

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

**Meeting Date: 10/23/2012
Agenda Item: 3**

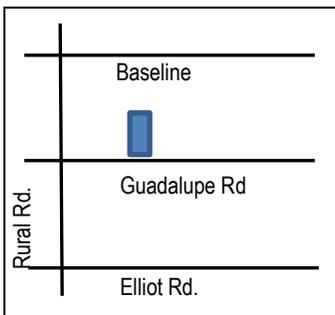
ACTION: Request a Zoning Map Amendment from R-3 Multi-family to CSS Commercial Shopping and Service and a Use Permit to allow an existing 3,964 s.f. building on .4 acres to be used for a pet care facility for DOGGIE DISTRICT, located at 932 E Guadalupe Road. The applicant is Nelson Tressler of Doggie District Partners 3 LLC

FISCAL IMPACT: While this ordinance change does not directly impact revenue, the planned development will result in collection of the standard development fees, calculated according to the approved fee structure at the time of permit issuance.

RECOMMENDATION: Staff –Approval, subject to conditions

BACKGROUND INFORMATION: DOGGIE DISTRICT (PL120298) The property is located on the north side of Guadalupe Road, east of Rural Road. The site is zoned for multi-family residential but was built for and used as childcare from 1975 until summer 2012. Since the closure of Sun Tykes childcare, the building has remained vacant. Although a childcare use was allowed within the R-3 zoning district, pet care is not an allowed use in multi-family. The applicant is requesting the zoning change to CSS to bring the property into conformance with the General Plan and in alignment with the commercial properties to both the east and west of the site. CSS zoning provides the appropriate setbacks for the existing building. The use permit is necessary for the allowance of pet care within the commercial zoning district. Doggie District plans to upgrade the exterior façade, lighting, landscaping and play yards for the property to aesthetically enhance the building and site. The request includes the following:

ZON12008	Zoning Map Amendment from R-3 Multi-family to CSS Commercial Shopping and Service
ZUP12085	Use Permit to allow pet services.



Property Owner	Randy Phillips, Sun Tykes LLC
Applicant	Nelson Tressler, Doggie District Parnters 3 LLC
Current Zoning District	R-3 Multi-family residential
Net Acres	.409
Building Area	3,964
Parking Required	13 spaces
Parking Provided	13 spaces

ATTACHMENTS: Ordinance, Supporting Attachments

STAFF CONTACT: Diana Kaminski, Senior Planner (480-858-2391)

Department Director: Lisa Collins, Interim Community Development Director
 Legal review by: N/A
 Prepared by: Diana Kaminski, Senior Planner



COMMENTS:

The site is located on the north side of Guadalupe Road with PCC-1 Planned Commercial Center zoning to the west and south. R/O Residential Office zoning to the east wraps the site to the north; further north is R1-15 Single Family. There is no multi-family within the block of this property, making the R-3 multi-family zoning an anomaly within the area. The General Plan Land Use designation is Commercial for this site. PCC-1 is intended for a larger commercial development, requiring large set-backs that the existing building on this site cannot meet. R/O zoning is intended for less intensive commercial such as office uses, and does not allow pet care as a use. In looking at the existing building footprint and comparing the setbacks within the R-3 and CSS districts, the CSS zoning appeared to be the most consistent and compatible for zoning development standards and use. The childcare use that formerly occupied this site for thirty seven years was a compatible use for the area. Pet care would utilize the same building in a similar manner, with modifications necessary for animals. There will be three separated play yards for three different size of dogs. Each area will have shade, slides and climbing/crawling equipment and a play pool for exercise. There are indoor play areas and suites for weather that does not permit outdoor play. A small retail area will provide pet products for clients to purchase. For further processing, the applicant will be applying for an administrative Development Plan Review for exterior elevation and landscape modifications to bring the site up to contemporary standards of design.

Public Input

A neighborhood meeting was held on October 8th on site. Staff attended with the applicant and a local representative. No residents showed up for the meeting. However, staff received one call from a resident very supportive of the concept, and hoping the proposed use opens quickly.

