

**CITY OF TEMPE
HEARING OFFICER**

**Meeting Date: 05/03/2016
Agenda Item: 9**

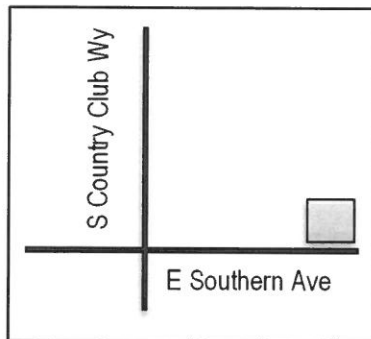
ACTION: Request approval for a use permit to allow a pet daycare for the WAGGING TAILS PET RESORT (PL160114) located at 2064 East Southern Avenue. The applicant is Christopher Friedrichs.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: WAGGING TAILS PET RESORT (PL160114) is currently located at 2066 East Southern Avenue in the Shalimar Shopping Center on the northeast corner of East Southern Avenue and South Fairfield Drive in the CSS, Commercial Shopping & Services District. WAGGING TAILS PET RESORT was formerly named The Dog Wash; and Happy Tails Spa & Resort. The new ownership is proposing to expand dog daycare services into a neighboring vacant suite located at 2064 East Southern Avenue as well as expand the existing outdoor dog play area at the rear of the building. The establishment is a full service grooming, boarding, and animal daycare business that primarily caters to dogs with occasional boarding or grooming services for cats. The request includes the following:

1. Use Permit to allow a pet daycare (animal kennel) in the CSS, Commercial Shopping & Services District.



Property Owner	Joyce Carson
Applicant	CJ Friedrichs, Wagging Tails Pet Resort
Zoning District	CSS, Commercial Shopping & Services
Site Area	22,521 s.f.
Building Area	7,884 s.f.
Lot Coverage	36%
Building Setbacks	Front – 0', Front (parking) – 20', Side (bldg. wall) – 0', Side (bldg. common wall) – 0', Rear (bldg. wall) – 10', Street Side (parking) – 20'
Landscape Area	15% min.
Vehicle Parking	28 spaces (25 min. required)
Bicycle Parking	0 spaces (4 min. required)
Hours of Operation	M-Sa 7am-6pm
Building Code Occupancy	B (Business)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Lee Jimenez, Senior Planner (480) 350-8486

Department Director: Dave Nakagawara, Community Development Director
 Legal review by: N/A
 Prepared by: Lee Jimenez, Senior Planner
 Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

COMMENTS

HAPPY TAILS SPA & RESORT is proposing to expand into a neighboring vacant suite located at 2064 East Southern Avenue (west of existing suite); and expand the existing outdoor dog area approximately 51 feet the west and 29 feet to the east. The business is currently providing boarding services averaging 5 dogs a night with an existing capacity of 40 dogs. Dog daycare services are also provided averaging 3 dogs a day with a capacity of 10 dogs. The proposed interior expansion is intended to be utilized solely as a daytime dog daycare area with no overnight boarding; no grooming would be conducted in the additional space. Capacity of the new dog daycare space will be 40 dogs a day with no more than 15 allowed at a time in the supervised outdoor play area.

PUBLIC INPUT

A property owner from the Shalimar East Subdivision, directly north of the shopping center, called staff on April 18, 2016 to express a concern of potential excessive barking and undesirable pet odors from the outdoor dog play area. A follow-up letter was then received by the same property owner on April 26, 2016 (see attachments). In the letter, the property owner explained his concerns in further detail and requested that a condition of the permit be, that complaints of barking or inappropriate pet odor be immediately addressed by the owners/operators under the terms of the permit approval with non-compliance leading to revocation of the portion of the permit that allows the existence of the outside play area.

USE PERMIT

The proposed use requires a Use Permit to allow a pet daycare (animal kennel) within the Commercial Shopping & Services zoning district.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

1. *Any significant increase in vehicular or pedestrian traffic.*

The applicant has indicated that the Shalimar Center is already built out to accommodate the vehicle and pedestrian traffic flow of their business and of other businesses located in the Center. The hours of operation are Monday through Saturday, 8am to 6pm. With the expansion of the business into the new space, the applicant anticipates the need to accommodate early morning drop-offs, and expect to expand their business hours to open as early as 7am.

2. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.*

The applicant has indicated that business currently operates strictly in adhering the following:

- No pets outside in play areas unattended; and
- Any barking animals are immediately removed from outdoor areas; and
- Organic waste is immediately picked up and disposed of using a two-bag system to eliminate smells; and
- Storage of waste bins inside the facility which are emptied as-needed, no less than once daily; and
- Outdoor play areas are cleaned daily.

3. *Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.*

The applicant indicates that they pride themselves on being a considerate neighbor and give back to the surrounding community by providing quality care for the animals entrusted to their facility. Both owns volunteer countless hours in animal rescue and donate services to community events and fundraisers.

4. *Compatibility with existing surrounding structures and uses.*

The applicant indicates that they intend to extend the current 6 feet tall fencing which has been proven to prevent dogs escaping from their current operations. While shade canopies in the play area are not a part of the design scope, nor required, they are open to a future installation should they be required or requested.

5. *Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.*

The applicant indicates that it is their intent and desire that the expanded outdoor play area will not be disruptive to the surrounding neighborhood. They also indicate that they do not intend to have dogs playing in the outdoor space prior to 8am, nor past 5pm. Any dogs in their care that begins to bark outside will be promptly relocated to the indoor play space as done today.

Conclusion

Based on the information provided by the applicant, the public input received and the above analysis staff recommends approval of the requested Use Permit. This request meets the required criteria and will conform to the conditions.

SHOULD AN AFFIRMATIVE ACTION BE TAKEN ON THIS REQUEST, THE FOLLOWING NUMBERED CONDITIONS OF APPROVAL SHALL APPLY, BUT MAY BE AMENDED BY THE DECISION-MAKING BODY.

CONDITION(S) OF APPROVAL:

1. This Use Permit is valid only after a Building Permit has been obtained and the required inspections have been completed and a Final Inspection has been passed. As part of the Building Permit process, on-site storm water retention may be required to be verified or accomplished on this Site.
2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during building plan check process.
3. All required State, County and Municipal permits shall be obtained or the Use Permit is void.
4. If there are any complaints arising from the Use Permit that are verified by a consensus of the complaining party and the City Attorney's office, the Use Permit will be reviewed by City staff to determine the need for a public hearing to re-evaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
5. Return to the Hearing Officer for review of compliance with conditions of approval within six (6) months. The timing for the six month review period to commence begins when the business is in full operation. Advise Community Development staff when in full business operation. If the full business activity is not initiated within one year the use permit will lapse.
6. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.
7. Replace all dead or missing trees along the landscaped areas and islands; along with any other missing landscape material.
8. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
9. The Shared Parking Analysis for Shalimar Shopping Center is approved. This report shows that 29 parking spaces are required at peak demand, 1:00 p.m. Monday through Friday, and that 28 parking spaces are provided. The Board of Adjustment approved a variance on May 25, 1977 to reduce the required parking spaces from 42 to 29 at 2052 East Southern Avenue; therefore, a deficit no greater than 13 parking spaces must be maintained on the site for the proposed mix of uses. Any modification to the tenant mix which creates intensification in the demand for parking spaces will require an update to the parking analysis report with review and approval (including applicable fees) by the Planning Division.
10. Development Plan Review approval for the expanded outdoor play area and any future shade canopies on the north side of the building is required. Obtain all necessary Community Development Department clearances and permits for structures in this area.

11. Dogs shall be attended by staff during entire outdoor time and immediately brought into the facility if the animals begin to bark or create other types of noise that may cause a disturbance. No animals shall be left unattended outdoors.
12. Dog outdoor playtime use to be limited from 8am to 5pm. The six month review will evaluate extended hours if requested.
13. No more than **15 dogs** in the dog play area at any one time. The six month review will evaluate a higher volume if requested.
14. Total Number of dogs on site at any time not to exceed a monthly average of **40 dogs per day**. **The six month review will evaluate a higher volume if requested.**
15. Drop-off and pick-up hours limited to 7am and 5pm. The six month review will evaluate extended hours if requested.
16. **A water disposal drain shall be installed inside the dog run for cleaning and maintenance purposes. The dog play area shall be cleaned daily.**
17. All dog drop-off and pick-up shall be conducted from the store front.
18. The dog play area shall have only gate, unless required life safety. The new fencing shall be constructed as shown on site plan received April 20, 2016.
19. **Organic waste that is removed daily shall be placed in sealed bags and placed in exterior refuse containers. Exterior refuse pick-up shall be provided at least 2 days a week. The six month review will evaluate a higher frequency if needed.**
20. **Advise property owner to provide bicycle parking racks per City of Tempe Public Works Department bicycle rack detail T-578 standard as required by Code.**

