



Legislation Details (With Text)

**File #:** 2023-0071    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Preliminary Item

**File created:** 1/9/2023    **In control:** Board of Commissioners - Zoning Meeting

**On agenda:** 3/30/2023    **Final action:**

**Title:** COMMISSION DISTRICT(S): Commission District 05 Super District 07  
Application of Celina Lane c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow for a dog daycare business within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.

**Indexes:**

**Attachments:** 1. SLUP-23-1246250 Recommended Conditions, 2. SLUP-1246250 March BOC 2023 Staff Report 1807 Memorial Dr

Date	Ver.	Action By	Action	Result
3/30/2023	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
3/7/2023	1	Planning Commission	approved with conditions per staff recommendation	Pass

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): Commission District 05 Super District 07**  
**Application of Celina Lane c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow for a dog daycare business within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.**

**PETITION NO: N8-2023-0071 SLUP-23-1246250**

**PROPOSED USE:** Dog daycare.

**LOCATION:** 1807 Memorial Drive, Atlanta, Georgia 30317.

**PARCEL NO. :** 15-179-08-001

**INFO. CONTACT:** Andrea Folgherait, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Celina Lane c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow for a dog daycare business within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district. The property is located on the south side of Memorial Drive, the east side of Wilkinson Drive, and the west side of Warren Street, at 1807 Memorial Drive, Atlanta, Georgia. The property has approximately 48 feet of frontage along Memorial Drive, 490 feet of frontage along Warren Street, 850 feet of frontage along Wilkinson Drive and contains 10.89 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval.

**PLANNING COMMISSION:** Approval with a Condition.

**PLANNING STAFF:** Approval with one (1) Condition.

**STAFF ANALYSIS:** The applicant, Celina Lane c/o Battle Law, is proposing to use a portion of space (Suite B) at 1807 Memorial Drive for a dog daycare facility “Camp Bow Wow”. Suite (B) is within the Parkview Plaza building. The property owner, Ivy School, is seeking to lease space to the Applicant to be used for the proposed dog daycare facility. The applicant is requesting a Special Land Use Permit (SLUP) to allow for a dog daycare business in the MU-4 (Mixed Use-4) zoning district. A SLUP is required for this type of business in MU-4 zoning district and grooming is permitted as an accessory use. The applicant has also filed a companion case to request a major modification to one (1) zoning condition. In 2007, the Board of Commissioners rezoned the subject property from C-2 (General Commercial) and R-75 (Residential Medium Lot-75) to OCR (Office-Commercial-Residential) for a mixed residential, retail, and restaurant development. In 2009, the Board of Commissioners approved a modification to the OCR zoning conditions to remove the residential component from the development and to approve a modified site plan (CZ-09-165783). In 2010, the conditions and site plan were again modified pursuant to CZ-10-16426, to allow a charter school and health clinic along with the other uses in the OCR zoning district. According to Section 1.1.11, Table 1.1 (Prior Zoning District Conversion to Established New Districts) of the DeKalb County Zoning Ordinance, the zoning district names in effect prior to the effective date of this zoning ordinance (OCR) are converted to reflect a new intent (MU-4). Furthermore, in 2019 CZ-10-16426 was modified again to allow construction of a 29,100 square foot grocery store (Lidl) in the MU-4 district (CZ- 1243618). The applicant has filed a companion case to request a major modification to zoning conditions pursuant to CZ-1243618. If approved, the application will modify condition #1: *Substantial compliance with the site plan entitled, “Proposed Zoning Conditions Site Plan”, prepared by Wolverton, dated 12-20-19.* The newly submitted 2022 site plan proposes the addition of an outdoor dog play area that was not a part of the previously approved site plan. The new condition would state: 1. Substantial compliance with the site plan entitled “[Camp Bow Wow](#)”, prepared by [INTERPLAN LLC., dated 07/20/22](#). The requested SLUP is consistent with the *Comprehensive Plan and Zoning Ordinance*. 1807 Memorial Drive is located in Neighborhood Center (NC) future land use character area. The purpose and intent of a NC character area is to satisfy neighborhood residents’ needs for goods and services by promoting a concentration of clustered residential and commercial uses (DeKalb County 2050 Plan, 35). There is currently a school, veterinarian office, gym, and a medical facility within the Parkview Plaza. Additionally, the site is adjacent to a Lidl grocery store, an AutoZone Auto Parts Store, YMCA, and a Residential Medium Lot-75 (R-75) zoning district is southwest of the site. NC shall promote “areas that act as a neighborhood focal point with a concentration of activities including retail, neighborhood commercial, professional office, moderate density housing, and public open space that are all easily accessible by pedestrians”. The proposed modification of the project site for a dog daycare satisfies this goal. The location is within an existing shopping center with a concentration of other suitable neighborhood entities. The proposed use is consistent with adjoining zoning districts: (MR-2) Medium Density Residential, C-1 (Local Commercial), and R-75 (Residential Medium Lot- 75). The mixed-use of density between residential districts and small-scale commercial provide a stable setting for new businesses. The mix of uses in the Plaza provide well-rounded offerings for the surrounding community. Local dog- owners with children can drop their children off at the school, drop their dog off at dog daycare, and purchase some groceries all while staying within the Parkview Plaza neighborhood center. With the veterinarian next door, local dog-owners can go to the same place for daycare and medical needs for their pets. The applicant has included that at the community meeting the surrounding community noted that there are several dog owners that live in the area. It was discussed that dog daycares servicing the area are scarce and the service is in demand in this area. Concerns regarding waste management were addressed. The Camp Bow Wow Operations Manual requires daily cleaning of both the outdoor and indoor spaces. Odor is specifically mentioned in the manual which proscribes various techniques to eliminate odor. Some of which include the requirement of daily cleaning both the outdoor play area, the indoor spaces where the dogs are kept, and the lobby. As well as providing weekly sanitizing and deodorizing, offering a neutral PH, destroys bacteria like the system

