



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** May 17, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: **201300353** - 6445 Roswell Road, *Applicant: Lindsay Warren*, To rezone from C-1 (Commercial Business District) to C-2 (Commercial District) with a Use Permit and concurrent variances to allow a Doggy Day Care Facility

MEETING DATE: For Submission onto the May 21, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: *(Attach additional pages if necessary)*

See attached:

Memorandum
Rezoning Petition

APPROVAL BY CITY MANAGER: JFM APPROVED

PLACED ON AGENDA FOR: 5/21/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: wpw

REMARKS:



To: John McDonough, City Manager

From: Angela Parker, Director of Community Development

A handwritten signature in black ink, appearing to be "AP", is written over the name Angela Parker.

Date: May 1, 2013 for submission onto the May 21, 2013 City Council meeting

Agenda Item: 201300353 6445 Roswell Road a request to rezone the subject property from C-1 (Community Business District) to C-2 (Commercial District) with a use permit and concurrent variance, to allow for the development of Doggie Daycare Facility.

Department of Community Development Recommendation:

WITHDRAWAL of the request to rezone the subject property from C-1 (Community Business District) to C-2 (Commercial District) with a use permit and concurrent variance, to allow for the development of Doggie Daycare Facility.

Background:

The subject site is located in the east side Roswell Road. The property is currently zoned C-1 (Community Business District). The property contains approximately 28,445 square feet and is developed with a vacant commercial building.

Discussion:

The applicant is requesting to rezone the subject property from C-1 (Community Business District) to C-2 (Commercial District) with a use permit, to allow for the development of Doggie Daycare Facility.

Additionally, the applicant is requesting four (4) concurrent variance from the Zoning Ordinance as follows:

1. Variance from Section 18.2.1 to reduce the required parking from 31 spaces to 19 spaces.
2. Variance from Section 12B.4 to delete the Main Street Overlay streetscape requirement.
3. Variance from 19.4.24.B.1 to reduce the required lot size from 1 acre to .6530 acres (28,444.68 square feet)
4. Variance from 19.4.24.B.2 to reduce the location of building and run, sun area, exercise yards from 100 feet from all property lines to 30 feet.



Rezoning Petition No. 201300353

HEARING & MEETING DATES

Community Zoning Information Meeting	Community Developer Resolution Meeting	Planning Commission Hearing	Mayor and City Council Hearing
February 26, 2013	March 28, 2013	April 18, 2013	May 21, 2013

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Gilbert Hepner II, LLC	Central Bark Doggy Day Care	Lindsay Warren

PROPERTY INFORMATION

Address, Land Lot, and District	6445 Roswell Road Land Lot 88, District 17
Council District	4
Frontage:	Approximately 100.30 feet.
Area:	.6530 acres (28,445 square feet)
Existing Zoning and Use	C-1 (Community Business District) developed with a vacant commercial building
Overlay District	Main Street District
2027 Comprehensive Future Land Use Map Designation	Live Work -Community (LWC) Node: 9
Proposed Zoning	C-2 (Commercial District)

INTENT

To rezone the subject property from C-1 (Community Business District) to C-2 (Commercial District) with a use permit, to allow for the development of Doggie Daycare Facility.

Additionally, the applicant is requesting four (4) concurrent variance from the Zoning Ordinance as follows:

1. Variance from Section 18.2.1 to reduce the required parking from 31 spaces to 19 spaces.
2. Variance from Section 12B.4 to delete the Main Street Overlay streetscape requirement.
3. Variance from 19.4.24.B.1 to reduce the required lot size from 1 acre to .6530 acres (28,444.68 square feet)
4. Variance from 19.4.24.B.2 to reduce the location of building and run, sun area, exercise yards from 100 feet from all property lines to 30 feet.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

201300353 - WITHDRAWAL
201300353 Use Permit - WITHDRAWAL
201300353 Variance #1- WITHDRAWAL
201300353 Variance #2- WITHDRAWAL
201300353 Variance #3- WITHDRAWAL
201300353 Variance #4- WITHDRAWAL

DESIGN REVIEW BOARD RECOMMENDATION

Recommendation for Approval (5-0, Porter, Ealick-Anderson, Landeck, Mobley, and Richard; Lichtenstein not voting; Roberts absent).

PLANNING COMMISSION RECOMMENDATION

201300353 - WITHDRAWAL

201300353 Use Permit - WITHDRAWAL

201300353 Variance #1- WITHDRAWAL

201300353 Variance #2- WITHDRAWAL

201300353 Variance #3- WITHDRAWAL

201300353 Variance #4- WITHDRAWAL

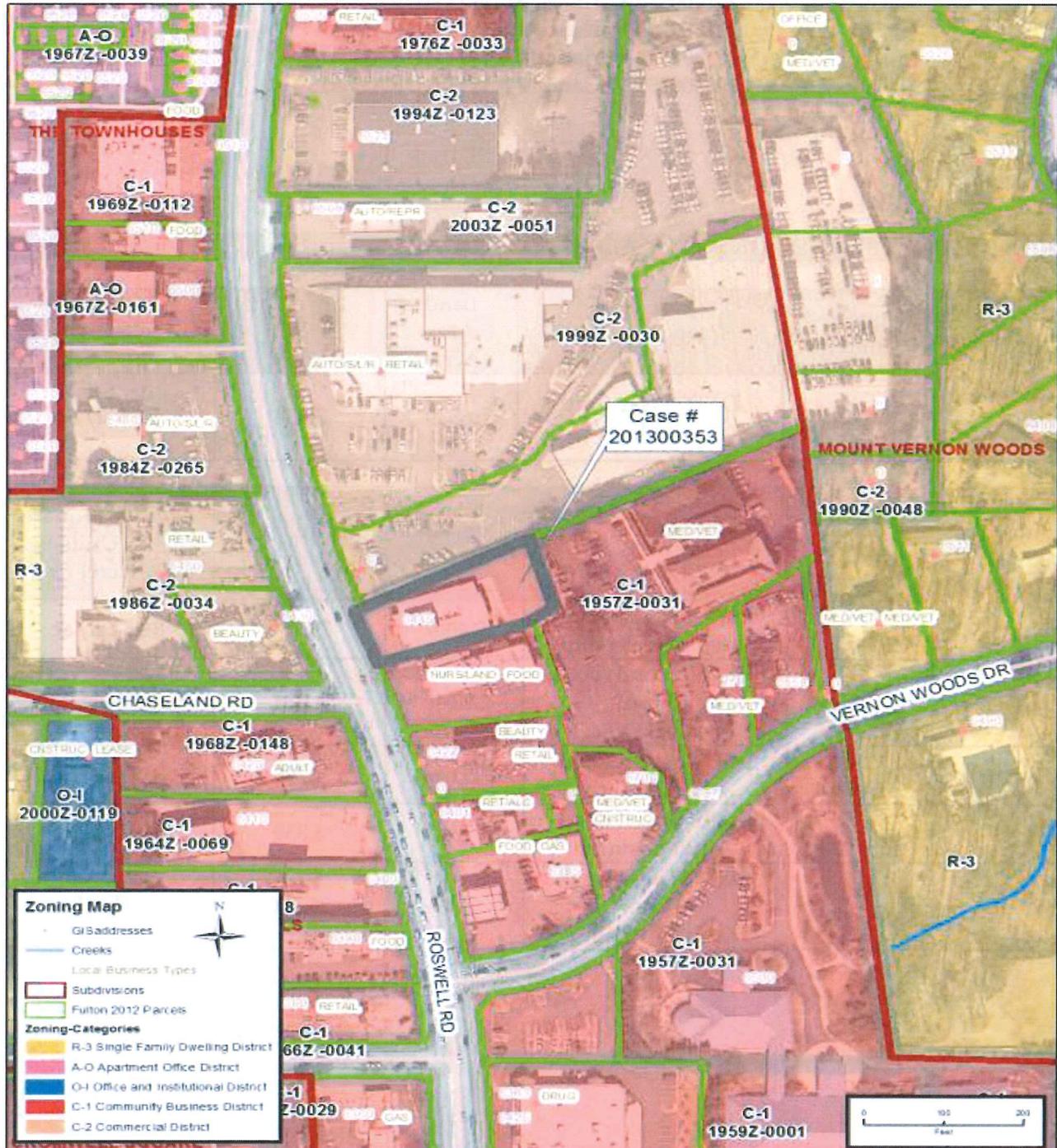
EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION 201300353	Requested Zoning	Proposed Use	Land Area (Acres)	Square Footage	Density (Square Footage per Acre)
	C-2	Doggie Day Care Facility	.6530	7,654	8.35 sf/ac

Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage	Density (Square Feet or Units Per Acre)
North	C-2 Z99-0030	6475 Roswell Road Toyota Dealership	9.4007	79,750	8,484 sf/ac
East	C-1 Z57-0031	6667 Vernon Woods Drive Medical Office	2.24	8,034	±3,586 sf/ac
South	C-1 Z57-0031	6435 Roswell Road Restaurant	.5476	4,796	±8,758 sf/ac
West	C-1 Z68-0148	6420 Roswell Road Adult Business	.7042	4,839	±6872 sf/ac
West	C-2 Z86-0034	6430/6450 Roswell Road Kudzu Antiques	2.49	24,300	9,759 sf/ ac

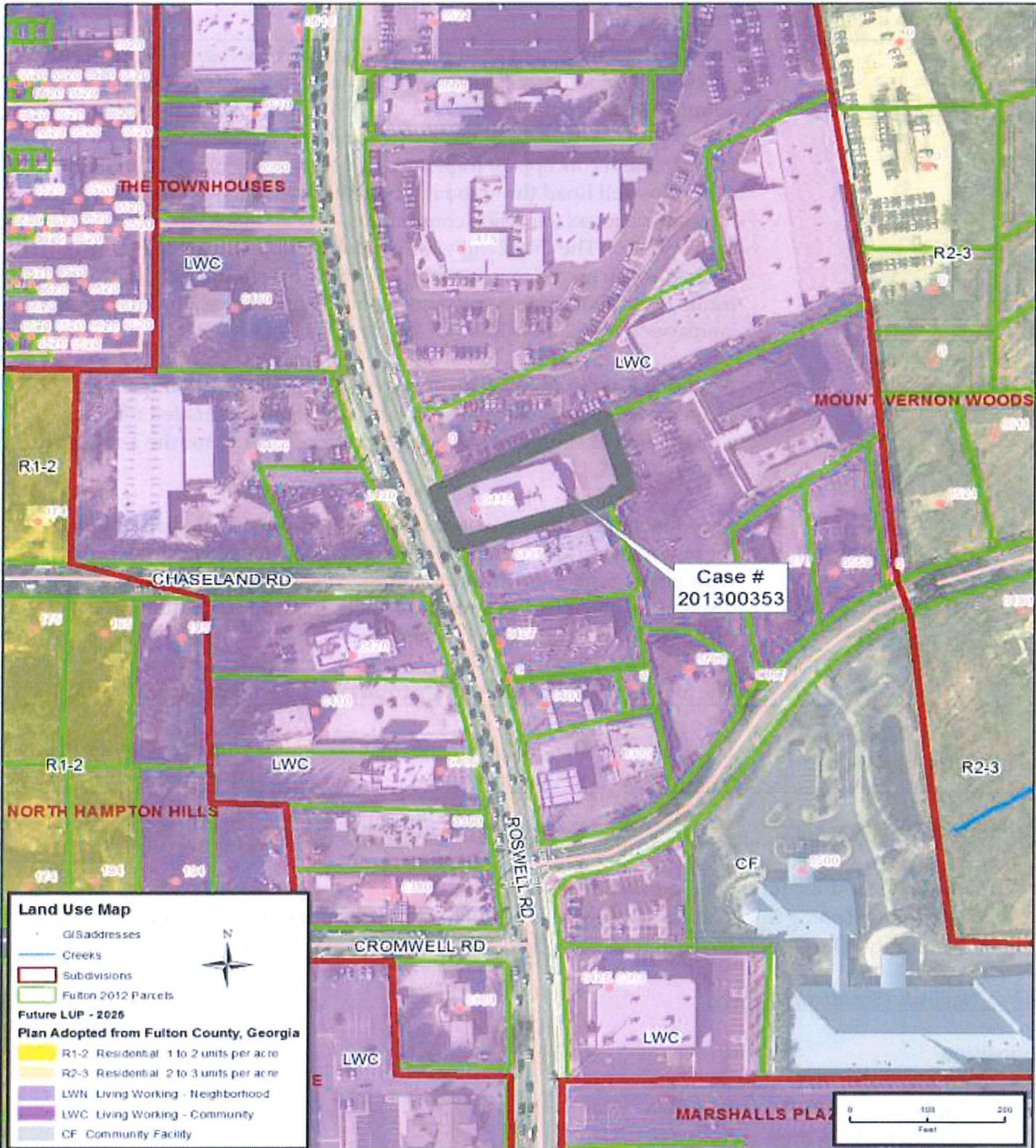
Zoning Map

6445 Roswell Road



Future Land Use Map

6445 Roswell Road



DEPARTMENT COMMENTS

The staff held a Focus Meeting with Transportation, Building and Permitting, Fire, Code Enforcement, Site Development, and the Arborist on March 6, 2013 at which the following departments had comments. The staff has received additional comments from the Fulton County Board of Education and Fulton County Department of Water Resources (see attachments).

Transportation
Planner

- Proposed development shall provide interparcel access to the adjacent parcel to the south (6435 Roswell Road) as recommended in the City's adopted *Transportation Master Plan (TMP)* and the *2012 City Center Master Plan*. Project A6 of the TMP recommends, "Develop improvement concepts to implement access management techniques along Roswell Road throughout city to include signal spacing, interparcel access, backside connections, and medians where appropriate." The *City Center Master Plan* includes a strategy to "introduce an access management ...along Roswell Road to improve traffic flow, pedestrian safety and corridor appearance" and proposes a landscaped median for Roswell Road at this location.
- A funded Capital Improvement Project (CIP) T-0012 will impact the property frontage with streetscape improvements estimated for construction in summer 2013. Right-of-way required for the T-0012 has been acquired.
- Recommend that the proposed development provides a disposal plan for removing outdoor waste to show compliance with Code of Ordinances Section 109-150 which prevents, "nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the storm sewer system."
- The angled parking spaces at the front conflict with driveway traffic.

Georgia Department
of Transportation

- There are no GDOT requirements that need to be addressed at this time.

PUBLIC INVOLVEMENT

Required Meetings

The applicant attended the following required meetings:

- Community Zoning Information Meeting held February 26, 2013 at the Sandy Springs City Hall
- Community/Developer Resolution Meeting held March 28, 2013 at the Sandy Springs City Hall

Public Comments (See attached letters)

Opposition

- Parking, traffic flow at peak hours.
- Numbers of dogs allowed on site
- Noise of barking dogs and hours
- Dog waste removal

Notice Requirements

The petition has been advertised in the April 10, 2013 (Sandy Springs Neighbor) and April 19, 2013 (Sandy Springs Reporter). The applicant posted a sign issued by the Department of Community Development along the frontages of Roswell Road on March 8, 2013.

Public Participation Plan and Report

The applicant has met the Public Participation Plan requirements. The applicant is required to submit the Public Participation Report seven (7) days prior to the Mayor and City Council Hearing on May 21, 2013.

ZONING IMPACT ANALYSIS

Per Article 28.4.1, *Zoning Impact Analysis by the Planning Commission and the Department*, the staff shall make a written record of its investigation and recommendation on each rezoning petition with respect to the following factors:

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

Finding: The staff is of the opinion that the proposed use is suitable in view of the use and development of adjacent and nearby property. The adjacent uses are as follows: car dealership, office building, restaurant, adult business and auction gallery.

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

Finding: The staff is of the opinion that the proposal could adversely affect the use of the adjacent or nearby properties, if the waste disposal is not properly managed on the site. Staff has added a condition to require an animal waste disposal plan prior to approval of any building permits. The applicant meets the use permit requirement of 200 feet distance from residential uses and the applicant is requesting a variance from the 100 feet from the commercial uses.

C. *Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

Finding: The staff is of the opinion that the subject property has a reasonable economic use as currently zoned. However, the property has been vacant for 2 years. The site does have limited parking.

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

Finding: The staff is of the opinion that the proposal will not result in a use which will cause an excessive or burdensome use of the existing infrastructure. The applicant is not proposing any square footage changes to the existing building or the parking lot. Staff has added a condition to require an animal waste disposal plan prior to approval of any building permits.

