

Staff Summary Report



Hearing Officer Hearing Date: November 6, 2007

Agenda Item Number: 14

SUBJECT: This is a public hearing for a request by **RILEY'S RUFF HOUSE** located at 1730 East Elliot Road for one (1) use permit.

DOCUMENT NAME: 20071106dssl02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **CROSSROAD'S PLAZA – RILEY'S RUFF HOUSE (PL070448)** (Jennifer Chavanne, applicant; McClintock & Elliot LLC, property owner) located at 1730 East Elliot Road, Suite Nos. 1-3 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP07168 Use permit to allow the expansion of a pet day care facility to include overnight boarding.

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

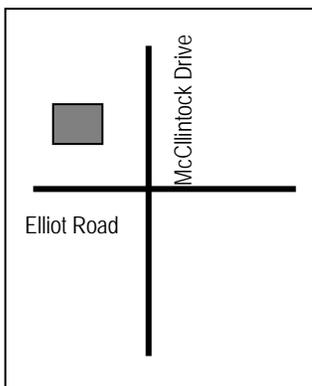
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-2.

ADDITIONAL INFO: This is a request for a use permit to allow an expansion of an existing Dog Day Care business to offer overnight boarding in the PCC-1 zoning district. The site at 1730 East Elliot Road, is located at the northwest corner of Elliot and McClintock, within the Crossroads Shopping Center. Riley's Ruff House, under new ownership since September, 2007, occupies 2,370 s.f. of space within Suites 1 through 3. Proposed hours of operation will be 24 hours a day; seven days a week; 365 days per year. The overnight boarding is estimated to accommodate up to forty (40) dogs with 1-2 employees for every 12-15 dogs, similar to the daytime capacity for number of dogs boarded and employee ratio. Staff supports the use permit expansion subject to conditions. To date, no public opposition has been received.



PAGES:

1. List of Attachments
2. Comments; Reason for Approval;
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor Plan
6. Landlord Authorization
- 7-8. Staff Photograph(s)

COMMENTS:

Riley's Ruff House was approved with a use permit for Dog Day Care; no overnight boarding in 2005. The new owner is seeking an expansion of use to allow overnight boarding. The existing dog day care occupies the western suites of the northern most building. A large pedestrian area fronts the location and the business is located across from an existing veterinary clinic. The tenant space has access to a large service area in the back of the building. This location may be used to walk the dogs without disturbance of the consumers. The commercial center is surrounded to the north and west property lines with office and medical uses. These properties are currently zoned R/O, providing a buffer transition from the commercial uses within the center, and the single-family residences to the northwest. The nearest adjacent residence from the subject property is approximately one hundred sixty-five (165) feet away. The dog care building is two hundred sixty-five (265) feet away from the residential properties, with no direct access.

Business hours of operation are proposed for 24 hours a day and 365 days a year. The new business owner, Jennifer Chavanne, will operate the business with 1-2 additional employees for every 12-15 dogs that are boarded. The business may accommodate up to forty (40) dogs at a time.

Use Permit

The Zoning and Development Code requires a use permit for kennels within the PCC-1 Zoning District. This business has successfully operated at this location since 2005 without complaint or incident. The applicant has provided authorization from the property owner for the expansion of the use. Staff finds the proposed request meets the Zoning and Development Code criteria for approval of a use permit. The expansion will not create a nuisance for the surrounding properties or businesses. The use is no more intense than other commercial businesses located in the center; there appears to be no nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions. The proposed location is buffered by office buildings from the nearest residential neighborhood.

Conclusion

Staff recommends approval of the use permit subject to conditions. As per the original approval; all dog waste to be removed from the premises immediately and all dog walking areas to be kept clean on a continual basis. The owner(s) will continue to control excessive barking dogs and will cooperate with any additional measures necessary to alleviate disruptive behavior both inside and outside the premises; which may create a nuisance to the surrounding area or general public.

