



**APPLICANT:** Maria Fiorillo  
**PHONE#:** 404-388-8247 **EMAIL:** maria@thefiorillos.com  
**REPRESENTATIVE:** Maria Fiorillo  
**PHONE#:** 404-388-8247 **EMAIL:** maria@thefiorillos.com  
**TITLEHOLDER:** Scott A. Dameron and James L. Dameron III

**PETITION NO:** Z- 15  
**HEARING DATE (PC):** 02-03-15  
**HEARING DATE (BOC):** 02-17-15  
**PRESENT ZONING:** R-20

**PROPERTY LOCATION:** South side of Veterans Memorial Highway, west of Nickajack Creek (1092 Veterans Memorial Highway).

**PROPOSED ZONING:** O&I  
**PROPOSED USE:** Veterinary Hospital

**ACCESS TO PROPERTY:** Veterans Memorial Highway

**SIZE OF TRACT:** 10.4 acres  
**DISTRICT:** 18

**PHYSICAL CHARACTERISTICS TO SITE:** Dilapidated house on a large wooded lot.

**LAND LOT(S):** 167, 179  
**PARCEL(S):** 3  
**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** RA-5/ Undeveloped, CRC/ undeveloped, LI/warehouse
- SOUTH:** HI/ Warehouse manufacturing facility
- EAST:** HI/ Undeveloped
- WEST:** R-20/ Single family house, NRC/ undeveloped, RM-8/ Providence

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

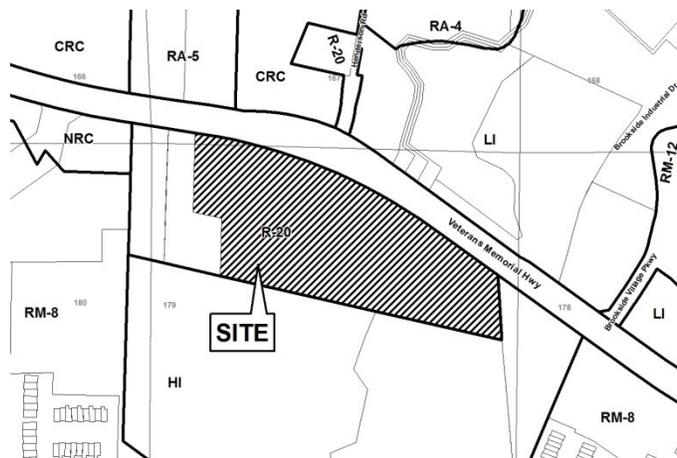
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

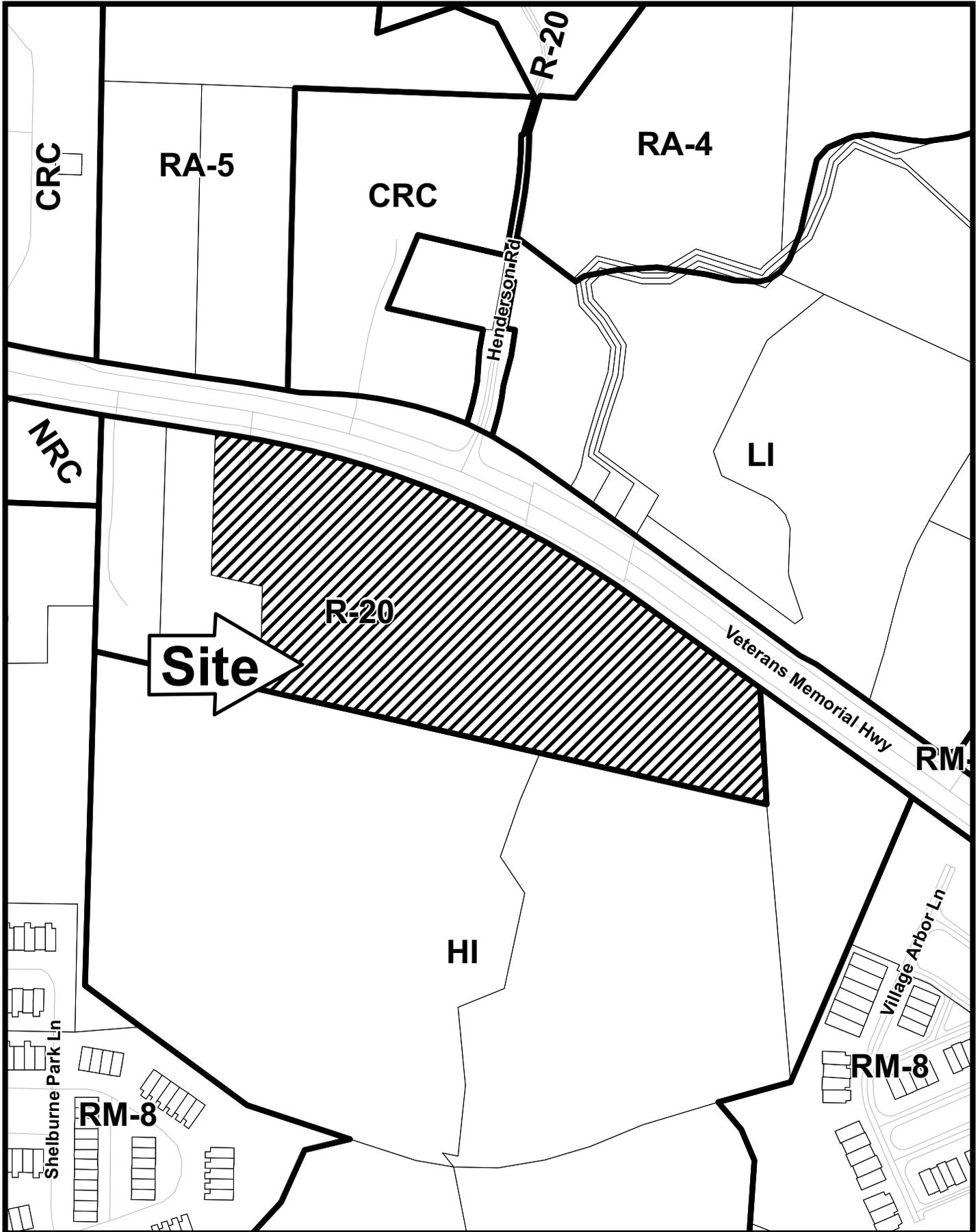
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

