

**CITY OF TEMPE
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 07/14/2015
Agenda Item: 4

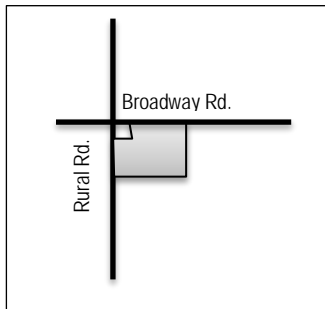
ACTION: Hold a public hearing for an appeal of the Hearing Officer decision to approve a Use Permit to allow an animal kennel and outdoor dog run for TEMPE DOGS 24/7, located at 937 East Broadway Road, Suite 7. The appellant is John and Mary Hoyt.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Not applicable

BACKGROUND INFORMATION: TEMPE DOGS 24/7 (PL150115) will be located in the Broadway Marketplace shopping center at the southeast corner of Rural and Broadway Roads. The business includes dog daycare, boarding, and grooming. The request includes the following:

1. Appeal Hearing Officer decision to approve a Use Permit to allow an animal kennel and outdoor dog run.



Property Owner	Weingarten Nostat, Inc.
Applicant	Drew Wood, Grant L. Olds Architects
Zoning District	PCC-1 (Planned Commercial Center Neighborhood)
Lot Size	7.46 acres
Building area	5,637 s.f.
Vehicle Parking	367 (322 required)
Bicycle Parking	10 (8 required)
Hours of Operation	8:00 am – 8:00 pm (daycare and grooming), 24 hours per day (boarding)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director
 Legal review by: N/A
 Prepared by: Karen Stovall, Senior Planner



DEVELOPMENT PROJECT FILE
for
TEMPE DOGS 24/7
APPEAL
(PL150115)

ATTACHMENTS:

1. Letter of Appeal
- 2-5. Staff Report for Tempe Dogs 24/7 Hearing Officer Hearing May 5, 2015
6. Aerial
7. Letter of Explanation
8. Site Plan
9. Floor Plan
10. Elevations & Photos
- 11-15. E-mails Received
- 16-20. Hearing Officer Minutes of May 5, 2015

We are filing this appeal because we believe Tempe Dogs 24/7 (PL 150115) will not be able to comply with any of the sections, especially Section 1, 2, 3, and 5 of the use permit criteria as described in Section 6-308E.

We would like to request the Hearing date of July 14th.

Thank you

John and Mary Hoyt

JHoyt - 5/19/2015
Mary Hoyt 5/19/2015

**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 05/05/2015
Agenda Item: 2

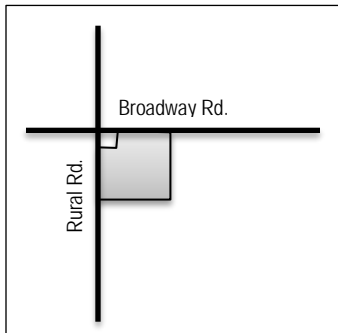
ACTION: Request approval for a Use Permit for an animal kennel and outdoor dog run for TEMPE DOGS 24/7 (PL150115), located at 937 East Broadway Road, Suite 7. The applicant is Grand L. Olds Architects.

FISCAL IMPACT: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

BACKGROUND INFORMATION: TEMPE DOGS 24/7 (PL150115) will be located within the Broadway Marketplace shopping center at the southeast corner of Rural and Broadway Roads. The business includes dog daycare, boarding, and grooming. The request includes the following:

ZUP15042 Use Permit to allow an animal kennel and outdoor dog run.



Property Owner	Weingarten Nostat, Inc.
Applicant	Drew Wood, Grant L. Olds Architects
Zoning District	PCC-1 (Planned Commercial Center Neighborhood)
Lot Size	7.46 acres
Building Area	5,637 s.f. (tenant suite)
Parking Required/Provided	322 (367 provided)
Bike Parking Required/Provided	8 (10 provided)
Hours of Operation	8:00 am – 8:00 pm (daycare and grooming), 24 hours per day (boarding)

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Karen Stovall, Senior Planner (480) 350-8432

Department Director: Dave Nakagawara, Community Development Director

Legal review by: N/A

Prepared by: Karen Stovall, Senior Planner

Reviewed by: Steve Abrahamson, Planning & Zoning Coordinator

COMMENTS

The applicant is requesting a Use Permit to allow an animal kennel with an outdoor dog run. The business would occupy a suite on the east side of the shopping center that is approximately 5,637 square feet in area. The property directly to the east is zoned PCC-1 and contains a self-storage facility.

Services include dog daycare, boarding, and grooming. Daycare and grooming are offered from 8:00 am to 8:00 pm seven days a week. Dog kennels are located inside the building; an employee will be on the premises at all times while dogs are boarded. The applicant also proposes an outdoor dog run on the south side of the building that is approximately 1,500 s. f. in area. The run will be enclosed with an 8' high block wall and be shaded by a fabric canopy. An employee will be outside with the dogs while they are in the dog run.

PUBLIC INPUT

At the completion of this report there has been no public input.

USE PERMIT

The proposed use requires a Use Permit to allow an animal kennel and outdoor dog run within the PCC-1 zoning district.

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

1. *Any significant increase in vehicular or pedestrian traffic.*
The proposal should not create a significant increase in vehicular or pedestrian traffic. The facility will be located within an existing shopping center, and no additional building square footage is proposed. The use should generate traffic similar to the commercial uses previously occupying the tenant space and other uses in the center.
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 will install air sanitizers in the HVAC units and sound insulation material on the demising wall shared with the neighbor to the north. The dog run is proposed on the south side of the building with the nearest residential use approximately 250 feet to the southeast. It is surrounded on the north, west, and east by other commercial uses and directly to the south by sports fields for a church and private school. An employee will be on-site while dogs are in the facility and will stay outside in the dog run while it is in use to control noise.
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 proposed use should not contribute to the deterioration of the neighborhood or downgrading of property values.
4. *Compatibility with existing surrounding structures and uses.*
The use should be compatible with existing surrounding structures and uses. The proposed hours of operation are typical for a service business.
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 business will have employees on-site while dogs are either inside the building or in the dog run to control disruptive behavior.

