

# Staff Summary Report



Hearing Officer Hearing Date: March 18, 2008

Agenda Item Number: 7

**SUBJECT:** This is a public hearing for a request by **THE DOG WASH (PL080064)** located at 2066 East Southern Avenue for one (1) use permit.

**DOCUMENT NAME:** 20080318dssd01

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **TWENTY PAWS LLC d.b.a. THE DOG WASH (PL080064)** (Donald & Jeanette Chenevert, applicants; Joyce C. Carson Estate Trust, property owner) located at 2066 East Southern Avenue in the CSS, Commercial Shopping and Service District for:

**ZUP08030** Use permit to allow dog boarding.

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

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

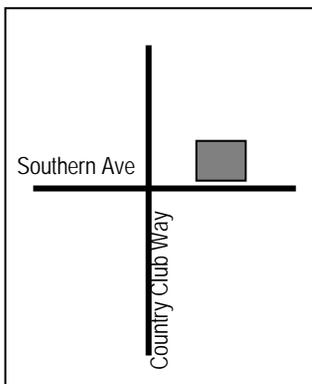
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-6

**ADDITIONAL INFO:** This is a request for a use permit to allow overnight boarding at an existing dog day care, dog wash, and grooming business in the CSS, Commercial Shopping and Services district. The site is located at 2066 East Southern Ave. The Dog Wash occupies 1300 s.f. of indoor space and 800 s.f. of outdoor space. Staff supports the use permit subject to conditions. Three (3) letters of opposition have been received, addressing concerns over animal waste and noise.



**PAGES:**

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

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
- 5-6. Floor Plan
7. Elevation
- 8-10. Letter(s) of opposition (3)
- 11-12. Staff Photograph(s)

## COMMENTS:

The Dog Wash has been in operation as a pet groomer and pet boarder at this location for the last twelve (12) years. The previous owner received city approval (BA970333) for pet washing and grooming on December 17, 1997, but never applied or received approval to allow pet boarding. The applicant was unaware that pet boarding required a use permit until they applied for a sales tax license. The new owners wish to continue the same services; to include pet grooming, self washing, and pet boarding. The business hours of operation will be Tuesday through Friday 8am- 6pm, Saturday 9am- 5pm and closed Sunday and Monday. If boarded dogs are on the premise on days the business is closed, the owners will come in from 8am- 11am and 3pm- 6pm to give the dogs time to go outside and exercise. The owners run and manage the business and they currently have one groomer, with future plans of adding a second part time groomer.

The previous business owner had installed a chain link fence behind their tenant space for an outdoor dog play area without any design approvals. The proposed outdoor area will require a separate Development Plan Review application for modification of the site plan. The dogs will be accompanied by staff at all times in the recreation area, and waste will be immediately removed from the premises. Additionally, the parking will remain unchanged; the center requires 29 spaces and 29 spaces are provided

The Dog Wash has been in operation for the last twelve (12) years without complaint. Staff has received three (3) letters of opposition addressing concerns over animal waste and noise; staff recommends approval of the use permit.

## Use Permit

The Zoning and Development Code requires a use permit for kennels within the CSS Zoning District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - This use, with conditions, should not create nuisances within the shopping center or adjacent single family neighborhood zoned area.
- c. 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 pet shop would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed use appears to be compatible with surrounding uses.

## Conclusion

Staff recommends approval of the use permit.

**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 properties, 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 staff that the Dog Wash 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.
3. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
4. The outdoor dog area at the rear of the building requires Development Plan Review approval. Applicant to work with staff to obtain necessary planning approvals. Applicant to submit an application by April 18, 2008
5. The rear door shall require security lighting that is required to meet five (5) foot candles at the door and two (2) foot candles within a 15' radius.
6. After all work is completed, contact Planning Inspector Rob Peterson at (480) 350-8396 for a final planning inspection.

**HISTORY & FACTS:**

December 17, 1997      BA970333: Use Permit approved for THE DOG WASH to allow pet washing and grooming located at 2066 E. Southern Ave.

July 6, 1999            BA990149: Use Permit approved for SHOTOKAN KARATE to allow an instructional school located at 2054 E. Southern Ave.

January 26, 2000      BA990336: Use Permit approved for MARICOPA COUNTY HOMEQUEST to allow a community based treatment center for youth located at 2064 E. Southern Ave.

February 15, 2000     BA000019: Use Permit approved for LIDDY CAMPAIGN OFFICE located at 2062 E. Southern Ave.

August 15, 2000      BA000215: Use Permit approved for BUDGET TUXEDO/GOWNS located at 2054 E. Southern Ave.

