

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00318
STAFF PLANNER: Charlotte Bridges, Planner I
LOCATION/ADDRESS: 2647 West Baseline Road
COUNCIL DISTRICT: District 3
OWNER: Rathur Athar/Afifa Athar
APPLICANT: Julie-Rae Steinmeyer, RJS Management LLC

REQUEST: *Requesting: 1) a Special Use Permit (SUP) to allow a small animal day care; and 2) a SUP to allow a kennel; and 3) a SUP to allow for the reduction in required parking; and 4) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LC-PAD District.*

SUMMARY OF APPLICANT'S REQUEST

This request is for Special Use Permits (SUP) and a Substantial Conformance Improvement Permit (SCIP) to allow a new small-animal day care with kennel facility and an outdoor play area for the animals. The applicant is proposing to occupy an approximately 7,340 SF building that was previous occupied by Title Max and construct a 1,326 outdoor play area adjacent to the south side of the building. Both the small animal day care and the kennel use require the approval of a SUP in the LC-PAD District. Also, to accommodate the construction of the outdoor play area, the applicant is requesting another SUP to reduce the number of required parking spaces and a SCIP for deviations from the development standards of the Mesa Zoning Ordinance (MZO). The SCIP would bring the site into substantial conformance with the MZO.

STAFF RECOMMENDATION

*Staff recommends **approval** of case BOA18-00318, with the following conditions:*

- 1. Compliance with all requirements of the Development Services Department in the issuance of building permits.*
- 2. The outdoor play area may only be used between the hours of 6:30 a.m. and 7:00 p.m. and that a staff member will be present with the animals at all times whether inside or outside.*
- 3. No animal activity is allowed outside the new 8' tall CMU wall surrounding the outdoor play area.*
- 4. Provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits.*
- 5. Provide two, 24" box trees in the new 15' wide landscape area adjacent to the south property line.*

SITE CONTEXT

CASE SITE: Existing commercial building – Zoned LC-PAD
NORTH: (Across Baseline Road) Existing shopping center – Zoned LC-PAD
EAST: Existing plant nursery and garden center – Zoned LC-PAD
SOUTH: Existing single residences – Zoned RM-2-PAD
WEST: Existing shopping center – Zoned LC-PAD

STAFF SUMMARY AND ANALYSIS:

Requests #1 & #2 – SUP for Small Animal and Kennel Uses

The applicant is requesting a SUP to allow a small animal day care with kennel facility and an outdoor play area. The proposed business, Camp Bow Wow, is primarily for dogs. MZO Table 11-6-2 Note No. 4, requires that small animal day care and kennel uses be confined to completely enclosed, sound-attenuated facilities. The kenneling of the animals is proposed to be done indoors. Staff has included a condition of approval to provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits. To ensure that the outdoor play area will not be detrimental to surrounding properties, the applicant is constructing an 8-foot tall masonry wall around the perimeter of the outdoor play area. Also, the justification/compatibility statement indicates that the outdoor play area will be used only between the hours 6:30 a.m. and 7:00 p.m., that staff will be present with the dogs at all times whether the dogs are inside or outside, that the staff is trained in canine behavior management and that disruptive or unruly dog campers will be either sent to “time-out” or the pet owners will be contacted for pet pickup. The Zoning Administrator interprets the outdoor play areas (surrounded by CMU walls) as incidental to the small animal day care and kennel uses since the actual keeping of animals takes place within the building, and an outdoor exercise area for animals is desirable and necessary for the health of the animals.

The applicant also proposes a 15’ wide on-leash training area to the south of the outdoor play area’s 8’ tall CMU wall and adjacent to the south property line. This would be a new encroachment into a required 20’ landscape setback along the south property line and is not allowed by Code. Staff has added a condition that no animal activity is allowed outside of the 8’ tall CMU wall surrounding the outdoor play area and to provide two, 24”-box trees within the required landscape area adjacent to the south property line.

