

SPECIAL USE PERMIT(S):

SUP-2015-003

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2015-003
REQUEST: OUTDOOR BOARDING
ZONING: PMUD (PLANNED MIXED USE DISTRICT)
LOCATION: 1495 BUFORD HIGHWAY
TAX ID NUMBER: 7-197-187
ACREAGE: 1.36 ACRES

APPLICANT: KARINA MILLER
1495 BUFORD HIGHWAY
SUWANEE, GA 30024

OWNER: 1495 BUFORD HIGHWAY ASSOCIATES
5704 WAYNE CREST DRIVE
FLOWERY BRANCH, GA 30542

CONTACT: KARINA MILLER PHONE: 770-967-4625

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit to add a fenced-in outdoor boarding area to her business, pet boarding and grooming, at 1495 Buford Highway in the commercial portion of the Baxley Point planned mixed use neighborhood. The site is located on Buford Highway at the entrance to Baxley Point neighborhood. The commercial portion of this PMUD zoned neighborhood is allowed to have uses that are permitted in the C-2A district. The applicant occupied suite 110 in the commercial building for four years and recently moved to suite 140, which has direct access to the proposed outdoor boarding area. The applicant is currently leasing an approximately 2,500 square foot space and is requesting the permission to fence in an additional 2,000 +/- square feet. Animal daycares with boarding are permitted in the C-2A zoning district, however outdoor runs are only allowed with a special use permit.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case the specified use would allow for an animal daycare with boarding and an outdoor run.

DEVELOPMENT COMMENTS:

The business is currently licensed to operate and the addition of the fenced in area does not require a permit. As such, if the request is approved a condition should be included to require an inspection before the outdoor boarding area may be used.

ANALYSIS:

The subject property is an approximately 1.36 acre parcel located on Buford Highway and Baxley Point Drive at the entrance to the Baxley Point neighborhood. A multi-tenant commercial building and parking lot occupy the site. The subject property is part of the Baxley Point PMUD. The land is developed with a small shopping center. There is a small grass area directly adjacent to the applicant's tenant space. This is the space that would be used as an outdoor run. The property can accommodate the proposed special use.

The subject property is located in a highly residential area. To the north and west is a residential neighborhood in the City of Duluth zoned PRD (Planned Residential Development). To the east is an office building that is part of the Baxley Point PMUD. Across Buford Highway to the south is another residential neighborhood that is in unincorporated Gwinnett County zoned R-60.

The City's Future Land Use Plan recommends single family residential uses for this site. An animal daycare is not a single family residential use, however the property was rezoned in 2003 to PMUD in order to develop the Baxley Point neighborhood. Planned mixed use districts encourage a mixture of residential and non-residential uses. In this case, along with the single family homes an office building and a commercial multi-tenant building were constructed. The multi-tenant building was intended to permit uses allowed in the C-2A district. As a commercial use near residential uses it is important that any potential negative impacts of a special use are minimized.

The applicant's business has been located at the subject property since 2011. The business was in suite 110 on the eastern end of the building. The business is a pet grooming with indoor boarding facility which is a permitted use in the C-2A zoning district. Currently, dogs are only taken outside by employees when they are taken on a leash. The employees currently walk dogs along Buford Highway. The applicant wishes to construct an outdoor run to eliminate the need to walk the dogs along Buford Highway. They walk 2-3 dogs at a time with 6-8 dogs requiring a walk. This can take up to 45 minutes. If the request is approved all the dogs would go out at the same time, and they should be back inside with 20 minutes. The applicant indicates she anticipates there would be a maximum of 15 dogs in the area. Outdoor times would be 8:00 am, 12 noon, and 6:00 pm for up to 20 minutes. An employee would be outdoors with the dogs at all times.

Outdoor runs can cause potential issues related to odors and noise. Excessive noise could be created by having multiple dogs out in the run at the same time. The subject property is located near homes both inside and outside of Suwanee. Requiring that dogs are attended at all times while outside will help minimize this noise. In addition, limiting the hours when the outdoor run may be utilized will address this concern. Another potential issue is that of water pollution caused by animal waste. The site currently drains toward Buford Highway. The applicant should keep the area free from animal waste. As previously stated, in the current arrangement, employees walk the dogs on leashes. In the four years the applicant's business has been located at 1495 Buford Highway there have been no complaints made to the City regarding noise caused from barking dogs or waste not being picked up by employees.

