

### CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 04/23/2019 Agenda Item: 5

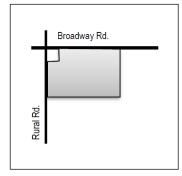
**<u>ACTION</u>**: Request a Use Permit to allow an outdoor dog run associated with an existing animal kennel for TEMPE DOGS 24/7, located at 937 East Broadway Road, Suite 7. The applicant is Grant L. Olds Architects (PL190057)

#### FISCAL IMPACT: N/A

**RECOMMENDATION:** Staff – Approve, subject to conditions]

**BACKGROUND INFORMATION:** TEMPE DOGS 24/7 (PL190057) is located in the Broadway Marketplace shopping center at the southeast corner of Rural and Broadway Roads. On August 27, 2015, the City Council upheld the approval of a Use Permit for an animal kennel and outdoor dog run for Tempe Dogs 24/7 (PL150115). On May 26, 2016, the City Council reviewed the Use Permit for compliance with the conditions of approval and approved modified conditions agreed upon by the previous appellant and the applicant. As part of that decision, the outdoor dog run was eliminated as part of the business. The applicant is now requesting that they be permitted to add an outdoor dog run to the existing kennel. The request includes the following:

ZUP190021 Use Permit to allow an outdoor dog run associated with an existing animal kennel.



Property Owner Applicant Zoning District Site Area Building Area Vehicle Parking Bicycle Parking Hours of Operation

Weingarten Realty Drew Wood, Grant L. Olds Architects PCC-1 (Planned Commercial Center Neighborhood) 7.46 acres 1,624 s.f. exterior (proposed), 5,637 s.f. interior (existing) 367 spaces (322 min. required) 10 spaces (8 min. required) 9:00 am – 5:00 pm (grooming), 24 hours per day (daycare and boarding), 6:00 am – 9:00 pm (outdoor dog run use)

#### ATTACHMENTS: Development Project File

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

Department Director: Chad Weaver, Community Development Director Legal review by: N/A Prepared by: Karen Stovall, Senior Planner Reviewed by: Steve Abrahamson, Principal Planner

#### COMMENTS

The applicant is requesting a Use Permit to allow an outdoor dog run associated with an existing animal kennel. The business occupies a suite on the east side of the shopping center that is approximately 5,637 square feet in rea. The property directly to the east is zoned PCC-1 and contains a self-storage facility. The property to the south is zoned R1-6 (Single-Family Residential) and contains a church and private school.

The business services include dog daycare, boarding, and grooming. Daycare and grooming are offered from 6:30 am to 8:30 pm seven days a week. Dog kennels are located inside the building; an employee is on the premises at all times while dogs are boarded. The applicant proposes an outdoor dog run on the south side of the building that is approximately 1,600 s. f. in area. The run will be enclosed with an eight-foot high block with two feet of tubular steel on top, creating a 10-foot high barrier. The run will be shaded by a fabric canopy. An employee will be outside with the dogs while they are in the dog run.

#### **PUBLIC INPUT**

- No neighborhood meeting required.
- No public input received as of the completion of this staff report.

#### POLICE INPUT

#### CODE COMPLIANCE INPUT

One Code Compliance case regarding an a-frame sign was opened and closed in February 2019. No other cases related to the operations of Tempe Dogs 24/7 have been opened.

#### **USE PERMIT**

The proposed use requires a Use Permit to allow an outdoor dog run associated with an existing animal kennel 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 is located within an existing shopping center, and the outdoor run is accessory to the existing dog daycare and boarding facility.
- Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.
   The dog run is proposed on the south side of the building with the nearest residential use approximately 225 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 stay outside in the dog run while it is in use to control noise.
- Contribution to the deterioration of the neighborhood or to the downgrading of property values, which is 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.

- 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.
- 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 outside in the dog run to control disruptive behavior.

