

DATE: July 24, 2023

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2023-00047
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Animal Care Facility with Overnight Accommodations
Applicant: Whole Dogz
Location: 4748 Eisenhower Avenue
Zone: OCM(100) / Office Commercial Medium (100)

Request

Special Use Permit #2023-00047 is a request for a Change of Ownership from Mary Kenkel to Destination Pet, LLC dba Whole Dogz and a Minor Amendment to amend Condition #2 of Special Use Permit #2013-00017 to increase the number of dogs that can be cared for on-site from 80 to 250. No other changes to the existing business are proposed.

Background

The subject site at 4748 Eisenhower Avenue was originally developed with an industrial flex space in 1972 and since that time has played host to a variety of industrial and commercial uses. City Council first approved Special Use Permit #2010-00087 in April 2011 to a different applicant for operation of a similar “doggie day care” business in the middle tenant space on the property. The operation was planned to be somewhat smaller in floor area and would have cared for up to 150 dogs, however, the applicant never opened the business and the Special Use Permit expired in October 2012. Most recently, in June 2013, City Council approved Special Use Permit #2013-00017 to approve the operation of an animal care facility with overnight accommodations, with no more than 80 dogs to be located on-site at any one time.

A Zoning Inspection conducted in April 2021 revealed that the applicant was violating Condition #6, as pet pick-up/drop-off was found to be occurring within the drive aisle of the parking lot in front of the business and a violation was issued. After being issued this violation, the business operators again brought the issue into compliance immediately. No other Special Use Permit condition violations have been observed at the business.

Parking

According to Section 8-200(A)(16)(c)(i) of the City’s Zoning Ordinance, an animal care facility located within the City’s Enhanced Transit Area is required to provide a minimum 0.25 off-street parking spaces per 1,000 square feet of floor area. Thus, the 14,500 square-foot animal care facility is required to provide a minimum of four off-street parking spaces. The applicant satisfies this

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requirement with ten parking spaces in the surface lot in front of the building, three of which are tandem spaces intended for employees.

The pick-up and drop-off of dogs to the facility is expected to occur primarily in up to four parking spaces near the entrance to the subject tenant space. No transfer of pets is planned to occur in the drive aisle of the parking lot. To speed the transfer of pets from staff to owners, the applicant will continue to meet customers near the door to transfer pets.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. The site is not located within the bounds of any Civic Association area and, thus, was not sent to any as notification of the request. Staff has not received any comments from residents or adjacent businesses regarding the request.

Staff Action

Staff does not object to the Change of Ownership and the Minor Amendment request, but for fewer dogs than requested. Although an animal care facility with overnight accommodations has operated at the site for almost a decade without unresolved issues, staff believes that per Section 11-511(A)(2)(a-b) of the Zoning Ordinance, the requested increase in dog care volume from 80 to 250 is a significant change that could lead to noise and odor impacts, increasing the overall intensity of the use, beyond what can be accomplished through SUP minor amendment approval. Staff approval of 150 dogs, however, is appropriate given that City Council approved this number in its thorough review of Special Use Permit #2010-00087 at the same location. The applicant has agreed to the maximum of 150 dogs at the site.

Special Use Permit conditions have been carried over from Special Use Permit #2013-00017 with an amendment to Condition #2 to reflect an increase in the number of dogs which can be cared for on-site at any one time from 80 to 150. Also, Condition #15 has been amended to restart the standard one-year review required of all Special Use Permits. Condition #12 was also amended, with a portion replaced by new Conditions #19 and #20. In addition, six new conditions have been added by the Department of Transportation & Environmental Services which are intended to mitigate and negative impacts which may stem from the requested increase. This includes Condition #16 which limits the number of dogs permitted to be present in the outdoor area to no more than 30 at any one time. Furthermore, Condition #17 has been added to require that groups of dogs may not be in the outdoor area between the hours of 9 p.m. and 6 a.m., except in the case of an emergency. Also, Condition #18 has been added to ensure that pet waste is properly disposed of through the sanitary sewer system. Finally, Conditions #19 through #21 have been added to address traffic and parking impacts which may potentially stem from the use.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 24, 2023
Action: Approved