In conclusion, the requested Special Use Permit for an outdoor run is appropriate at this location with certain conditions. Limiting the length of time and the time of day the dogs are outside and regulating the type of fencing should alleviate sound and aesthetic concerns. Having an employee monitor the dogs while they are out should also mitigate potential issues with sound and animal waste. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of SUP-2015-003.

Planning Department Recommended Conditions

SUP-2015-003

Approval of a Special Use Permit for a day spa subject to the following condition:

- 1) The area for the outdoor run shall be in the approximate location and dimensions shown on exhibit "D" and enclosed by a decorative fence.
- 2) The fence used for the outdoor run should be decorative. Said fence shall be a maximum of 6 feet tall. It shall be a black anodized aluminum fence with a "wrought iron" fence appearance, similar to the existing fence on site.
- 3) The outdoor run shall be used for a maximum of 30 minutes at a time, 3 times a day during regular business hours.
- 4) An employee of the business shall be outside with the dogs at all times when the outdoor run is in use.
- 5) The outdoor run may not be used before 8:00 am or after 6:00 pm.
- 6) The area shall be cleaned of all dog feces after each use.
- 7) The outdoor run shall be subject to up to 3 random inspections per year. The purpose of said inspection shall be to determine that the number of dogs does not exceed the number permitted and ensure that the area is clear of dog feces after each use.
- 8) Prior to use of the outdoor run, the applicant shall allow the City to conduct an inspection of the outdoor run for compliance with conditions of approval.

Standards Governing Exercise of Zoning Power

Pursuant to the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

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

The proposed animal daycare with an outdoor run center is a suitable use in view of the use and development of adjacent property with certain conditions.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

The zoning proposal will not likely adversely affect the existing uses or usability of adjacent or nearby property.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has a reasonable economic use as currently zoned without a Special Use Permit.

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

Approval of the request likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The requested Special Use Permit is consistent with the single family residential designation indicated on the Future Land Use Plan as it is part of the Baxley Point PMUD.

- 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;

The applicant has been in this located for 4 years. Employees currently take dogs multiple times a day. There has never been a complaint filed with the city concerning this business.

SPECIAL USE PERMIT APPLICATION

An Appointment is required prior to submitting an application. Please contact MaryAnn Jackson at 770-945-8996 to setup an appointment.

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Karina Miller</u>	NAME: <u>1495 BUFORD Highway ASSOCIATES, LLC</u>
ADDRESS: <u>1495 Highway 23 NW</u> <u>Suite 140-160</u> <u>Suwanee GA 30024</u>	ADDRESS: <u>5704 WAYNE CREST DRIVE</u> <u>FLOWERY BRANCH, GA 30542</u>
PHONE: <u>(678) 772 9114</u>	PHONE: <u>770-967-4625</u>
CONTACT PERSON: <u>Karina Miller</u>	PHONE: _____
E-Mail Address: <u>info@unleashedcreationspetspa.com</u>	_____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): _____ REQUESTED ZONING DISTRICT _____

PROPOSED DEVELOPMENT: _____

TAX PARCEL NUMBER(S): _____

ADDRESS OF PROPERTY: 1495 Highway 23 NW Suite 140-160 Suwanee GA 30024

TOTAL ACREAGE: _____ PUBLIC ROADWAY ACCESS: _____

FOR RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLING UNITS: _____

DWELLING UNIT SIZE (SQ. FT.): _____

FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/UNITS: _____

TOTAL GROSS SQUARE FEET: _____

CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

Signature of Applicant* <u>[Signature]</u>	Date <u>02/05/15</u>	Signature of City Clerk <u>[Signature]</u>	Date <u>2/6/15</u>
Print Name <u>Karina Miller</u>	Date <u>02/05/15</u>	Print Name <u>Alice E. Attaway</u>	Date <u>2/6/15</u>
Signature of Notary <u>[Signature]</u>	Date <u>2/5/15</u>	Signature of Mayor <u>[Signature]</u>	Date <u>2/6/15</u>




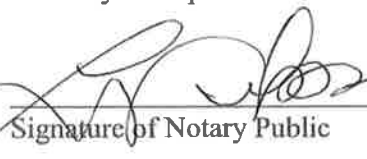
* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY
 Date Received: 2/6/15 Case No.: SUP-2015-003 Accepted By: [Signature]
SPECIAL USE PERMIT APPLICANT'S RESPONSE

CONFLICT OF INTEREST CERTIFICATION FOR ZONING ACTIONS

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.