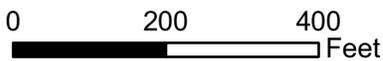
**STIPULATIONS:**



# Z-15



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



- City Boundary
- Zoning Boundary

**APPLICANT:** Maria Fiorillo

**PETITION NO.:** Z-15

**PRESENT ZONING:** R-20

**PETITION FOR:** O&I

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**ZONING COMMENTS:**

**Staff Member Responsible:** John P. Pederson

**Land Use Plan Recommendation:** Industrial

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 4,500

**F.A.R.:** 0.01      **Square Footage/Acre:** 432

**Parking Spaces Required:** 16      **Parking Spaces Provided:** 32

The applicant is requesting the O&I zoning district in order to develop a veterinary hospital on this property. All the existing structures will be removed and the property will be cleaned up. The proposed building would be two stories in height with a traditional exterior of stone and stucco. The building will initially be constructed with 3,500 square feet with a future expansion to 4,500 square feet. All animals will be kept inside the building. The business will operate Monday thru Friday from 8:00 a.m. to 6:00 p.m., and on Saturday from 9:00 a.m. to noon. All the improvements will be constructed out of the floodplain and 200 foot creek buffer.

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Maria Fiorillo

PETITION NO.: Z-15

PRESENT ZONING: R-20

PETITION FOR: O&I

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to O & I for purpose of Veterinary Hospital. The 10.4 acre site is located on the south side Veterans Memorial Highway, west of Nickajack Creek.

**Comprehensive Plan**

The parcel is within a purpose of the Industrial (IND) future land use category, with R-20 zoning designation. The purpose of the Industrial (IND) category is to provide for areas that can support heavy industrial and manufacturing uses. Typical land uses for these areas include plants that convert raw materials into a finished product.

**Master Plan/Corridor Study**

Not applicable.

**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.

**Design Guidelines**

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

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**Incentive Zones**

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 available 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 investments.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT: Maria Fiorillo

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PRESENT ZONING: R-20

PETITION FOR: O&I

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**PLANNING COMMENTS:** (Continued)

***Special Districts***

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

APPLICANT Maria Fiorillo

PETITION NO. Z-015

PRESENT ZONING R-20

PETITION FOR O&I

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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): 8" DI / S side of Veterans Memorial Hwy

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: On site

Estimated Waste Generation (in G.P.D.): A D F= 166 Peak= 400

Treatment Plant: South Cobb

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv 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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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack Creek FLOOD HAZARD INFO: Zone AE

- 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: within lower floodplain area

- 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 stream.

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PETITION NO.: Z-15

PRESENT ZONING: R-20

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**STORMWATER MANAGEMENT COMMENTS – Continued**

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. This site is located just south of Veterans Memorial Highway adjacent to Nickajack Creek. More than half of the parcel is within the 100-year floodplain. Based on the current site plan, the proposed commercial use is less intense and will result in less land disturbance than the underlying residential zoning.
2. Although traditional detention is shown on the site plan, the site would likely qualify for fee-in-lieu of detention. This would be subject to providing the required hydrologic analysis and documentation.
3. The entire stream buffer must be placed in a conservation easement in favor of Cobb County.

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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
Veterans Memorial Highway	26,600	Arterial	45	GDOT	100'

*Based on [2008] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Veterans Memorial Highway is classified as an arterial, a state route, and according to the available information the existing right-of-way meets the minimum requirements for this classification.

**RECOMMENDATIONS**

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

Georgia Department of Transportation permits required for all work that encroaches upon State right-of-way.