#### **REASONS FOR APPROVAL:**

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

#### CONDITION(S) OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

- 1. The Use Permit is valid only after a Building Permit has been obtained, 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, dated March 13, 2019. Any additions or modifications may be submitted for review during the building plan check process.
- 3. All required Federal, State, County, and Municipal permits, licenses, and clearances 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 reevaluate the appropriateness of the Use Permit, which may result in termination of the Use Permit.
- 5. All rear exit doors require a security vision panel. Details to be approved through Building Safety Plan Review.
- 6. Development Plan Review (DPR) approval for the outdoor area and proposed shade canopy on the south side of the building is required. Once DPR approval is issued, obtain all necessary Building Safety Division permits and clearances for structures in this area.
- 7. Animals shall be attended by staff during entire outdoor time and immediately brought into the facility if they begin to bark or create other types of noise that may cause a disturbance. No animals shall be left unattended outdoors.
- 8. No more than 20 dogs are permitted in the dog run at any one time.
- 9. Dog run times of use shall be limited to 6:00 am to 9:00 pm. on a daily basis.
- 10. Dog run usage shall not exceed a total of six (6) hours per day.
- 11. Use of the dog run is prohibited during the following hours, which correspond with the start time, lunch/recess, and end time of the adjacent school:
  - a. 7:00 am 8:00 am
  - b. 10:00 am 1:00 pm
  - c. 2:00 pm 4:00 pm
- 12. A water disposal drain shall be installed inside the dog run for cleaning and maintenance purposes. The dog run shall be cleaned daily.
- 13. The dog run shall have only one door, unless required for life safety. Perimeter wall to be a minimum of eight (8) feet in height with an additional two (2) feet of tubular steel picket fencing above to total a minimum of 10 feet. The canopy canvas shall extend to the perimeter of the wall. Interior fluted block walls shall be installed, unless the cost exceeds 10 percent (10%) of the total construction cost of the dog run.
- 14. 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 six (6) days per week.

#### 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 <a href="http://www.tempe.gov/zoning">http://www.tempe.gov/zoning</a> or purchase from Development Services.
- Any intensification or expansion of use shall require a new Use Permit.

#### **HISTORY & FACTS:**

May 5, 2015	Hearing Officer approved a Use Permit to allow an animal kennel and outdoor dog run for TEMPE DOGS 24/7 (PL150115/ZUP15042), located at 937 East Broadway Road, Suite 7.
July 14, 2015	Development Review Commission denied the Appeal and upheld the decision of the Hearing Officer to approve a Use Permit to allow an animal kennel and outdoor dog run for TEMPE DOGS 24/7 (PL150115/UPA15006), located at 937 East Broadway Road, Suite 7.
August 27, 2015	City Council denied the Appeal and upheld the decision of the Development Review Commission to uphold the approval of the Use Permit to allow an animal kennel and outdoor dog run for TEMPE DOGS 24/7 (PL150115/UPA15006), located at 937 East Broadway Road, Suite 7.
May 26, 2016	City Council reviewed the Use Permit for TEMPE DOGS 24/7 (PL150115) and approved modified conditions to eliminate the outdoor dog run, modify condition #2, and delete conditions #8, #12, and #13.

#### ZONING AND DEVELOPMENT CODE REFERENCE:

Section 3-202 Permitted Uses in Commercial and Mixed-Use Districts Section 6-308 Use Permit



# DEVELOPMENT PROJECT FILE for TEMPE DOGS 24/7 (PL190057)

### ATTACHMENTS:

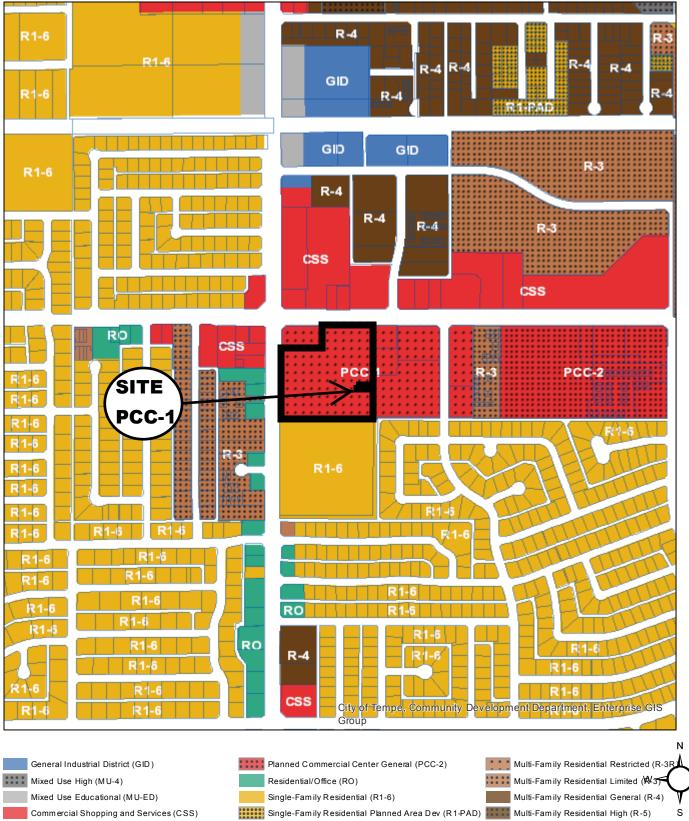
- 1. Location map
- 2. Aerial
- 3-5. Letter of explanation
- 6. Site plan
- 7. Lighting plan
- 8. Dog run elevations
- 9. Exterior floor plan and wall and canopy details