March 5, 2001        BA010059: Use Permit approved for ADVANCED CONCEPTS IN KITCHEN & BATH located at 2062 E. Southern Ave.

June 5, 2001         BA010128: Use Permit approved for PAYCHECK ADVANCE located at 2064 E. Southern Ave.

October 15, 2002     BA020257: Use Permit approved for BIAGIO'S PIZZA located at 2064 E. Southern Ave.

August 25, 2004      BA040146: Use Permit approved for PORTICELLO PIZZA & BAKERY located 2064 E. Southern Ave.

September 21, 2004   BA040167: Use Permit approved fro USA TOWELS & SCRUBS located at 2060 E. Southern Ave.

**DESCRIPTION:**

Owner – Joyce C. Carson Estate Trust  
Applicant – Donald & Jeanette Chenevert  
Existing Zoning – CSS, Commercial Shopping and Service District  
Lot Area – 22,584 s.f./ .51 acres  
Proposed tenant space- 1300 s.f.  
Parking provided- 29 spaces  
Parking required- 29 spaces

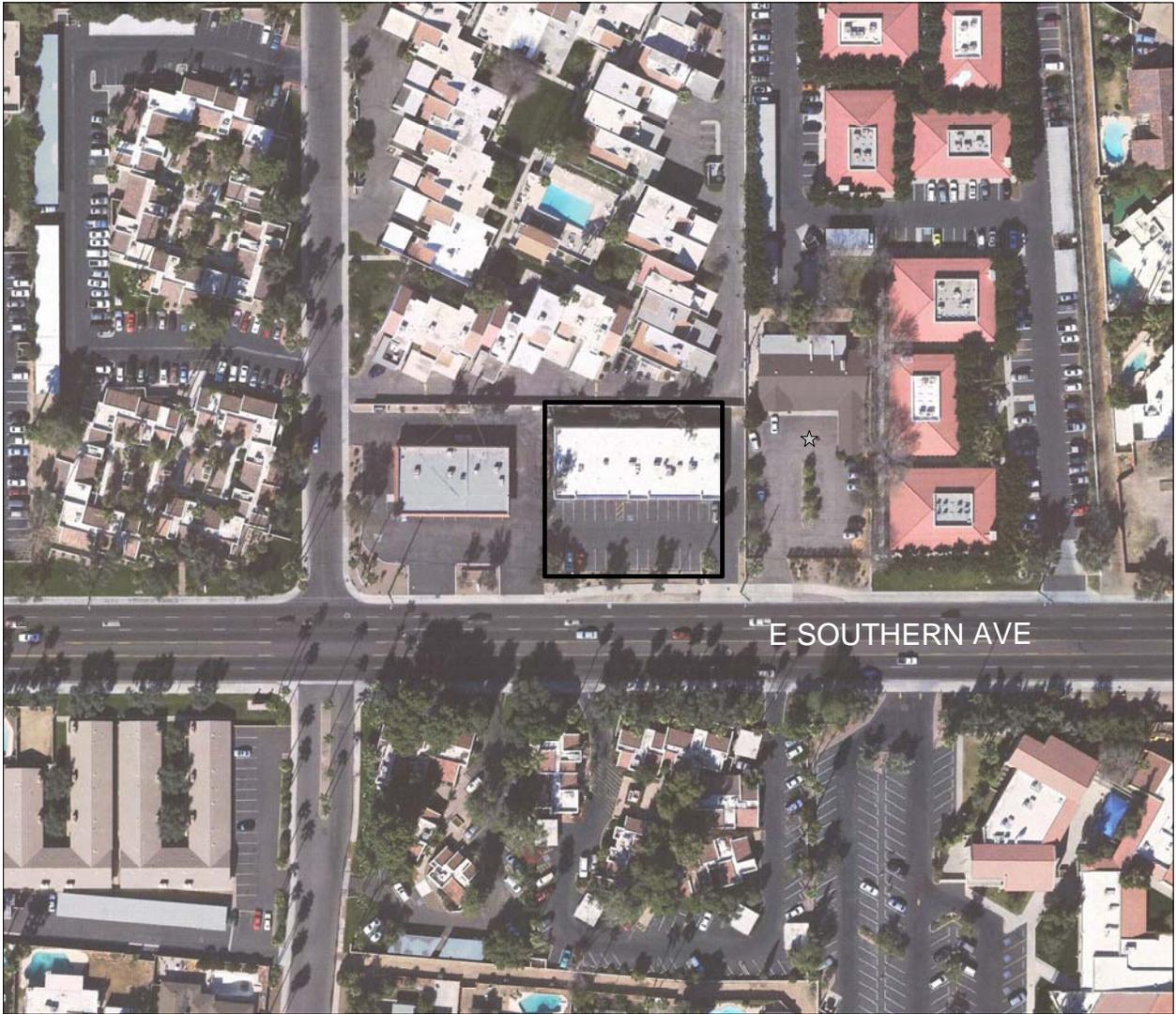
**ZONING AND DEVELOPMENT**

**CODE REFERENCE:**

Permitted Uses in Commercial and Mixed Use Districts.  
Part 3, Chapter 2, Section 3-202