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 the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

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.

CONDITIONS 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.
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, which may result in termination of the Use Permit.
4. 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.
5. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details shall be resolved during Building Safety Plan Review.
6. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
7. Development Plan Review approval for the outdoor area and proposed shade canopy on the south side of the building is required. Obtain all necessary Development Services clearances and permits for structures in this area.

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 Tempe Dogs 24/7 and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- 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 15, 2015. 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.

- Any intensification or expansion of use shall require a new Use Permit.
- 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:

None pertinent to this case.

**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

Section 6-308 Use Permit

Table 3-202A Permitted Land Uses (R/O, CSS, CC, PCC, RCC)

TEMPE DOGS 24/7

PL150115



Aerial Map

15 April 2015

City of Tempe Development Services
Attn: Planning Department
31 East Fifth Street
Tempe, AZ 85281

Re: LETTER OF EXPLANATION – 937 East Broadway Road Suite 7

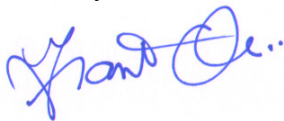
Dear City of Tempe Planning Department:

I am requesting your review to alter the use of the subject suite for the use of Tempe Dogs 24/7, a full service dog daycare, boarding and grooming facility. Tempe Dogs would be our third location in the east valley. We currently have Gilbert Dogs 24/7 located at 868 N. Gilbert Road. It was originally open in 2009. Secondly, we have Chandler Dogs 24/7 located at 6125 W. Chandler Blvd. It was originally open in 2011. We were honored by online voters through the East Valley Tribune as “Best of Gilbert” and “Best of Chandler” in 2014 in our category of Pet Services. We offer daycare and grooming services during typical business hours of 8am to 8pm. Our overnight dog guests are with us in 24 hour intervals. We expect our workforce for this facility to range between 4-10 employees. Our clientele tends to be busy professionals that use doggy daycare in a similar fashion as parents use children’s daycare.

We pride ourselves to operate Dog Service Facilities that are clean, healthy and visually appealing for our industry. Our build out will include extensive soundboard insulation material on the demising wall with our one neighbor. We also plan to install special air sanitizers in all of our HVAC units. The dog run area being built on the south side of the building will be for fully supervised doggy breaks periodically throughout the business day every two or three hours. The area will not be used during the evening. Operationally, we pride ourselves in cleaning our facilities 24 hours a day with proper sanitizing cleaners.

If you require any additional information please do not hesitate to call.

Cordially;