MZO 11-70-5.E establishes findings that are required if the Board of Adjustment is to approve a SUP:

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 General Plan designates this area of Baseline Road as a Neighborhood Village character area. This commercial use is appropriate to this character area. The proposed improvements bring the site into greater conformance with the General Plan’s development standards for the Neighborhood Village character area.
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 justification/compatibility statement outlines the applicant’s measures to minimize noise at the site, including the sound attenuation construction material of the existing building, the 8-foot tall masonry block wall surrounding the perimeter of the outdoor play area and the operating plan for the facility. By incorporating these sound attenuating measures, the location, size, design and operating characteristics of the proposed small animal daycare and kennel are consistent with purposes of the LC-PAD District and conform to the cited plans and policies.
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	The on-leash training area is not allowed in the required 20’ landscape setback adjacent to the south property line. Staff has added a condition to remove this from the site plan. Observance of this required setbacks, the building sound attenuation measures and the operating plan outlined in the applicant’s justification/compatibility statement, ensure the project will not be detrimental to the neighborhood.

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.	This area is developed, providing all the infrastructure, series and facilities needed.
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FINDINGS for Requests #1 & #2: SUP for SMALL ANIMAL DAY CARE AND KENNEL:

- 1.1** The proposed small animal day care and kennel uses are conducted inside an existing building.
- 1.2** The on-leash training area is not allowed in the required 20' building setback and landscape area adjacent to the south property line.
- 1.3** Staff recommends a condition of approval to provide evidence of sound attenuation of the indoor kennel area at the time of submitting for building permits.
- 1.4** An 8' tall CMU wall surrounds the outdoor play area.
- 1.5** Staff recommends a condition of approval to limit outdoor activity to within the CMU-walled area.
- 1.6** The applicant's justification/compatibility statement indicates that the outdoor play area will be used only between the hours of 6:30 a.m. and 7:00 p.m. and that a staff member will be present with the dogs at all times whether inside or outside.
- 1.7** Also, the applicant's justification/compatibility statement indicates staff is trained in canine behavior management and that disruptive or unruly dog campers will be either sent to "time-out" or the pet owners will be contacted for pet pickup.

Request #3 – SUP for Reduced Parking

As a part of this project, the applicant is requesting to construct an outdoor play area for the animals being kenneled at the site. The outdoor play area is proposed to be constructed adjacent to the south side of the building in an existing parking lot area. In order to eliminate these parking spaces and accommodate the construction of the outdoor play area, the applicant is requesting a SUP to allow a reduction in the number of required parking spaces. MZO 11-32-6.A, establishes the criteria for the approval of a SUP, including a parking demand study.

The proposed Camp Bow Wow site was developed as part of the Don Carlos Plaza (group commercial center) (Z76-041) with shared parking and cross access between the lots. Following is Table 1 that outlines the current and proposed uses for the Don Carlos Plaza and compares the MZO parking requirement for each use to those proposed in the current Parking Demand Study dated 5/9/2018.

Table 1

USE	SF	MZO REQUIRED Parking Ratios	MZO REQ'D # Spaces	PROPOSED Parking Ratios	PROPOSED # spaces
Don Carlo Plaza, Lot 1	13,500 SF	1 space/275 SF ¹	50	per Code	57 ²
Camp Bow Wow, Lot 2					
-Office and retail	2,580 SF	1 space/375 SF	7	per Code	7
-Indoor Kennel	4,760 SF	1 space/375 SF ³	13	1 space/793 SF	7
A&P Nursery, Lot 3	1,700	1 space/375 SF ⁴	5	per Code	21
J'z Convenience Store, Lot 4	3,209 SF	1 space/375 SF	9	per Code	11
Dobson Ranch Dental Care, Lot 5	2,589	1 space/200 SF	13	per Code	16

Best Friends Preschool, Lot 6	5,292 SF	1 space/375 SF	14	per Code	7
		Total Spaces	111		126