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

- The Use Permit is valid for WAGGING TAILS PET RESORT and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- Any intensification or expansion of use shall require a new Use Permit.
- Specific requirements of the **Zoning and Development Code (ZDC)** are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/planning/documents.htm or purchase from Development Services.
- **SITE PLAN REVIEW:** Verify all comments by the Public Works Department, Development Services Department, and Fire Department given on the Preliminary Site Plan Reviews dated **April 13, 2016**. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Department will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

- All business signs shall receive a Sign Permit. Contact sign staff at 480-350-8435.
- All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the Use Permit becoming effective.

HISTORY & FACTS:

May 25, 1977	Board of Adjustment approved the variance to reduce the required parking spaces from 42 to 29 at 2052 East Southern Avenue in the C-2 General Commercial District.
March 18, 2008	Hearing Officer approved the request by THE DOG WASH for a use permit to allow dog boarding at 2066 East Southern Avenue.
January 2, 2015	Community Development Department staff administratively approved a request for the transfer of an existing use permit from THE DOG WASH to HAPPY TAILS SPA & RESORT at 2066 East Southern Avenue.
April 16, 2015	Community Development Department staff administratively approved a Development Plan Review request for an addition of a secure outdoor play area for dogs for HAPPY TAILS SPA & RESORT at 2066 East Southern Avenue.

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-308 Use Permit
 Section 6-312 Modify Approved Development Plan, Use Permit, or Condition of Approval



DEVELOPMENT PROJECT FILE

for

WAGGING TAILS PET RESORT (PL160114)

ATTACHMENTS:

1. Location Map
2. Aerial
3. Letter of Explanation
4. Site Plan
5. Building Elevations
6. Floor Plan
7. Public Input

WAGGING TAILS PET RESORT

PL160114



SOUTHERN AVE

- CSS
- AG
- R1-6
- R-2
- R-3R
- RO



Aerial Map

WAGGING TAILS PET RESORT

PL160114



Location Map



2066 E. Southern Avenue
Tempe, AZ 85282
Ph: 480.755.2260
www.waggingtailsaz.com

April 20, 2016

To all concerned parties:

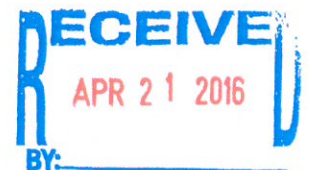
Wagging Tails Pet Resort (previously known as Happy Tails Spa & Resort) is a full service grooming / boarding / animal daycare business. The pets that we work with are primarily dogs, with occasional boarding or grooming services provided for cats. Our goal with this use permit application is to expand our existing business into an adjacent (unused) space, as well as expand our outdoor play area. This new expansion would be utilized solely as a daytime doggie daycare area, with no overnight boarding.

We currently provide boarding services, with an average number of 5 dogs per night. Our capacity allows for up to 40 dogs per night. We also provide daycare services, with an average of three dogs per day, capacity of 10. With the proposed expansion, we would only be expanding our daycare services; no grooming or boarding would be conducted in the additional space. Capacity in the new space is 40, with no more than 15 dogs outside at any one time (supervised).

We pride ourselves on being a good neighbor and on giving back to the surrounding community. Both Kate and CJ (owners) volunteer countless hours in animal rescue. We also donate services to community events and fundraisers.

In our current business, we strictly adhere to the following:

- No pets outside in play areas unattended. Any barking animals are immediately removed from outdoor areas.
- Poop immediately picked up and disposed of:
 - We utilize a two-bag system to eliminate smells, and store waste bins inside the facility.
 - Waste bins are emptied as-needed, no less than once daily.
- We clean the outdoor play area on a daily basis.




The Shalimar Center is already built out to accommodate the vehicle and pedestrian traffic flow of our business and of other businesses located in the Center. Our hours of operation are Monday – Saturday, 8am – 6pm. With the expansion of our business into the new space, we anticipate the need to accommodate early morning drop offs, and expect to expand our business hours to open at 7am.