Use Permit or Variance

The Zoning and Development Code requires a use permit for animal kennels and pet care.

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

1. *The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.* Doggie District is a full service indoor/outdoor dog care facility offering daycare, boarding, grooming, a pickup/drop off service, and group training classes. The facility is open to the public from 6am to 7pm for daycare use, and has overnight staff for pets kept for extended care. The facility has closed circuit cameras for monitoring activities of animals.
2. *Any significant increase in vehicular or pedestrian traffic.* The use is required to have 13 parking spaces, and is expected to have highest vehicular traffic between 6 and 8am, and again between 4 and 7pm as people drop off pets before and after work. Drop-off and pick up typically takes 10-15 minutes per customer. This traffic level would be similar to the childcare use that has been on site for 35 years, and less intensive than commercial uses at the adjacent property to the west.
3. *Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.* Although the outdoor dog play areas could be a potential source of noise and odor if not monitored and maintained, the applicant has provided information about the management of the five locations in Nevada, several directly adjacent to residences, which have had no complaints or issues with the use. This property has a block wall, and is separated by approximately 80 feet from the nearest residence. The physical barrier of the wall, distance from the residential area, and the demonstrated management of the other properties indicate that there will be no nuisances arising from the proposed use.
4. *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 proposed use supports the goals and objectives of the General Plan in continuing the use of an existing building re-purposed for a new market need, providing economic revitalization of a vacant building and

opportunities for new employment and neighborhood services.

5. *Compatibility with existing surrounding structures and uses.* The existing 3,964 building will be reused; the site will be upgraded to bring the property into compliance with lighting and landscape requirements. The building has been in use since 1975 and is a small scale office-type building compatible with the surrounding area. The owner plans to update the exterior façade to be more compatible with contemporary architectural styles.

6. *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 has indicated that pets are continuously monitored by staff and closed circuit cameras around the facility. The applicant has a demonstrated track record at 5 other facilities for management of the pets on site. Dogs are separated by size into different play yards and are required to meet socialization standards for play with other pets. The property has a CMU block wall in the back, and is approximately 80 feet from the nearest residence. Conditions of approval include a requirement to take dogs indoors if barking is disruptive.

Conclusion

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

REASON(S) FOR APPROVAL:

1. This request meets the approval criteria of Section 6-304 C.2. for a Zoning amendment:
 - a. The proposed zoning amendment is in the public interest.
 - b. The proposed zoning amendment conforms with and facilitates implementation of the General Plan
2. This request meets the approval criteria of Section 6-308 E for a Use Permit

SHOULD THE DEVELOPMENT REVIEW COMMISSION ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

1. This Use Permit is valid only after permits have been obtained for tenant improvements and signage and the required inspections have been completed and a Final Inspection has been passed.
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. 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.
4. Hours of operation to be from 6am to 7pm seven days a week, with staff available in the evening for overnight care of the animals.
5. Any non-conforming lighting shall be upgraded to meet current light levels in parking, pedestrian areas and at doorways for the safety of customers and staff.
6. Replace all dead or missing landscape material on site.
7. Provide bicycle parking for 2 bicycles using City of Tempe Public Works Department bicycle rack detail T-578 standard.

8. Animals shall be attended by staff during entire outdoor time, and brought into the facility if noise becomes a disturbance. No animals shall be left unattended outdoors.
9. Submit plans for shade canopy on west side of building, this was installed by prior tenant without permits. Any proposed new modifications to site must be submitted for Development Plan Review prior to installation.
10. Development Plan Review is required for all exterior modifications and a separate permit is required for signage.

HISTORY & FACTS:

- | | |
|---------------|---|
| April 2, 1975 | Design Review Board approved building and landscaping for Mary Moppet childcare at 932 E Guadalupe Rd. Building construction was completed by fall of 1975. |
| May 18, 1988 | Design Review Board approved signage for Sun Tykes Center childcare at 932 E Guadalupe Rd. |
| June 2012 | Sun Tykes closed business. |

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Section 6-304, Zoning Map Amendment

Section 6-308 Use Permit

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Sections 2-106 and 2-107, by removing the below described property from the R-3, Multi-family Residential District and designating it as CSS, Commercial Shopping and Service on .409 acres.