### **TEMPE DOGS 24/7**

PL 190057

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Multi-Family Residential (R-2)

Planned Commercial Center Neighborhood (PCC-1)

#### ATTACHMENT 1

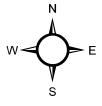


# TEMPE DOGS 24/7

PL 190057



# **Aerial Map**





14 March 2019

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 allow the construction of an exterior dog run for the use of Tempe Dogs 24/7, a full-service dog daycare, boarding and grooming facility. On August 27,2015 Tempe Dogs was grant approval of the Use permit (PL130115), with modified stipulations to allow an animal kennel and outdoor dog run to be constructed. At that time Tempe Dogs 24/7 made the decision not to construct the outside dog run structure. The Dogs 24/7 brand has been improving and expanding and at this time would like to construct the previous approved outside dog run.

Tempe Dogs 24/7 is their third location in the east valley. They have been in operations since November 2015 with no complaints from the surrounding community. On May 26, 2016 the City Council upheld the approval of the Use permit. They currently have Gilbert Dogs 24/7 located at 868 N. Gilbert Road. It was originally open in 2009. Secondly, the Chandler Dogs 24/7 now located at 6145 W. Chandler Blvd has expanded to an 8,000 s.f. facility. It was originally open in 2011. In 2017 their forth location Glendale Dogs 24/7, located at 3618 W. Bell Road, was opened. They 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. They offer daycare and grooming services during typical business hours of 8am to 8pm. Their overnight dog guests are with them in 24-hour intervals. The current workforce for this facility to range between 10-25 employees. Their clientele tends to be busy professionals that use doggy daycare in a similar fashion as parents use children's daycare.

They pride themselves in having Dog Service Facilities that are clean, healthy and visually appealing for the industry. The dog run build out will include a 8'-0" high masonry block wall with a 2'-0" high metal fence atop and a hip slopped Sunbrella fabric covering. The colors of the structure will match the existing color pallet of the shopping center. The pedestrian and vehicular traffic will not be affected by the new addition. The dog run area will be for fully supervised doggy breaks periodically throughout the business day. The area will not be used during the evening. Operationally, cleaning in the facilities 24 is hours a day with proper sanitizing cleaners and doubled bagged. The sealed bags are then placed in exterior refused containers that are picked up 6 days a week.

Tempe Dogs 24/7 being a 'good neighbor' has already meet with the surrounding neighbors and have agreed upon the following conditions:

- 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.
- 3. Any and all complaints arising from the Use Permit. The Complaining party and owner will, with the best good faith effort, work together for resolution. If resolution is not obtained, and the complaints 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 reevaluate 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. 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. 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.
- 7. The applicant shall return to the City Council 6 months after occupancy of the site, for a review of compliance with these conditions as a public hearing. Prior to the review hearing, the applicant shall provide data pertaining to the number of after-hour (8:30 pm to 6:30 am) customer visits to the business.
- 8. Dog run times of use be limited to 6am to 9 PM.
- 9. Dog run usage not to exceed 6 hours in total per day following Designated time blocks when dogs will remain indoors abiding by neighboring school schedule:
  - a 7-8 am-No Occupancy
  - b 10am-1pm-No Occupancy
  - c 2pm-4pm- No Occupancy
- 10. No more than 20 dogs average in the dog run at any one time. Abiding by Company Policy of 20-1 Ratio
- 11. Total number of dogs on site at any time not to exceed a monthly average of 100 dogs per day.
- 12. A water disposal drain shall be installed inside the dog run for cleaning and maintenance purposes. The dog run shall be cleaned daily.
- 13. All dog drop-off and pickup shall be conducted from the north parking lot. The gate between the two buildings shall be self-closing and maintain use of a latching gate (unlocked).