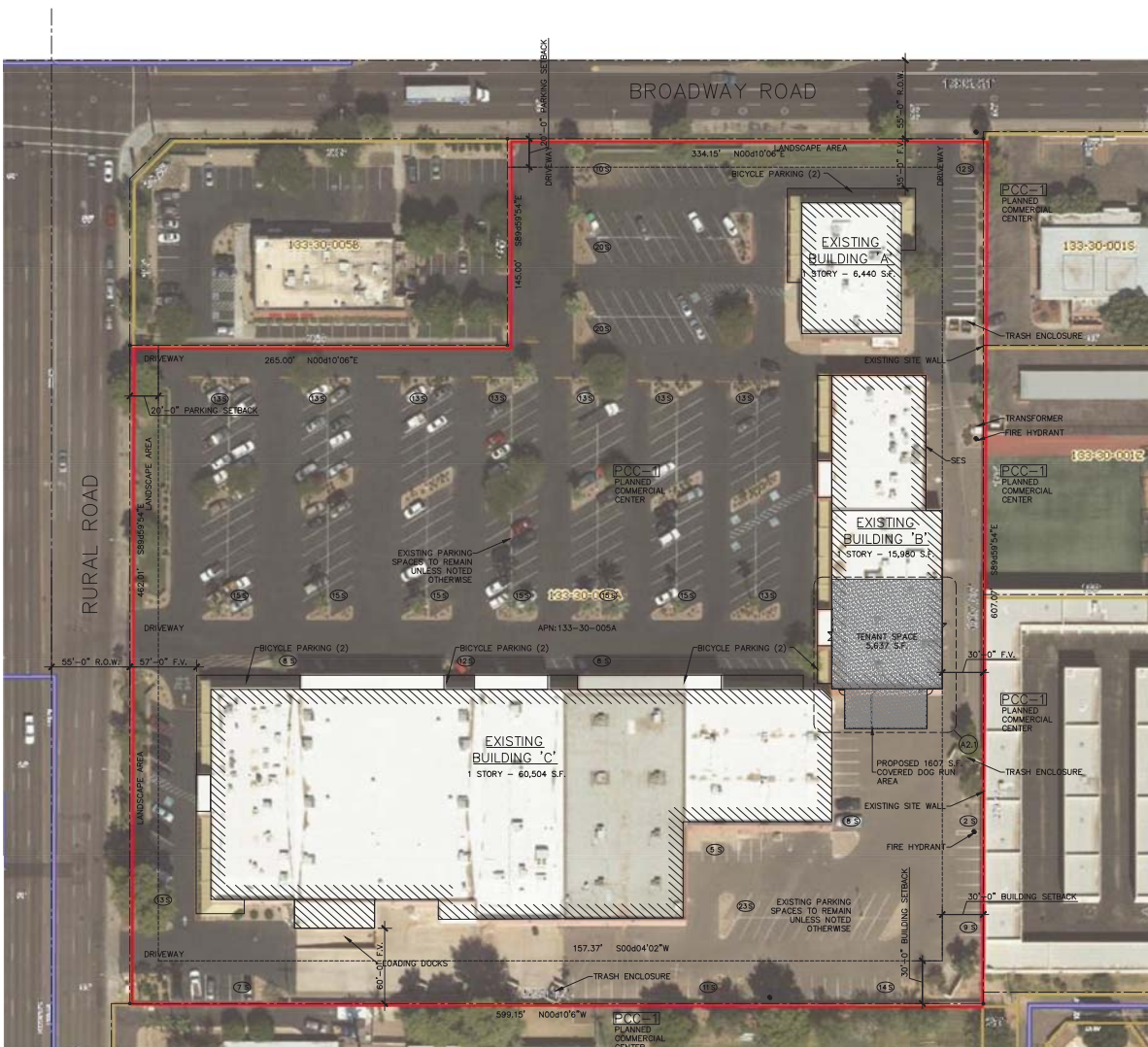


Grant Olds - Architect

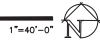
T: 480-831-5678

F: 480-831-8299

C: 480-206-5677



SITE PLAN



LEGAL DESCRIPTION

PARCEL NO. 1
 The Northwest quarter of the Northwest quarter of the Northwest quarter of Section Twenty-six (26), Township One (1) North, Range Four (4) East of Gila and Salt River Base and Meridian, Maricopa County, Arizona;
 EXCEPT the East 210 feet thereof; and
 EXCEPT the West 200 feet of the North 175 feet thereof; and
 EXCEPT the North 55 feet and the West 55 feet thereof; and
 EXCEPT that portion of the Northwest quarter of Section 26, Township 1 North, Range 4 East of Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:
 COMMENCING at the Northwest corner of said Section 26;
 THENCE North 89 degrees 59 minutes 54 seconds East (on assumed bearing) along the North Line of the Northwest quarter of said Section 26, a distance of 55.00 feet;
 THENCE South 00 degrees 10 minutes 06 seconds West a distance of 175.00 feet to the Point of Beginning;
 THENCE continuing South 00 degrees 10 minutes 06 seconds West along the East right-of-way line of Rural Road, said line being 55.00 feet East and parallel to the West line of the Northwest quarter of said Section 26, a distance of 25.00 feet;
 THENCE North 89 degrees 59 minutes 54 seconds East a distance of 265.00 feet;
 THENCE North 00 degrees 10 minutes 06 seconds East a distance of 145.00 feet;
 THENCE South 89 degrees 59 minutes 54 seconds West along the South right-of-way line of Broadway Road, said line of being 55.00 feet South of the parallel to the North line of the Northwest quarter of said Section 26, a distance of 120.00 feet;
 THENCE South 00 degrees 10 minutes 06 seconds West a distance 120.00 feet;
 THENCE South 89 degrees 59 minutes 54 seconds West a distance of 145.00 feet to the point of Beginning.
PARCEL NO. 2
 The East 210 feet of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section Twenty-six (26), Township One (1) North, Range Four (4) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:
 COMMENCING at the Northwest corner of said Section 26;
 THENCE North 89 degrees 59 minutes 54 seconds East (on assumed bearing) along the north line of the Northwest quarter of said Section 26, said line being also the monument line of Broadway Road, a distance of 320.00 feet;
 THENCE South 00 degrees 10 minutes 06 seconds West a distance of 55.00 feet to the Northernly right-of-way line of said Broadway Road and Northeast corner of the above described parcel, the Point of Beginning;
 THENCE South 00 degrees 10 minutes 06 seconds West a distance of 12.50 feet;
 THENCE South 89 degrees 59 minutes 54 seconds West a distance of 10.00 feet;
 THENCE North 00 degrees 10 minutes 06 seconds East a distance of 12.50 feet to said right-of-way line;
 THENCE North 89 degrees 59 minutes 54 seconds East along said line a distance of 10.00 feet to the Point of Beginning.
PARCEL NO. 3
 A non-exclusive easement as reserved at Recorder's No. 90-578447 for the installation operation and maintenance of a double-faced advertising sign.
 That portion of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section Twenty-six (26), Township One (1) North, Range Four (4) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:
 COMMENCING at the Northwest corner of said Section 26;
 THENCE North 89 degrees 59 minutes 54 seconds East (on assumed bearing) along the north line of the Northwest quarter of said Section 26, a distance of 12.50 feet;
 THENCE South 00 degrees 10 minutes 06 seconds West a distance of 12.50 feet to the Northernly right-of-way line of said Broadway Road and Northeast corner of the above described parcel, the Point of Beginning;
 THENCE South 00 degrees 10 minutes 06 seconds West a distance of 12.50 feet;
 THENCE North 00 degrees 10 minutes 06 seconds East a distance of 12.50 feet to said right-of-way line;
 THENCE North 89 degrees 59 minutes 54 seconds East along said line a distance of 10.00 feet to the Point of Beginning.
PARCEL NO. 4
 Rights of ingress and egress for pedestrian and vehicular traffic and other rights, all as set forth in Declaration of Rediprocal Easements and Deed Restrictions dated September 7 1990, and recorded December 31, 1990 at Recorder's No. 90-578448.

GENERAL NOTES

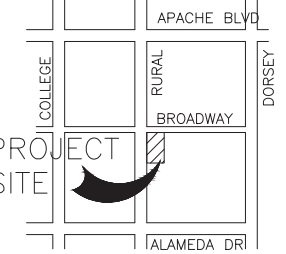
- CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND SITE CONDITIONS AND REPORT ANY DISCREPANCIES TO THE OWNER.
- ALL WORK SHALL BE ACCORDING TO CURRENT APPLICABLE CODES AND / OR ESTABLISHED INDUSTRY STANDARDS.
- ALL PRODUCTS LISTED BY ICC NUMBERS SHALL BE INSTALLED PER THE REPORTS AND MANUFACTURER'S WRITTEN INSTRUCTIONS.
- ALL VOIDS AROUND PENETRATIONS IN THE FLOOR SLAB AREA TO BE FULLY SEALED.
- THESE CONSTRUCTION DOCUMENTS REPRESENT THE FINISHED STRUCTURE. THE CONTRACTOR SHALL PROVIDE ALL MEASURES NECESSARY TO PROTECT THE STRUCTURE DURING CONSTRUCTION. SUCH MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO, BRACING AND SHORING FOR LOADS.
- ALL PRODUCTS AS SPECIFIED OR APPROVED EQUAL. ALL EQUALS TO BE SUBMITTED TO THE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO ANY SUBSTITUTIONS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MEETING THE REQUIREMENTS OF ALL CURRENT BUILDING CODES, AND ALL ENFORCEMENT AGENCIES.
- EACH SUBCONTRACTOR SHALL PROVIDE ALL NECESSARY TEMPORARY BRACING, SHORING, GUYNIG OR OTHER MEANS TO AVOID EXCESSIVE STRESSES AND TO HOLD STRUCTURAL ELEMENTS ASSOCIATED WITH THE WORK.
- NOTES AND DETAILS ON THE DRAWINGS TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS. WHERE NO DETAILS ARE SHOWN, CONSTRUCTION SHALL CONFORM TO SIMILAR AND EXISTING WORK ON THIS PROJECT.
- FLASHING MATERIAL SHALL BE 26 GAUGE GALVANIZED SHEETING, WHERE FLASHING MEETS THE EXTERIOR FINISH MATERIAL, CAULK THE JOINT AS REQUIRED.
- AT ALL WET AREAS USE CEMENT, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER MEETING ASTM C1098, C1025, OR C1178.
- THERE SHALL BE NO NEW ROOF MOUNTED MECHANICAL, UTILITY AND COMMUNICATION EQUIPMENT INSTALLED OR PERMITTED WITH THIS APPROVAL. ALL NEW EQUIPMENT UTILITIES, OR OTHER APPURTENANCES ATTACHED TO THE BUILDING SHALL BE AN INTEGRAL PART OF THE BUILDING DESIGN IN TERMS OF FORM, COLOR, AND TEXTURE.

