



RZ #: 201403068 CV #: 201403069 CU #: _____

UDC ZONING APPLICATION

TYPE OF REQUEST :

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

Present Zoning NX
Requested Zoning NX
Proposed Use Animal Care (Indoor)
Total Acreage 2.47 Acres

PROJECT

PetSuites

Name of Project 951 Mansell Rd.
Mansell Rd. & Roswell Commons Cir. Roswell GA 30076
Property Address/Location City State Zip Code
505 1st 2nd Suite/Apt. # 12 218005050136
Land Lot District Section Property ID

APPLICANT/OWNER

Mark Fee

Applicant

The Myers Y. Cooper Company

Company

5050 E. Galbraith Rd

B

Cincinnati OH 45236

Mailing Address

513-248-8350

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

mfee@cooper-co.com

E-mail

REPRESENTATIVE

Contact Name and Company (Owner's Agent or Attorney)

Contact Mailing Address

Suite/Apt. #

City

State

Zip Code

Phone

Cell Phone

Fax Phone

E-mail

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

Mark Fee

Date: 08 / 01 / 14

Applicant Signature: Property Owner or Owner's Representative

OFFICE USE

Fee: \$ _____ ☐ Cash ☐ Check # _____ ☐ CC - Visa/ MC

Date: _____ / _____ / _____

☐ Approved ☐ Denied By: _____

Date: _____ / _____ / _____





Analysis Requirements

REZONING APPLICATIONS: Applicants are required to respond to criteria 1 through 10 pursuant to the Unified Development Code, section 13.4.7, letter B.

CONCURRENT VARIANCE APPLICATIONS: Please Complete the Concurrent Variance Justification, questions 1 – 8 pursuant to the Unified Development Code, section 13.4.8.

CONDITIONAL USE APPLICATIONS: Applicants are required to respond to the 5 questions listed specifically for a Conditional Use, pursuant to the Unified Development Code, section 13.4.7, letter C.

CONDITIONAL USE FOR ADDITIONAL HEIGHT: Applicants are required to respond to the 2 questions specifically listed for the request for additional height, pursuant to the Unified Development Code, letter D.

REZONING QUESTIONS

1. The zoning map corrects an error of meets the challenge of some changing condition, trend or fact.
Yes. We are rezoning from NX to NX to remove a pre-approved site plan.

2. The zoning map amendment substantially conforms with the Comprehensive Plan.
Yes.

3. The zoning map amendment substantially conforms with the stated purpose and intent of this UDC.
Yes.

4. The zoning map amendment will reinforce the existing or planned character of the area.
Yes.



5. The subject property is appropriate for the development allowed in the proposed district.

Yes.

6. There are substantial reasons why the property cannot be used according to the existing zoning.
We want to use the existing zoning, just not the pre-approved site plan, which calls for a retail building of a specific size and shape.

7. There is a need for the proposed use at the proposed location.

Yes, we believe there is a significant need for a high-end pet spa and boarding facility in the area.

8. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

Yes.

9. The zoning map amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.

Yes.

10. The zoning map amendment will not have a significant adverse impact on property in the vicinity of the subject property.

Yes.

CONDITIONAL USE QUESTIONS

1. The use is allowed as a conditional use in the respective zoning district (see Articles 3 through 7).



2. The use complies with the applicable specific use standard listed in Article 9, if any, without the granting of any variance.
3. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation, and operating characteristics.
4. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.
5. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.

CONDITIONAL USE FOR ADDITIONAL HEIGHT QUESTIONS

1. The project design is superior to that permitted under the base regulations.
2. Additional public benefits that mitigate the increased height have been offered.