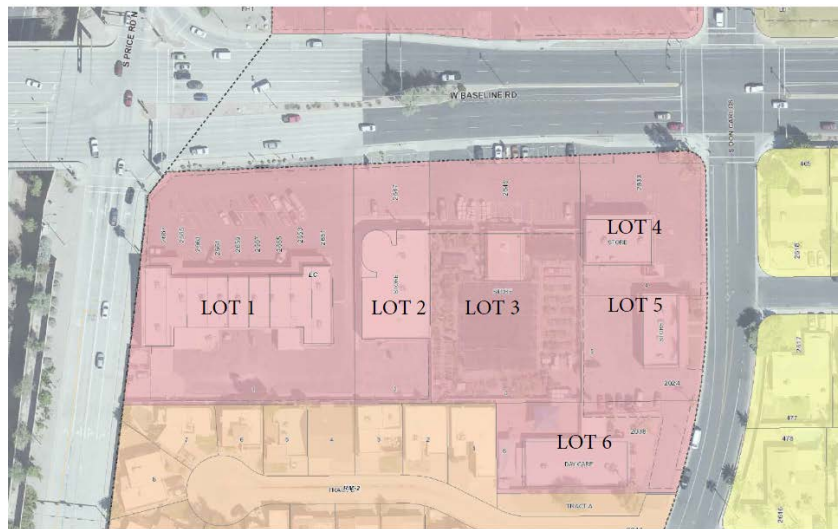
¹ Per MZO 11-32-3., the *group commercial* parking ratio of 1 space/275 SF was used instead of the 1 space/375 SF for retail uses. This allows for parking that meets the full range of LC uses.

²Includes parking spaces on the south side of the Lot 1 building.

³MZO Table 11-32-3.A: "Required Parking Space By Use" does not specify a parking ratio for indoor kennel facilities. MZO 11-32-3.G states that parking requirements not listed in the table, shall be determined by the Zoning Administrator and that the Zoning Administrator may require the applicant to submit a parking demand study to make the determination.

⁴For the sales and service building, but not less than four spaces per use.

Currently, there are 139 on-site parking spaces within the group commercial center, with 28 of them on the subject site. 14 parking spaces south of the Camp Bow Wow building are displaced by the proposed outdoor play area and trash enclosures. This results in 14 spaces for this use. The parking demand study indicates that Camp Bow Wow's need is not expected to exceed 13 spaces.



Camp Bow Wow alone is the subject of the SUP for reduced parking. MZO 11-32-6.B allows the Zoning

Administrator to require a Parking Demand Study to substantiate the basis for granting a reduction in parking and may include any of the following information:

1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.	Included
2. A survey of existing on-street and off-street parking within 300 feet of the project site.	On-site parking is evaluated in Table 1. Street parking isn't allowed.
3. Standard parking requirements for the use, based on Table 11-32-3(A).	Included
4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other professionally recognized, and/or accredited sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.	The Parking Demand Study references other Camp Bow Wow facilities' parking data. No reference is made to the ITE or other professional recognized, and/or accredited sources.
5. Comparison of proposed parking supply with parking requirements.	Included
6. A shared parking analysis, as appropriate.	Included
7. A description any other characteristics of the site or measures being undertaken that could result in reduced parking demand, including staggered work shifts, telecommuting, shuttles to transit stations, or	It is expected that there will be 3-8 employees on site on any given day and that typically, not more than 5 people

similar programs.	dropping off dogs at any give 15-minutes period.
8. Other information as required by the City.	NA

The parking demand study, which references other Camp Bow Wow sites, establishes that 13 on-site parking spaces is adequate for the proposed small animal day care and kennel facility.

SUP Requirements – Parking Reduction

MZO 11-32-6.A: “Parking Reductions” – “Criteria for Approval” states that a SUP for reduced parking shall only be issued if the following criteria are found to be true:

1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working or visiting the site – exist that will reduce parking demand at the site;	Special conditions cited in the Parking Demand Study are related to the nature of the Camp Bow Wow’s operation in that 65% of the building is used as kennel area and does not generate a demand for additional parking spaces. This conclusion is supported by the parking requirements from other Camp Bow Wow facilities.
2. The use will adequately be served by the proposed parking; and	The Parking Demand Study concludes that parking space need for Camp Bow Wow is not expected to exceed 13 spaces. A total of 14 on-site parking spaces are provided.
3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding areas.	N/A (There is no on-street parking available on Baseline Road or Price Road.)