E. *Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

Finding: The staff is of the opinion that the proposed use is consistent with the intent of the future land use plan, which designates the property as Live Work Community (LWC) Node 9. The corresponding zoning for Live Work Community would be a MIX zoning classification. However, the proposed use, in combination with the surrounding use could justify a mixed use development. There is a verity of uses within Node 9. Without a property assemblage this site would be difficult to develop under the mixed use requirement which calls for a minimum of 10 acres.

Node 9: Roswell Road and Vernon Woods Drive (Uptown)Boundaries:

- Properties with frontage along Roswell Road, from the north side of Sandy Springs Circle to the south,

to those properties immediately abutting the Abernathy Road/Roswell Road intersection on the north, but not including those properties.

Vision:

1. The area is characterized by narrow lots with frontage on Roswell Road.
2. The assemblage of multiple properties is not necessarily encouraged in this area; however, the elimination of individual curb cuts and increased interparcel access is supported.
3. The area should incorporate a mix of less dense office and residential uses; however, it is not necessary to develop both office and residential uses on a single parcel.

Guidelines and Policies:

1. Residential density should be 20 units per acre or less. Commercial and office densities should be 25,000 square feet per acre or less. There should be a maximum building height of four (4) stories. At least 10% of a site shall be maintained as open space.
2. An ability to achieve maximum densities should be supported by the elimination of consolidate of curb cuts, providing interparcel access, and meeting or exceeding recommended open space.

F. 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 zoning proposal.

Finding: The staff is of the opinion that there are no existing or changing conditions affecting the use and development of the property, which give supporting grounds for approval or denial of the applicant's proposal.

G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Finding: The staff is of the opinion that the proposal could permit a use which could be considered environmentally adverse to the natural resources, environment, or citizens of Sandy Springs, if the waste disposal is not properly managed on the site. Staff has added a condition to require an animal waste disposal plan prior to approval of any building permits to ensure animal waste will not be disposed of in the stormwater system. The proposal meets the Use Permit Requirements for distance from residential uses and a variance has been requested for non-residential adjacent uses.

VARIANCE CONSIDERATIONS

Article 22 of the Zoning Ordinance indicates the following are considerations in granting variances, of which only one has to be proven:

1. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,
2. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or,
3. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

The applicant is requesting four (4) concurrent variance as outlined below. The applicant has indicated that the variances being requested will be in harmony with the policy and intent of the Zoning Ordinance and will not only not result in any harm to the health, safety and welfare of the general.

1. Variance from Section 18.2.1 to reduce the required parking from 31 spaces to 19 spaces.

*Staff is of the opinion that the request to reduce the required number of parking spaces from 31 to 19 is not in harmony with the intent of the Zoning Ordinance. Also, size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance. Though the site plan indicates nineteen (19) parking spaces, only five (5) spaces can be counted as on-site parking. The eleven spaces on the north property line are not within the property boundaries of the subject property. Also, the Transportation Planner has indicated the angled parking spaces at the front conflict with driveway traffic. This will reduce the parking by a minimum of three more spaces. The applicant has suggested that the proposed use would operate more like a Day Care Center as it relates to parking. Thirteen (13) parking spaces would be required under the Day Care Center Parking requirement. Therefore, based on these reasons, the staff recommends **DENIAL** of this variance request.*

2. Variance from Section 12B.4 to delete the Main Street Overlay streetscape requirement.

*The City has funded Capital Improvement Project (CIP) T-0012 which will install streetscape improvements estimated for construction in summer 2013. Right-of-way required for the T-0012 has been acquired. Therefore, based on these reasons, the staff recommends **WITHDRAWAL** of this variance request.*

3. Variance from 19.4.24.B.1 to reduce the required lot size from 1 acre to .6530 acres (28,444.68 square feet).

*Staff is of the opinion that the reduction in lot size is not in harmony with the intent of the Zoning Ordinance. Also, size, shape and topography do not create a hardship in relation to the requested variances as defined by the City's Zoning Ordinance The Use Permit requires the minimum lot size as one (1) acre for an outside animal facility. The subject property is .6530 acres. The smaller lot size also reduces the distance the outdoor play areas are from the adjacent properties. Although, some of the adjacent uses are more intense use than the proposed use this does not create a hardship and does not make it in harmony with the Zoning Ordinance requirements. Therefore, based on these reasons, the staff recommends **DENIAL** of this variance request.*

4. Variance from 19.4.24.B.2 to reduce the location of building and run, sun area, exercise yards from 100 feet from all property lines to 30 feet.

Staff is of the opinion that reducing the exercise yards from 100 feet to 30 feet is not in harmony with the intent of the Zoning Ordinance. Also, size, shape and topography do not create a hardship in relation to the requested

variances as defined by the City's Zoning Ordinance The Use Permit requires that exercise yards be 100 feet from all property lines and 200 feet from single family residential properties. The application does meet the 200 feet from all residential properties with the closest single family property being approximately 350 feet. Although, some of the adjacent uses are more intense than the proposed use this does not create a hardship and does not make it in harmony with the Zoning Ordinance requirements. Therefore, based on these reasons, the staff recommends DENIAL of this variance request.

USE PERMIT CONSIDERATIONS

The applicant is requesting a use permit to allow an outside animal facility.

Per Article 19.2.4, *Use Permit Considerations*, the City Council shall consider each of the following:

- A. *Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;*

Finding: The staff is of the opinion that the proposed use is consistent with the intent of the future land use plan, which designates the property as Live Work Community (LWC) Node 9. The corresponding zoning for Live Work Community would be a MIX zoning classification. However, the proposed use, in combination with the surrounding use could justify a mixed use development. There is a verity of uses within Node 9. Without a property assemblage this site would be difficult to develop under the mixed use requirement which calls for a minimum of 10 acres.

- B. *Compatibility with land uses and zoning districts in the vicinity of the property for which the Use Permit is proposed;*

Finding: The staff is of the opinion the proposed use is compatible with the land uses and zoning districts within the vicinity of the property.

- C. *Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;*

Finding: The staff is of the opinion the proposed uses would not violate any local, state, and/or federal statutes, ordinances, or regulations.

- D. *The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets;*

Finding: The staff is of the opinion that the proposal will not result in a use that will cause an excessive or burdensome use of the existing infrastructure. The applicant is not proposing any changes to the building size or the parking area. The application did not meet the thresholds to require a traffic study.

- E. *The location and number of off-street parking spaces;*

Finding: The *Basic Off-street Parking Requirements* for the facility are as follows:

- Existing Building: 7,654 sqft X 4 per 1000(veterinary office)

The total parking required is 31 spaces, and the applicant is providing five (5) parking spaces. Though the site plan indicates nineteen (19) parking spaces, only five (5) spaces can be counted as on-site parking. The eleven spaces on the north property line are not within the property

boundaries of the subject property. Also, the Transportation Planner has indicated the angled parking spaces at the front conflicts with driveway traffic. This will reduce the parking by a minimum of three (3) more spaces.

F. *The amount and location of open space;*

Finding: The site currently has very little open space. The applicant is not proposing any changes to the site. Streetscape will be added through the City's T-0012 project. The applicant is proposing fencing in an area in the rear of the building for outside play areas. These areas will be covered with outdoor carpeting.

G. *Protective screening;*

Finding: The site currently does not have any protective screening. The applicant is not proposing to make any site changes to the property except for some building upgrades. The adjacent properties are zoned C-2 (Commercial District) to the north and west and C-1 (Community Business District) to the south and east. The outside play areas will provide screening along the fences.

H. *Hours and manner of operation;*

Finding: The standard/typical hours and manner of operation would be from 7:00 a.m. to 6:30 p.m. Monday through Friday and 8:00 a.m. through 3:00 p.m. on Saturday, with additional hours in the evening for obedience classes and events. All outdoor activity will cease by 8:00 p.m. daily.

I. *Outdoor lighting; and*

Finding: Any modification to or addition of outdoor lighting will be required to meet the minimum requirements of the zoning ordinance.

J. *Ingress and egress to the property.*

Finding: Ingress and egress to the property will not be modified as current ingress and egress to the property is adequate for the use and the proposed use thereof.

CONCLUSION TO FINDINGS

It is the opinion of the staff that the proposal is in conformity with the intent of the Comprehensive Plan Policies, as the proposal does meet the recommended mixture of uses within Node 9. However, the proposal does not meet the minimum requirements of the Use Permit. Additional, the applicant has requested that the application be withdrawn. Therefore, based on these reasons, the staff recommends WITHDRAWAL of this petition and the associated Use Permit and concurrent variances.