Recommend deceleration lane for the Veterans Memorial Highway access.

Recommend curb, gutter, and sidewalk along the Veterans Memorial Highway frontage.

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## STAFF RECOMMENDATIONS

### **Z-15 MARIA FIORILLO**

- 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 area in general has many different zoning districts ranging from R-20 to Heavy Industrial.
- 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 applicant's proposal would be consistent with many of the newer commercial properties on Veterans Memorial Highway.
- 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 an Industrial Land Use Category. However, the area has been transitioning out of industrial projects in favor of mixed used development and new commercial developments.
- 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 applicant's rezoning proposal would be consistent with existing and anticipated development in the area. The applicant's proposal would compliment other commercial uses in the area with a use that is lacking in the area. The applicant's proposal would clean up a property that has been used to dump unwanted items throughout the years, and the applicant would remove a dilapidated house.

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

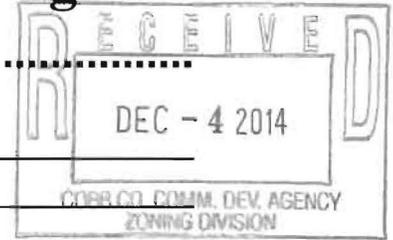
- Site plan received by the Zoning Division December 4, 2014 with the District Commissioner approving minor modifications;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

**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 #: 2-15  
PC Hearing Date: 2-3-15  
BOC Hearing Date: 2-17-15

## 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): \_\_\_\_\_
- 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): Veterinary Hospital
- b) Proposed building architecture: J
- c) Proposed hours/days of operation: M-F 8-6, Sat 9-12
- d) List all requested variances: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

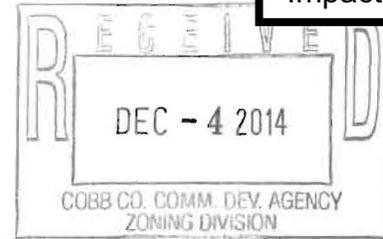
.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

(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). No

.....  
**Part 5. Is this application a result of a Code Enforcement action? No ; Yes  (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

Applicant signature: Maria Fiorillo Date: Nov 30, 2014  
Applicant name (printed): Maria Fiorillo

Dec 3, 2014



## Analysis of Impact of rezoning

Dear Commission members:

This is a request for a rezoning of said property at 1092 Mableton Pkwy from residential (R 2) to Commercial for the purpose of building a veterinary clinic. The proposed proprietors of the property are 1092 VMH consisting of Dr. Danielle Jordan with 10 years of veterinary experience and Dr. Maria Fiorillo with over 20 years of experience.

- A. The proposed use will be very suitable for the area. With the event of the Riverline planning and the large amount of residential construction in the area there is a need for veterinary care for pet owners. It is estimated that 56 % of homeowners own pets. There are projected to be 55,000 residential units within a 5 mile radius of the property with most of them needing veterinary services.
- B. The nearest property to the proposed area is a Cobb County storage facility. The adjacent 2 properties to the east are currently zoned residential but are unoccupied. The closed property on the west is residential but is 6 acres away and separated by Nickajack creek. It will not, therefore, adversely affect any adjacent properties
- C. As currently zoned (R-20) there is extremely low potential for reasonable economic use. (Tax receipt for 2014 is \$650). A thriving veterinary practice has potential to generate millions of dollars in income (and large amounts of tax income) and create many jobs.
- D. The proposed veterinary hospital will cause very minor use of existing streets (Veterans Memorial Highway is direct access where we expect at a maximum 30 clients per day), transportation facilities (none), utilities (built into the structure) or schools (will have positive effect on schools due to increase tax digest).
- E., F

The current land use plan is industrial but this is a very old plan. The current residential/commercial designations of all the surrounding properties will not allow an industrial designation but may be amenable to O/I especially in view of the fact that we not only will be providing medical service for pets but also we hope to have trails and a dog park area greatly enhancing the quality of life of the community. The South Cobb area is especially in need of quality enterprise, jobs and quality of life enhancements.

This is a request for the rezoning of the property located at 1092 Veterans Memorial Highway, Mableton, GA 30126. The property is owned by James L. Dameron, Jr and is under contract to be purchased by Drs. Jordan and Fiorillo with stipulation that said property would be rezoned.

Although the county's future land use plan has the property to be zoned industrial, the neighborhood has changed greatly since the plan was last updated. The east and west borders of the property are residential, and the properties across the street are mostly commercial.

So the question for us was whether to request rezoning from R-20 to industrial or commercial. The planning commission stated that the request for approval should be for industrial as that is what the future use plan indicates. However, after speaking to a source very familiar with the area, the history of the area and the residents, he strongly suggested that we request O/I as the residents of the area would absolutely reject an industrial designation request.

We have, therefore, requested the property be rezoned for O/I for the purpose of a veterinary hospital. We hope to bring a service to the residents of the area which will be very much needed. We thank you for your time and consideration in this matter.