 Signature of Applicant _____ Date 02/05/2015 Karina Miller (owner)
 Type or Print Name and Title

Signature of Applicant's Attorney or Representative _____ Date _____ Type or Print Name and Title _____

 Signature of Notary Public _____ Date 2/5/15

LAUNGERINA NELSON
 Notary Public
 Gwinnett County
 State of Georgia
 My Commission Expires Oct 24, 2015

Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the city of Suwanee Planning Commission?


_____ yes no
 Karina Miller
 Your Name

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

*Attach additional sheets, if necessary to disclose or described all contributions.

CITY OF SUWANEE USE ONLY

Date Received: 2/6/15 Case No.: SUP 2015-003 Accepted By: 

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:
Yes, we have being in the same building for four years and most of the residents of the area already use our services. They appreciate the convenience of not having to drive a long way To take their dogs To a daycare or grooming store. And they will feel happier if they know that now their dog will have a safe fenced area for supervised play time.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
No, we have being here for four years and have neve had any discrepaway with adjacent's business. The suite we will be in dont share any walls with business in the strip mall. And the fence will be located towards the end of the building where no othe bussiness is located.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
Yes, it is a Comercial Property and it will allow me to expand my boarding and day care services.

(D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:
No

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
Yes

(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:
The existing condition is that I have had my business here for four years; walking dogs on a leash and had always the fear of one of them getting lose and running to Buford Highway. This could be catastrophic. A fence will allow me to provide a safer method of taking care of dogs that on this times are consider a member of a family.

***** of a family.

Date Received: 2/6/15 CITY OF SUWANEE USE ONLY Case No.: SOP 2015 003 Accepted By: [Signature]

February 5, 2015

City of Suwanee

Re: Letter of Intent

I'm very proud to be part of this wonderful city and appreciate the opportunity to grow and expand my business doing what I love, caring and pampering dogs. I currently own a kennel free grooming salon and also offer boarding services to my customers. My business, Unleashed Creations, is mainly grooming and we stay indoors 70% of the day. The other 30% is divided into three outdoor walks to allow the dogs to relieve themselves. Many of my clients drop off their dogs before they go to work and pick them up at the end of the day. I am writing to provide an explanation of my proposal to expand my business and request zoning permission to add a fenced-in area of commercial property.

The dogs are in my facility all day and are walked during their stay. In addition we also walk our boarding dogs according to the schedule below:

Morning: 8:00 am
Afternoon: 12:00 pm
Evening: 6:00 pm

We take 2 to 3 dogs at the time and it may take us about 30 to 45 minutes by the time we are done walking an average of 6 to 8 dogs. Our greatest concern is the chance of one of them running loose towards high volume, fast traffic on Buford Highway Rd.

I'm moving to the other corner unit of my building and would like to put up a secure fence to allow our dogs free run for 15 to 20 minutes in a safe area always under supervision of one of my staff members. We would maintain the same schedule we have, but for shorter periods of times (i.e. 20 minute outings).

I have attached pictures of my building and a picture of another pet care facility to give you an idea of what I would like to do. This offers pet owners in the City of Suwanee added security in knowing their beloved pets are in a secured, supervised outdoor environment while away from home.

Once again thanks for taking the time to review my proposal. If you have subsequent questions or concerns please feel free to contact me directly at [\(678\) 772 9114](tel:6787729114).

Best Regards,

Karina Miller

Unleashed Creations Pet Spa
1495 Highway 23 NW., Suite 110
Suwanee, GA 30024
[404-806-1860](tel:4048061860)
www.unleashedcreationspetspa.com

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TigerTails ANIMAL HOSPITAL

PLEASE Don't
Smoke In
THE PLAY AREA



Superior Fence of Georgia

4226 Canton Hwy., Cumming, GA 30040 (770) 886-7677 \ Fax (770) 886-7749

Exhibit 'D'
SUP-2015-003

Customer: <i>Karina Miller</i>	Home#
Address: <i>1495 Buford Hwy #110</i>	Work#
City: <i>Suwanee, GA</i> Zip: <i>30024</i> County: <i>Gwinnett</i>	Cell# <i>678</i>
Subdivision:	Cross Street:
	Email