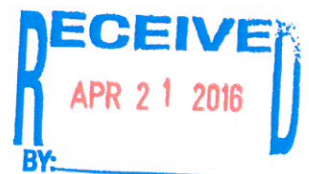
It is our intent and desire that the expanded outdoor play area would not be disruptive to the surrounding neighborhood. We intend to extend the current 6' tall fencing, which has been proven to prevent dogs escaping in our current operations. We do not intend to have dogs playing in the outdoor space prior to 8am, nor past 5pm. Any dogs in our care that start barking outside will be promptly relocated to the indoor play space (as we do today). We do not currently have plans to add canopy sails to the outside play area, but would reconsider as a condition of receiving the use permit if necessary.

At Wagging Tails Pet Resort, we pride ourselves on being a considerate neighbor while providing quality care for the animals entrusted to our facility. There is a saying that a tired dog is a good dog, and this is precisely what we hope to continue to accomplish for the owners of animals utilizing our daycare services.

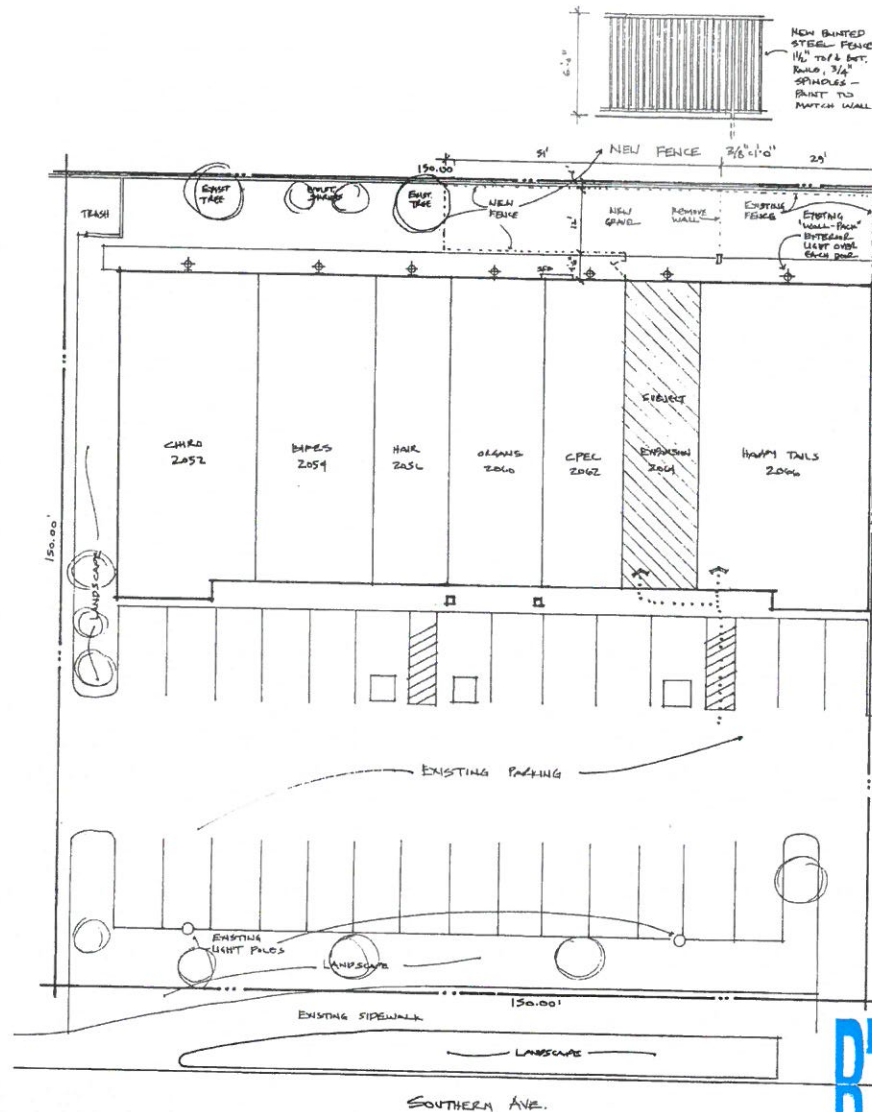
Best,


CJ Friedrichs
Owner


Kate Friedrichs
Owner

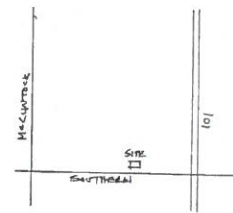