FINDINGS for Request #3: SUP for Reduced Parking:

- 1.1** A Parking Demand Study prepared by Y2K Engineering, and sealed by Christopher B. Williams, P.E., dated 5/9/18, concluded that only 13 parking spaces are needed to support the proposed use.
- 1.2** Based on the conclusion of the parking study, 13 required parking spaces are provided on site.
- 1.3** Special conditions are cited in the Parking Demand Study based on the fact that 65% of building is used as kennel area and does not generate a demand for parking spaces.
- 1.4** By MZO standards, the parking demand for the building’s 2,580 SF retail/office area at a ratio of 1 parking space/375 SF of GFA is seven parking spaces.
- 1.5** The Parking Demand Study states that no more than five customers drop-off dogs during any given 15-minute period and that there will be three to eight employees onsite during any given day, thus establishing the need for only 13 parking spaces on site.
- 1.6** One additional new parking space is proposed adjacent to the south property line, providing a total of 14 on-site parking spaces.

Request #4: Substantial Conformance Improvement Permit -- SCIP

This 0.38-acre site is located at 2647 East Baseline Road on the south side of Baseline Road, approximately 122’ west of Price Road and was annexed into the City of Mesa in 1972. Subsequently, the site was rezoned in 1976 to C-2 PAD (Z76-041) as part of a larger 6 acre commercial site that allowed for shared ingress and egress, cross access and shared parking between the group commercial lots. Maricopa County Accessor record indicates that the existing building was constructed in 1978 for commercial use and for many years was the home of

Sally's Fabric. Then, in 2012, the building was remodeled (DR12-040) to accommodate a new financial services tenant.

In addition to the SUPs required for the proposed Camp Bow Wow facility, a SCIP is required for deviation from the development standards of the MZO to accommodate the construction of the outdoor play area adjacent to the south side of the building. This SCIP will bring the site into substantial conformance with the MZO, allowing the existing 7,042 SF building to be remodeled into a 7,340 SF small animal day care and indoor kennel facility with a 1,140 SF outdoor play area and reconfiguring the remainder of the site to provide additional landscape area and plant material adjacent to Baseline Road and the south property line, and providing a new dumpster enclosure and one new parking space adjacent to the south property line. These modifications will be reviewed through the Administrative Site Plan Review process.

The table below is a summary of the minimum MZO requirements, applicant's proposal and staff recommendations for the site:

DEVELOPMENT STANDARDS:

Development Standard	Code Requirement		Applicant Proposes:		Staff Recommends:
Baseline – Right-of Way	70' (existing right of way)		70' (existing)		As proposed
<i>Setback</i>	<i>Building</i>	<i>Landscape</i>	<i>Building</i>	<i>Landscape</i>	
Baseline Road	15'	15'	65'-9"	5'-8" to 8'-10"	As proposed
East Property Line	0'	0'	0'	0'	As proposed
South Property Line	20'	20'	25'	5' to 25'	As proposed
West Property Line	0'	0'	7' to 8'	0'	As proposed
<i>Landscape material</i>					Staff recommends providing 2-24" box trees in the landscape area adjacent to the south property line.
Baseline Road	12 trees/73 shrubs		3 trees/ 18 shrubs		
East Property Line	NA		NA		
South Property Line	12 trees/ 61 shrubs		0 trees/13 shrubs		
West Property Line	NA		NA		
<i>Foundation Base</i>					The on-leash training area is not allowed outside of the new outdoor play area's 8' tall CMU wall on the south side of the building
North Elevation	15'		12'		
East Elevation	0		0		
South Elevation	5'		5' to 25'		
West Elevation	5'		6'-9"		
<i>Landscape material at Foundation Base</i>	6 trees		2 trees		As proposed
<i>Landscape islands 1 per 8 parking spaces</i>	4 islands		Adding 1 new island, for total of 1 island		As proposed
<i>Screening of parking areas from adjacent street</i>	None		Added landscaping, but no solid wall		As proposed