STAFF RECOMMENDED CONDITIONS

Should the Mayor and City Council decide to rezone the subject property from C-1 (Community Business District) to C-2 (Commercial District), the staff recommends the approval be subject to the following conditions. The applicant's agreement to these conditions would not change staff recommendations. These conditions shall prevail unless otherwise stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a Doggie Day Care in a 7,654 square foot building developed at a total density of 11,721.29 square feet per acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on March 12, 2013. Said site plan must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/operator shall submit an animal waste disposal plan prior to approval of any building permits said plan shall be subject to the approval of the Sandy Spring Stormwater Director.
 - b. Variance from Section 18.2.1 to reduce the required parking from 31 spaces to 19 spaces, subject to a shared parking agreement. (CV-201300353 #1)
 - c. Variance from 19.4.24.B.1 to reduce the required lot size from 1 acre to .6530 acres (28,444.68 square feet). (CV-201300353 #3)
 - d. Variance from 19.4.24.B.2 to reduce the location of building and run, sun area, exercise yards from 100 feet from all property lines to 30 feet. (CV-201300353 #4)

Attachments

- Letter of Withdrawal
- Letter of Intent
- Site Plan dated received March 12, 2013
- Letters of opposition
- All other supporting documentation will be available at the meeting

Abaray, Linda

RECEIVED

From: le_warren@centralbarkusa.com
Sent: Tuesday, April 09, 2013 4:43 PM
To: Abaray, Linda
Subject: Withdrawal of Rezoning Application

APR 09 2013

**City of Sandy Springs
Community Development**

Linda,

As we discussed on our telephone call, please withdraw our application for rezoning and concurrent variances for the real property located at 6445 Roswell Road.

Thank you and the rest of your staff for your attention to this file. We do apologize for any inconvenience this may have caused.

Thanks,
Lindsay



Lindsay A. Warren

Franchisee

Atlanta, Georgia

678-575-6846

Central Bark Doggy Day Care

Confidentiality Warning: This e-mail contains information intended only for the use of the individual or entity named above. If the reader of this e-mail is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, any dissemination, publication or copying of this e-mail is strictly prohibited. The sender does not accept any responsibility for any loss, disruption or damage to your data or computer system that may occur while using data contained in, or transmitted with, this e-mail. If you have received this e-mail in error, please immediately notify us by return e-mail. Thank you.

BayAmos, LLC d/b/a Central Bark Doggy Day Care Letter of Intent

6445 Roswell Road, Sandy Springs, Georgia 30328

Requested Rezoning:

The subject property located at 6445 Roswell Road, Sandy Springs, Georgia (the "Property") is currently zoned C-1. BayAmos, LLC d/b/a Central Bark Doggy Day Care ("Central Bark") is a full service doggy day care facility, including day care (with enclosed indoor and outdoor play areas), grooming, boarding, training, and retail services. In order to accommodate the outdoor play areas, Central Bark requests that the Property be rezoned to C-2 to accommodate the operation of a doggy day care facility with outdoor play areas in compliance with Article XIX, § 19.4.24.

Factual Details of Property:

The Property is situated on a lot that is 0.6530 acres large, with a single, 7,654 square foot building situated thereon. The Property is just south of Abernathy Road NW, adjacent to the southern border of the Toyota dealership on Roswell Road. Notably, the Toyota dealership is also zoned C-2, as are several neighboring lots on the west side of Roswell Road. The Property has been vacant for over a year, and was previously utilized as an antique store. Central Bark is petitioning to utilize the Property for a high-end, doggy day care facility. Central Bark intends to utilize the full 7,654 square foot building situated on the Property for indoor play areas, grooming, offices, kennels, and retail, as well as 4,690 square feet of outdoor space for outdoor play areas.

Central Bark will operate as part of the Barkley Ventures, Inc. ("BVI") franchise. BVI is a national doggy day care franchisor, with 27 locations in 6 states. (See www.centralbarkusa.com.) Central Bark provides a one-stop-shop for all pet care needs; including (but not limited to) day care services, grooming ("salon"), boarding ("sleepovers"), training, and retail services ("boutique"). In fact, Central Bark taps into nearly all of the pet industry categories, maximizing potential income to the business and convenience for its customers. Rather than forcing pets to spend their days isolated indoors or in crates, dogs enrolled in Central Bark's day care program will be socialized with their peers for the majority of the day, separated into groups by size and temperament in Central Bark's indoor/outdoor facility. Each Central Bark location provides socialization, stimulation, and exercise for dogs that many dog-owners simply cannot provide, focusing on the health and happiness of each individual dog, with the satisfaction of their owner/customer being the natural result of their pet's happiness.

The subject Property is ideal for Central Bark's use, offering ample space (both indoors and outdoors) for group play areas. Central Bark's commitment to high-end canine care and service will benefit customers, the community, and Central Bark alike. The colorful signage and clean, upscale finishes of Central Bark will be in stark contrast to the current state of the Property, and will serve to improve the overall look and feel of this portion of Roswell Road, furthering the overall goal of the City of Sandy Springs.

BayAmos, LLC d/b/a Central Bark Doggy Day Care
Letter of Intent

6445 Roswell Road, Sandy Springs, Georgia 30328

Central Bark will be open for day care from 7:00 a.m. – 6:30 p.m. Monday through Friday, and 8:00 a.m.- 3:00 p.m. on Saturdays, with additional hours in the evenings for obedience classes and events. All outdoor activity will cease by 8:00 p.m. daily.

For additional information, Central Bark's Business Plan (used primarily for financing purposes) is attached hereto as Composite Exhibit A.

Requested Use Permit:

Due to the unique nature of the business Central Bark operates, it does not currently fall under a permitted use for C-2 zoned facilities. However, Article XIX, Section 19.4.24(A) of the Sandy Springs Zoning Ordinance makes it clear that canine care facilities with outdoor space are required to be zoned C-2, M-1, or M-2. Accordingly, Central Bark respectfully requests that a "Canine Care Facility With Outdoor Space" be added to the permitted uses detailed in Article IX, Section 9.2.2(A) of the Sandy Springs Zoning Ordinance.

Requested Concurrent Variances:

In order to utilize the property for the proposed use as a canine care facility with outdoor space, Central Bark is seeking variances from Article XIX, Section 19.4.24(B)(1) (requiring the lot to be at least one acre large) and Article XIX, Section 19.4.24(B)(2) (requiring fencing to be set back at least one hundred feet from all property lines). Additionally, Central Bark is seeking to be categorized as a "day care" for purposes of Article XVIII, Section 18.2.1 (requiring 1.7 parking spaces per 1,000 square feet, plus one space per four employees on the largest shift), and requesting a waiver of the street scape requirement of Article XII-B, Section 12B.4.

- **Article XIX, Section 19.4.24(B)(1) and (B)(2): KENNEL OR OUTSIDE ANIMAL FACILITIES, STANDARDS** – Section 19.4.24(B)(1) requires that outdoor animal facilities be situated on a Lot that is a minimum of one (1) acre. Section 19.4.24(B)(2) requires that all facilities (including outdoor play areas) other than parking "shall be located at least one hundred (100) feet from all property lines" adjacent to commercial property.

As detailed in the site plan included in this application, the Property is situated on .6530 acres, a large portion of which is unutilized outdoor space. Because the Property is ideal for the proposed use as a doggy day care facility, Central Bark is seeking a variance of the one-acre lot requirement, allowing outdoor play areas on the subject .6530 acre lot. Additionally, because the size of the lot is .6530 acres, Central Bark cannot feasibly comply with the requirement that the play areas be set back 100 feet from all property lines. Instead, Central Bark is requesting that its proposed enclosure of 4,690 square feet of outdoor area be in full compliance with the standard 25-foot fencing setback requirement of C-2 properties, as delimited in Article IX, Section 9.2.3, and as depicted in Central Bark's enclosed

BayAmos, LLC d/b/a Central Bark Doggy Day Care Letter of Intent

6445 Roswell Road, Sandy Springs, Georgia 30328

Outdoor play areas are instrumental to the successful operation of a Central Bark facility. Dogs thrive in the outdoors, playing and exercising for hours. Central Bark will provide its customers with the opportunity to exercise in a supervised environment with dogs of similar size and temperament. Additionally, because the outdoors is the preferred “bathroom” for many dogs, having outdoor play areas is indispensable.