LEGAL DESCRIPTION

Parcel 301-02-005Y

TOTAL AREA IS .409 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # ZON12008** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Ordinance No.

WHEN RECORDED RETURN TO:
City of Tempe
Community Development Department
31 E. 5th Street
Tempe, AZ. 85281

**WAIVER OF RIGHTS AND REMEDIES
UNDER A.R.S. §12-1134**

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by **Doggie District 3, LLC**.

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

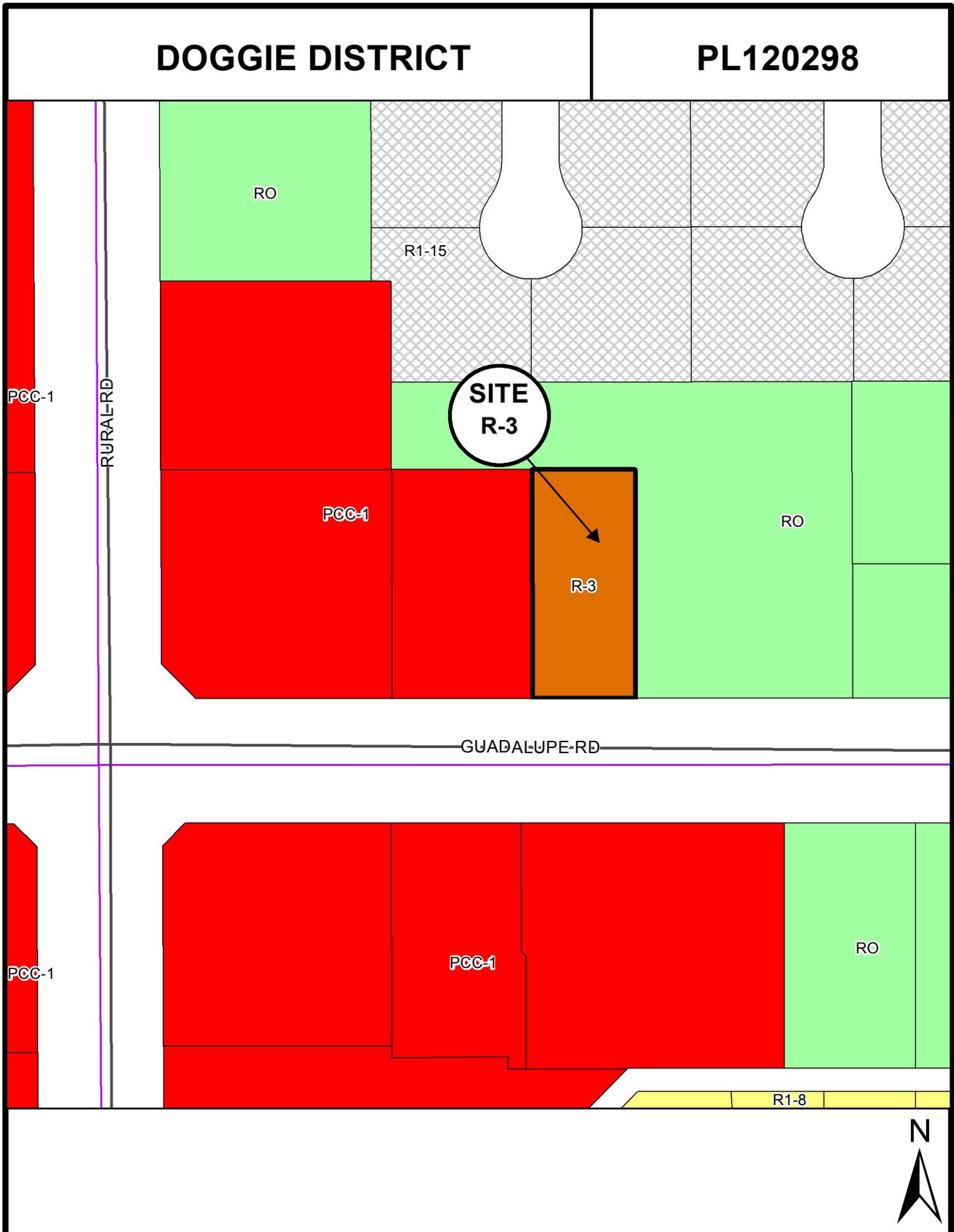
Owner has submitted Application No. **PL120298** to the City requesting that the City approve the following:

- GENERAL PLAN AMENDMENT
- ZONING MAP AMENDMENT
- PAD OVERLAY
- HISTORIC PRESERVATION DESIGNATION/OVERLAY
- USE PERMIT
- VARIANCE
- DEVELOPMENT PLAN REVIEW
- SUBDIVISION PLAT/CONDOMINIUM PLAT
- OTHER _____
(Identify Action Requested))

for development of the following real property (Property):

Parcel No. : 301-02-005Y

Addresses: 932 E GUADALUPE RD, Tempe, Arizona 85283



Location Map



Doggie District (PL120298)

September 4, 2012

City of Tempe
Community Development
31 East Fifth Street
Tempe, AZ 85280-5002

RE: Letter of Explanation – Zoning map Amendment
932 E. Guadalupe Rd., Tempe, AZ 85283
Parcel: 301-02-005Y

To Whom It May Concern:

The purpose of this letter is to request that the zoning for the above referenced property be conformed to the General Plan. The current zoning on this property is Multi-Family Residential Limited (R-3) and we are requesting that it be conformed to the General Plan of Commercial Shopping Center and Service (CSS).

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me by telephone at (702) 808-6505 and/or email me at ntressler@ngkf.com.

Sincerely,

Nelson Tresslor

October 10, 2012

City of Tempe
Community Development
31 East Fifth Street
Tempe, AZ 85280-5002

RE: Letter of Explanation – Use Permit
932 E. Guadalupe Road, Tempe, AZ, 85283

To Whom It May Concern:

The purpose of this letter is to establish the intended use for the above referenced property and give a generalized description of the business itself. This property is being considered by Doggie District for the placement of a Pet Resort. Doggie District is based out of Las Vegas, NV with four locations locally and a fifth recently opened in Phoenix, AZ.

Doggie District is a full service indoor/outdoor dog care facility offering daycare, boarding, grooming, a pickup/drop off service and group training classes as well as a shop that sells premium dog food, treats and accessories.

The property was formerly a children's daycare center. Our use is very similar to this use and will generate very similar vehicular and pedestrian traffic patterns.

We are very considerate of our neighbors and take many precautions to limit the noise and any potential odors at our facilities that include the following:

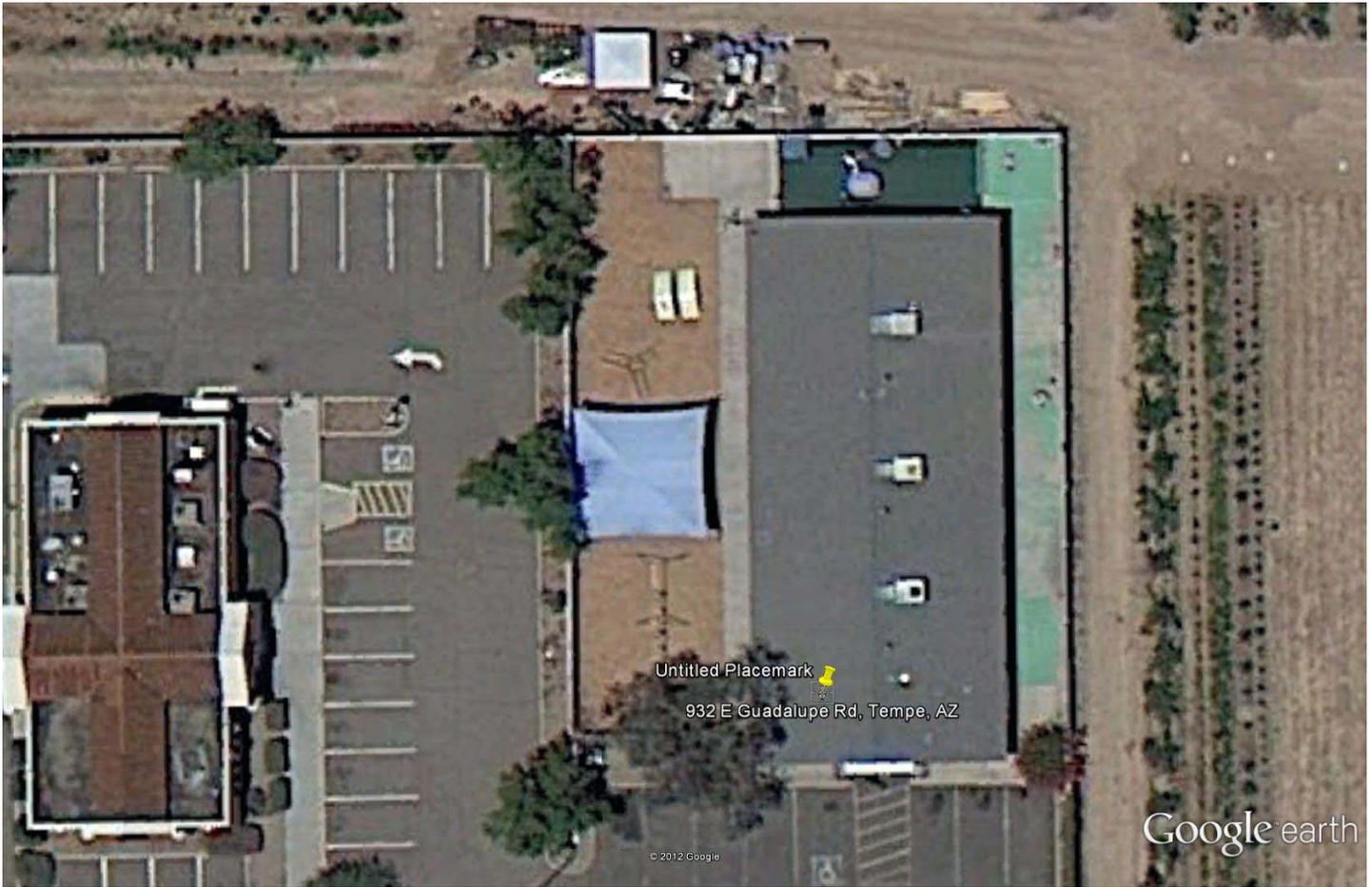
- a) We conduct behavior evaluations on all of our guests including looking for chronic barkers.
- b) We limit the use of the outside play area to 6:00am – 7:00pm.
- c) We always have staff in the yards when the dogs are outside.
- d) Smell is not an issue as our staff is continually cleaning up after the dogs and cleaning the facility.

We are confident that Doggie District Pet Resort will not only provide a great and needed service to the area but also add new life to a very old property.

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me by telephone at (702) 808-6505 and/or by email at ntressler@ngkf.com.