FOOTAGE	FENCE TYPE	HEIGHT
<i>147</i>	<i>1. Aluminum</i>	
	<i>2. "Smooth Top"</i>	
	<i>3.</i>	

Qty	Size	GATES	Style
<i>2</i>	<i>4' Wide</i>		<i>Same</i>

WOOD DETAILS

1" x 4" Pickets	_____				
1" x 6" Boards	_____				
Cedar	_____				
P.T. Pine	_____				

4" x 4" Posts	_____				
4" x 6" Posts	_____				
6" x 6" Posts	_____				

2" x 4" Runners	Cedar _____
(2) (3) (4)	P.T. Pine _____

Panel Design

			Other _____
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Frame Design

Face	Slope with grade (less space)
Exposed	Straight (more space at bottom)
Between	Step (large spaces at bottom)

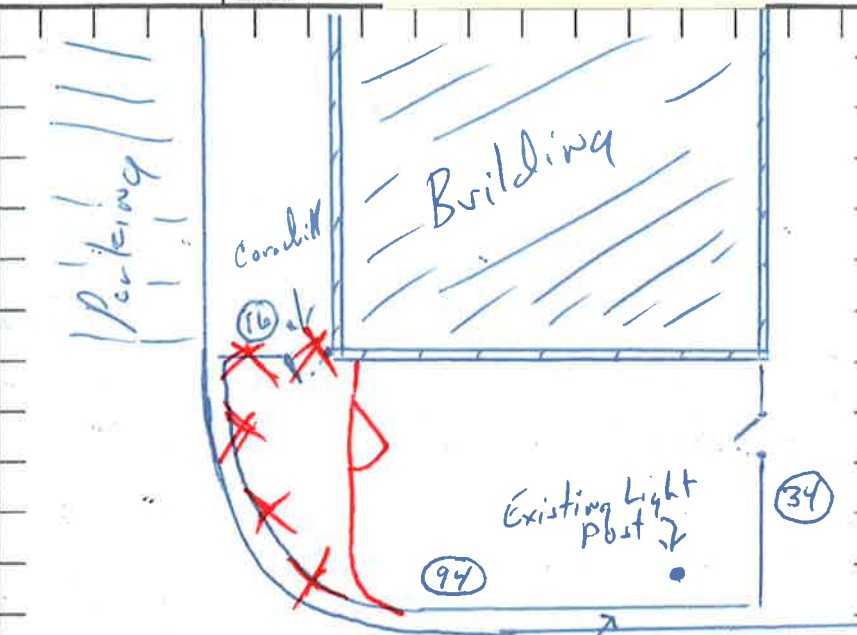
CHAIN LINK SPECIFICATIONS

GAUGE:	GATE POSTS:
Top Rail _____	Gate Frame _____
Line Posts _____	Barbed Wire _____
Terminal Posts _____	Tension Wire _____

ORNAMENTAL SPECIFICATIONS

<input checked="" type="checkbox"/> Aluminum	<input type="checkbox"/> Steel
Height <i>"Smooth Top"</i> Style _____	<i>5/8</i> Picket Size
<i>Black</i> Color	<i>2x2</i> Post Size
Rings _____	Post Caps _____

FINIALS: () Plastic () Metal () Triad () Quad Flare



Stay Approx. 1' off curb *Entrance* →

Needs a gate at least 6' wide somewhere for landscape equipment to access area

_____ FACE FENCE IN _____ ft. REMOVAL & DISPOSAL
 _____ FACE FENCE OUT

COMMENTS / SPECIAL INSTRUCTIONS

All posts set in 2' wet cement
Attach Black Welded Wire - 4' high
5' High *6' High*

TENTATIVE INSTALLATION: Approx. _____ weeks from deposit and signed Contract

Total Price \$	<i>3742 -</i>	Revised Price \$	<i>4390 -</i>
Deposit \$		Deposit \$	
Balance \$		Balance \$	

TERMS: 1/2 Deposit - Balance Due upon Completion

SUBJECT TO CONDITIONS ON REVERSE

Dimensions and Specifications are Approximate.
 Final price will be determined by final installed footage.
 Customer is responsible for locating property lines and fence location.
 Customer is responsible for any necessary Permits and Code Compliance.
 No Warranty against cracking, shrinking and warping of wood fence material.
 Superior Fence is not responsible for Sprinklers or Child and Animal Containment.