Central Bark’s 4,690 square feet of outdoor space will be divided into four separate play areas, divided by chain link fence (which is exceptionally durable), as well as vinyl covering to prevent public viewing of the dogs. The concrete within the play areas will be covered with AstroTurf, a more sanitary alternative to natural grass. Unlike natural grass, canine waste is easily cleaned off AstroTurf with a hose, simultaneously eliminating germs and smell. Moreover, because AstroTurf is so economical, at approximately \$0.25 per square foot, AstroTurf is easily replaceable if germs or smell accumulate.

Finally, to the extent the City of Sandy Springs may be concerned with potential noise as a result of the allowance of the outdoor play areas, attached hereto as Exhibit B is a Noise Impact Analysis conducted on a free-standing Central Bark location in Florida in 2004 (the “Noise Study”). In that instance, the proposed location was adjacent to an existing multi-family residential community. The purpose of the Noise Study was “to identify the potential noise impacts associated with the normal operational conditions of the Central Bark Facility during the daytime hours and to determine the magnitude of such noise impacts which may adversely influence the” surrounding neighborhood. In conjunction with the Noise Study, a series of field noise measurements were collected over a one-day period to determine the existing ambient field noise levels. In sum, the Noise Study concluded that the outdoor play area “does not appear to adversely impact the existing ambient noise levels [in the neighborhood]. Further, the character of the existing ambient noise levels at the facility under analysis appears to exceed the existing ambient noise levels associated with the dogs playing outside in some instances... The noise levels at the facility under analysis are characteristic of a commercial land use.” (See Ex. B, 5-3, 5-4, and 6-1)(emphasis supplied.)

Notably, the Property on Roswell Road is not adjacent to any residential communities, or within 400 feet of any residential community. Additionally, Central Bark will limit outdoor play groups to between 8:00 a.m. and 6:00 p.m. Monday through Friday, and 8:00 a.m. through 3:00 p.m. on Saturdays. There will be no outdoor play on Sundays. All outdoor activity (including obedience classes and special events) will cease no later than 8:00 p.m.

For all of the foregoing reasons, Central Bark requests that it be granted variances of Article 19.4.24(B)(1) and (2), allowing Central Bark to operate with outdoor areas on a .6530 acre lot with 25 foot setbacks from the property lines.

BayAmos, LLC d/b/a Central Bark Doggy Day Care
Letter of Intent

6445 Roswell Road, Sandy Springs, Georgia 30328

- **Article XVIII, Section 18.2.1: BASIC OFF STREET PARKING REQUIREMENTS** – Central Bark is also seeking to be qualified a “day care center” for purposes of Article XVIII, Section 18.2.1, requiring 1.7 off-street parking spaces per 1,000 square feet, plus one space per four employees on the largest shift. Due to the unique nature of Central Bark’s business, “doggy day care” is not specifically enumerated in Section 18.2.1, nor is any other similar use. Indeed, the closest category (as far as comparable traffic patterns are concerned) is a day care center.

Because of the structure of Central Bark’s business, Central Bark’s customers (the one’s with two legs that drive cars) do not spend large amounts of time in Central Bark’s facility. Most customers will spend 1-5 minutes dropping off or picking up their pet. In fact, three Central Bark facilities in Wisconsin collaborated to conduct a parking study to determine the traffic patterns. Attached hereto as **Exhibit C** is a parking study conducted by the Milwaukee location (average of 100 dogs per day), the North Milwaukee location (average of 50 dogs per day), and the Wauwatosa location (average of 75 dogs per day) during the prime drop-off/pick-up hours: 7:00 a.m. through 8:45 a.m., and 4:30 p.m. and 6:30 p.m. As evidenced in Exhibit C, at no time were there more than an average of **four** cars in the lot any given time.

As detailed in the site plan submitted with this application, the Property provides ample space for sixteen (16) full sized parking spots – more than enough to accommodate Central Bark’s customers and employees at all times. Accordingly, Central Bark requests that it be categorized as a “day care” for purposes of Article XVIII, Section 18.2.1, requiring 1.7 parking spaces per 1,000 square feet, plus one space per four employees on the largest shift.

- **Article XII-B, Section 12B.4: STREET SCAPE STANDARDS** – The Property is located north of Interstate-285, and south of Abernathy Road NW. Therefore, the Property falls within the Sandy Springs Overlay District. However, Central Bark’s proposed interior and/or exterior renovation fall well short of 40% of the Property’s most recent tax appraisal. In fact, in 2012 the Property was assessed at approximately \$975,000.00. Central Bark’s proposed interior and exterior improvements to the Property will cost a **maximum** of \$150,000 – less than 16% of the Property’s appraisal. Indeed, Central Bark will only be altering the existing building on the Property, and will not be constructing any new structures. Central Bark is only rezoning the Property to accommodate the proposed use. Under the circumstances, Central Bark respectfully requests that it be excused from compliance with Section 12B-4.

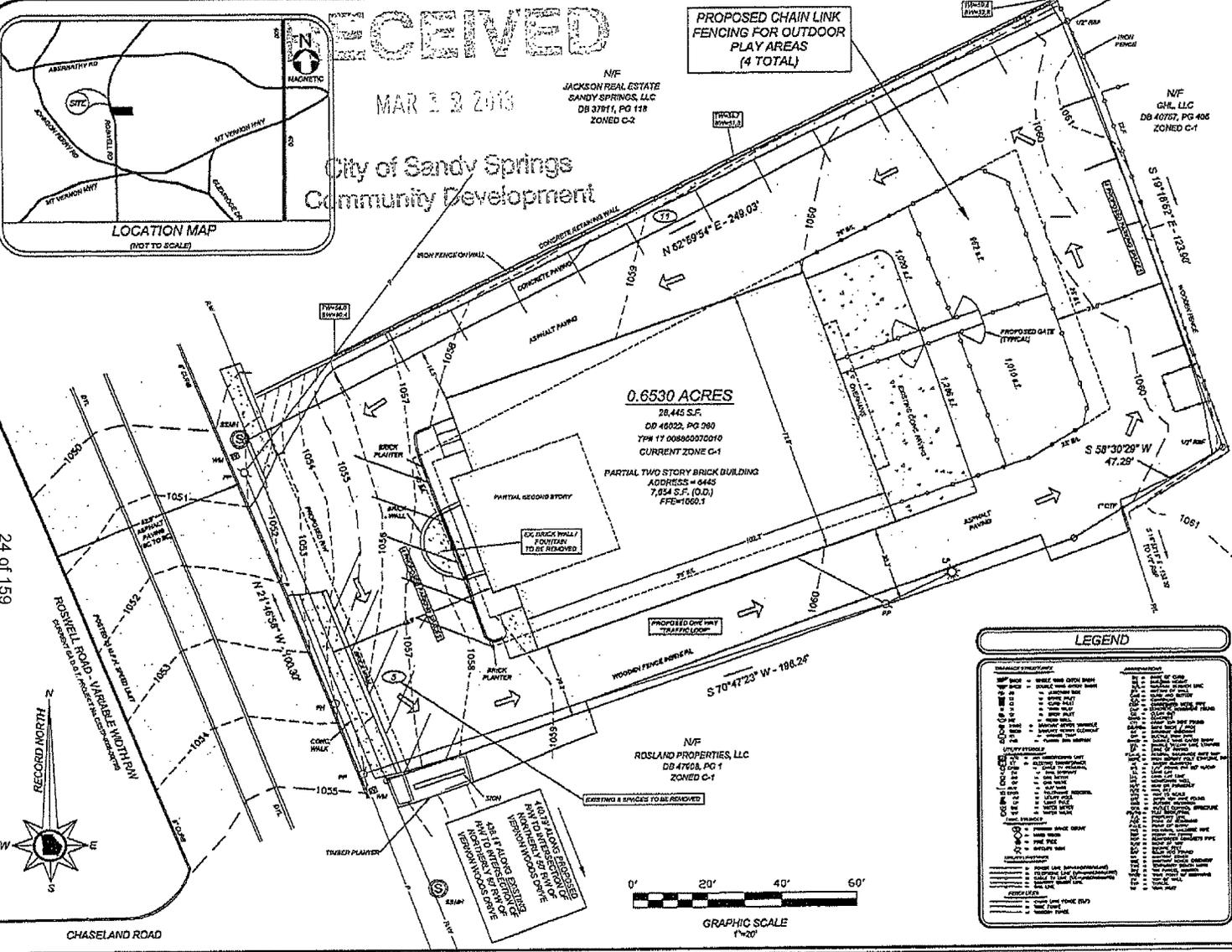
RECEIVED

MAR 3 2 2013

City of Sandy Springs
Community Development

N/F
JACKSON REAL ESTATE
SANDY SPRINGS, LLC
DB 3781, PG 118
ZONED C-2

PROPOSED CHAIN LINK
FENCING FOR OUTDOOR
PLAY AREAS
(4 TOTAL)



