



Index #: CU09-05

Genero #: 09100082

Legistar #: 09-0901

ZONING APPLICATION

TYPE OF REQUEST :

- Rezoning
- Concurrent Variance
- Conditional Use
- Text Amendment
- Other (Explain)

Present Zoning	<u>0-P</u>
Requested Zoning	<u>0-P</u>
Proposed Use	<u>Animal Surgery Center and Emergency Clinic</u>
Total Acreage	<u>1.503 acres</u>

PROJECT

David V. Filer, DVM

Name of Project		<u>900 Holcomb Bridge Road</u>		<u>Roswell, GA 30076</u>	
Property Address/Location	Suite/Apt. #	City	State	Zip Code	
<u>501, 502, 525, 526</u>	<u>1st</u>	<u>2nd</u>			
Land Lot	District	Section	Property ID		

APPLICANT/OWNER

David V. Filer, DVM

Applicant <u>Veterinary Referral Surgical Practice</u>					
Company <u>Suite 21, 900 Mansell Road, Roswell, GA 30076</u>					
Mailing Address	Suite/Apt. #	City	State	Zip Code	
<u>(770) 335-0767</u>	<u>(770) 335-0767</u>	<u>trav@travcarter.com</u>			
Phone	Cell Phone	Fax Phone	E-mail		

REPRESENTATIVE

W. Trav Carter, Attorney at Law

Contact Name and Company (Owner's Agent or Attorney) <u>Suite 100, 780 Old Roswell Road, Roswell, GA 30076</u>					
Contact Mailing Address	Suite/Apt. #	City	State	Zip Code	
<u>(678) 777-5010</u>	<u>(678) 777-5010</u>	<u>trav@travcarter.com</u>			
Phone	Cell Phone	Fax Phone	E-mail		

I hereby certify that all information provided herein is true and correct

David Filer
Applicant Signature: Property Owner or Owner's Representative

Date: 10 / 1 / 09

OFFICE USE	Fee: \$ _____	<input type="checkbox"/> Cash <input type="checkbox"/> Check # _____	<input type="checkbox"/> CC - Visa/ MC	Date: _____ / _____ / _____
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	By: _____	Date: _____ / _____ / _____

REPRESENTATIVE APPLICANT PROJECT TYPE



Analysis Requirements

REZONING APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 6 pursuant to O.C.G.A. 36-67-3. Further, please complete criteria 7 through 23, as noted below.

CONCURRENT VARIANCE APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 23. Complete also the Concurrent Variance Justification, questions 1 - 7 at the end of this section.

CONDITIONAL USE APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 8; also 13, and 18 through 22. Criteria 9 through 12, and 14 through 17, and 23 are NOT required to be completed for a Conditional Use Application.

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

SEE ATTACHED SHEETS.

2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.
4. Whether the proposal will result in a use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.





5. Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including land use element.

6. 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 proposal.

An applicant for an amendment to the official zoning map may decline to provide any information related to criteria seven (7) through twenty-three (23) if he or she completes, signs, and notarizes the following statement:

"I do not regard the information required by the City, or any portion thereof as indicated, as necessary or relevant to the City Council in their consideration of my application for rezoning. I stipulate that such information shall not be relevant to the City Council in their deliberations or to any court in its review of the decision on my application for rezoning."

Owner of Property (Signature) Date: ____ / ____ / ____

The above named individual personally appeared before me, and on oath states that he/she is the _____ for the foregoing,, and that all above statements are true to the best of his/her knowledge.

Notary Public (Signature) Date: ____ / ____ / ____

My Commission Expires: Date: ____ / ____ / ____

7. An explanation of the existing uses and zoning of subject property.

8. An explanation of the existing uses and zoning of nearby property.





21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given as to whether or not the proposed change will help to carry out the purposes of these zoning regulations.