Happy Tails
Remodel
2064 E. Southern Ave.
Tempe, Arizona



Building Data

Scope: Expand pet boarding to adjacent suite.
 Owner: Joyce Carson Trust
 P.O. Box 12444
 Glendale, AZ 85318
 Tenant: Happy Tails
 2064 E. Southern Ave.
 Tempe, AZ 85282
 Contractor: Datis Contracting
 480-235-4521
 Site: 2064 E. Southern Ave
 Shalimar Estates, Lot 11
 Zoning: CSS
 Parcel Nos.: 133-47-0011
 Construction Type: VI
 Occupancy: B
 Lot Area: 22,521 sq. ft.
 Building Area:
 Existing Suite: 1800 sq. ft.
 Added Suite: 324 sq. ft.
 Total: 2124 sq. ft.
 Overall Building: 9000 sq. ft.
 Lot Coverage: 8000 / 22,521 = 36%
 Occupant Load: Boarding / Grooming -
 2724/100 = 27
 Parking: No change.
 2.8 spaces incl. 3 handicap.
 PG&M60: 0000 / 0000 = 27 spaces



vicinity map

site plan
1" = 10'

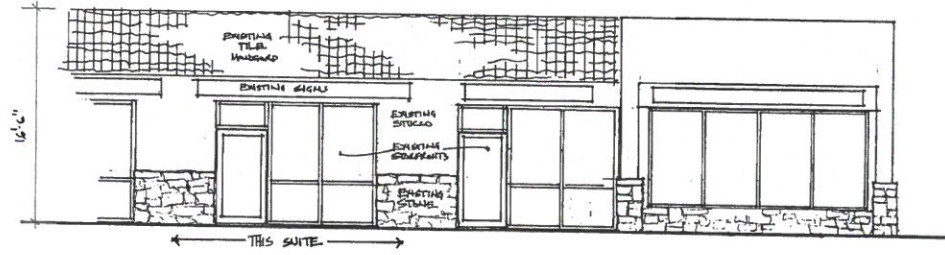
RECEIVED
APR 20 2016
BY: _____



Tyler Green - Architect
 1140 E. 10th St., Suite 100, Tempe, Arizona 85282
 480-988-2411
 Date: 4-1-16
 Version: 12016

a1

Happy Tails
Remodel
2064 E. Southern Ave.
Tempe, Arizona



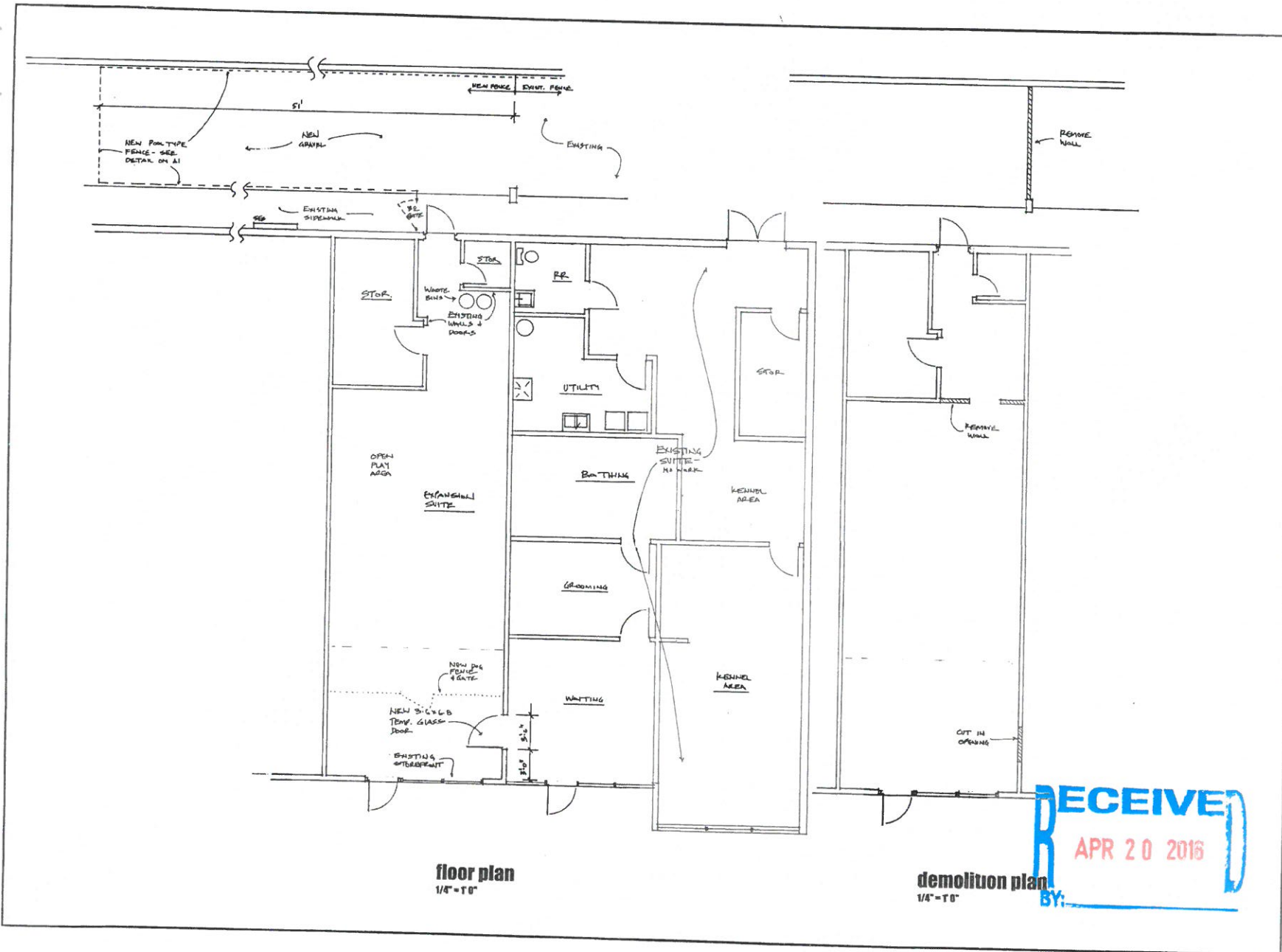
front elevation
1/8" = 1'-0"