REASON(S) FOR APPROVAL:

1. The use covered by the permit, the manner of its conduct, and any building which is involved, 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 that the use will be in full conformity to any conditions, requirements, or standards prescribed therefore by the Zoning and Development Code;
2. There appears to be no significant increase in vehicular or pedestrian traffic. The use is no more intense than other commercial businesses located in the center;
3. There appears to be no nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions. The owners have assured that the dog center will not allow excessive barking dogs. All waste will be picked up and disposed of immediately;
4. This use will not contribute 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;

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. Animal waste to be removed from the premises immediately and on a continual basis through out the day. The dog walking area to be kept clean at all times.
2. 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.

HISTORY & FACTS:

August 25, 2005. The Planning and Zoning Commission approved a use permit for a Dog Day Care within the Crossroads Plaza subject to conditions.

DESCRIPTION:

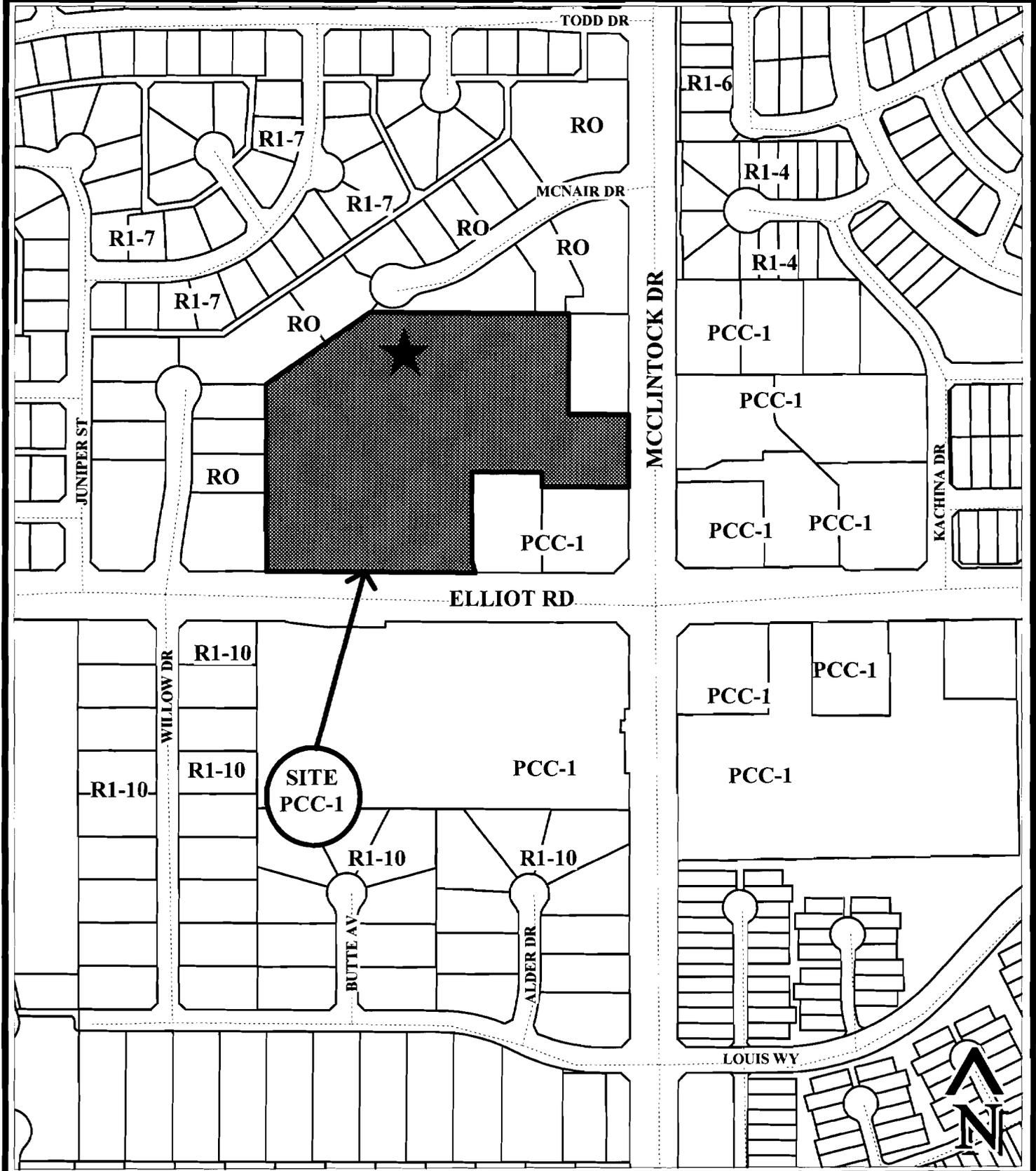
Owner – McClintock & Elliot LLC
Applicant – Jennifer Chavanne
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District