22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

23. The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested.

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Concurrent Variance Justification If Required

An applicant requesting consideration of a Concurrent Variance to any provision of the Zoning Ordinance shall provide written justification that one or more of the following condition(s) exist:

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, topography that are not applicable to other lands or structures in the same district.
2. Any information whereby a literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the applicant's property is located.
3. Any information supporting that granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
4. Any information that the requested variance will be in harmony with the purpose of the intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
5. Any information that special circumstances are not the result of the actions of the applicant.
6. Any information that the variance request is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
7. Any information that the variance shall not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district or overlay district involved.

ANALYSIS REQUIREMENTS

CONDITIONAL USE APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 8; also 13, and 18 through 22. Criteria 9 through 12, and 14 through 17, and 23 are NOT required to be completed for a Conditional Use Application.

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

Yes, the proposed use as an Animal Surgery Center and Emergency Clinic is compatible with the use and development of surrounding property.

To the immediate north of the existing building is an office development and zoned O-P, and to the south and east across Warsaw Road is a vacant office building also zoned O-P. The property to the immediate west is the Brookwood Grill Restaurant and is zoned C-3. The proposed use is compatible with the all adjacent property. The proposed Animal Surgery Center and Emergency Clinic represents an appropriate transition from more intense use of the C-3 restaurant use to the business/office use to the south and east. There are residential uses not adjacent to the subject tract to the northwest on Warsaw Road which will not be affected by the proposed use. The Animal Surgery Center and Emergency Clinic will not be like a kennel use wherein many animals are kept. The proposed uses will be for sick animals requiring surgery, and sometimes, overnight care. There will not be any animals kept outside the building and no adjacent property will be affected by any animal noises. The facilities will be only for the care, observation and treatment of the animals.



2. **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**

No, the proposed uses will not adversely affect the existing use or usability of adjacent or nearby properties, and will, in fact, complement the surrounding uses. The property is currently used as a human medical clinic. The use will primarily remain the same except animals will be treated.

3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**

The Subject Property has a reasonable economic use as currently zoned, but not as limited by the O-P uses. There is an abundance of vacant office use in the area. Allowing the proposed use will enhance the economic value of the subject property and adjacent property in an otherwise diminishing economic value area along Holcomb Bridge Road.

4. **Whether the proposal will result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The proposed use will not excessively overtax the existing water supply or sewage, drainage or transportation facilities and will not cause an excessive use of the area fire or police protection or solid waste collections and disposal services. The proposed use will have a limited impact on schools.

5. **Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including the land use element.**

Allowing the proposed use will be in conformity with the policy intent of the Comprehensive Plan and when the City of Roswell allows the proposed use in the O-P Zoning Category, it will be in conformity with the land use element.



6. **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 proposal.**

The use as an Animal Surgery Center and Emergency Clinic will be very similar to the current use of the Property. These uses should not generate more traffic on either Warsaw or Holcomb Bridge Road than the current use. The building on the Property will remain as it is. It will not adversely affect the surrounding commercial environment nor the citizens of Roswell.

7. **An explanation of the existing uses and zoning of subject property.**

The Current zoning of the Property is O-P and it is used as a Medical Clinic.

8. **An explanation of the existing uses and zoning of nearby property.**

To the immediate north of the existing building is an office development and zoned O-P, and to the south and east across Warsaw Road is a vacant office building also zoned O-P. The property to the immediate west is the Brookwood Grill Restaurant and is zoned C-3.

13. **The suitability of the subject property under the existing zoning district and/or district classification for the proposed use.**

The proposed use is suitable for the existing zoning district. The City of Roswell is currently considering an amendment to the O-P zoning category to allow the proposed use as a Animal Surgery Center and Emergency Clinic.

18. **Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district.**

The Proposed use will not change the character of the O-P zoning district. These uses are compatible with O-P as the proposed uses are very similar to the current use except that animals instead of people are treated.

19. **Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.**

The proposed uses will not be a deterrent to the value of the subject or adjacent property, but enhance the value of each. This area of Holcomb Bridge road consists of vacant office and retail buildings. The use will enhance the value of adjacent property as it will continue to operate as a going business.