FIELD VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS TO ENSURE COMPLIANCE WITH DESIGN INTENTIONS CONVEYED IN THESE DRAWINGS.

PROJECT DATA

OWNER: WEINGARTEN / ARIZONA INC
 PO BOX 924133
 HOUSTON, TX 77292
PROJECT NAME: TEMPE DOGS 24/7
USE: DOGGY DAY CARE & GROOMING
PROJECT ADDRESS: 937 E. BROADWAY ROAD
 TEMPE, AZ 85282
ZONING: PCC-1
APN: 133-30-005A
LOT SIZE: 324,827 S.F.
SETBACKS: FRONT 0'-0"
 REAR 30'-0"
 SIDE 30'-0"
 PARKING 20'-0"
LOT COVERAGE: 50% BUILDING MAX. (162,414 S.F.)
 92,992 S.F.
CONSTRUCTION TYPE: III-B, NON SPINKLER
BUILDING AREA: BUILDING 'A' = 6,440 S.F.
 BUILDING 'B' = 15,980 S.F.
 BUILDING 'C' = 60,504 S.F.
TOTAL BUILDINGS: 82,924 S.F.
AREA OF WORK: INTERIOR = 5,637 S.F.
 EXTERIOR = 1,624 S.F.
OCCUPANCY: M (MERCANTILE EXISTING)
 5,637 SQ = 188 OCCUPANTS
PARKING REQUIREMENTS: RETAIL @ 1:300 S.F.
 RESTAURANT @ 1:75 S.F.
 BICYCLES @ 1:110,000 S.F.
 RETAIL 78,453/300 = 262
 RESTAURANT 4,471/75 = 59
 BICYCLES 322 TOTAL
 = 8
PARKING PROVIDED: RETAIL = 367
 BICYCLES @ = 10
LANDSCAPING: 20,755 S.F.
 NO LANDSCAPING WILL BE EFFECTED WITH THIS MODIFICATION TO THE BUILDING. ALL LANDSCAPING TO REMAIN AS IS. ALSO THE EXISTING STORM WATER FLOW WILL NOT BE EFFECTED WITH THIS MODIFICATION.

VICINITY MAP



PROJECT SCOPE

THIS IS AN INTERIOR TENANT IMPROVEMENT PROJECT TO AN EXISTING BUILDING. WORK INCLUDES DEMOLITION AND CONSTRUCTION OF NEW NON LOAD BEARING PARTITIONS, MILLWORK AND FINISHES AND THE MECHANICAL, ELECTRICAL AND PLUMBING ASSOCIATED WITH THESE IMPROVEMENTS. MINOR SITE WORK WILL BE INCLUDED IN THIS PROJECT, INCLUDING EXTERIOR AREA FOR A COVERED DOG RUN.

EQUIPMENT SCREENING

There is no new roof top equipment. All existing and proposed equipment is fully screened by the building parapet that matches the architectural color and architectural finishes of the project.

BUILDING CODE INFORMATION

- 2009 INTERNATIONAL BUILDING CODE WITH AMENDMENTS
- 2008 INTERNATIONAL RESIDENTIAL CODE WITH AMENDMENTS
- 2009 INTERNATIONAL MECHANICAL CODE WITH AMENDMENTS
- 2009 INTERNATIONAL PLUMBING CODE WITH AMENDMENTS
- 2009 INTERNATIONAL FIRE CODE WITH AMENDMENTS
- 2008 NATIONAL ELECTRICAL CODE WITH AMENDMENTS
- AMERICANS WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES
- ICC/ANSI A117.1-2003 Accessible and Usable Buildings and Facilities (ANSI, Appendix A to 28 CFR Part 36 revised 9/15/2010 ADA Standards for Accessible Design (ADA) and/or 28 CFR Part 35 or Part 36 (ADA Title II or Title III regulations), as applicable. Where conflict occur, the provisions giving greater accessibility (most restrictive) will govern.
- ALL PRODUCTS LISTED BY I.C.C./E.R. NUMBERS SHALL BE INSTALLED PER REPORT AND MANUFACTURER'S WRITTEN INSTRUCTIONS. PRODUCT SUBSTITUTIONS FOR PRODUCTS LISTED SHALL ALSO HAVE I.C.C. APPROVED EVALUATION REPORTS OR BE APPROVED AND LISTED BY OTHER NATIONALLY RECOGNIZED TESTING AGENCIES.