**ZONING AND
DEVELOPMENT
CODE REFERENCE:**

Part 3, Chapter 2, Section 3-202
Part 6, Chapter 3, Section 6-308

**CROSSROAD'S PLAZA -
RILEY'S RUFF HOUSE**

PL070448



Location Map



CROSSROAD'S PLAZA - RILEY'S RUFF HOUSE (PL070448)

October 8, 2007

Re: In Good Graces, LLC dba Riley's Ruff House
1730 E. Elliot Rd. #3
Tempe, AZ 85284

Attn: City of Tempe

As Owner of Riley's Ruff House, I am a new tenant to the Crossroad's Plaza. Although Riley's has been operating in the Crossroad's Plaza since its inception, Riley's was sold and came under my ownership effective, 9-7-2007.

At this time, a transfer of the existing use permit was submitted and approved by the City of Tempe.

As notified, the business is still operating with the same processes and procedures as the previous owner, The Red Bandana, LLC.

I would like to pursue expansion of the business to include overnight boarding services. The environment for boarding will mirror the Dog Day Care, a kennel free environment.

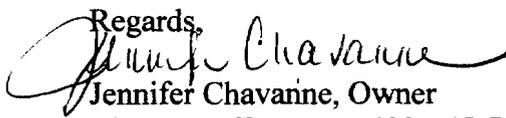
Currently, our operating hours are M-F: 7:00am – 6:30pm and Sat: 9:00am-3:00pm. The hours under the new expansion would be a 24 hour – 7 day – 365 days a year business.

Riley's Ruff House would operate with 1-2 employees on site, for every 12-15 dogs on premises for boarding. The maximum, I foresee, being able to house for boarding would mirror, the daytime dog day care, which would be 40.

In pursuit to this matter, the following items are included with this letter of explanation.

