

Mayor Bacon recognized Mr. Corey, and Mr. Corey introduced Deputy Chief Brown and Lt. Hegwood to those present. Deputy Chief Brown stated that Lt. William Hegwood is being recognized as *Employee of the Month*, and provided details to those present regarding the judicious, tactful and constructive manner in which Lt. Hegwood responded to a recent complaint involving a juvenile subject. Deputy Chief Brown commented favorably on Lt. Hegwood's professionalism, and stated that Lt. Hegwood knows when to be assertive and when to show compassion. Mr. Corey expressed appreciation to Lt. Hegwood for his service to the community.

LAND ISSUES/ZONINGS/ANNEXATIONS:

- (A) Public Hearing - Variance Request V05-014 – Reduction in Front Yard Setback – 961 Oakview Drive – Harold Killingsworth

Mr. Wright stated the applicant previously added a covered porch addition to the front of his residence, and that the porch is located approximately 23' from the front property line. Mr. Wright stated staff recommends approval of a variance to reduce the front yard setback from 35' to 20' at 961 Oakview Drive for the existing front porch.

Honorary Mayor Munive stated this is a public hearing and asked for public comment. There was none.

At Council Member McNabb's request, Mr. Killingsworth provided details to those present concerning the necessity of the front porch and the variance to allow for it.

MOTION: Council Member McNabb made a motion to approve Variance Request V05-014 for a reduction in front yard setback at 961 Oakview Drive for Harold Killingsworth with the stipulation that the subject porch undergo inspection by qualified City personnel to make certain the porch is structurally adequate. The motion was seconded by Council Member Newcomb. Motion was approved 7 – 0.

- (B) Annexation and Variance Requests – 1753 and 1763 Spring Street – Ted Jones and Michael Good

- (1) Public Hearing – Variance Request V05-018 – Veterinary Clinic within 200' of Residence – 1753 Spring Street – Avesta, Inc.

Mr. Wright stated the applicant is seeking to annex the subject property in conjunction with a proposed change from a professional office to a veterinary clinic. Mr. Wright stated that, because the applicant is seeking to operate a veterinary clinic less than 200' from residential property, a variance is required and has been requested. Mr. Wright stated staff recommends approval of the requested variance provided structural changes are limited to the soundproofing of the existing garage and no outside dog runs are installed.

Honorary Mayor Munive recognized Mr. Jones and Dr. Good.

Honorary Mayor Munive stated this is a public hearing and asked for public comment, and the oath was administered to several persons by Mr. Cochran.

At Council Member Scoggins' request, Mr. Jones provided details to those present concerning the plans for use of the subject property. Mr. Jones stated there is a deed restriction on the subject property disallowing dog runs. Council Member McNabb asked if the referenced deed restriction

animals. Council Member McNabb asked Dr. Good if attaching a stipulation to the variances limiting the total number of animals allowed outdoors at any one time to just one animal would create any hardship for the proposed animal care operations, and Dr. Good said such a stipulation will be acceptable. Dr. Good stated that cats which are boarded are generally not taken outdoors.

Honorary Mayor Munive recognized Dr. Roxanne Levinson, and Dr. Levinson provided details to those present concerning a complaint of non-compliance with zoning regulations which was filed with Cobb County against Pet Spa. Dr. Levinson stated she has found no evidence that a boarding license has been issued for Pet Spa. Dr. Levinson stated that regulations for animal boarding facilities are in place for the protection of animals. Council Member Scoggins asked Dr. Levinson to comment on the City's regulations governing veterinary facilities. Dr. Levinson stated the veterinarians and animal care providers in the City are not allowed to have outside run areas where animals are kept. Dr. Levinson stated that this provision allows better control of temperature, animal monitoring, noise attenuation, parasite prevention, proper waste disposal, disease control and other factors. Mayor Bacon stated that the subject property is an unincorporated island, and it would be better to have it annexed into the City. Mayor Bacon stated that if Dr. Good operates any type of animal care facility in the City, then Dr. Good will be required to be in compliance with pertinent regulations.

Honorary Mayor Munive recognized Ms. Jamie Shoff (phonetic), and Ms. Shoff provided details to those present concerning the facilities at Pet Spa. Ms. Shoff stated that she has been told by employees at Pet Spa that loud and troublesome animals in their care are placed outdoors. Ms. Shoff stated she believes Dr. Good has violated County codes at some of his other pet care facilities, and that she further believes he will not operate a reputable pet care facility in Smyrna. Ms. Shoff stated that a foul odor is discernible in the area of the Pet Spa. Ms. Shoff stated she is opposed to the proposed operation of a veterinary clinic and grooming facility in the subject area.