#### ATTACHMENT 4

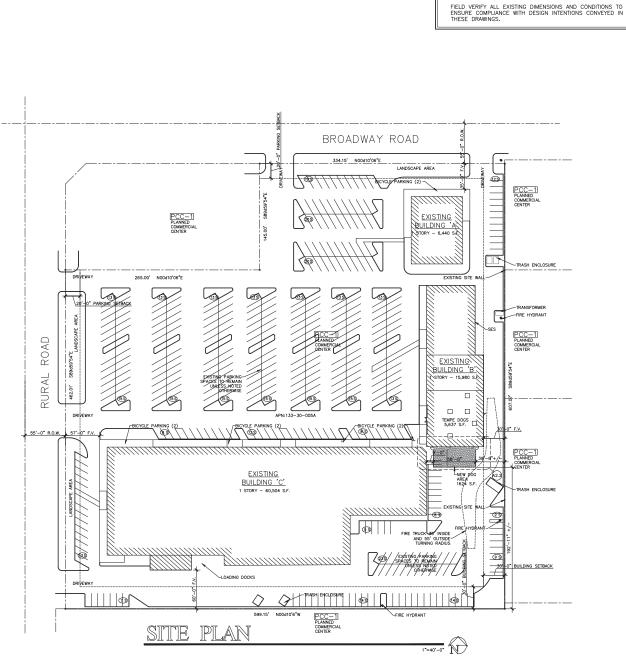
- 14. The dog run shall have only one door, unless required for life safety. Perimeter wall to 8'+ in height with an additional 2' wrought iron above, total 10' or more. The canopy canvas shall extend to the perimeter of the wall. Interior fluted block walls shall be installed, unless the cost exceeds 10% of the total cost of the dog run.
- 15. 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 6 days a week.

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

Cordially;

1. and

Grant Olds - Architect T: 480-831-5678 F: 480-831-8299 C: 480-206-5677



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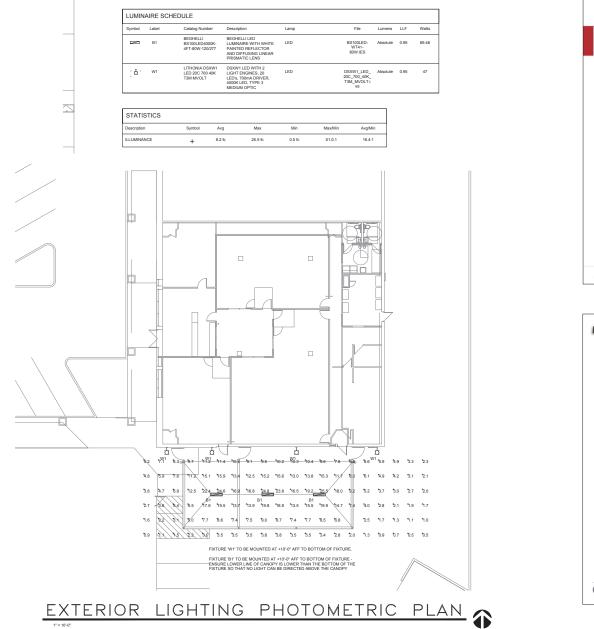
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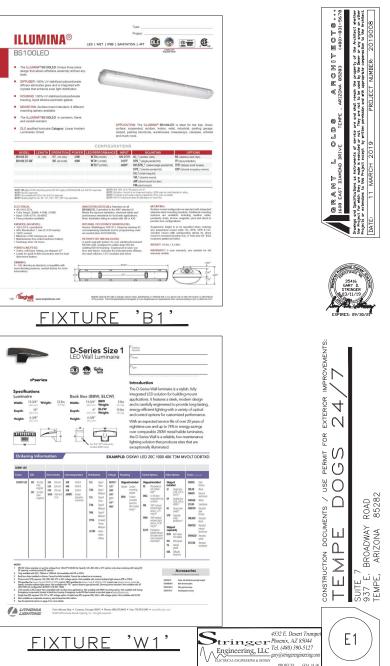
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ATTACHMENT 6





ATTACHMENT 7

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

#### GENERAL NOTES

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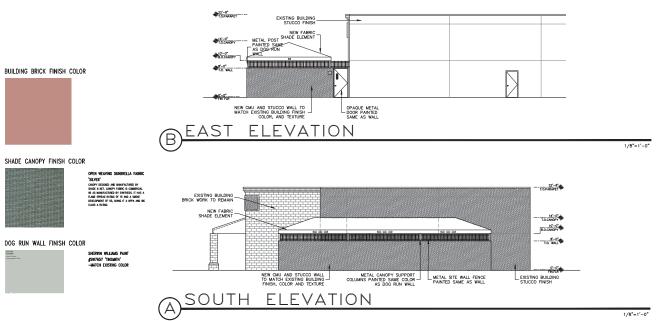


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