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Tony LaColla, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2023-00047

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2013-00017)
2. **CONDITION AMENDED BY STAFF:** The maximum number of customers' dogs that may be present on-site at any one time shall be ~~80~~ 150. (P&Z) (~~SUP2013-00017~~)
3. The hours during which the facility is typically open to the public shall be limited to between 7 a.m. and 9 p.m. daily. Overnight pet boarding facilities are permitted. (P&Z) (SUP2013-00017)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2013-00017)
5. The applicant shall conduct staff training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. (P&Z) (SUP2013-00017)
6. No pet pick-up/drop-off shall occur within the drive aisle of the parking lot in front of the business. (P&Z) (SUP2013-00017)
7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP2013-00017)
8. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP2013-00017)
9. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP2013-00017)
10. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2013-00017)
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP2013-00017)

12. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to use off-street parking ~~and/or provide employees who use mass transit with subsidized bus and rail fare media.~~ The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2013-00017)
13. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2013-00017)
14. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2013-00017)
15. The applicant shall install adequate fencing around the outdoor pet play area to the satisfaction of the Director of Planning and Zoning to contain all pets and prevent them from entering neighborhood property or tenant space or interacting with neighboring occupants. (City Council) (SUP2013-00017)
16. **CONDITION ADDED BY STAFF:** A maximum of 30 dogs will be allowed in the outside area at any given time. (T&ES)
17. **CONDITION ADDED BY STAFF:** Except in the case of an emergency, use of the outdoor area for large groups of dogs is prohibited from 9 pm to 6 am. (T&ES)
18. **CONDITION ADDED BY STAFF:** Outdoor area shall be cleaned of pet waste through mechanical means, such as scooping and/or shoveling, and washing with a mop and bucket of water. Wash water shall not be discharged offsite and shall be disposed of through the sanitary sewer system inside the building. No detergents shall be used to clean outside area and no wash water shall be discharged into any drains or storm sewers. (T&ES).
19. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
20. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other

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21. similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
22. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-3 The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-4 The applicant shall encourage patrons to park off-street through the provision of information about nearby garages or lots in the business' advertising and website. (T&ES)
- R-5 A maximum of 30 dogs will be allowed in the outside area at any given time. (T&ES)
- R-6 Except in the case of an emergency, use of the outdoor area for large groups of dogs is prohibited from 9pm to 6am. (T&ES)
- R-7 Outdoor area shall be cleaned of pet waste through mechanical means, such as scooping and/or shoveling, and washing with a mop and bucket of water. Wash water shall not be discharged offsite and shall be disposed of through the sanitary sewer system inside the building. No detergents shall be used to clean outside area and no wash water shall be discharged into any drains or storm sewers. (T&ES)

Code Enforcement:

- C-1 Please clarify that the increase in dog occupants will not affect: the existing means of egress and ventilation. Construction or demolition of a building or structure. Installations or alterations involving (i) the removal or addition of any wall, partition or portion thereof, (ii) any structural component, (iii) the repair or replacement of any required component of a fire or smoke rated assembly, (iv) the alteration of any required means of egress system, including the addition of emergency supplemental hardware, (v) water supply and distribution system, sanitary drainage system or vent system, (vi) electric wiring, (vii) fire protection system, mechanical systems, or fuel supply systems, or (viii) any equipment regulated by the USBC.

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Parks and Recreation:

No comments received

Police Department:

No comments received

Health Department:

No comments received

Fire Department:

No comments or concerns.

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STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2023-00047. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the animal care facility with overnight accommodations at 4748 Eisenhower Avenue.

DocuSigned by:
Jennifer Strickland Fowler
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Applicant - Signature

7/25/2023 | 4:49 PM EDT
Date

Jennifer Strickland Fowler
Applicant – Printed

7/25/2023 | 4:49 PM EDT
Date