Sincerely,

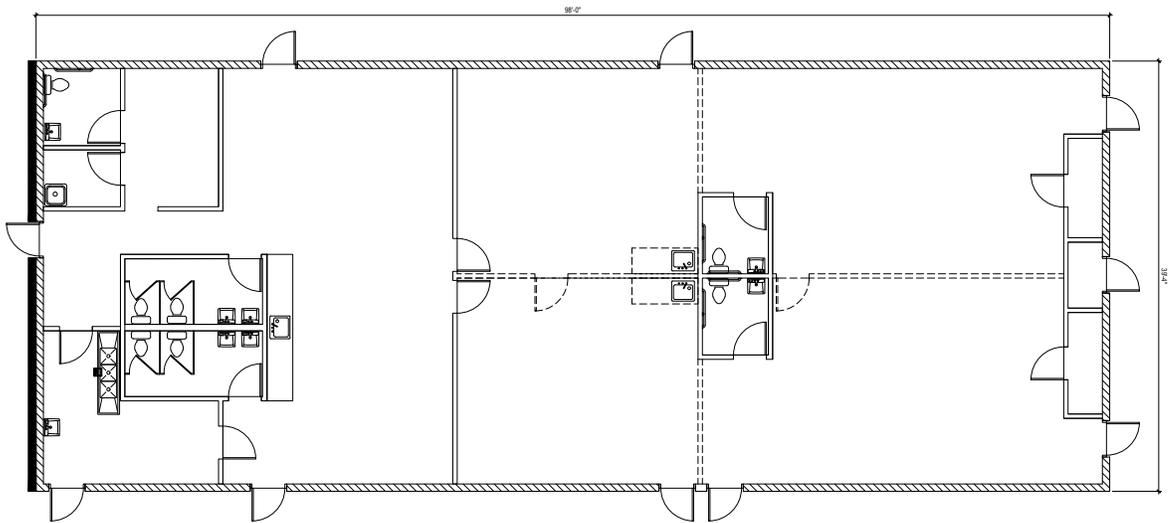
Nelson Tressler



Google earth



3/8" = 1'-0"
CONCEPT FLOOR PLAN



SHEET	DATE	NO.	REVISION	TEAM	OWNER	PROJECT	PRELIMINARY	www.mogdesign.com andym@mogdy.com	300 N. Jackson St. Green, AZ 85233 480.459.0389	mog Architecture Project Management
A1.0	09/17/12		CONCEPT FLOOR PLAN	PROJECT NO: DRAWN BY: DESIGNED BY: REVIEWED BY:	ATM ATM	DOGGIE DISTRICT INTERIOR IMPROVEMENTS 932 E. GUADALUPE RD. TEMPE, AZ	PRELIMINARY			
			CONCEPT FLOOR PLAN							

Former

SUNTYKES

CENTER FOR CHILDREN

932 East Guadalupe Road

Tempe, AZ 85283



Available For Sale or Lease

Sale Price: \$375,000 / Lease Rate: \$10 NNN

Features:

- o +/-3,591 Square Feet
- o Zoning: R-3, City of Tempe
- o Fenced Play Area with Playground Equipment
- o 13 Parking Spaces
- o 90' Frontage on Guadalupe Rd.
- o Year Built: 1976
- o Tax Parcel # 301-02-005Y
- o 2011 Taxes: \$5,061.14



Ken Elmer

D: 480.522.2778

M: 480.818.2142

kelper@cpiaz.com

Nick Miner, CCIM

D: 480.522.2790

M: 480.226.8037

nick@nickminer.com



COMMERCIAL PROPERTIES

I n c o r p o r a t e d

DISCLAIMER:

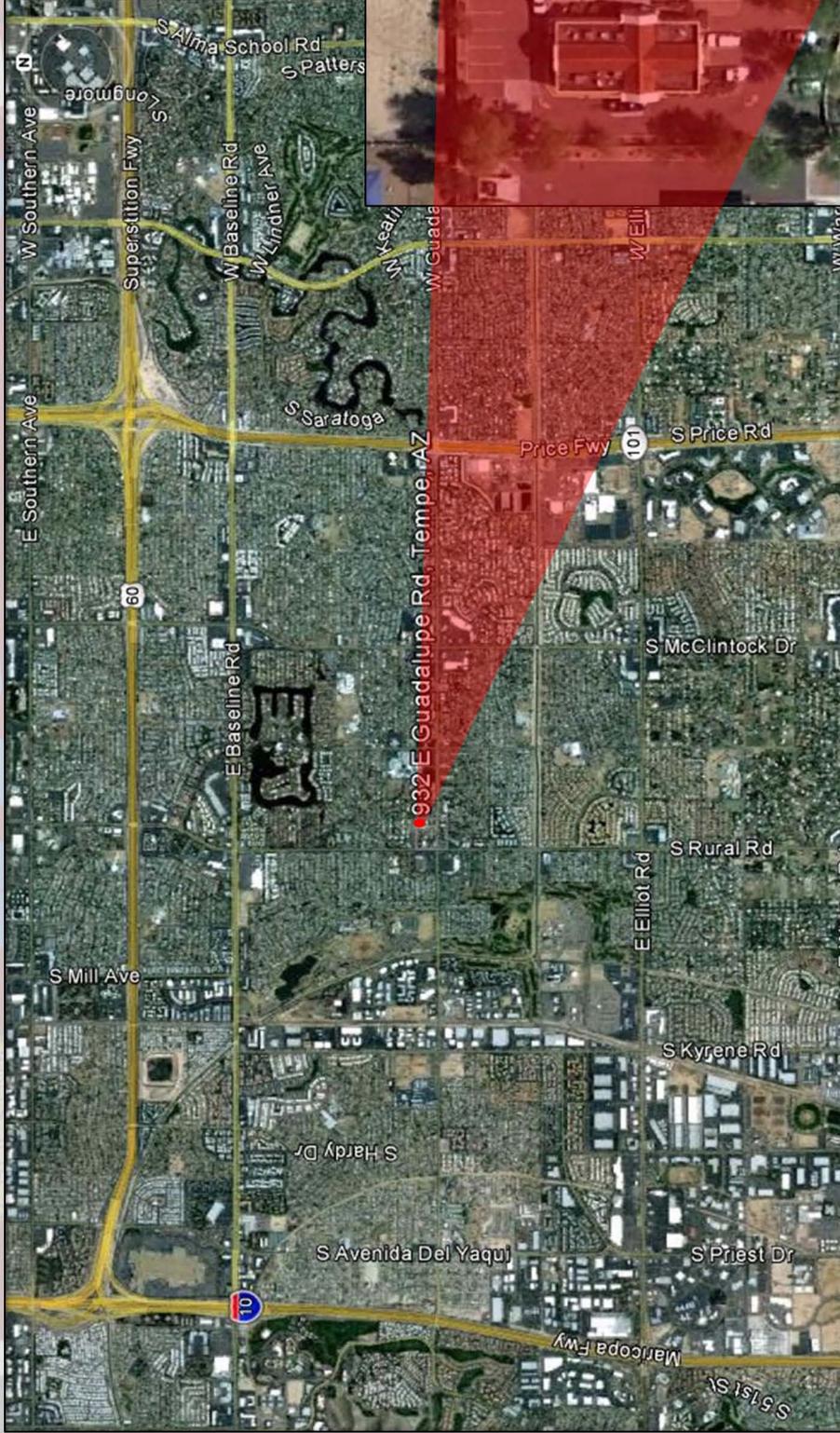
The information contained herein has been obtained from various sources. We have no reason to doubt its accuracy; however, J & J Commercial Properties, Inc. has not verified such information and makes no guarantee, warranty or representation about such information. The prospective buyer or lessee should independently verify all dimensions, specifications, floor plans, and all information prior to the lease or purchase of the property. All offerings are subject to prior sale, lease, or withdrawal from the market without prior notice.

Available For Sale or Lease

Sale Price: \$375,000 / Lease Rate: \$10 NNN

Former SUNTYKES

CENTER FOR CHILDREN
932 East Guadalupe Road
Tempe, AZ 85283



- Centrally Located
- Easy Access to I-10, US-60 and Loop 101
- Near Residential, Retail, Public Schools and Public Transportation

Ken Elmer
D: 480.522.2778
M: 480.818.2142
kelmer@cpiaz.com

Nick Miner, CCIM
D: 480.522.2790
M: 480.226.8037
nick@nickminer.com



COMMERCIAL PROPERTIES
I N C O R P O R A T E D

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