Larkin & Huff	PRESENT ZONING:	R-20
TITLEHOLDER: _I	Dorothy N. Smith		
		PROPOSED ZONING: _	CRC
PROPERTY LOCA	TION: West side of Oakdale Road, north of		
Veterans Memorial I	Highway	PROPOSED USE: Pet D	Daycare, Grooming
(6180 Oakdale Road)).	and I	Boarding Facilities
ACCESS TO PROP	ERTY: Oakdale Road	SIZE OF TRACT:	1.74 acres
		DISTRICT:	18
PHYSICAL CHAR	ACTERISTICS TO SITE: Single-family house	LAND LOT(S):	177
and two detached gar	ages	PARCEL(S):	16
		TAXES: PAID X	DUE
CONTIGUOUS ZO	NING/DEVELOPMENT	COMMISSION DISTRIC	T: _4
NORTH:	City of Smyrna/Landscape Business		
SOUTH:	R-20/Single-family houses		
EAST:	City of Smyrna/Oakdale Bluffs Townhomes		
WEST:	RM-12/Undeveloped		
OPPOSITION: NO	o. OPPOSEDPETITION NO:SPOKES	MAN	
PLANNING COMM	MISSION RECOMMENDATION		

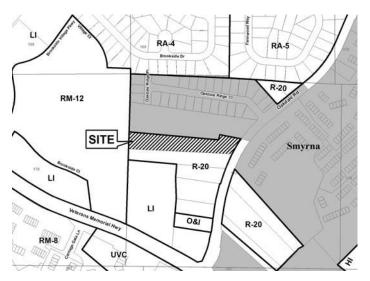
APPROVED____MOTION BY____ REJECTED___SECONDED____

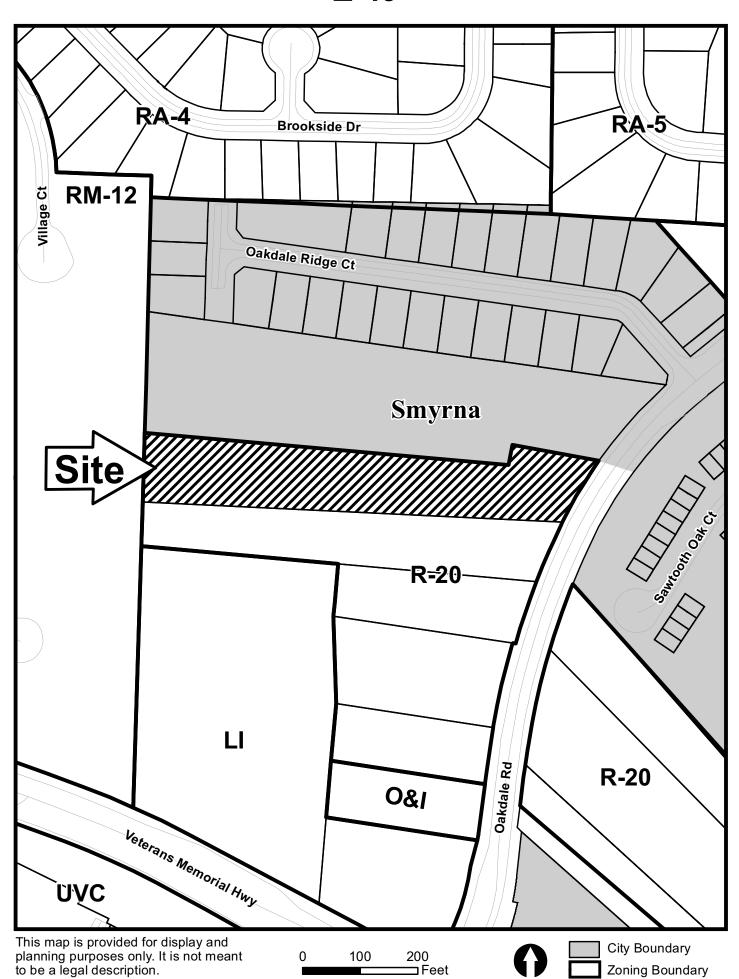
HELD____CARRIED____

BOARD OF COMMISSIONERS DECISION

APPROVED____MOTION BY____ REJECTED___SECONDED____ HELD___CARRIED____

STIPULATIONS:





AFFLICANT: Faulcia i	. McGinty	relition no.:	L-49
PRESENT ZONING: R	-20	PETITION FOR:	CRC
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * *	* * * * * * * *
ZONING COMMENTS:	Staff Member Responsibl	e: Jason A. Campbell	
Land Use Plan Recommendat	ion: Community Activity	y Center (CAC)	
Proposed Number of Building	s: 3 (Existing)Total Square	e Footage of Developmen <u>t:</u>	4,113
F.A.R.: 054	ootage/Acre: 2,363		
Parking Spaces Required: 15	Parking Space	es Provided: 11	

DETITION NO.