SHEET INDEX

A1.0 SITE PLAN AND PROJECT DATA
 A2.1 FLOOR PLAN
 A3.0 BUILDING ELEVATIONS & EXISTING SITE PHOTOS

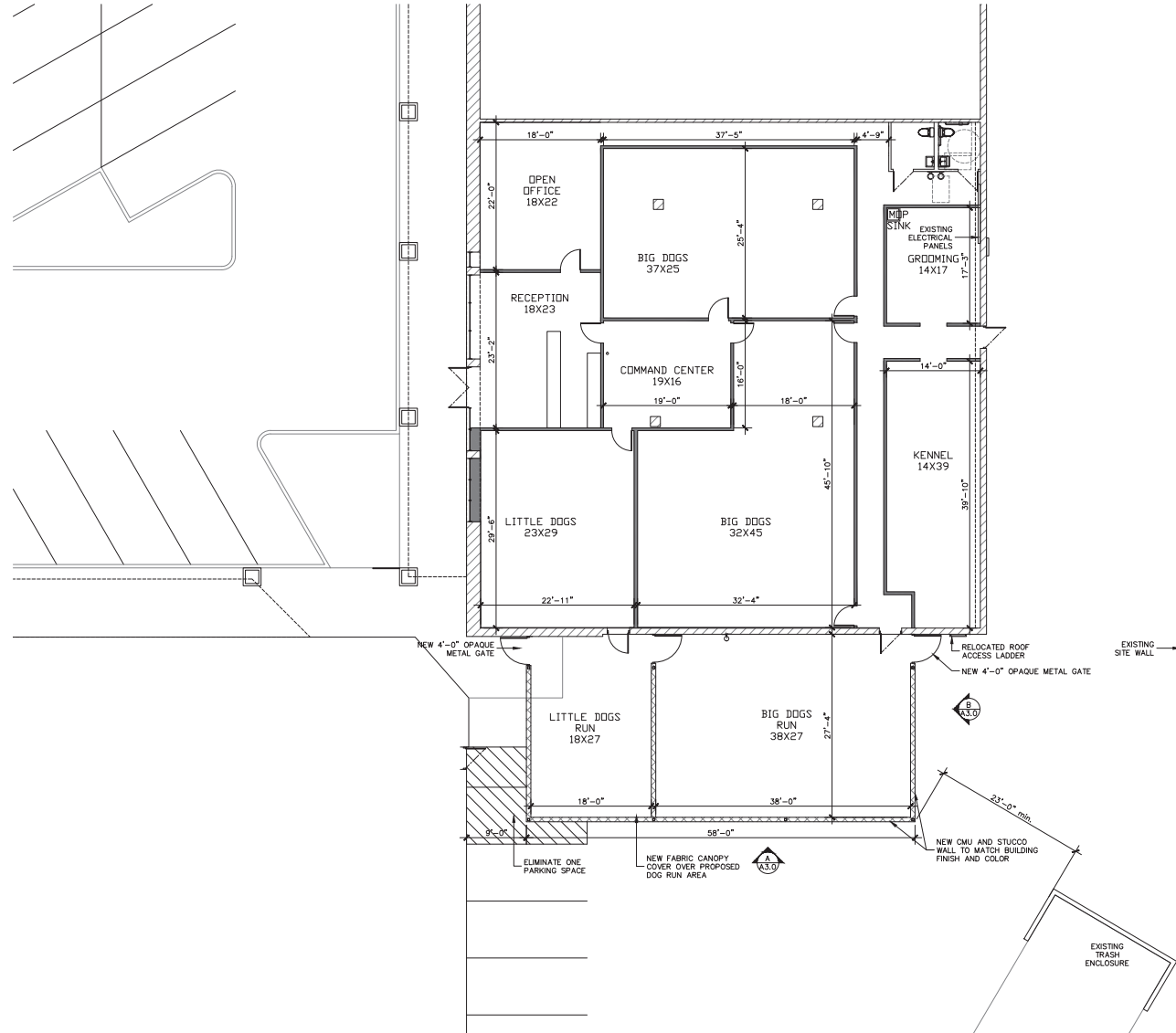
GRANT L OLDS ARCHITECTS
 4800-821-5678
 HOBB EAST DIAMOND DRIVE TEMPE, ARIZONA 85283
 PROJECT NUMBER: 2015008
 DATE: 03 APRIL 2015



USE PERMIT FOR:
TEMPE DOGS 24/7
 SUITE 7
 937 E. BROADWAY ROAD
 TEMPE, ARIZONA 85282



FIELD VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS TO ENSURE COMPLIANCE WITH DESIGN INTENTIONS CONVEYED IN THESE DRAWINGS.



BUILDING FLOOR PLAN

1/8"=1'-0"

GRANT L OLDS ARCHITECTS
 1508 EAST DIAMOND DRIVE TEMPE, ARIZONA 85283 (480) 831-5678
 PROJECT NO. 2015008
 DATE: 03 APRIL 2015



USE PERMIT FOR:
TEMPE DOGS 24/7
 SUITE 7
 937 E. BROADWAY ROAD
 TEMPE, ARIZONA 85282

A2.1

FIELD VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS TO ENSURE COMPLIANCE WITH DESIGN INTENTIONS CONVEYED IN THESE DRAWINGS.



FRONT ELEVATION



BUILDING 'C' EAST ELEVATION



BUILDING 'B' SOUTH ELEVATION

C EXISTING ELEVATIONS

GRANT OLDS ARCHITECTS
 1508 EAST DIAMOND DRIVE TEMPE, ARIZONA 85283 (480) 831-5678
 THESE DRAWINGS ARE THE PROPERTY OF GRANT OLDS ARCHITECTS. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THESE DRAWINGS OR ANY INFORMATION CONTAINED THEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GRANT OLDS ARCHITECTS. THE PROJECT OR ANY PART THEREOF IS NOT TO BE USED FOR ANY OTHER PROJECT OR EXTENSION TO THIS PROJECT WITHOUT THE WRITTEN PERMISSION AND WITH APPROPRIATE CONNECTION TO THE ARCHITECT.
 DATE: 03 APRIL 2015 PROJECT NUMBER: 2015008