Development Standard	Code Requirement	Applicant Proposes:	Staff Recommends:
Screening wall abutting residential district or use South property line	6' tall	Existing 6' tall wall to remain	As proposed

The requested SCIP allows for deviations from the following development standards:

- Required screening of the parking spaces and drive aisle adjacent to Baseline Road.
- Required landscape area adjacent to the public right-of-way and the south property line.
- Required landscape material in the landscape areas adjacent to the public right-of-way and south property line.
- Required foundation base adjacent to the north, south and west elevations.
- Required landscape material in the foundation base adjacent to the north, south and west elevations.
- Required parking lot landscape islands

The requested allowances, plus the proposed new improvements, bring the site into greater conformance with the MZO. Following are the proposed new improvements:

- Providing a 5'-8" to 8'-10" wide landscape strip with plant material adjacent to Baseline Road.
- Providing a new parking lot landscape island at west end of the row of parking immediately adjacent to Baseline Road, which also helps to define the adjacent drive entrance and aisle and protects the existing sign from vehicles.
- Planting two, 24"-box trees in the existing foundation base landscape area adjacent to the north side of the building.
- The installation of a trash enclosure in the southwest corner of the site.
- The installation of an additional 15' wide landscape strip adjacent to a portion of the south property line.

Per the MZO Chapter 73, the intent of a SCIP is to recognize existing site constraints, and to work with the applicant to proportionately improve the property based upon current development standards. The proposed improvements, and staff recommended improvements listed in the conditions of approval, constitute the greatest degree of compliance with current development standards without requiring demolition of existing buildings or other significant improvements to the site. Deviations to current development standards are necessary to accommodate the continued viable use of this site. The deviations requested allow the development of the site in a manner that is consistent with development at other similar sites. The deviations will result in a development compatible with and not detrimental to the surrounding neighborhood.

FINDINGS for Request #4: SCIP:

- 1.1** The request for a SCIP would allow for the redevelopment of a vacant commercial building/site to a small animal day care and indoor kennel use with outdoor play area.
- 1.2** The addition of the outdoor play area invokes conformance to current development standards.
- 1.3** The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- 1.4** Full compliance with current code would require removal or relocation of existing improvements.

- 1.5** The deviations requested along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.
- 1.6** The proposed new improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

ORDINANCE REQUIREMENTS:

11-32-6: Parking Reductions

Required parking for any use may be reduced through approval of a Special Use Permit, pursuant to Chapter 70, unless specified otherwise, and the following:

- A. Criteria for Approval. A Special Use Permit for reduced parking shall only be issued if the following criteria are found to be true:
1. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site—exist that will reduce parking demand at the site;
 2. The use will adequately be served by the proposed parking; and
 3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
- B. Parking Demand Study. In order to evaluate a proposed project's compliance with the above criteria, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:
1. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.
 2. A survey of existing on-street and off-street parking within 300 feet of the project site.
 3. Standard parking requirements for the use, based on Table 11-32-3(A).
 4. Estimated parking demand for the use, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other professionally recognized, and/or accredited sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed.
 5. Comparison of proposed parking supply with parking requirements.
 6. A shared parking analysis, as appropriate.
 7. A description any other characteristics of the site or measures being undertaken that could result in reduced parking demand, including staggered work shifts, telecommuting, shuttles to transit stations, or similar programs.
 8. Other information as required by the City.

11-70-5: Special Use Permit

- E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.
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;
 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;
 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
 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Section 11-73-3 Required Findings

A SCIP shall not be granted unless the Zoning Administrator, acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with this Ordinance that can be attained without causing or creating any of the following conditions:
 - 1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or
 - 2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
 - 3. The creation of new non-conforming conditions.

The improvements authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Section 11-86-4 Commercial Use Classifications

Animal Sales and Services

Small Animal Day Care. Facilities in which owners of small animals, principally dogs and cats, may contract with the operator for the keeping of pets for short, temporary periods, usually 1 day or less, but occasionally up to a week or so while the pet owner(s) are unable to care for the animals.

Kennels. Facilities 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. This classification excludes pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.