used in healthcare facilities to sterilize the environment. Staff will perform deep steam cleans; this heat system kills over 99.9% of all bacteria. Additionally, waste management is regulated by Animal Control and DeKalb County Code Enforcement Department. Staff has communicated the concerns around dog capacity related to sanitation and water quality to DeKalb County Public Health Department - Sanitation Division and the DeKalb County Watershed Management. The feedback is as follows: **Sanitation Division:** Placing of animal waste in plastic bags and disposing of it in dumpsters is acceptable to DeKalb County Sanitation. The animal waste is transferred to a landfill along with the sewage sludge from the DeKalb County Wastewater Treatment Plants. The dumpster will be serviced by DeKalb County Sanitation on a regularly scheduled basis. For comparison, the Sanitation Division handles the dumpster for the DeKalb Animal Control on Chamblee Dunwoody Road - which can hold over 500 animals at times. There are a few additional advisements: (1) Monitor airflow to minimize odor (indoor). (2) Change HVAC filters as needed. (3) Barrier outside should prevent dogs jumping over (outdoor). (4) Prevent pest and rodents by storing pet food in closed container indoors. (5) Dispose of animal waste properly. **Watershed Management:** Provided confirmation that all floor drains at this facility will be connected to the building's sanitary sewer line. As proposed, the site plan is a 10,277 square foot interior build out of an existing building for a dog daycare with an outdoor play area. The daycare shall reside in suite (B) within the Parkview Plaza's one-story building (20' height), which hosts four (4) other enterprises as previously discussed. The applicant has stated that soundproofing will be installed in the building as to comply with *Section 4.2.11 (E6.)*, "the portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the county's noise ordinance." There are no new buildings, only a new fenced-in (8' fence) outdoor play area for the dogs. The fenced in play area will be located by the entrance of Camp Bow Wow, which is in the rear east portion of the building (Suite B). The outdoor play area will include a concrete flat slab, with turf layered on top. This area is supervised by workers to ensure animal safety. Given the size, scale, and massing of adjacent and nearby lots and buildings, the outdoor addition is suitable. Because the project site is located within an existing shopping center there should be no significant adverse impacts on the environment or surrounding natural resources. Additionally, the existing building already satisfies the zoning development standards of an MU-4 zoning district (ingress/egress, setbacks, lot size, unit size, lot coverage, density, parking, building height, lot width, open space, etc.) except for *Section 4.2.11(D)*. *Section 4.2.11(D)* requires any building or enclosed structure for the housing of animals associated with a pet daycare to have a minimum setback of at least one hundred (100) feet and a setback of at least two hundred (200) feet from property zoned or used for residential. The purpose of this requirement is specific to the use, dog daycare. As is, the proposed use will be at least one hundred (100) feet from the nearest property line but will not be at least two hundred feet (200) feet from the nearest property zoned for residential uses. Currently, the site is approximately one hundred feet (100) from the nearest residentially zoned property. The applicant has not proposed any mitigation efforts but stated that they will be seeking a variance from *Section 4.2.11(D)* should the Special Land Use Permit is granted. Therefore, the Department of Planning and Sustainability recommends "Approval with one (1) condition".

**PLANNING COMMISSION VOTE: Approval with a Condition 8-1-0.** Jana Johnson moved, Edward Patton seconded for Approval with one (1) condition, per Staff recommendation. Tess Snipes opposed. Planning Commission discussion included their wish for continued communication between the applicant & neighbors regarding sound control strategies. Also, the applicant should consider reduced outside hours for the dogs and/or shrubbery/fence to help absorb sound.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 5-1-0.** Discussion included encouraging the applicant to meet with the Parkview Civic Association and the need to ensure proper sanitation protocol regarding animal waste.