Applicant is requesting the Community Retail Commercial (CRC) zoning category in order to open a pet daycare, grooming and boarding facility. The applicant plans to utilize the existing structures on the building. The house will be used as the office for the business and the large detached garage will be used as the grooming and boarding facility. The hours of operation will be from 6 a.m. until 7 p.m., Monday through Saturday. Applicant has submitted the attached stipulation letter for your review.

The proposed site plan will require the following contemporaneous variances:

Datricia E MaCinty

- 1. Waive the number of required parking spaces from 15 to 11;
- 2. Waive the front setback from the required 50 to 26 feet; and
- 3. Waive the setbacks for the small detached garage closest to the house from the required 10 feet on the northern property line and from the required 30 feet to 1 foot on the western property line, as shown on the site plan.

<u>Cemetery Preservation</u>: No comment.

FIRE COMMENTS:

ADDITO ANT.

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

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

APPLICANT:	Patricia F. McGinty	PETITION NO.:	Z-49
PRESENT ZONIN	NG: R-20	PETITION FOR:	CRC
* * * * * * * * * * * * * * * * PLANNING CO		*****	*****
grooming and boar		o CRC with stipulations for purposes is located on the West side of Oak ad).	•
	n a Community Activity Center urpose of the CAC category is for	(CAC) future land use category with or areas that can meet the immediate	
Master Plan/Corrid Not Applicable	<u>dor Study</u>		
War trench location	rious county historic resources so maps, staff finds that no know	surveys, historic maps, archaeology some significant historic resources appear by applicant requested at this time.	ear to be affected
<u>Design Guidelines</u>			
Is the parcel in an a	rea with Design Guidelines?	☐ Yes ■ No	
If yes, design guide	lines area		
Does the current sit	e plan comply with the design re	equirements?	

APPLICANT Patricia F. McGinty

PRESENT ZONING R-20

Comments:

sewer required.

PETITION NO. Z-049 PETITION FOR CRC

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): 12" DI / E side of Oakdale Road Additional Comments: Existing residential 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 Approximate Distance to Nearest Sewer: Approx 215' N in Oakdale Ridge SD Estimated Waste Generation (in G.P.D.): 160 Peak = 400A D F Treatment Plant: South Cobb **✓** Available Plant Capacity: ☐ Not Available Line Capacity: **✓** Available ☐ Not Available \checkmark 0 - 5 years Projected Plant Availability: ☐ 5 - 10 years over 10 years Dry Sewers Required: Yes ✓ No *If off-site easements are required, Developer Off-site Easements Required: Yes* □ No must submit easements to CCWS for review/approval as to form and stipulations Flow Test Required: Yes ✓ No. prior to the execution of easements by the property owners. All easement acquisitions Letter of Allocation issued: Yes ✓ No are the responsibility of the Developer Septic Tank Recommended by this Department: Yes ✓ No ✓ No Subject to Health Department Approval: Yes Per Dept. of Env. Health, existing system is inadequate for proposed use. Connection to Additional

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: Patricia R. McGinty PETITION NO.: Z-49

PRESENT ZONING: <u>R-20</u> PETITION FOR: <u>CRC</u>

STORMWATER MANAGEMENT COMMENTS

The applicant is not proposing any site improvements other than possible remodeling within the existing buildings. Since pets will be utilizing an outdoor fenced exercise yard daily pickup of pet waste from the yard will be required. Any future site improvements or redevelopment will be subject to current stormwater management requirements.

APPLICANT: Patricia 1	F. McGinty	PETITION NO.: <u>Z-49</u>
PRESENT ZONING:	R-20	PETITION FOR: CRC
* * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	******

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
Oakdale Road	11,800	Arterial	40 mph	Cobb County	100'

Based on 2009 traffic counting data taken by Cobb County DOT (Oakdale Road)

COMMENTS AND OBSERVATIONS

Oakdale 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 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 west side of Oakdale Road, a minimum of 50' from the roadway centerline.

Recommend removing proposed parking space closest to Oakdale Road. The driveway shall provide uninterrupted ingress/ egress to and from the site for a minimum distance of 25 feet measured from right-of-way line to the outer edge of the parking space.

Recommend driveway be upgraded to meet commercial driveway requirements.

Recommend the traffic flow within the site be verified.