Accepted by Purchaser	Date
Estimator <i>Rob Scappaticcio</i>	Date <i>2-3-15</i>
<i>404 384 8846</i>	Date
Accepted by Superior Fence	Date

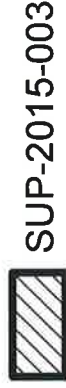


EXHIBIT A

SUP-2015-003

Location Map

Legend



SUP-2015-003

ZONING



M-1



PMUD



R-140



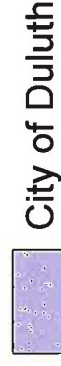
R-100



City Limits



Major Road



City of Duluth

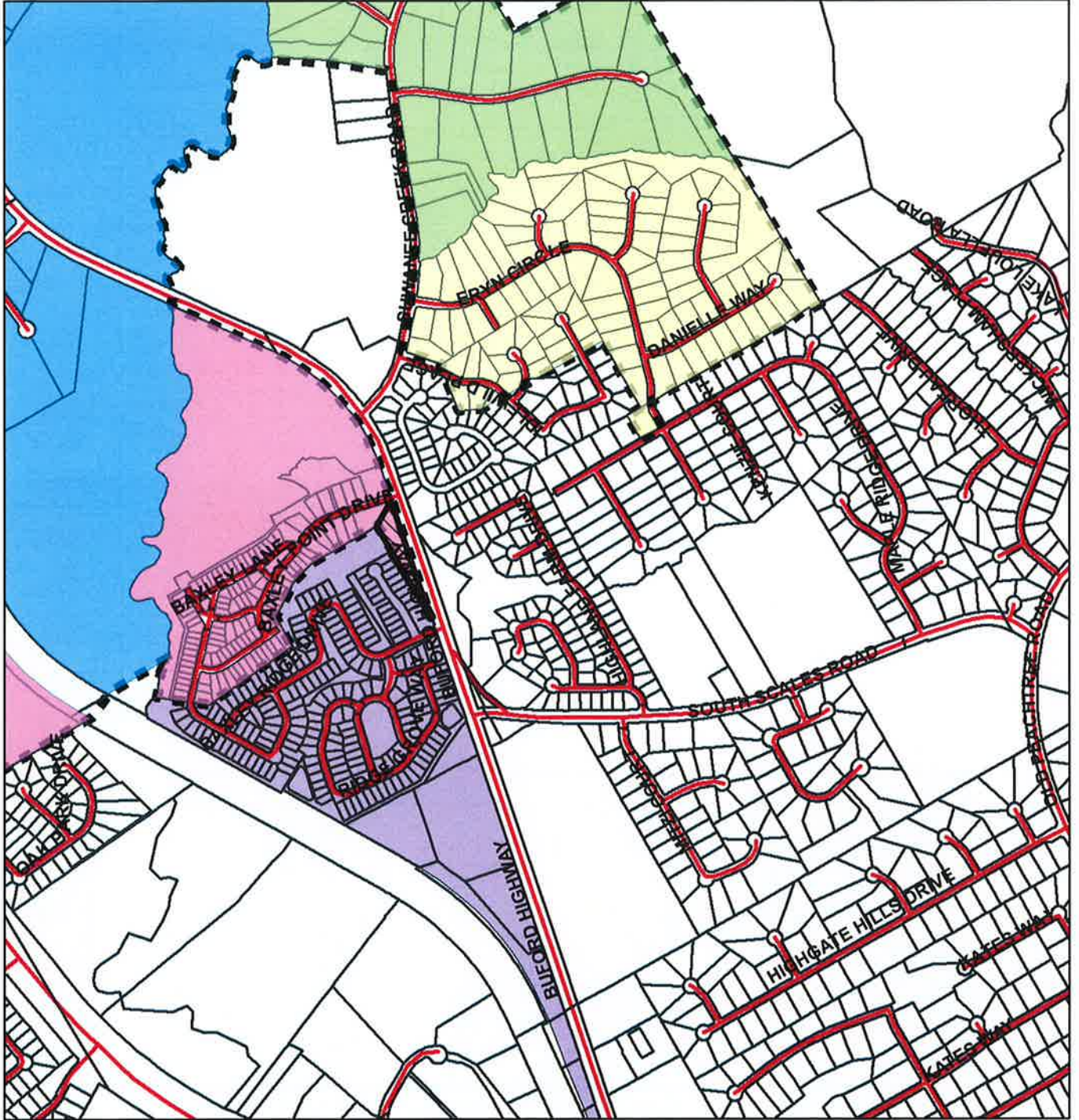
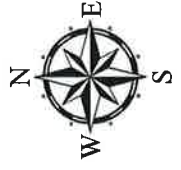
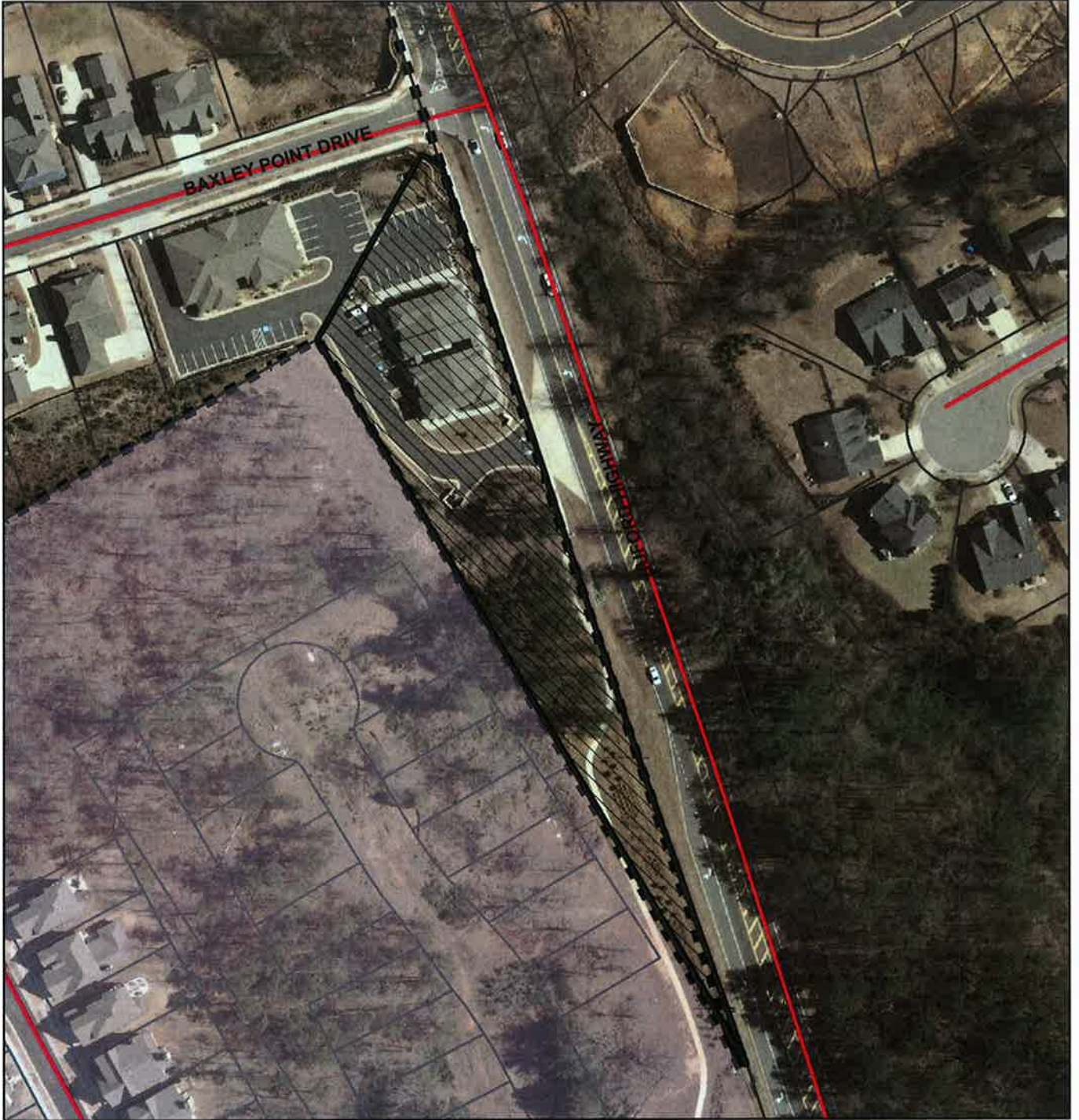








EXHIBIT B SUP-2015-003

Aerial Map



Legend

-  SUP-2015-003
-  Major Road
-  City Limits
-  City of Duluth

