



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

June 2, 2021

CASE No.: BOA21-00325	CASE NAME: Mesa Dogs 247
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Owner's Name:	Mesa Shores OO, LLC.
Applicant's Name:	Kathi Amen – A Design Invision LLC.
Location of Request:	2154 East Baseline Road
Parcel Nos:	140-62-300B, 140-62-312A
Nature of Request:	Requesting a Special Use Permit (SUP) to allow a small animal day care and accessory outdoor activities (dog area) in the LC district.
Zone District:	Limited Commercial (LC)
Council District:	3
Site size:	8,376± square-foot business on 5.6± acres
Proposed use:	Small Animal Day Care with outdoor dog run
Existing use:	Strip commercial shopping center
Hearing date(s):	June 2, 2021 / 5:30 p.m.
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **May 19, 1973**, the property was annexed into the City of Mesa as part of a larger 4,120± acre annexation and was zoned C-2 (equivalent to current Limited Commercial zoning) to establish City of Mesa comparative zoning (Ordinance No. 812).

On **October 17, 1983**, City Council approved a rezone from R1-6 to C-2 and site plan to accommodate the development of a 25± acre shopping center that included the subject site (Ordinance No. 1748 and Case Nos. Z83-119 & SPR83-7).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to allow for a small animal (dog) day care and accessory outdoor activities (a dog area) in the LC zoning district. The subject site is located within the Mesa Shores shopping center, on the northeast corner of Gilbert and Baseline Roads. The indoor space is 7,100± square feet; the proposed outdoor dog area is 1,276± square feet.

The indoor space would be divided into several rooms, each large enough for several dogs. As described in the Operations Plan and Good Neighbor Policy, Mesa Dogs 24/7 does not use cages; the dogs are housed together and kept occupied with enrichment activities to avoid unnecessary noises and community disruption. The 1,276± square foot outdoor area is proposed to be located 10.5-ft behind the building, 12-ft away from the EOS building to the east. The outdoor area would be surrounded by an eight-foot-tall CMU wall, topped with two-feet of wrought-iron fence, and covered with shade-material. Exterior access to the outdoor dog area would be through the existing door at the back of the building. The wall surrounding the outdoor dog area has been designed to match the existing building with similar colors and materials.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Mixed Use Activity District. Per Chapter 7 of the General Plan, the overall goal of the Mixed Use Activity District is to create strong and viable centers of commercial activity that attract people to unique shopping and entertainment experiences. The proposed dog day care business with an outdoor dog area is located in a large commercial center and adds to a mixture of uses, complying with the General Plan by provide a service to the nearby population.

Site Characteristics:

The subject site is located in the Mesa Shores shopping center adjacent to EOS Fitness to the east, and several commercial suites to the west. To the north of the Mesa Shores shopping center is a residential neighborhood, and to the east is an apartment complex.

Surrounding Zoning Designations and Existing Use Activity:

Northwest LC Commercial Center	North RS-6 Residential Neighborhood	Northeast RS-6 Residential Neighborhood
West LC Commercial Center	Subject Property LC Existing Commercial Center	East RM-3 PAD Apartment Complex
Southwest (Across Baseline Road) Town of Gilbert Commercial Center	South (Across Baseline Road) Town of Gilbert Commercial Center	Southeast (Across Baseline Road) Town of Gilbert Commercial Center

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 within the Mixed-Use Activity District (MUAD) Character Area per the Mesa 2040 General Plan. The focus of the MUAD Character Area is to provide large-scale community and regional activity areas that usually have a significant retail commercial component and include shopping areas such as malls, power centers, or lifestyle centers designed and developed to attract customers from a large radius. The MUAD further encourages a mixture of uses, including services, medical and professional offices. The proposed small animal day care with accessory outdoor activities is located within a commercial center and adds to a mixture of uses provided to nearby residents, complying with the General Plan.

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 intent of the Limited Commercial (LC) District is to provide areas for indoor retail, entertainment, and service-oriented businesses that serve the surrounding residential trade area within a one (1) to ten-mile radius. A small animal day care is a permitted use with the approval of a SUP and must be confined to completely enclosed, sound-attenuated facility. The dog day care is proposed within a block-construction building, and will be improved with noise-canceling acoustic ceilings and double-rocked drywall. Accessory outdoor activities are permitted with approval of a SUP.

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

The indoor space was selected and designed to reduce the amount of barking sounds from adjacent users/neighbors. The outdoor space will be covered with plastic and K9 anti-bacterial grass that is easily rinsed/cleaned. Operating procedures include double bagging all solid waste and depositing it into trash collection bins, and rinsing the area with water into drain spouts daily or as needed. All dogs using the outdoor dog area will be supervised by staff; any barking dogs will be redirected or brought back into the building and given enrichment activities to reduce barking. In addition, dog silencer

devices will be installed in the outdoor dog area. These devices use ultra-sonic sound to deter barking. The Mesa Dogs 24/7 business owner has four other locations with outdoor dog areas in the Phoenix metropolitan area, and per the project narrative has operated those business for 10 years without complaint. Based on the mitigation efforts, the dog day care and accessory outdoor dog area will not be injurious or detrimental to adjacent or surrounding properties.

The proposal meets this criteria.

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

The proposed dog day care with outdoor activity area does not add any additional burden on the public services, public facilities, nor public infrastructure. The public infrastructure is already on-site and will adequately serve the site and proposed use.

The proposal meets this criteria.

Findings:

- A. The subject site is currently a vacant commercial space in a commercial center.
- B. Small animal day care is a permitted use in the LC district with the approval of a SUP and it must be confined to completely enclosed, sound-attenuated facility; the building is made of block construction and is being improved with noise-canceling acoustic ceilings and double-rocked drywall.
- C. The dog day care and outdoor dog area are designed and operated to reduce noise, odors or other negative externalities.
- D. There are no specific requirements for the proposed accessory outdoor activities beyond the SUP.
- E. 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:

A neighborhood meeting was held Saturday, May 8th at the business location. Invitations to the neighborhood meeting were mailed to surrounding property owners within 1,000 feet, neighborhood associations within one mile and HOAs within one-half mile of the subject site. One neighbor attended the meeting as a representative from the Ranch West neighborhood to the north. The attendee expressed concerns regarding noise from the barking dogs, and asked questions about the operation of the business. The business owner has continued communications with this neighborhood representative and agreed to install dog silencer devices in the outdoor area. Staff attended the neighborhood meeting and has also had ongoing communication with the neighborhood representative. Correspondence is included in the packet materials.

The business owner also mailed the required notification letters to all property owners within 500 feet of the site, to notify of the public meeting. As of the writing of this staff report, staff has not been contacted by any additional property owners or neighbors.

Staff Recommendation:

Based upon the application received and preceding analysis, Staff finds the request for a SUP for a small animal day care with accessory outdoor activities in the LC zoning district meets the approval criteria of Section 11-70-5(E), and therefore recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan and project narrative as submitted.
2. Mesa Dogs 24/7 shall install one or two dog silencer devices, connecting to a 120-volt constant feed in the outside dog area, noise-canceling acoustic ceilings and double-rocked drywall with their tenant improvements in order to receive a certificate of occupancy.
3. Compliance with all applicable City of Mesa Development Codes and Regulations.
4. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Exhibits:

Exhibit 1 – Vicinity Map
Exhibit 2 – Staff Report
Exhibit 3 – Narrative
Exhibit 4 – Site Plan
Exhibit 5 – Elevations
Exhibit 6 – Operations Plan and Good Neighbor Policy
Exhibit 7 – Justification and Compatibility Statement
Exhibit 8 – Email Correspondence