Date: 4.4.16
Revision: 4.24.16

RECEIVED
APR 20 2016
BY: _____

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Happy Tails
Remodel
2064 E. Southern Ave.
Tempe, Arizona



Date: 4.1.16
Revision: 4.20.16

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APR 20 2016
BY: _____

a2

[REDACTED]
[REDACTED]
[REDACTED]

City of Tempe
Attn: Lee Jimenez, Senior Planner
31 E. 5th Street
Tempe, Az

Ref: Public Hearing Case Number PL160114,
Wagging Tails Pet Resort

Dear Mr. Jimenez,

Thank you for your time yesterday. As you requested, I am forwarding my concerns involving the approval of this use permit.

I am concerned about the use of outdoor space and increased use of outdoor space for an outdoor exercise/.play area for pets. I know that some dogs when given a chance to exercise or just being exposed to something new, in their excitement will bark. Some also bark in response to any visual intrusion or noise intrusion into what they consider "their area".

I would like to ask that the permit be made conditional upon the stipulation that no continuous barking, loud barking, etc. be allowed in that exercise/play space that would lead to or create complaint, I would also request that this same provision apply to any undesirable pet odors. There is no reason why this should not be possible. The only thing that needs to be done is if an animal creates any disturbance, that the pet will not be able to use the play space and proper sanitation procedures should take care of the other.

I am requesting that a condition of the permit be, that complaints of barking or inappropriate pet odor be immediately addressed by the owners/operators under the terms of the permit approval, with non-compliance leading to revocation of the portion of the permit that allows the existence of the outside exercise/play area. My concern is that at the initiation of the permit, odor and noise may not be an issue, but as time progresses and the permit is in place, the circumstances may change. I believe that the type of permit I am referring to is known to as a "Provisional or Conditional Use Permit" and is relatively common as I currently have a one in place on a commercial piece of property that I own. I am concerned that in the application approval process that compliance to these issues may be paramount and closely followed, but as time lapses, the paramount importance of these issue may also lapse.

I feel these issues are important to the neighborhood and it is important for us to avoid the possible circumstance of, "Promise compliance now to get what is wanted (the permit), but sue me in the future if you want me to comply." Having had similar difficulties in the past I have stated the issue bluntly and so I am requesting protection be put in place for the other occupants of the area. Continual compliance should be a condition for the permit to remain in effect and it is generally referred to as a Provisional or Conditional Use Permit and therefore cancelable by the City of Tempe for non-compliance upon verification. Without the use of this type of permit, I am in opposition to the issuance of this Use Permit application for the reasons as stipulated above.

Thank you for your consideration in this matter.

Respectfully,

[REDACTED]

[REDACTED]
OWNER, [REDACTED] S. FAIRFIELD