RCon Concurrent Variance Justification If Required

An applicant requesting consideration of a Concurrent Variance to any provision of the Unified Development Code shall provide written justification that 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. In making this determination, the City Council shall consider all of the following criteria:

1. A literal interpretation of the provisions of this UDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which this property is located.
2. Granting the requested variance will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located.
3. The requested variance will be in harmony with the purpose of the intent of this UDC and will not be injurious to the neighborhood or to the general welfare.
4. The special circumstances are not the result of the actions of the applicant.
5. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure.
6. The variance does not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district.
7. The variance does not reduce the lot size below the minimum lot size allowed in the zoning district.
8. The variance does not increase the maximum allocation of sign area or the maximum area of an allowed sign.

SEE ATTACHED



The Myers Y. Cooper Company

REAL ESTATE INVESTMENT DEVELOPERS | SINCE 1895

Requested Variance for Building Size

We are requesting a variance for the building size in the NX zoning. The maximum building size stated in the UDC is 15,000 S.F. and we are proposing an approximately 19,700 S.F. building. The following are answers to the "Concurrent Variance Justification If Required", Page 5 of the UDC Rezoning Application.

1. The current building size limitation is 15,000 S.F. but this does not account for lot size. So for example, a property of 1 acre can have a 15,000 S.F. building, which would be a 34.4% land use, whereas our property is 2.47 acres but would only have a 13.9% land use. The Outdoor Amenity Space is based on a percentage of the land (20%), and in our case would be significantly larger than our building given the size of the lot. If this variance is granted our land use would still only be 18.3%, which is not an uncommon or unreasonable land usage percentage. This does mean that the provision of this UDC would deprive us of rights commonly enjoyed by other properties in this zoning district on a land usage basis.
2. This variance will not confer any special privileges to this property. Similar to question one, assuming that all properties can have similar land usages and lot size is taken into account.
3. This requested variance is in harmony with the intent of the UDC in that one of the goals of the UDC is to have building with an appropriate size and scope relative to the street and neighboring buildings, and our requested building size achieves this.
4. The circumstances are not a result of our actions.
5. This is the minimum variance that would make our proposed building and use feasible. If we make the building any smaller the cost of the land per usable square foot of the building would be too high to make economic sense for any user, and for our use anything smaller is impractical for the boarding of the dogs and the space they naturally require to be comfortable.
6. The type of building we want to build is permitted by right in this zoning district. This is just a request to modify the size limitation to be aligned with the lot size.
7. This variance request does not affect the lot size.
8. This variance request does not affect the sign.



The Myers Y. Cooper Company

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Requested Variance for Transparency

We are requesting a variance for the transparency requirement in the NX zoning. The requirement is for 40% transparency on the front along Mansell Road and 20% transparency on the side along Roswell Commons Circle. The following are answers to the "Concurrent Variance Justification If Required", Page 5 of the UDC Rezoning Application.

1. This variance is being requested due to the nature of the intended use as a pet boarding facility. Per the UDC Design Guidelines, there are defined Alternatives to Ground Transparency (p. 40) that includes architectural details. Our proposed building contains a large front porch, large windows above the porch roof and front doors, and a cupola with a window on the front of the building facing Mansell Road. These architectural details meet the alternatives listed in UDC Design Guidelines, and these architectural details, along with the windows, combine for 41% of the front building façade. Our proposed transparency is less than the 20% required on Roswell Commons Circle, but as the elevations show, there are several logically placed windows along this side of the building. We also include other non-architectural details such as bird feeders near the front by the smaller windows in the cat boarding area. Further, this side of the building abuts land that is part of the City of Alpharetta, is zoned industrial, and is utilized for warehouse space. This mitigates the effectiveness and desire for additional transparency along this front.
2. Because we meet the intent of the Alternatives to Ground Transparency in the UDC Design Guidelines, we are not granted special privileges that are denied to other properties.
3. The large front porch, large windows above the porch roof, and cupola are in harmony with the purpose and intent of the UDC Design Guidelines.
4. The circumstances are not a result of our actions.
5. This is the minimum variance that would make our proposed building and use feasible. The limited windows along Roswell Commons Circle are needed to ensure proper sound mitigation.
6. This variance request does not permit a use, building or structures not permitted by right.
7. This variance request does not affect the lot size.
8. This variance request does not affect the sign.