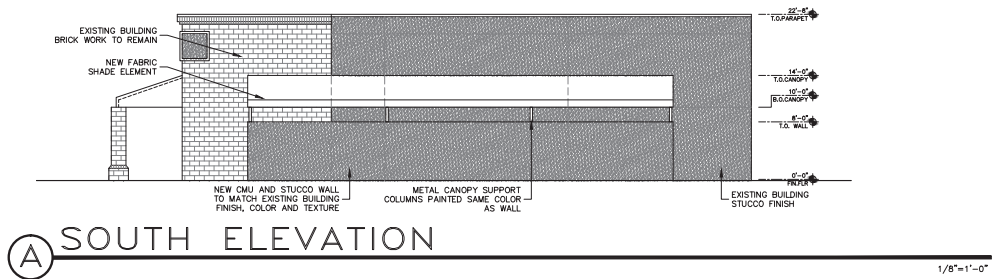
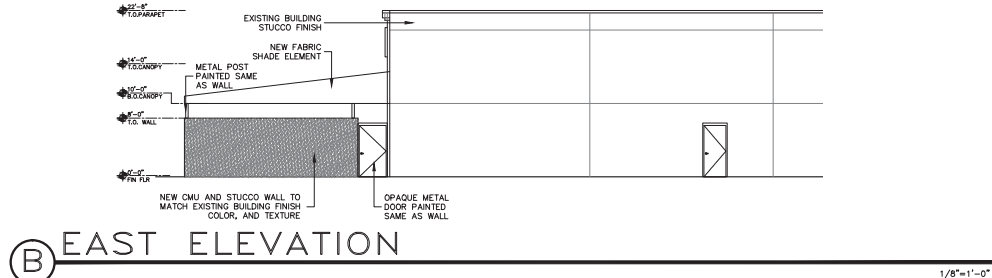


BUILDING WALL FINISH COLOR

BENJAMIN MOORE PAINT
#UC701 REVIVAL ROSE

SHADE CANOPY FINISH COLOR

OPEN WEAVING SUNBRELLA FABRIC CANOPY FINISH IS COMMERICAL. IF AS MANUFACTURED BY SPINDEL, IT HAS A TENSILE STRENGTH RATING OF 75 AND A SHADE DEVELOPMENT OF 90. QUOTE IT AS 1874 AND WE GUARANTY A 10 YEAR.



USE PERMIT FOR:
TEMPE DOGS 24/7
 SUITE 7 BROADWAY ROAD 85282
 TEMPE, ARIZONA

A3.0

Stovall, Karen

From: aubinsong@aol.com
Sent: Saturday, May 02, 2015 10:17 PM
To: Stovall, Karen
Subject: Tempe Dogs 24/7

Hello Ms. Stovall,
We live due SE from the proposed site for Tempe Dogs 24/7, at 1012 E. Palmcroft Drive.
We recently built a new home here. We are "green" in the use of grey water and solar panels.
We value our beautifully landscaped back yard and our neighbors.

I would like to voice my concern about the proposed "doggy day care". Although they say that hours for the dog run will be limited, I still think that the noise from barking dogs will be a big problem for this neighborhood. Once they are entrenched in this location, they could at any time change their hours of operation or their business plan.

We spend a huge amount of time in our back yard.
We already are bothered by the cars cruising on Broadway.
But I feel that we can prevent noise from a kennel.

Please refuse this request. There are many other areas in Tempe (industrial areas, for example) where this business could thrive, yet not impact adjacent neighbors.

Sincerely, Cheryl Aubin Smith

Stovall, Karen

From: Mary Hoyt <hoyt7@cox.net>
Sent: Saturday, May 02, 2015 2:22 PM
To: Stovall, Karen
Subject: Concerned neighbor regarding Tempe Dogs 24/7

Hello Karen Stovall,

I am writing in regards to the proposed use permit for Tempe Dogs 24/7. The case number is PL150115. We are located directly behind where the proposed dog run would be located.

I have a GREAT CONCERN for the proposed dog run. The proposed dog run would be located on the other side of our back yard.

We have lived in our home for over 20 years. We have a large back yard, and we spend a great deal of time in our back yard.

The proposed dog run would cause a noise nuisance to our household and that of our neighbors.

We would like to propose that Tempe Dogs 24/7 not be granted permission for a dog run.

Dog barks are an acute noise that carries hundreds of yards.

When dogs get together, they bark.

Both my husband and I are very sensitive to acute noises.

When you average out the decibels of one dog barking the decibels are high. When that noise level is multiplied, The noise becomes very amplified, and very disruptive.

The proposed dog run for Tempe Dogs 24/7 would be a hardship to our lives.

We do not want a dog run so close to our home.

There are other parts of Tempe that are zoned more in accord with this use. Industrial parks, I believe would be zoned for this usage.

Mary Hoyt

Stovall, Karen

From: CJ <rhonda_uga@yahoo.com>
Sent: Sunday, May 03, 2015 10:23 AM
To: Stovall, Karen
Subject: Proposed dog kennel and dog run at 937 W Broadway

Karen and committee: I live at 1013 East Redondo Dr in Tempe. Recently I saw your public hearing notice concerning a dog kennel and dog run at 937 W Broadway Road. I am writing in regards to the proposed dog run. I do feel it will be disruptive to our neighborhood. I have lived in several homes that have been disrupted by dogs that bark constantly. It can be very annoying, because you have no control over the situation. When the weather is pleasant, I would hate to have to close my windows because of barking dogs. I question if this location is appropriate for such a venue. Would not an industrial area be more suitable. Thank you for your consideration regarding this matter. Connie Vekre

Stovall, Karen

From: Mary Morgan <memorgan10@yahoo.com>
Sent: Sunday, May 03, 2015 7:01 PM
To: Stovall, Karen
Subject: Case PL150115

Hello Karen Stovall, my husband, John P. Morgan, Jr. and I, Mary Morgan are addressing the proposed use permit for Tempe Dogs 24/7, case PL150115. We live in the neighborhood directly behind this proposed area. My husband has mental health issues, (over 20 yrs.) and his sleeping pattern is affected day to day, he is at home daily. In fact he has to take a nap daily. We are very concerned about an increased noise level that this would bring not only to us but to our neighbors. And again, my husband is beyond normal sensitive noise. We do not want this so close to home. Thankyou, we live at 1009 E.Palmcroft Dr., Tempe, Az. 85282

Stovall, Karen

From: Cathe Menefee <cmenefee@usdd.com>
Sent: Monday, May 04, 2015 4:15 PM
To: Stovall, Karen
Subject: Tempe Dogs 24/7: Case No. PL150115; neighbor dog run

Dear Karen:

Please be apprised that my family and I are against the building and operating of a dog run at the proposed area in case no. PL150115.