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

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

STAFF RECOMMENDATIONS

Z-49 PATRICIA F. MCGINTY

- 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 abutting property to the north is a landscape company and other properties in this quadrant of Oakdale Road and Veterans Memorial Highway are used for retail, office, and residential 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 to the north has been used as a landscape company and other properties in the area have commercial and industrial uses. The requested CRC zoning district does not permit outside runs for the boarding portion of the proposed business. The proposed use is also required by the Zoning Ordinance to have soundproofing materials installed in the buildings.
- 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 indicates this property is in the Community Activity Center (CAC) land use category. The CRC zoning category is compatible with the CAC land use category and the proposed use is permitted in CRC.
- 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. The area is a mixture of uses and zonings, with some properties in the area being in Smyrna as well as unincorporated Cobb County.

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

- Site plan received by the Zoning Division on October 4, 2012, with the District Commissioner approving minor modifications;
- Must meet parking standards;
- Variances granted for setbacks depicting the buildings as shown on the above-referenced site plan, with any new development requiring compliance with Cobb County Development Standards;
- As required by the Zoning Ordinance for CRC, boarding kennels are to be indoor, no outside runs, approval of county health department required, must no create a nuisance as defined by state law, building to be soundproofed and internal air exchange system required (excluding air conditioning system);
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §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. 2-49
Dec. 2012

Summary of Intent for Rezoning

a)	Proposed unit square-footage(s):			
b)	Proposed building architecture:			
c)	Proposed selling prices(s):			
d)				
_				
2. Non	-residential Rezoning Information (attach additional information if needed)			
a)	Proposed use(s): Upscale Pet Daycare, Grooming and Boarding Facil:			
b)	Proposed building architecture: To be submitted under separate cover.			
c)	Proposed hours/days of operation: 6:00 a.m7:00 p.m., Monday-Saturday			
d)	List all requested variances: Only those which may be shown on the site			
_p1	lan filed with the Application for Rezoning.			
-				
=				
ırt 3. O	ther Pertinent Information (List or attach additional information if needed)			
J	The subject property is located within the confines of a Community			
	Activity Center (CAC) under Cobb County's Future Land Use Map which			
	contemplates the uses proposed for the site.			
	any of the property included on the proposed site plan owned by the Local, State, or Federal Govern			
(Ple	ase list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., an			
	clearly showing where these properties are located).			

Z-49 (2012) Impact Analysis

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION OF PATRICIA F. MCGINTY

COBB CO. COMM. DEV. AGENCY ZONING DIVISION

COMES NOW, PATRICIA F. MCGINTY, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Oakdale Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties and it is located within the confines of a Community Activity Center (CAC) in a mixture of commercial and residential uses under Cobb County's Future Land Use Map.
- 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. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present nonconforming classification of R-20.

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

- 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.
- E. The zoning proposal is located within an industrial area and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of R-20 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 the Oakdale Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the day of October, 2012.

SAMS, LARKIN & HUFF, LLP

Ву:_____

GARVIS L. SAMS, JR. Attorney for Applicant Ga. Bar No. 623950

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770, 422, 7016

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

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

November 19, 2012

VIA HAND DELIVERY & VIA E-MAIL (john.pederson@cobbcounty.org)

Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency Zoning Division 1150 Powder Springs Road Suite 400 Marietta, GA 30064

Re:

Application of Patricia F. McGinty to Rezone a 1.65 Acre Tract from

R-20 to CRC (No. Z-49)

Dear John:

As you know, this firm has been engaged by and represents Patricia F. McGinty concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on December 4, 2012 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 18, 2012.

The property at issue consists of a 1.65 acre tract of land which is located on the west side of Oakdale Road, north of Veterans Memorial Highway (6180 Oakdale Road) which is located in an area on the Cobb County's Future Land Use Map and which is designated as a Community Activity Center ("CAC") which contemplates the type of uses proposed by Ms. McGinty.

During the pendency of this Application, we have had an opportunity to establish a dialogue with the County's Professional Staff. Additionally, we have similarly discussed the proposal with representatives of the Mableton Improvement Coalition ("MIC"). In that regard, Ms. McGinty is agreeable to the following stipulations becoming conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

 The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place

COBB COUNTY ZONING DIVISION

FILED IN OFFICE

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & VIA E-MAIL (john.pederson@cobbcounty.org)

Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency Zoning Division November 19, 2012 Page 2

concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

- The rezoning of the subject property shall be from R-20 to Community Retail Commercial ("CRC") in substantial conformity to that certain site plan prepared by R.F.M. Consulting, LLC which was filed concurrently with the Application for Rezoning.
- 3. The subject property shall be used for the purposes of pet daycare, grooming and boarding facilities by providing a high level of pet care and customer service focusing upon canine care and related needs of pet owners.
- 4. The hours of operation shall be from 6:00 a.m. to 7:00 p.m. Monday-Saturday.
- 5. In addition to offering dog daycare, in-home sitting and boarding & grooming, the facility will also offer other services such as training and a retail component which will be phased in over a period of time subsequent to the rezoning and entitlement of the subject property.
- 6. Ultimately, there will be five (5) full-time dog care employees and two (2) groomers.
- 7. The architecture of the building shall be in substantial conformity to the architectural rendering/elevation being submitted contemporaneously herewith. The architectural style and composition as aforementioned shall be utilized with respect to the existing one-story frame building which is situated on the subject property's frontage and which shall be utilized for the facilities' offices. The two-story block building to the rear of the offices will be retro-fitted and rehabbed for purposes of the pet daycare, grooming and boarding facilities as described herein.
- 8. The outdoor dog exercise area will be covered with artificial turf which will enable the area to be cleaned with ease and which will act as a ground cover which works much better than grass, mulch or other materials which absorb and retain odors. With respect

¹ The applicant plans to create opportunities for trade liaisons with dog trainers, pet photographers, artists and local retailers which have Georgia-based pet products for sale ancillary to the primary business.

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & VIA E-MAIL (john.pederson@cobbcounty.org)

Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency Zoning Division November 19, 2012 Page 3

to any pet waste, it will be double bagged and disposed of in the trash which is the industry practice followed by veterinarians and other pet establishments.

- 9. Utilization of ground-based, monument style signage consistent with the proposed architectural style and composition of the building.
- 10. If any lighting (security or otherwise) is added to the property, it shall be low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property.
- 11. Subject to recommendations from the Cobb County Department of Transportation, including the following:
 - a. The voluntary donation and conveyance of an additional ten (10) feet of right-ofway along subject property's frontage on Oakdale Road.
 - b. Ensuring that sidewalk curb and gutter remain in place.
- 12. Subject to recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer to the subject property.²
- 13. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology and downstream considerations. However, unless there are site changes which add to the existing impervious surface, the Applicant has been advised that no detention or water quality components will be required.
- 14. Subject to recommendations from the Cobb County Fire Department contained in the Zoning Analysis.
- 15. The District Commissioner shall have the authority to approve minor modifications to the site plan, the architecture, these stipulations/conditions and other aspects of the proposal during the Plan Review process and thereafter.

² The property is presently on a septic system and it is anticipated that the Cobb County Health Board will allow the Applicant to proceed utilizing the existing septic system.

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & VIA E-MAIL (john.pederson@cobbcounty.org)

Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency Zoning Division November 19, 2012 Page 4

Please do not hesitate to call should you or your staff require any additional information or documentation prior to the formulation of your final Zoning Analysis and staff recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr. gsams@samslarkinhuff.com

GLS,Jr./snw Enclosure/Attachment

cc: Members, Cobb County Board of Commissioners (Via E-Mail w/ attachment)

Members, Cobb County Planning Commission (Via E-Mail w/ attachment)

Mr. Robert L. Hosack, Jr., AICP, Director (Via E-Mail w/ attachment)

Mr. Jason A. Campbell, Planner III (Via E-Mail w/ attachment)

Mr. David Breaden, P.E. (Via E-Mail w/ attachment)

Ms. Jane Stricklin, P.E. (Via E-Mail w/ attachment)

Ms. Karen L. King, Assistant County Clerk (Via E-Mail w/ attachment)

Ms. Lori Presnell, Deputy County Clerk (Via E-Mail w/ attachment)

Ms. Robin Meyer, Mableton Improvement Coalition (Via E-Mail w/ attachment)

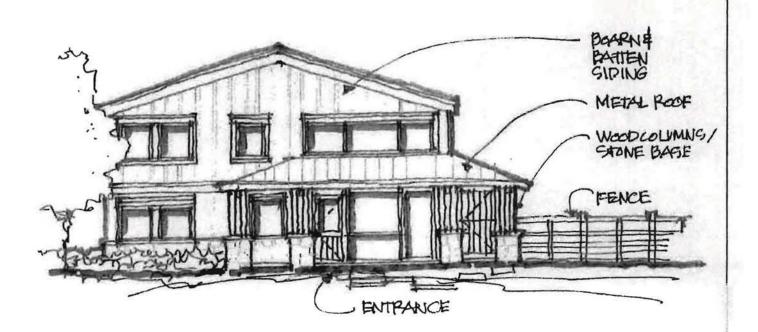
Ms. Patricia F. McGinty (Via E-Mail w/ attachment)

COBB COUNTY GEORGIA FILED IN OFFICE

2012 NOV 19 PM 12: 12

COBB COUNTY ZONING DIVISION

Z-49 (2012) Stipulation Letter and Rendering/ Elevation



FRONT ELEVATION STUDY

CARDALE DOG SPA EARTHSTATION: ARCHITECTURE