0.6530 ACRES
28,445 S.F.
DD 48022, PG 280
TYP 17 008800070010
CURRENT ZONE C-1

PARTIAL TWO STORY BRICK BUILDING
ADDRESS = 6445
7,834 S.F. (O.D.)
FFE=1660.1

N/F
ROSLAND PROPERTIES, LLC
DB 4762, PG 1
ZONED C-1

- NOTES:
1. REFERENCES FOR THE BOUNDARY INFORMATION EXHIBIT HEREIN WERE MADE TO DEED BOOK AND PAGE NO. OF FULL COUNTY RECORDS.
2. THE EAST BAY OF THE FIELD SURVEY WAS MEASURED ON 10/25/12.
3. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OF STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO GUARANTEE AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
4. NO ABSTRACT OF TITLE, TITLE COMMITMENT OR RESULTS OF TITLE SEARCHES WERE SUPPLIED TO THE SURVEYOR. THERE MAY BE OTHER MATTERS OF RECORD THAT AFFECT THIS PROPERTY.
5. THE PROPOSED RIGHT OF WAY FOR ROSWELL ROAD IS PLOTTED GRAPHICALLY HEREON PER SECTION 6.0 OF THE FULTON COUNTY PLATING ACT. THE DISTANCE THERE IS APPROXIMATELY 875 FT. PROPOSED OF RIGHT OF WAY DEDICATION.
6. THERE ARE NO PROPOSED STREETS ON THE SUBJECT SITE.
7. THE PROPOSED SPEED LIMIT ON ROSWELL ROAD IS 35 MPH.
8. BUILDING EXTRACT INFORMATION EXHIBIT HEREON IS FOR THE CITY OF SANDY SPRINGS ZONING ORDINANCE FOR COMMUNITY BUSINESS DISTRICT (C-1) ZONING CLASSIFICATION.
9. ALL BUILDING MEASUREMENTS AND SQUARE FOOTAGE DIMENSIONS FOR THE SUBJECT PROPERTY ARE OBTAINED FROM THE FULTON COUNTY GIS DEPARTMENT.
10. ALL EXISTING BUILDING DIMENSIONS AND SQUARE FOOTAGES WERE OBTAINED FROM THE FULTON COUNTY GIS DEPARTMENT.
11. THERE ARE NO PROPOSED BUILDINGS FOR THIS SITE.
12. THERE ARE NO PROPOSED LOT CHANGES OR RECONFIGURATIONS ASSOCIATED WITH THIS PLAN.
13. TOPOGRAPHIC INFORMATION SHOWN ON THE SUBJECT PROPERTY WAS FIELD RUN AND ORIENTED TO MEAN SEA LEVEL. THERE IS CONTIGUOUS INTERNAL COUSALS ONE FOOT. ALL TOPOGRAPHIC INFORMATION SHOWN ON ADJOINING SITES WAS OBTAINED FROM THE FULTON COUNTY GIS DEPARTMENT.
14. ONLY 1500V OVERHEAD ELECTRICAL LINES ARE SHOWN HEREON. OVERHEAD SERVICE LINES ARE NOT SHOWN. THERE ARE NO 1500V UNDERGROUND ELECTRIC OR PETROLEUM TRANSMISSION LINES OBSERVED.
15. THE SETBACKS FOR BOTH C-1 AND C-2 ARE AS FOLLOWS:
FRONT = 40'
SIDE = 10'
REAR = 25'
16. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS DESIGNATED ON FEMA COMMUNITY PANEL NO. 131501001E, DATED JUNE 22, 2005.
17. THERE ARE NO PROPOSED LANDSCAPE STRIPS OR BUFFERS ASSOCIATED WITH THIS PLAN.
18. THERE ARE 18 TOTAL EXISTING PARKING SPACES LOCATED ON THIS SITE AND 19 TOTAL PROPOSED PARKING SPACES.
19. THERE ARE NO LAKES, STREAMS OR OTHER WATERS ON THE SITE WHICH HAVE ANY ASSOCIATED BUFFERS.
20. THERE ARE NO PROPOSED VARIANCES TO STREAM BUFFERS ASSOCIATED WITH THIS PLAN.
21. THERE IS NO PROPOSED REDEVELOPMENT OR STORMWATER FACILITY ASSOCIATED WITH THIS PLAN.
22. THERE IS NO PROPOSED COMMUNITY MULTI-USE FACILITY OR AREAS RESERVED FOR SEPTIC DRAIN FIELDS ASSOCIATED WITH THIS PLAN.
23. SANITARY SEWER SYSTEM AND WATER LINE SYSTEM ARE CURRENTLY LOCATED WITHIN THE RIGHT OF WAY OF ROSWELL ROAD.
24. THERE ARE NO TREE LINES, WOODLANDS, OR OPEN FIELDS LOCATED ON THE SUBJECT SITE.
25. THERE ARE NO PROPOSED CHANGES TO THE EXISTING LINE OF SITE ALONG ROSWELL ROAD.
26. THERE ARE NO WETLANDS LOCATED ON SITE.
27. DEVELOPMENT STATISTICS SUMMARY:
-TOTAL AREA = 0.6530 AC. = 28,445 S.F.
-LOCATED = 7,834 S.F. = 27.5%
-COEXISTING PARKING SPACES = 18 TOTAL
-PROPOSED PARKING SPACES = 19 TOTAL
-SUPERFICIAL AREA 28,301 S.F. = 9.9%
-LANDSCAPING = 84 S.F. = 0.3%
-FLOODPLAIN = 0 S.F.
-UNDEVELOPED AREA = 0 S.F.

LEGEND
SYMBOLS AND DESCRIPTIONS for various features like easements, utility lines, and proposed structures.

CLOSURE STATEMENT
FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITHIN THE STATE OF GEORGIA TOTAL STATION.
THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.
THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE OF ONE FOOT IN 20,000 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY THE COLLAPSE METHOD.

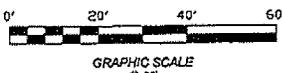
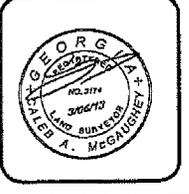


Table with columns: DATE, SCALE, ACREAGE, LAND LOTS, DISTRICT, CITY, COUNTY, STATE, SURVEYED, CHECKED, PROJECT R. Includes issue description: REVISED PER CLIENT COMMENTS.

CONCEPTUAL PLAN FOR:
BAY AMOS, LLC
d/b/a CENTRAL BARK DOGGY DAY CARE
0446 ROSWELL ROAD
LAND LOT 88, 17th DISTRICT, FULTON COUNTY, GEORGIA
TAX PARCEL No. 17 008800070010



GA LAND SURVEYOR, LLC
GALANDSURVEYOR.COM
404-384-9577
1870 SACKETTS DR.
LAWRENCEVILLE, GA 30043

SHEET 1 OF 1

MOUNT VERNON WOODS COMMUNITY ASSOCIATION, INC.

P.O. Box 28026, Sandy Springs, Ga., 30328

Dana R. Grantham, President

404-357-0144

drgrantham@comcast.net

March 28, 2013

Sandy Springs Zoning Board
c/o Linda Abaray, Senior Planner
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

Re: **Opposition to Zoning Modification/Variance Application No. 201300353**

Applicant: Lindsay Warren

Doggie Day Care Center, 6445 Roswell Road, Sandy Springs

Dear Zoning Board Members:

I am the current president of the Mt. Vernon Woods Community Association, Inc., the homeowners' association for the neighborhood located directly east (and behind) the proposed Doggie Day Care Center. Our governing board has authorized me to submit this formal opposition to each of the modifications/variances the applicant has applied for on behalf of the Doggie Day Care Center.

From our review of the documents submitted with the application, the proposal involves getting zoning variances to reduce the size of the required lot (from 1 acre to the actual .65) and setback requirements from 100 feet to 25 feet, and a change in zoning classification from C-1 to C-2. Two small medical buildings and a parking lot separate our neighborhood from the proposed location, but a number of our homes and our pool and tennis facilities are situated very close to the proposed location.