We are located diagonally behind the proposed location; the dog run would be in our neighborhood. The owners of the run cannot guarantee that the dogs will not bark. Thus, they cannot guarantee that we will not be subjected to the constant irritating sound of barking dogs during dog-run operation hours.

How can a dog run become established in and near any neighborhood? What about night-shift workers who sleep during the day? How can the owners of the dog run be responsible for uncontrollable noise from dogs they haven't trained? Why was this element not considered when the site was chosen? Like it or not, because sound travels, no matter how the neighborhood lines are drawn, the owners are proposing to put a dog run in a neighborhood setting.

—Cathe Menefee
1006 E. Palmcroft Dr.
Tempe, AZ 85282

**MINUTES
HEARING OFFICER
May 5, 2015**

Minutes of the regular public hearing of the Hearing Officer, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

Present:

Vanessa MacDonald, Hearing Officer
Steve Abrahamson, Planning & Zoning Coordinator
Sherri Lesser, Senior Planner
Karen Stovall, Senior Planner
Sarah Adame, Administrative Assistant II

Number of Interested Citizens Present: 10

Meeting convened at 1:35 PM and was called to order by Ms. MacDonald. She noted that anyone wishing to appeal a decision made by the Hearing Officer would need to file a written appeal to that decision within fourteen (14) days, by May 19, 2015 at 3:00 PM, to the Community Development Department.

Before hearing the cases, Ms. MacDonald noted that item #4 will be continued to the May 19, 2015 Hearing Officer by the request of city staff.

Ms. MacDonald stated that she would review items #2 and #3 out of order today.

1. CONSIDERATION OF MEETING MINUTES: April 21, 2015

Ms. MacDonald noted that the Hearing Officer Minutes for April 21, 2015 would be continued to May 19, 2015 for review and approval to allow for more review time of assigned Conditions of Approval.

2. Request approval for a Use Permit for an animal kennel and outdoor dog run for TEMPE DOG 24/7 (PL150115), located at 937 East Broadway Road. The applicant is Drew Wood, Grant L. Olds Architects.

Karen Stovall presented the case. She indicated that the site is located within the Broadway Shopping Center near the southeast corner of Rural and Broadway Roads. The property on the east is a storage facility; the property to the south is a ball field associated with a church and a school. The business occupies a 5637sq. ft. area. Business services include daycare, boarding, and grooming. Daycare and grooming services are from 8am to 8pm and overnight boarding is located inside the building. The applicant proposes an outside dog run on the south side of building that is approximately 1500 s.f. The area will be enclosed by an 8 ft. block wall and covered by a fabric canopy with gates on the east and west side. Employees would be outside with the dogs in the dog run.

A neighborhood meeting was not required with this application. Five (5) e-mails of opposition this request have been received citing concern with the noise generated from the dogs from the dog run. Based on the Information from the applicant and use permit findings request approval of permit with stipulation that an employee be outside with dogs at all times so that they are not unattended.

Ms. MacDonald recommended a condition of approval be added to have the applicant return in six months to the hearing officer to revisit the use and how things are going.

Ms. Stovall noted that the applicant would be opening in July of 2015 so the six (6) months would be from that opening day.

Ms. MacDonald agreed.

Ms. MacDonald asked applicant if he had read staff report and agrees to those conditions of approval including stipulation #8 that he would come back in six (6) months to review use permit.

Mr. Grant L Olds said that he does agree and also addressed the sound issue and operations. Mr. Olds, noted that the operator is in his sixth year and this is the third facility in operation. It is a 24/7 facility. The business model is an interior, a/c facility, exterior is used for dog potty and dogs will always be supervised. Owner has 28 employees total over all facilities, and other facilities are closer to residential neighborhoods. Applicant reviewed size and build of dog run and noted the comparison of research studies regarding noise travel in regards to distance from facility toward residences. He noted that the client use of the facilities should have minimal impact on the residences regarding noise based on the historical data as well as thru the lease of the facilities. The lease stipulates that client outside areas are not to be used after 9pm at night and the city stipulates that there is no use of the outside after 10pm. The 24hr operation is internal not an external operation.

Ms. MacDonald stated that she understands that there shouldn't be any issues with noise based on the stipulations from the lease and city ordinance about outside use at night time.

Ms. MacDonald called for public comment:

Ms. Karen Hyde, Tempe, expressed that she is very upset about the dog run, noise, pollution, smell and flies. She expresses that it would destroy the quality of life. She doesn't feel that anything that applicant explained gave her any comfort. Ms. Hyde pointed out her residence on the map for Ms. McDonald and Mr. Olds.

Ms. Connie Vekre, Tempe, pointed out that the location of her property on the map. She expressed her concerns about the issue of the barking and feels that there is no control over barking based on her past experiences. Ms. Vekre was curious if the other two locations went through the same processes as this one? She likes the idea that in 6 months that this use permit would be reviewed. She was curious what would be required from the neighbors to not see this come in? She asked, if dogs from other facilities would be brought in to use this dog run? Ms. Vekre wanted to clarify if people will be picking up their dogs up at 2 am in the morning or if they can only pick up and drop off only during regular business hours?

Ms. MacDonald assured Ms. Vekre that the applicant will address her concerns.

Ms. Mary Hoyt, Tempe, pointed out her property on the map. Ms. Hoyt expressed as the closest neighbor to this proposed business, the noise pollution that would be present at this business would be unacceptable. Ms. Hoyt said that she called the other 2 facilities and they said that they don't have a large area that the applicant proposes to have at this facility 1500sq ft. dog run with walls and the top would be fabric. She continued to express her and her husband's research regarding noise and loud sounds based on decibels could be damaging. Ms. Hoyt is concerned that her lot is large and they had completed a lot of remodeling in her back lot and the she spends a lot time outside in the back. She states that she understands that dogs will be supervised and that she likes dogs but she doesn't like dogs barking. Ms. Hoyt stated that she can get signatures and names of all her neighbors if needed but they don't want the dog run there. She and her neighbors don't want the noise in their neighborhood.