The Myers Y. Cooper Company

REAL ESTATE INVESTMENT DEVELOPERS | SINCE 1895

Requested Variance for Build-to-Zone

We are requesting a variance for the Build-to-Zone requirement that buildings on corner lots be located within 30 feet of the corner on both streets in the NX zoning. This requirement is a discrepancy in the UDC since, by right, the NX zoning allows for two rows of parking and a drive aisle to be placed between the street and the building. Since that distance is at least 60 feet, compliance with the corner lot Build-to-Zone is not possible.

1. The literal interpretation of the UDC would deprive us of rights commonly enjoyed by other properties in the zoning district. All other properties in NX are allowed, by right, to have parking in front of the building, but we would not simply because our lot happens to be on a corner.
2. This variance will not grant us special privileges that are denied other properties in NX, as they are allowed to have parking in front of their buildings.
3. This requested variance is in harmony with the purpose and the intent of the UDC, it is simply to clarify an existing contradiction in the code.
4. The circumstances are not a result of our actions.
5. This is the minimum variance that would make our proposed building and use feasible. The limited windows along Roswell Commons Circle are needed to ensure proper sound mitigation.
6. This variance request does not permit a use, building or structures not permitted by right.
7. This variance request does not affect the lot size.
8. This variance request does not affect the sign.



Application Signature Page

Please complete this Property Owner 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 Unified Development Code) 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

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

From Use District: NX To Use District: NX

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.

PROPERTY OWNER SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

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

Owner of Property (Signature)
2310 Barrick Lakes Blvd, Kennesaw, GA 30144
Street Address, City, State, Zip

07 / 30 / 2014
Date
770-480-7789
Phone



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

Notary Public (Signature)

07 / 30 / 2014
Date

01 / 11 / 2015
Date Commission Expires

ATTORNEY / AGENT (IF APPLICABLE)

Jul. Fie
Attorney / Agent (Signature)
5050 E. Galbraith Rd Ste B Cincinnati, OH 45236
Street Address, City, State, Zip

08 / 01 / 14
Date
513-248-8350
Phone



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

M. Free

Applicant/Owner of Property (Signature)

Date

08 / 01 / 14

5050 E. Galbraith Rd Ste B Cincinnati OH 45236

Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount



CHECKLIST

A pre-application conference is required before submitting an application per Section 13.4.4 of the Unified Development Code.

Zoning: Existing NX Requested NX Location: Mansell Rd & Roswell
LL: 505 Acres 2.47 District 1st Commons Cir.

Completed application form:

- ☒ Rezoning
☒ Concurrent Variance
☐ Conditional Use

One (1) original application including signed and notarized signature of property owner, plus copies of all materials and information as specified in this checklist is required. Zoning application requirements are covered in 31.1 of the *Roswell Zoning Ordinance*.

Surveys/Plans: Ten (10) large sets, sheet size not to exceed 36 x 42 inches; plus fifteen (15) 11 x 17 sets. Plans should be folded, not rolled.

☒ Application fee(s) payable to the City of Roswell; see Fee Schedule.

☒ Written analysis of how the proposed action compares to the decision criteria specified for deciding on the subject type of application. See Analysis Requirements questions 1 - 23 in the Zoning application. Complete 1 - 7 Concurrent Variance Justification, if required, for Concurrent Variance.

☒ Signed Applicant Campaign Disclosure Statement;

☒ Legal description of subject property;

☒ Letter of intent describing the proposed use of the property or other action requested;

N/A A Traffic Impact Study may be required, if determined to be required, it must be a part of the application at the time of submittal

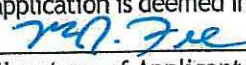
N/A Steep Slopes Analysis, if required; if determined to be required, it must be a part of the application at the time of submittal;

☒ Proof of Stormwater Concept Meeting - this must be submitted with the application at the time of submittal;

Survey plat of property sealed by the surveyor showing ALL of the following:

- ☒ Property bearings and distances;
☒ Abutting property owners including across streets;
☒ The zoning of abutting property;
☒ The current zoning of subject property;
☒ The change in zoning requested;
☒ The proposed use of property;
☒ Special conditions made part of the request;
☒ Other information as required by the Planning & Zoning Director



<div>REZONING</div> <div>CONCURRENT VARIANCE</div> <div>CONDITIONAL USE</div>	
CHECKLIST Site Plan of the property drawn at an appropriate engineering scale (see Table 31.1.2 of the <i>Roswell Zoning Ordinance</i>) including at a minimum, information on the proposed use and improvements including ALL of the following: <input checked="" type="checkbox"/> Property lines; <input checked="" type="checkbox"/> Existing and proposed buildings and structures; <input checked="" type="checkbox"/> Parking and internal circulation; <input checked="" type="checkbox"/> Walls, fences and easements; <input checked="" type="checkbox"/> Landscaping and buffers, including tree survey and tree protection; <input checked="" type="checkbox"/> Preliminary grading and drainage (conceptual); <input checked="" type="checkbox"/> Provisions for outdoor lighting (See Article 18); <input checked="" type="checkbox"/> Other information as required by the Zoning Director	8 large sets plus 10 11x17 sets
A Development Statistics Summary Chart with percent (%) coverage (see table 31.1.3;) including: <input checked="" type="checkbox"/> Maximum and proposed height of any structure; <input checked="" type="checkbox"/> Maximum and proposed gross sq. footage of the building area (non-residential only); <input checked="" type="checkbox"/> Maximum and proposed number of dwelling units, and minimum; and proposed square footage of heated floor area for any dwelling unit (residential only); <input checked="" type="checkbox"/> Area of site (total acres or sq. feet = 100%); <input checked="" type="checkbox"/> Maximum and proposed lot coverage of building area (square feet and %); <input checked="" type="checkbox"/> Minimum and proposed square footage of landscaped area (square feet and %); <input checked="" type="checkbox"/> Maximum and proposed impervious surface (square feet and %); <input checked="" type="checkbox"/> Existing and proposed parking spaces (number and %); <input checked="" type="checkbox"/> Flood plain (sq. feet and %); <input checked="" type="checkbox"/> Undeveloped and/or open space (sq. feet and %); <input checked="" type="checkbox"/> Provision of the Zoning Ordinance requested to be varied and amount of variances requested.	On Site Plan
<input checked="" type="checkbox"/> Archaeological Report/Study, if required	
Tree protection measures (see Chapter 15 of the <i>Roswell Zoning Ordinance</i> and the Tree Protection Checklist provided with this application). Required elements: <input checked="" type="checkbox"/> Tree Protection Plan; <input checked="" type="checkbox"/> Tree Survey; <input checked="" type="checkbox"/> Tree Replacement Plan;	8 large sets plus 10 11x17 sets
The below signature acknowledges that the Unified Development Code has been made available for review. This signature acknowledges that I have had the mandatory pre-application meeting and that all of the items that are required must be submitted or the application is deemed incomplete and rejected. <div>  <div>08 / 01 / 14</div> </div> <div> Signature of Applicant <div>_____ / _____ / _____</div> </div> <div> Signature of Staff <div>_____ / _____ / _____</div> </div>	



CITY OF ROSWELL FEE SCHEDULE

City of Roswell applications and resources are available at the front desk of the Community Development Department, or can be downloaded at no charge from the City of Roswell web site at www.roswellgov.com. Fees are payable to the City of Roswell by cash, check or credit card (MasterCard/Visa).

Zoning		
<u>MF</u>	Application for Rezoning	
	Base fee for first five (5) acres	\$1,000
	Additional for properties five (5) acres or more	\$100 per acre, max. \$5,000
<u>MF</u>	Application for Concurrent Variance	
	Non-residential	\$350 for first
	Residential	\$250 for first
	Each Additional	\$50 each additional
<u>N/A</u>	Application for Conditional Use Permit	\$500



The Myers Y. Cooper Company

REAL ESTATE INVESTMENT DEVELOPERS | SINCE 1895

August 1, 2014

UDC Planning & Zoning
City of Roswell
38 Hill Street
Roswell, GA 30075

Re: LOI for PetSuites Facility at Mansell Rd. & Roswell Commons Cir.

