



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

September 2, 2020

CASE No.: **BOA20-00453**

CASE NAME: **Kitty Pause Kitty Cafe**

Owner's Name:	CP6PV LLC
Applicant's Name:	Taryn Van Dyke
Location of Request:	1837 W Guadalupe Road Suite 107 & 108
Parcel Nos:	302-78-002W
Nature of Request:	Requesting a Special Use Permit (SUP) to allow a kennel in the LC District.
Zone District:	Limited Commercial (LC)
Council District:	3
Site size:	1 ± acres
Staff Planner:	Kellie Rorex
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **June 18, 1973**, the City Council annexed approximately, 4,119 ± acres, including the subject site, into the City of Mesa with a comparable zoning designation of Agricultural (AG) (Ord. #812).

On **January 19, 1975**, the City Council approved a rezone of 15 ± acres, including the subject site, from AG to Limited Commercial (LC) and approved a site plan review to allow for the development of a commercial shopping center (Case Z75-079, Ord. #974).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to allow for a kennel in the LC zoning district. Per Table 11-6-2 of the MZO, a kennel is an allowed use in the LC zoning district with approval of a SUP if the use is confined to a completely enclosed, sound-attenuated facility.

The subject request would allow for the operations of a cat café and lounge. The operational plan for Kitty Pause Cat Café consists of two suites, internally connected, where people can frequent the café to eat and drink and watch cats through a glass barrier or enter the cat lounge to interact and play with cats up for adoption.

Per 11-86-4 of the MZO, a kennel is defined as a facility, “for keeping, boarding, training, breeding or maintaining for commercial purposes, 4 or more dogs, cats or other household pets not owned by the kennel owner or operator”. Because the cats will be housed and cared for at the facility and available for adoption, they must seek approval of a SUP for a kennel use.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Mixed-Use Activity District with a Community Scale sub-type. Per Chapter 7 of the General Plan, the focus of the Mixed-Use Activity District is large-scale community and regional activity areas that usually have significant retail and commercial components including shopping areas, power centers, and lifestyle centers that are designed and developed to attract customers from a large radius. The proposed project is within an existing shopping center. The proposed use will contribute to the commercial intent of the area by providing a café and kennel for people to shop and adopt cats. In addition, the use is very unique and one of the first cat cafes in the Valley and will bring people from a large radius into the area.

Site Characteristics:

Kitty Pause Cat Café will be located in two suites in an existing shopping center on the southeast corner of Guadalupe and Dobson Road. All work will be internal to the building. The provided floor plan shows a café and cat lounge separated by floor to ceiling wall and windows, with a vestibule that internally connects the two uses. The café, kitchen, and restrooms are connected through doors in one suite and the cat lounge and cat prep area will be connected in the second suite.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Guadalupe and Dobson Road) LC Existing Shopping Center	North (Across Guadalupe Road) RS-6 Existing Residential	Northeast (Across Guadalupe Road) RS-6 Existing Residential
West (Across Dobson Road) LC Existing Shopping Center	Subject Property LC Existing Shopping Center	East RS-6 Existing Residential
Southwest (Across Dobson Road) LC Existing Shopping Center	South RS-6 Existing Residential	Southeast RS-6 Existing Residential

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-70-5 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on a SUP that:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;

The subject site is located in the Mixed-Use Activity District per the Mesa 2040 General Plan. The focus of the Mixed-Use Activity District is large-scale community and regional activity areas that usually have significant retail and commercial components including shopping areas that are designed and developed to attract customers from a large radius. The proposed project is within an existing shopping center and the proposed use will contribute to the commercial intent of the area by providing a café and kennel for people to shop and adopt cats. In addition, the use is very unique and one of the first cat cafes in the Valley and will bring people from a large radius into the area.

The proposal meets this criteria.

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the District where it is located and conform with the General Plan and with any other applicable City plan or policies;

The subject proposal will occupy two suites within an existing shopping center. Per Table 11-6-2 of the MZO coffee shops and cafes are an allowed use in the LC zoning district and kennels are an allowed use with the approval of a SUP if they are completely enclosed in a sound attenuated facility. Per the applicant's narrative, the cat lounge will have insulated walls and ceilings that will block noise from traveling outside or to other suites in the shopping center. The applicant received approval from the Maricopa County Environmental Services Department and is providing separate air conditioners to prevent cat hair and dandruff from entering the café suite. Overall, the site meets all requirements for a kennel in the LC zoning district.

The proposal meets this criteria.

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

No external modifications are proposed with the subject request. The proposed use should not be injurious or detrimental to the neighborhood or City because it will be in an existing shopping center and will not interfere with existing parking, circulation, or building design. The applicant has received approval from Maricopa County Environmental Services and will be providing sound attenuating measures as part of their internal modifications.

The proposal meets this criteria.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The proposed project does not add any additional burden on the public services, public facilities, nor public infrastructure. The public infrastructure is already existing.

The proposal meets this criteria.

Findings:

- A. A kennel is an allowed use in the LC zoning district with approval of a SUP if the use is confined to a completely enclosed, sound-attenuated facility.
- B. A café is an allowed use in the LC zoning district.
- C. All modifications to the building will be internal.
- D. The cat café and lounge will be appropriately insulated to reduce sound from escaping to nearby suites.
- E. Kitty Pause Cat Café received approval from the Maricopa County Environmental Services Department for their business and floor plans.
- F. This request conforms with the criteria for the granting of a SUP as outlined in Section 11-70-5(E) of the Mesa Zoning Ordinance.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 feet of the site. As of writing this report, staff has not been contacted by any resident or property owner to express support or opposition to the request.

Staff Recommendation:

Based upon the application received and preceding analysis, Staff finds that the request for a SUP for a kennel in the LC zoning district meets the approval criteria of Section 11-70-5(E) of the MZO; and therefore, recommends approval of the request with the following conditions.

Conditions of Approval:

1. Compliance with the final floor plan and narrative submitted.
2. Compliance with all applicable City of Mesa Development Codes and regulations.
3. Provision of noise attenuation measures for the suite occupied by the kennel use.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative/Justification Statement

Exhibit 4 – Floor Plan

Exhibit 5 – Elevations