



Legislation Details (With Text)

File #: 2023-0070 **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 03 Super District 06
Application of Celina Lane c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-1243618 to modify condition #1 to allow the site plan to be changed to reflect the operation of a dog daycare business and modify use conditions to include dog daycare, boarding (primary), grooming, indoor/outdoor play area within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.

Indexes:

Attachments: 1. CZ-23-1246278 Recommended Conditions, 2. CZ-1246278 Staff Report March 2023 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 03 Super District 06
Application of Celina Lane c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-1243618 to modify condition #1 to allow the site plan to be changed to reflect the operation of a dog daycare business and modify use conditions to include dog daycare, boarding (primary), grooming, indoor/outdoor play area within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.

PETITION NO: N7-2023-0070 CZ-23-1246278

PROPOSED USE: Modify zoning conditions to include dog daycare, boarding, grooming, and indoor/outdoor play area.

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 Major Modification to zoning conditions pursuant to CZ-1243618 to modify condition #1 to allow the site plan to be changed to reflect the operation of a dog daycare business and modify use conditions to include dog daycare, boarding (primary), grooming,

indoor/outdoor play area 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 Conditions.

PLANNING STAFF: Approval with Conditions.

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 as the proposed dog daycare facility. The applicant has requested a major modification to zoning conditions pursuant to CZ-1243618. The request will modify condition one (1). 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 request for a major modification to zoning conditions pursuant to CZ-1243618 will modify condition #1: *Substantial compliance with the site plan entitled, “Proposed Zoning Conditions Site Plan”, prepared by Wolverton, dated 12-20-19.* The 2022 site plan proposes the addition of an outdoor dog play area that was not a part of the previously approved site plan. The applicant has filed a companion case, SLUP-23-1246250. Approval of this special land use permit (SLUP) would allow for a dog daycare business in the MU-4 (Mixed Use High Density) zoning district. The applicant has requested to modify one (1) use condition to include dog daycare, boarding, grooming, and an indoor/outdoor play area in the MU-4 Zoning District. The requested major modification is consistent with the *Comprehensive Plan and Zoning Ordinance*. 1807 Memorial Drive is located in a 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*, pg. 35). There is currently a school, veterinarian office, gym, and a medical facility within the Parkview Plaza. Additionally, the site adjacent to a Lidl grocery store, an AutoZone Auto Parts Store, YMCA, and a Residential Medium Lot-75 (R-75) Zoning District southwest to 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 site plan shows a proposed 10,277 square foot interior build out of an existing building for a dog daycare with an outdoor play area. The day care shall reside in suite (B) within the Parkview Plaza’s one-story building (20’ height), which hosts four (4) other enterprises. The applicant has stated that soundproofing will be installed in the building as to comply with *Section 4.2.11 (E6.)* stating, “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 flat concrete slab, with turf layered on top. When animals are in this area, they are supervised by workers to ensure safety. Given the size, scale, and massing of adjacent and nearby lots and buildings, the addition is appropriate. Because the project site is located within an existing shopping center there would 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.). Furthermore, the applicant will need to satisfy *Section 4.2.11(D)* of the Zoning Ordinance. See companion SLUP-23-1246250 Staff Analysis for further explanation. Therefore, the Department of Planning and Sustainability recommends “Approval, with conditions. Condition No. 1 of CZ-10-16426 has been modified to reflect the new site plan”.

PLANNING COMMISSION VOTE: Approval with Conditions 8-1-0. Jon West moved, Jana Johnson seconded for Approval with one (1) modified condition (condition #1). The other, previously approved conditions will remain. Tess Snipes opposed.

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.