20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

There will be little impact on the environment as the Subject Property has an existing building which will remain as it is and the uses will not be very different than the current use, which have very little impact on the environment.

21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given as to whether or not the proposed change will help to carry out the purposes of these zoning regulations.

The proposed use is compatible with the overall zoning scheme of Roswell and in particular, this area of Roswell. The proposed uses are office uses similar to uses found in the O-P zoning category.

22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major throughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

The Subject Property does not immediately adjoin residentially zoned property. Residential zoned property is further to the northwest along Warsaw Road. The proposed uses will not negatively impact the residentially zoned property.

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Application Signature Page

Please complete this Applicant Signature Page for ALL applications. **READ CAREFULLY BEFORE SIGNING.**

- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the *Roswell Zoning Ordinance*) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange sign permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.
- I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My signed Campaign Disclosure Statement is included with this Application (required for rezoning only).
- I understand that due to a sewer allocation system controlled by Fulton County, sewerage capacity may not be available. I agree to arrange sewer service separately from this application. The method of sewage disposal that is planned for this property is:

Check one:
 Sanitary Sewer
 Septic Tank

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I respectfully petition that this property be considered as described in this application

From Use District 0-P To Use District: 0-P

Wherefore, applicant prays that the procedures incident to the presentation of this petition be taken, and the property be considered accordingly. Additionally, applicant further acknowledges and fully understands all above statements made by the City of Roswell.

APPLICANT SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

I hereby certify that all information provided herein is true and correct

AMERICAN MEDICORP DEVELOPMENT CO.

BY: W. Mark Kimbrough

Owner of Property (Signature)
 c/o HCA Corporate Real Estate

Date: 10 / 2 / 09
 (615) 344-5605

Street Address, City, State, Zip One Park Plaza, Nashville, TN 37203 Phone

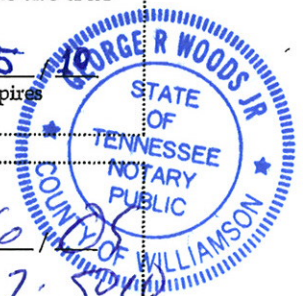
NOTARY

Personally appeared before me the above Owner named Mark Kimbrough who on oath says that he/she is the Applicant for the foregoing, and that all the above statements are true to the best of his/her knowledge.

[Signature]
 Notary Public (Signature)

Date: 10 / 2 / 09

Date: 10 / 5
 Commission Expires



ATTORNEY / AGENT (IF APPLICABLE)

Attorney / Agent (Signature)

Street Address, City, State, Zip

[Signature]
780 Old Roswell Pl.
Roswell, GA 30021

Date: 10 / 6

Phone

678-777-5010



Campaign Disclosure Ordinance

Please read the law and complete the **Campaign Disclosure Statement** on the following page if you are requesting a **Rezoning, Concurrent Variance, or Conditional Use.**

GA Citation/Title
GA Code 36-67A-3, Disclosure of campaign contributions
*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)
Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.



APPLICANT CAMPAIGN DISCLOSURE STATEMENT

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Roswell City Council or a member of the City of Roswell Planning Commission?

YES

NO

David Liber
Applicant/Owner of Property (Signature)

Date: 10/1/09

900 Manceil Rd Suite 900 21 Roswell, GA 30076
Street Address, City, State, Zip

If the answer is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount

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Planning & Zoning Director Acceptance Stamp

- Rezoning
- Concurrent Variance
- Conditional Use

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ZONING OFFICE Oct. 6, 2009
Date

APPROVED FOR INITIATION OF A ZONING
AMENDMENT TO THE ROWELL ZONING
ORDINANCE AND ZONING MAP BY THE
ZONING DIRECTOR.

Bradford P. Townsend
Zoning Director

TIME: 8:30 am DATE: 10-7-2009

THIS APPLICATION SHALL BE CONSIDERED
AND MAY BE REFERRED TO AS REZONING
PETITION NUMBER _____

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