COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Elizabeth Whitlock / Dennis Dutton
Meeting Date:	Wednesday, November 7, 2012	Type of Request:	New Business

Wording for the Agenda:

Mrs. Elizabeth Whitlock requests the Board's consideration to amend Fayette County's Zoning Ordinance as it relates to pet grooming in the O-I (Office-Institutional) Zoning District.

Background/History/Details:

Mrs. Elizabeth Whitlock owns a rental property at the intersection of Georgia Highway 54 and Sumner Road, and this property is 1.3 acres and is near Peachtree City's border. Previous uses of this property have been a real estate business, a day care for the handicapped and the Fayette Care Clinic. A potential renter of the property wishes to locate a dog grooming establishment at the property.

Mrs. Whitlock's property is zoned O-I (Office-Institutional), and as such, it does not allow for dog or pet grooming. In Mrs. Whitlock's letter for consideration, she believes that a dog grooming service is very similar to both a veterinary clinic and a beauty salon.

Beauty salons are Permitted Principal Uses and Structures for Office Parks with at least 100,000 square feet, and they are also allowed in the SR 74 North East Side Special Development District. Animal hospitals and veterinary clinics are also permitted in O-I Zoning provided that all conditions specified in Article VII are met.

What action are you seeking from the Board of Commissioners?

No action is sought at this time. Staff is seeking direction for the Board on how to proceed with this request.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

October 24, 2012

The Zoning Board,
Fayette County, Georgia

Dear Members,

I own a rental property at [redacted] Fayetteville, Georgia. It is at the intersection of Highway 54 and Sumner Road. Since I have owned the property, I have rented to a real estate business, and day care center of the handicapped, and the Fayette Care Clinic. I have been approached by an established business which has been located in Peachtree City, in an O&I location. It is a dog grooming business.

Phoning the Zoning Department this morning, I learned that my property is not zoned specifically for this type of business. I read the ordinance and learned that although the property is zoned for a veterinary office or for a beauty shop, a dog grooming establishment is not on the list. It seems to me that a Vet practice is very similar, as is a beauty shop.

The property in question is a standalone building, accommodating only one business, and it has adequate parking offset from the road and highway. There are other businesses that I could lease to that would have more traffic and be much more visible at this intersection.

I would be very grateful if the board would consider amending the Office and Institutional zoning to include dog grooming. Please at least allow me to present this petition to the board at their next meeting.

Thank you for your consideration.

Sincerely,

Elizabeth Whitlock

Elizabeth Whitlock

Sec. 6-18. O-I, Office-Institutional District.

A. *Description of District.* This district is composed of certain lands and structures having office and institutional uses which are compatible with or provide a transition into low-intensity land uses.

B. *Permitted Principal Uses and Structures.* The following Permitted Uses shall be allowed in the O-I Zoning District:

1. Office;
2. Art gallery;
3. Bank and/or financial institution;
4. College and/or university, including classrooms and/or administration only;
5. Educational/instructional/tutorial facilities, including, but not limited to: academic, art, computer, dance, driving and/or DUI, martial arts, music, professional/business/trade, and similar facilities;
6. Health club and/or fitness center;
7. Insurance carrier, agent, and/or broker;
8. Laboratory, medical, and/or dental;
9. Legal services;
10. Massage therapy (see also County Code);
11. Medical/dental office (human treatment); (Amended 05/24/12)
12. Military recruiting office;
13. Museum;
14. Performing arts theater;
15. Private School, including classrooms and/or administration only;
16. Professional services, including, but not limited to: accounting; advertising and marketing research services; architectural firms; bookkeeping, tax preparation; brokerage firms; computer system software design; consulting services; engineering firms; internet and web hosting firms; payroll services; photographic services; research services; specialized design services; telemarketing; and translation and interpretation services; and
17. Real estate agent and/or broker.

C. *Permitted Principal Uses and Structures for Office Parks with at least 100,000 square feet of floor area.* In an office park having at least 100,000 square feet of floor area, the following retail and service uses shall be permitted as long as collectively such uses comprise no more than 10 percent of the total floor area, are located in a building in which office uses comprise at least 50 percent of the floor area and have no exterior advertising display:

1. Beauty and/or Barber Shop;
2. Blueprinting;
3. Cafeteria;
4. Commercial art and/or drafting service;
5. Day care facility;
6. Delivery and/or messenger service;
7. Drug store;
8. Florist;
9. Gift shop;
10. Photocopying and/or reproduction;
11. Restaurant (limited to five [5] percent of total floor area of office park and included in overall ten [10] percent limitation);

12. Stenographic and/or typing service;
13. Teleconferencing center; and
14. Travel agency and/or ticket office.

D. *Conditional Uses*. The following Conditional Uses shall be allowed in the O-I Zoning District provided that all conditions specified in Article VII. Conditional Uses, Nonconformances, Transportation Corridor Overlay Zone, and Commercial Development Standards are met:

1. Adult Day Care Facility;
2. Animal Hospital and/or Veterinary Clinic (with no animal boarding or outdoor runs);
3. Care Home, Convalescent Center, and/or Nursing Home;
4. Church and/or other Place of Worship;
5. College and/or University, including, but not limited to: classrooms, administration, housing, athletic fields, gymnasium, and stadium;
6. Day Care Facility (Nursery School);
7. Home Occupation;
8. Hospital;
9. Hotel and/or Bed and Breakfast;
10. Non-Emergency Medical Transport Service;
11. Private School, including, but not limited to: classrooms, administration, playground, housing, athletic fields, gymnasium, and stadium;
12. Religious Tent Meeting; and
13. Single-Family Residence and accessory structures and/or uses (see Article V.).