From the presentation that we heard on February 26, 2013 at the community zoning informational meeting, the current plan is to accommodate 60-75 dogs during the day (7:00 a.m. till 6:30 p.m.) with the use of four fenced outdoor play areas (in the rear facing us), each accommodating 15 dogs – so potentially 60 dogs outside at any one time. There will be extended hours in the evenings till 8:00 p.m. for obedience classes and other events. All outdoor activity is supposed to cease at 8 p.m. There will also be boarding services on

weekends for dogs that are enrolled in the daycare program, and events scheduled indoors and outdoors on Saturdays 8 a.m. – 3:00 p.m.

In addition to playing outdoors, the dogs will be using the outdoor area as a bathroom area, which will then be hosed off (to drain where, the applicants were not exactly sure). There is no waste removal system or plan currently in place. The only proposal we heard was to replace the astroturf covering the outdoor area when the smell gets too bad.

Our neighborhood has three chief concerns:

- 1) Bad precedent for zoning modifications
- 2) Environmental concerns
- 3) Noise

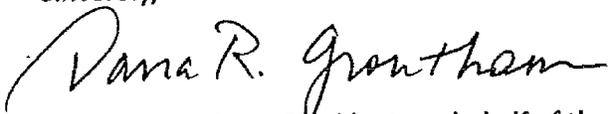
Approving the setback and acreage variances will set a precedent for similar requests and make it difficult to maintain Sandy Springs' overall vision for creating a vibrant and viable, yet pedestrian friendly, downtown area.

There is a detention pond located between our neighborhood and the medical buildings directly behind the proposed location, and a nearby stream. We have environmental concerns about unsanitary runoff from the endless supply of animal waste, an increase in flies, mosquitos, ticks, and other insects and parasites, including worms, as well as odors associated with such uncontained and uncontrolled contaminants.

We are also concerned about noise from barking dogs. The noise study that the applicants presented is almost ten years old, done on a facility in Florida that was next to a railroad line, a highway, and near a multi-use neighborhood. There was a limit of five dogs outside during the testing, so the data does not seem applicable to the current proposal. The detrimental impact barking dogs will have on the quiet enjoyment of our neighborhood and pool is potentially huge, especially if the doggie day care facility is permitted to be open in the early evenings and on Saturdays when our pool area is open, neighbors are out in their yards, and other are out enjoying the neighborhood.

For the reasons stated, we strongly oppose the Doggie Day Care application/request for zoning modifications and variances, and ask that the board deny the application.

Sincerely,



Dana R. Grantham, President, on behalf of the Mt. Vernon Woods Community Association, Inc.

The following individuals join us in opposing the application:

(Name, Address)

- Oliver Lopez 471 CARRIAGE DR.
- Ray W. M. Jensen 519 Carriage Dr. ACE
- Ch. Miller 6338 Cherry Tree Ln
- John Hockley 6346 Vernon Woods Dr
- Frank S. Roberts 450 BRIDGES CREEK TRL.
- Leopoldo Tan DeMack 530 Carriage Dr.
- John Spence 6495 Cherry Tree Ln
- Mark 6326 Vernon Woods Dr.
- Bill Smith 6487 Cherry Tree Lane
- Tom Smith 220 VERNON WOODS DRIVE
- Ann - Smith " "

Abaray, Linda

From: Chris Slingo <chrislingo@mac.com>
Sent: Wednesday, April 10, 2013 11:52 AM
To: Abaray, Linda
Cc: Sarah Peters (work)
Subject: Doggie Daycare, rezoning property on Roswell Road

RECEIVED
APR 10 2013
City of Sandy Springs
Community Development

Hi Linda,

My neighbor Jill Sanders, (email; jill.sanders1@comcast.net) has made me aware of alarming proposals to rezone a property on Roswell Road that might then be used to run a Doggie Daycare business.

Jill explained very well in an email she sent to you on 03/29/2013 all of our concerns regarding noise and pollution regarding the dogs.

I feel no need to explain this again but I wish you to know that through this email, there are two more voices in Mount Vernon Woods that are very concerned about these proposals.

Myself and my wife live at 6478 Cherry Tree Lane. The stream liable to pollution also runs through our property and our home is positioned even closer to Roswell Road than the house that Jill Sanders lives in. Obviously, our house will be even more exposed to the noise of dogs barking at the proposed site on Roswell Road.

Please add our names to the petition to block the rezoning. Thank you.

Respectfully

Chris and Sarah Slingo.
Tel. 904-685 2581

Abaray, Linda

From: Jill Sanders <jill.sanders1@comcast.net>
Sent: Friday, March 29, 2013 4:22 PM
To: Abaray, Linda
Cc: nita.vantil@gmail.com; AGDaviou@windstream.net; akritterskam@aol.com; kristinkchic@yahoo.com; lkskrebs@att.net; Jill Sanders; tgaribaldi@line.com; elizabeth.delmas@dodig.mil; charconnah@gmail.com; Jane & Fearn LaBan; Gordon Cope; Bruce Maclane; Jamie Dockter; ashleyannemcclure@yahoo.com; Bob Beard; Dana Grantham
Subject: Concerns about Doggie Daycare Appropriateness-of-Use

Hi Linda,

Per our conversation, this email summarizes my two concerns about the possible rezoning of the property on Roswell Road for use as a daycare for up to 75 dogs and overnight boarding facility for 30 dogs.

I live at 6487 Cherry Tree Lane, in Mount Vernon Woods, which is the subdivision just East of this property. Our neighborhood is constantly working to address zoning issues that affect us, and in my time as president of our neighborhood association, I learned that over 70 acres of surrounding property are designed to have storm water run-off diverted into the spring-fed stream that runs through our neighborhood, and right through the middle of my property.

As such, I am extremely concerned about the proposed plan to allow the daily urine from up to 60 dogs to flow across this business's parking lot and into the storm water drain, where in high likelihood, it will end up in our stream.

At least four times over the past 12 years, this stream has become polluted, turned black and stunk, due to either dumping into the stream by businesses along Roswell Road or problems with the sewer system. So it is not theoretical that the actions of a business on Roswell Road can have a huge negative impact on our stream. Also, as there are both red-tailed hawks and barred owls on my property because of this stream, so it needs to remain clean.

It is clear that if a business planned to have urinals empty into their parking lot and run into the storm water drains, this would not be allowed. Therefore it defies logic that the City of Sandy Springs would allow the urine of up to 60 dogs to be handled in this way.

I respectfully request that the property owner be required to build some type of effective drainage for the dog urine (and let's face it, there will be plenty of not-quite-solid waste included) that would use the city's sewer system for disposal, and not our neighborhood.

My second concern is about the noise. It is clear that there will be as many as 60 dogs barking outside during the day. The business owner is using a study related to decibel level to assure that this will not be a problem. However, I highly doubt that decibel level is the right factor to consider. From my home, and I work from my home during the day, if there are emergency vehicles on Roswell Road, I can hear their sirens clearly from inside my home. I am certain that the decibel level is probably low, but if they were to be present

from 9-noon and 2-5 pm every week day, I would be highly negatively impacted. In short, I am sure I would go nuts.

From my property, I have been able to clearly hear the voices from loud speakers used in the Service Department at the Toyota Dealership, and our neighborhood had to petition them to remove these speakers. So again, this is not just theoretical.

I don't know what remedy is even possible to address this, other than to deny the rezoning from C1 to C2, so that the dogs would need to stay indoors. But perhaps, that is the best way to address both of these potential issues and preserve the quality of life for residents of Mount Vernon Woods.

Respectfully,

Jill Sanders
6487 Cherry Tree Lane
Sandy Sorings, GA 30328
678-640-8878
jill.sanders1@comcast.net

Abaray, Linda

From: Albert Daviou <AGDaviou@windstream.net>
Sent: Friday, March 29, 2013 4:32 PM
To: Jill Sanders
Cc: Abaray, Linda; nita.vantil@gmail.com; akritterskam@aol.com; kristinkchic@yahoo.com; lkskrebs@att.net; tgaribaldi@line.com; elizabeth.delmas@dodig.mil; charconnah@gmail.com; Jane & Fearn LaBan; Gordon Cope; Bruce Maclane; Jamie Dockter; ashleyannemclure@yahoo.com; Bob Beard; Dana Grantham
Subject: Re: Concerns about Doggie Daycare Appropriateness-of-Use

I was unable to be at the meeting; my apologies. But having dealt with the issues related to Sandy Springs Toyota--the noise, the speeding customers on test drives, the threat to develop deep into our neighborhood--and their resistance to deal with the neighborhood as respectful neighbors, I see nothing but trouble from this dog business in the neighborhood. Our Dahlonga home has 1/2 mile from it a home with 20 dogs. It is not the loudness of the barking. It is the incessant irritant. And then there is the stream.... If Sandy Springs approves this, the reason for Sandy Springs, zoning, will have been defiled; lets go back to Fulton County.