Mr. Jones stated he has never noticed any noise problems associated with the grooming facility.

Honorary Mayor Munive recognized Ms. Jennifer Pinto, residing at 2976 Anderson Circle, and Ms. Pinto stated she has lived near a pet care facility before. Ms. Pinto stated that she recalls a considerable amount of noise associated with the pet care facility near that former residence. Ms. Pinto expressed concern about the close proximity of a pet care facility to residential property the proposed variance will permit. Ms. Pinto stated she does not believe any type of pet care facility will fit in well in the subject area.

Honorary Mayor Munive recognized Ms. Paula Kraemer, residing at 1551 Walker Street, and Ms. Kraemer commented favorably on Dr. Good's professionalism. Ms. Kraemer stated she believes any pet care facility operated by Dr. Good would be an asset to the community.

Honorary Mayor Munive recognized Ms. Florence Haynes (phonetic), and Ms. Haynes stated she operates a pet care facility in Cobb County, and provided details to those present regarding County requirements for the operation of such facilities.

Honorary Mayor Munive recognized Ms. Cynthia Starm (phonetic), and Ms. Starm stated she has made inquiry at Pet Spa before regarding the type of pet care service they provide. Ms. Starm stated a staff member at Pet Spa said numerous dogs are placed outdoors together for a period of time. Ms. Starm stated she observed a considerable amount of animal waste on the ground outside the subject facility. Ms. Starm expressed the view that the Pet Spa could be a risk to the community.

MOTION: Council Member Scoggins made a motion to approve Variance Request V05-018 for a veterinary clinic within 200' of residential property at 1753 Spring Street for Avesta, Inc. subject to the stipulation that a deed restriction is attached to the subject property disallowing outdoor runs at the subject property, with an additional stipulation limiting the variance to the use of the existing structure and to the life of the existing structure on the subject property. The motion was seconded by Council Member McNabb. Council Member Newcomb stated he will support the motion because he believes the current and future pet care facilities at the subject location can be better monitored by the City. Council Member Lnenicka stated he will support the motion because he believes the City can exercise greater control over the subject property. Council Member Lnenicka stated that operators of businesses in the City which sell alcoholic beverages have previously participated in committees which have been able to formulate useful recommendations for improving City ordinances regulating alcoholic beverage sales. Council Member Lnenicka expressed the view that convening another committee under the aegis of the Police Committee comprised of veterinary clinic operators could similarly generate beneficial ideas for improving animal control ordinances. Council Member Lnenicka stated the County is presently reviewing possible revisions to the County animal control ordinances and that he has asked members of the City police department to obtain copies of this revised information. Mayor Bacon stated there are other veterinary clinics in the City which abut residential property. Motion was approved 7 – 0.

(b) Variance Request V05-019 – Existing Pet Care Facility within 200' of Residence – 1763 Spring Street – Pet Spa

MOTION: Council Member Scoggins made a motion to approve Variance Request V05-019 for an existing pet care facility within 200' of residential property at 1763 Spring Street for Pet Spa subject to a stipulation limiting the variance to the current use of the existing structure and to the life of the existing structure on the subject property. Council Member McNabb stated further stipulations requiring removal of chain link fencing at the subject property to prevent dogs from being kept outdoors and a requirement for dogs to be taken outdoors singly will also be conditions of the variance. Council Member McNabb stated that a chain link structure will be permitted along the interior perimeter of the 8' privacy fence for security purposes. Dr. Good stated he will need an outdoor canopy to protect animals from inclement weather when they are taken outside, and Council Member Lnenicka directed Dr. Good to consult with Mr. Miller regarding this request. Council Member Scoggins asked Dr. Good if he is agreeable to the stipulations, and Dr. Good answered in the affirmative. The motion was seconded by Council Member Lnenicka. Motion was approved 7 – 0.

(C) Public Hearing - Rezoning Request Z05-006 – R-15 to RAD Conditional – 4.4 Acre Tract – Church Road – Church Road Partners, LLC

Mr. Wright stated Church Road Partners, LLC is proposing to rezone a 4.4 acre parcel to accommodate 13 single-family residences at a density of 2.95 units per acre. Mr. Wright stated the Planning and Zoning Board (PZB) voted to recommend approval for fifteen residences at the April meeting. Mr. Wright stated staff recommends approval of the rezoning for 13 units subject to a number of conditions.

Honorary Mayor Munive stated this is a public hearing and asked for public comment. There was none.

Council Member Smith recognized Mr. Garvis Sams, an attorney representing the applicant, and at Council Member Smith's request, Mr. Sams provided details to those present concerning the