Mr. Vince Herman, Tempe, pointed his mother's residence and his residence on the map. Mr. Herman expressed his and his mother's concerns of the effect on the neighboring school and church. Mr. Herman stated that anyone is aware of any noise from those buildings. Mr. Herman expresses that barking dogs are the biggest complaints that many cities have. His reason

for appearing here today is to express his objection to the dog run and close approximately to the church, homes, and the consumer perspective of that particular use of that area. He goes on to express that nature of the high wall creates a sound effect there.

Ms. MacDonald called the applicant to return to clarify public questions.

Mr. Olds explains that in comparison to Wiggles n Waggs, who have a 6ft wall and shades sails that only shade up to 60 percent while Tempe Dogs is 8ft tall with a canopy top with 100 percent shade. All the facilities have dog runs. He also stated that there will not be any transferring of dogs from one facility to another. Mr. Olds expressed that the dog run is not the kennel, it's a run for the dogs to take their potty breaks and that the dogs won't be out there for long periods of time.

Ms. MacDonald confirms that this facility is to care for the dogs inside and not to be kept outside, which is what customers are paying for.

Mr. Olds continues to explain that customers would only be able to pick up their dogs during regular business times other than that the customer would have to call and make arrangement outside of those hours. Mr. Olds explains that they don't anticipate any additional traffic and are not providing any other additional parking for anything else. Mr. Olds want to be a good neighbor and is open to explore other options to be neighborly. Also, would look at the use for fluid walls used for sound emptying that is used for freeways which absorbs the sound inside the walls or offer a study if it would do any good. Also, wants to note that the other facilities have not had any other complaints.

Ms. McDonald expresses that granting the use of the Permit would not contribute to the deterioration of the neighborhood no down grade property values and is compatible with existing surrounding structure uses and again based on the operational details that there would be adequate contrail of behavior both inside and outside of the premises.

Ms. MacDonald noted that this request meets the criteria for a use permit:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- 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.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

DECISION:

Ms. MacDonald approved PL150115/ZUP15042 subject to the assigned Condition 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.
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, which may result in termination of the Use Permit.
4. 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.
5. All nonconforming building lighting shall be removed and replaced with compliant light fixtures. Details can be resolved during Building Safety Plan Review.

6. All rear exit doors require a lexan vision panel. Details to be approved through Building Safety Plan Review.
 7. Development Plan Review approval for the outdoor area and proposed shade canopy on the south side of the building is required. Obtain all necessary Development Services clearances and permits for structures in this area.
 8. **The applicant shall return to the Hearing Officer on January 5, 2016 for a review of compliance with these conditions. ADDED BY HEARING OFFICER**
3. Request approval for a Use Permit to allow an offsite subdivision advertising sign for **THE NEWPORT (PL150149)**, located at 1106 East Weber Drive. The applicant is Joe Risi.

Sherri Lesser presented the use permit request for an off-site advertising sign for 1359 N Scottsdale Rd. She noted that all the processing for permits have been done for 1106 E Webb Drive. The sign will be located on that vacant lot. She has received input from several residents about why the sign is there and what is the purpose of the Use Permit. She stated that she reviewed a provision that when the sign is erected that she will go out and verify that it is in the correct area to be posted. She said that Mr. Risi is ok with that provision.

Ms. MacDonald stated that she did review the conditions of the approval in the staff report.

Ms. MacDonald is requesting that staff start bullet pointing items when we want to call attention to a particular provision.

Ms. Lesser agreed to add a bullet point to direct the applicant to the City Ordinance for off -site signs.

Ms. MacDonald called applicant to podium.

Mr. Joe Risi requested a sign to be posted on Webber and Scottsdale Rd to direct traffic to his project. Mr. Risi expressed completing project model in three weeks. He also stated didn't see copy of staff report of stipulations.

Ms. MacDonald, reviewed conditions and provisions for Use Permit for the sign with Mr. Risi.

Mr. Risi said that he does agree to those conditions and provisions.

Ms. MacDonald called for public comments and there were none.

Ms. MacDonald noted that this request meets the criteria for a Use Permit:

- Any significant increase in vehicular or pedestrian traffic.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
- 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.
- Compatibility with existing surrounding structures and uses.
- Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

DECISION:

Ms. MacDonald approved PL150149/ZUP15053 subject to the assigned Condition of Approval:

1. The use permit is valid for Newport Development and may be transferable within the allowable 24 month time frame to successors in interest through an administrative review with the Development Services Manager, or designee.

2. Any intensification or expansion of this use shall require the applicant to return to the appropriate decision-making body for a new use permit.
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. No outdoor speakers associated with the subdivision advertisement shall be allowed.
5. The sign to be installed out of sight visibility triangles
6. Obtain all necessary clearances and permits from the sign section.
7. The sign to be removed within 24 months or when all lots are sold, whichever occurs first.

4. Request for a Use Permit to allow a 60' monopole and equipment for **VERIZON PHO STRAY CAT (PL150037)**, located at 2425 East University Drive. The applicant is Steve Ciolek, Coal Creek Consulting

DECISION:

Ms. MacDonald continued this item for May 19, 2015 by City Staff request.

STAFF ANNOUNCEMENTS

1. Change in schedule in June. Hearing Officer hearing for the Tuesday June 16, 2015 will be held on Wednesday June 17, 2015.
2. Beginning July 2015 Hearing Officer Meetings will be held in the evenings . . .they will begin with a Study Session at 4:30 pm followed by the Hearing beginning at 5:00 pm with abatement cases to be held first and then the Regular Session.
3. Announced Administrative Assistant, Steve Nagy has left the City of Tempe to pursue another career path.

The next Hearing Officer public hearing will be held on May 19, 2015.

With no further business, the public hearing adjourned at 2:34 pm.

Prepared by: Sarah Adame, Administrative Assistant II+

Reviewed by:



Steve Abrahamson, Planning & Zoning Coordinator
for Vanessa MacDonald, Hearing Officer

SA:sa:dm