Albert G. Daviou
On Mar 29, 2013, at 4:21 PM, Jill Sanders wrote:

Hi Linda,

Per our conversation, this email summarizes my two concerns about the possible rezoning of the property on Roswell Road for use as a daycare for up to 75 dogs and overnight boarding facility for 30 dogs.

I live at 6487 Cherry Tree Lane, in Mount Vernon Woods, which is the subdivision just East of this property. Our neighborhood is constantly working to address zoning issues that affect us, and in my time as president of our neighborhood association, I learned that over 70 acres of surrounding property are designed to have storm water run-off diverted into the spring-fed stream that runs through our neighborhood, and right through the middle of my property.

As such, I am extremely concerned about the proposed plan to allow the daily urine from up to 60 dogs to flow across this business's parking lot and into the storm water drain, where in high likelihood, it will end up in our stream.

At least four times over the past 12 years, this stream has become polluted, turned black and stunk, due to either dumping into the stream by businesses along Roswell Road or problems with the sewer system. So it is not theoretical that the actions of a business on Roswell Road can have a huge negative impact on our stream. Also, as there are both red-tailed hawks and barred owls on my property because of this stream, so it needs to remain clean.

It is clear that if a business planned to have urinals empty into their parking lot and run into the storm water drains, this would not be allowed. Therefore it defies logic that the City of Sandy Springs would allow the urine of up to 60 dogs to be handled in this way.

I respectfully request that the property owner be required to build some type of effective drainage for the dog urine (and let's face it, there will be plenty of not-quite-solid waste included) that would use the city's sewer system for disposal, and not our neighborhood.

My second concern is about the noise. It is clear that there will be as many as 60 dogs barking outside during the day. The business owner is using a study related to decibel level to assure that this will not be a problem. However, I highly doubt that decibel level is the right factor to consider. From my home, and I work from my home during the day, if there are emergency vehicles on Roswell Road, I can hear their sirens clearly from inside my home. I am certain that the decibel level is probably low, but if they were to be present from 9-noon and 2-5 pm every week day, I would be highly negatively impacted. In short, I am sure I would go nuts.

From my property, I have been able to clearly hear the voices from loud speakers used in the Service Department at the Toyota Dealership, and our neighborhood had to petition them to remove these speakers. So again, this is not just theoretical.

I don't know what remedy is even possible to address this, other than to deny the rezoning from C1 to C2, so that the dogs would need to stay indoors. But perhaps, that is the best way to address both of these potential issues and preserve the quality of life for residents of Mount Vernon Woods.

Respectfully,

Jill Sanders
6487 Cherry Tree Lane
Sandy Sorings, GA 30328
678-640-8878
jill.sanders1@comcast.net

Abaray, Linda

From: Bob Beard <bob.beard@focusbankers.com>
Sent: Friday, March 29, 2013 5:25 PM
To: Jill Sanders
Cc: Abaray, Linda; nita.vantil@gmail.com; AGDaviou@windstream.net; akritterskam@aol.com; kristinkchic@yahoo.com; lkskrebs@att.net; Jill Sanders; tgaribaldi@line.com; elizabeth.delmas@dodig.mil; charconnah@gmail.com; Jane & Fearn LaBan; Gordon Cope; Bruce MacLane; Jamie Dockter; ashleyannemcclure@yahoo.com; Dana Grantham
Subject: Re: Concerns about Doggie Daycare Appropriateness-of-Use

Linda,

Thanks for your help last night. Please review the following and see what your thoughts are. My read is there is no way they can't say that 4 dogs wouldn't be in there for two weeks unless they stipulate as such in their contracts. There appears to be a lot of discretion on what you can and cannot approve and a lot of issues they have to address. Also seems the boarding requirements for a vet (The Emples) are inconsistent with what these folks think they can do, particularly the waste disposal/run off issues. That can be remedied through some of the discretion the city has in this ordinance

http://www.municode.com/Library#/GA/Sandy_Springs/Code_of_Ordinances/SPAGEOR_CH10AN_ARTIIN_GE_S10-3ENCH

Thanks again.

Bob

Robert G. Beard
Managing Director
FOCUS LLC
Atlanta Financial Center
3353 Peachtree Road, NE
Suite 1160
Atlanta, GA 30326
(404) 963-8256 phone
(404) 557-1045 cell
(404) 393-5825 fax
www.focusbankers.com

CONFIDENTIALITY NOTICE: The information contained in this electronic mail transmission and any attachments is confidential and may contain privileged, proprietary, or otherwise private information. This information is intended for the exclusive use of the addressee(s). If you have received this communication in error, please notify us immediately by replying to this message. If you are not the intended recipient (or responsible for delivery of the message to such person), please be advised that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. Please advise us immediately if you or your employer does not consent to electronic mail for messages of this kind. All e-mail sent to this address will be processed by a corporate e-mail system, and is subject to archiving and review by someone other than the recipient. The sender of this electronic mail does not accept liability for any errors or omissions in the contents of this message which arise as a result of transmission circumstances. No employee or agent is authorized to conclude any binding agreement on behalf of the Company without express written confirmation by an executive officer of the Company.

On Mar 29, 2013, at 4:21 PM, "Jill Sanders" <jill.sanders1@comcast.net> wrote:

Hi Linda,

Per our conversation, this email summarizes my two concerns about the possible rezoning of the property on Roswell Road for use as a daycare for up to 75 dogs and overnight boarding facility for 30 dogs.

I live at 6487 Cherry Tree Lane, in Mount Vernon Woods, which is the subdivision just East of this property. Our neighborhood is constantly working to address zoning issues that affect us, and in my time as president of our neighborhood association, I learned that over 70 acres of surrounding property are designed to have storm water run-off diverted into the spring-fed stream that runs through our neighborhood, and right through the middle of my property.

As such, I am extremely concerned about the proposed plan to allow the daily urine from up to 60 dogs to flow across this business's parking lot and into the storm water drain, where in high likelihood, it will end up in our stream.

At least four times over the past 12 years, this stream has become polluted, turned black and stunk, due to either dumping into the stream by businesses along Roswell Road or problems with the sewer system. So it is not theoretical that the actions of a business on Roswell Road can have a huge negative impact on our stream. Also, as there are both red-tailed hawks and barred owls on my property because of this stream, so it needs to remain clean.

It is clear that if a business planned to have urinals empty into their parking lot and run into the storm water drains, this would not be allowed. Therefore it defies logic that the City of Sandy Springs would allow the urine of up to 60 dogs to be handled in this way.

I respectfully request that the property owner be required to build some type of effective drainage for the dog urine (and let's face it, there will be plenty of not-quite-solid waste included) that would use the city's sewer system for disposal, and not our neighborhood.

My second concern is about the noise. It is clear that there will be as many as 60 dogs barking outside during the day. The business owner is using a study related to decibel level to assure that this will not be a problem. However, I highly doubt that decibel level is the right factor to consider. From my home, and I work from my home during the day, if there are emergency vehicles on Roswell Road, I can hear their sirens clearly from inside my home. I am certain that the decibel level is probably low, but if they were to be present from 9-noon and 2-5 pm every week day, I would be highly negatively impacted. In short, I am sure I would go nuts.

From my property, I have been able to clearly hear the voices from loud speakers used in the Service Department at the Toyota Dealership, and our neighborhood had to petition them to remove these speakers. So again, this is not just theoretical.

I don't know what remedy is even possible to address this, other than to deny the rezoning from C1 to C2, so that the dogs would need to stay indoors. But perhaps, that is the best way to address both of these potential issues and preserve the quality of life for residents of Mount Vernon Woods.

Respectfully,

Jill Sanders
6487 Cherry Tree Lane
Sandy Sorings, GA 30328
678-640-8878
jill.sanders1@comcast.net