E. *Auxiliary Conditional Uses for an Office Building with a minimum of 10,000 square feet of floor area*. The following auxiliary permitted uses shall be allowed within the area with a land use designation of Office as indicated on the Fayette County Future Land Use Plan map defined as that area north of S.R. 54 West, east of Tyrone Road, and west of Sandy Creek Road. This area shall also be known as the Fayette County Community Hospital District (Hospital District.) Such uses will support and shall be compatible with the Fayette County Community Hospital, the medical industry, and the development of the office and institutional uses planned for this area.

1. *Uses*.

   The following Auxiliary Conditional Uses shall be allowed in the O-I Zoning District:

   a. Durable Medical and Rehabilitation Equipment Sales/Rental (i.e. wheelchairs, crutches, etc.);
   b. Pharmaceutical Sales (for the purpose of filling prescriptions only);
   c. Counter Service Restaurants, including but not limited to: a bakery, café, coffee shop, or deli. No drive-thru, drive-in, or free standing facilities shall be allowed;
   d. Optical Care Center to include prescription eyeglass/contact lens sales;
   e. Gift Shop for the sale of items usually associated with a medical condition and/or hospital stay (i.e. get well cards, etc.); and
   f. Floral Sales.

2. *Auxiliary Conditional Use Limitations*
   a. These Auxiliary Conditional Uses shall be allowed in an office building with a minimum of 10,000 square feet and such uses shall comprise no more than a total of 20 percent of the total floor area of the building and shall occupy space on the first floor of the building.
   b. Multiple uses may be permitted concurrently, but may not exceed the 20 percent limitation.
3. *Architectural Requirements*
   a. Architecture shall conform to the existing hospital/medical office development. The architectural standards of the Transportation Corridor Overlay Zone shall not apply.
   b. Elevation drawings shall be submitted as part of site plan approval.

F. *Dimensional Requirements*. The minimum dimensional requirements in the O-I Zoning District shall be as follows:
1. *Lot area*:
   a. Where a central water distribution system is provided: 43,560 square feet (one [1] acre)
   b. Where central sanitary sewage and central water distribution systems are provided: 21,780 square feet (one-half [.50] acre)
2. *Lot width*: 125 feet
3. Outside storage shall not be permitted.
4. *Setbacks, yards adjoining rights-of-way*:
   a. *Major thoroughfare*:
      i. *Arterial*: 75 feet
      ii. *Collector*: 70 feet
   b. *Minor thoroughfare*: 55 feet
5. *Setbacks, yards not adjoining rights-of-way*:
   a. *Side yard*: 15 feet
   b. *Rear yard*: 15 feet
6. *Buffer*: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.
7. *Height limit*:
   a. 40 feet as defined in Article III.
   b. When a structure reaches a minimum height of four (4) floors (including basements), it shall be sprinkled.
8. *Use of Existing Structure*: When property containing legally conforming structures, under the current zoning, is rezoned to O-I, the dimensional requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legal nonconforming structures.
9. *Lot coverage limit, including structure and parking area*: 60 percent of total lot area

G. *SR 74 North - East Side Special Development District.* The following will apply to the area identified in the Fayette County Comprehensive Plan, SR 74 North Overlay District on the east side of SR 74 North and designated as Special Development District and Office on the Fayette County Future Land Use Plan Map. The purpose of this Special Development District is to promote planned office development along the frontage of SR 74 North to a depth of approximately 800 feet to fulfill the stated goals for the future

development of the corridor. The goals of the SR 74 North Overlay District are: (1) to maintain the efficient traffic flow of SR 74 North as the County's main connection to Interstate 85; (2) to enhance and maintain the aesthetic qualities of the corridor, as it is the gateway into Fayette County; and (3) to protect existing and future residential areas in the SR 74 North corridor.

The assemblage of parcels will be necessary in some areas to meet the intent of the Special Development District. The minimum requirements for acreage and road frontage will necessitate large tracts of land to achieve a reduction in individual curb cuts, consistency and coordination in architectural scheme, and capacity to develop a required service road where applicable.

1. In a planned office development consisting of a minimum of 10 acres and 600 feet of road frontage on SR 74 North, a maximum of 20 percent of the floor area of each individual building may consist of businesses providing support services for the larger development. Permitted support service uses include:
    a. Restaurants (no drive-through, drive-in, or free standing facilities shall be allowed);
    b. Personal services, including, but not limited to: alterations; barber shop; beauty salon; clothing/costume rentals; electrolysis and/or hair removal; laundry drop-off/pick-up; locksmith; nail salon; photography studio; shoe repair; and tanning salon;
    c. Convenience store (no gasoline sales);
    d. Blueprinting, graphic, and/or copying service;
    e. Office and/or computer sales and/or service; and
    f. Cellular phone/communication device sales and/or service.