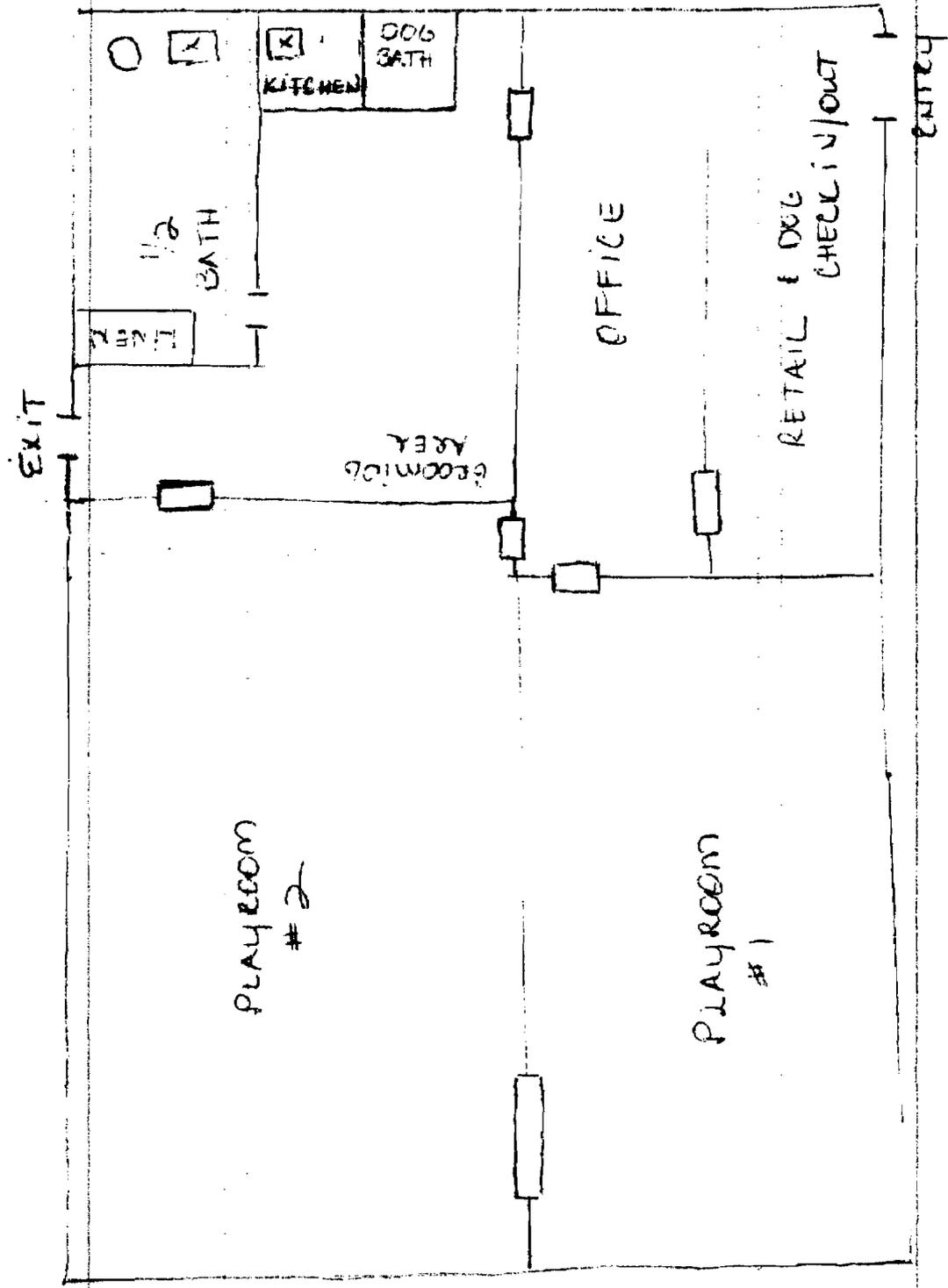
- Project Submittal Form.
- Letter of authorization from landlord.
- Site plan of shopping center.
- Sketch of business interior.
- Name and address labels of those within a 300 foot radius of my business.
- Name and address labels of the merchants within the Crossroads Shopping Center (where Riley's Ruff House operates).
- Any monies due to the City of Tempe to Pursue this expansion.

I look forward to providing you with any additional items or actions that may be needed to move forward with this process.

Regards,

Jennifer Chavarine, Owner
Riley's Ruff House - 480-345-7833



FLOORPLAN RILEY'S BURT HOUSE



- O - TOILET
- ☒ - SINK
- ☐ - GATE ENTRY / DOORS
- + - DOORWAY

Eisenberg Company
Full service commercial real estate

October 8, 2007

Jennifer Chavanne
Riley's Ruff House
1730 E. Elliot Rd., Suite 1-3
Tempe, AZ 85284

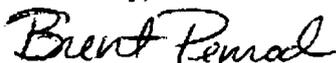
VIA FACSIMILE
(480) 345-7837

RE: Riley's Ruff House – Extended Use Clause
1730 E. Elliot – Suite 1-3
Crossroads Plaza

Dear Jennifer,

The Landlord of the above mentioned shopping center, McClintock & Elliot LLC, has agreed to amend the use clause of your lease to include boarding as part of the dog daycare business.

Sincerely,



Brent Penrod
Eisenberg Company
As Agent for Owner



RILEY'S RUFF HOUSE

1730 E ELLIOT RD

PL070448

FRONT OF BUSINESS: VIEW TO NORTHWEST



RILEY'S RUFF HOUSE

1730 E ELLIOT RD

PL070448

REAR OF BUSINESS