We are the developer proposing to build a PetSuites Resort & Spa on Mansell Rd in the City of Roswell. This is a high quality indoor pet boarding facility that will fulfill a need in the community. More information on PetSuites can be found at www.petsuitesofamerica.com.

Sincerely,
The Myers Y. Cooper Company

Mark D. Fee
Development Manager

Proof of Stormwater Concept**Cody A. Owenby**

From: Danelle Alloway [dalloway@roswellgov.com]
Sent: Wednesday, July 30, 2014 11:50 AM
To: Victor Rachael
Cc: Cody A. Owenby
Subject: RE: Concept Stormwater Plan submittal

This serves as your stormwater concept meeting proof. Thanks, Danelle

Danelle Alloway, P.E., C.F.M.
Water Resources Engineer
City of Roswell
38 Hill St, Suite 235
Roswell, GA 30075
770.594.6258 (o)

From: Victor Rachael [mailto:VRachael@areng.com]
Sent: Tuesday, July 29, 2014 5:33 PM
To: Danelle Alloway
Cc: Cody A. Owenby
Subject: RE: Concept Stormwater Plan submittal

Danelle,

Attached are several PDFs for your use, review and concept approval. Include are the following:

- Original survey
- Concept Site plan
- Concept stormwater plan

The project is for a PetSuites development which caters to pet owners for grooming and boarding. The site is high on the main roadway side (Mansell Road) and slopes to the rear SW direction. Our proposed detention facility is located in the low spot on site and will tie into an existing stormwater pipe system. Under current concept plan, the site will sheet flow into an enhance swale for water quality and then flow into the main pond for channel protection & pre/post flow reduction. Additional information is noted on the concept stormwater plan.

We are planning on submitting for the rezoning deadline coming up Tuesday the 5th and would like to have your feedback / concept approval as soon as possible.

Please let me know if you have any questions or if you need any additional information at this time.

Thanks for your help,

Victor A. Rachael Jr., PE
Senior Project Manager

8/4/2014

Proof of Stormwater Concept

A&R Engineering, Inc.
[\(770\) 690-9255](tel:(770)690-9255) Phone

From: Danelle Alloway [<mailto:dalloway@roswellgov.com>]
Sent: Monday, July 28, 2014 4:06 PM
To: Victor Rachael
Cc: Cody A. Owenby
Subject: Re: Concept Stormwater Plan submittal

It would be fine for you to forward a PDF with notes indicating the plan and sending a short description. I will review and let you know if I need additional info. Thanks

Sent from my iPhone

On Jul 28, 2014, at 2:58 PM, "Victor Rachael" <VRachael@areng.com> wrote:

Danelle,

Following up on a voicemail I left earlier today, we are working on the PetSuites site at the corner of Mansell and Roswell Commons.

We have the concept stormwater plan ready to submit for your review. Please let me know the best way to complete the submittal: meeting with you (bringing the plans with us), emailing the plans, and/or sending hard copies.

Thanks for your help,

Victor A. Rachael Jr., PE
Senior Project Manager
A&R Engineering, Inc.
[\(770\) 690-9255](tel:(770)690-9255) Phone



Planning & Zoning Director Acceptance Stamp

- ☒ Rezoning
- ☒ Concurrent Variance
- ☐ Conditional Use

RECEIVED BY THE CITY OF ROSWELL
ZONING OFFICE Aug 5, 2014
Date

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

Buchard D. Driscoll
Zoning Director

TIME: 9:41 DATE: 8-13-14

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

RZ 2014 03068

CV 2014 03069.

↑
RECEIVED
AUG - 4 2014
City of Roswell
Community
Development
Dept.