Use Permit(s)  
Part 6, Chapter 3, Section 6-308





TWENTY PAWS LLC d.b.a. THE DOG WASH (PL080064)

My husband & I recently purchased The Dog Wash from the previous owner who operated at 2066 E. Southern, Tempe for the last 12 years. It came as a tremendous surprise to us that the business was NOT licensed to board animals as the sale was brokered as licensed for all services it offered.

My husband and I manage The Dog Wash and we have one groomer at this time. We are currently looking to add another part time groomer. We offer self washes, doggie day care, grooming and boarding. We are applying for the boarding permit so we can legally continue the services provided for the last 12 years. We are open Tuesday - Friday 8-6, Saturday 9-5 and closed Sunday and Monday. If boarding dogs are on premises on days we are not open, we come in from 8-11AM and 3-6 PM to give them time to take care of business, eat, and to play and stretch their legs. Our policy is to give as much human interaction as possible instead of leaving them kenneled.

Our business will not cause significant vehicular or pedestrian traffic in adjacent areas as it is located in a strip mall designed to handle traffic with a parking lot between the business and Southern.

We do have a play area in the back. We promptly clean up any solid waste and put it into a closed trash can that gets emptied every night. We also sprinkle baking soda every evening to control the odor. The dogs are not left unattended while outside and if barking starts they are brought indoors immediately and the doors closed. We try to be very considerate of all our neighbors.

Here at The Dog Wash we provide quality care for the dogs through our self service dog wash, day care, grooming and boarding. We want the animals to have a safe and caring place for them to stay when their families are away. The Dog Wash has been here for 12 years and we plan to make no changes except to do business with all the proper licenses. We don't want to disrupt anyone with our business.

**SYMBOL(S):**



EXISTING BUILDING(S)



AREA REQUESTING PERMIT

**USE PERMIT(S):**

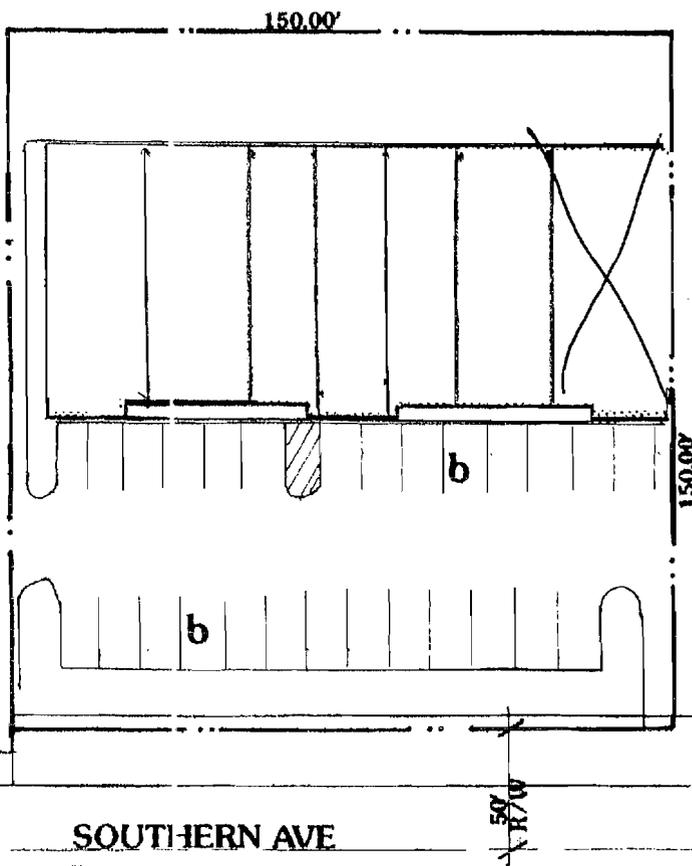


a

**VARIANCE(S):**



b





Block Wall

39' x 17'

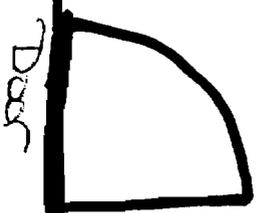
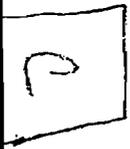
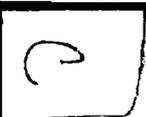
Outdoor  
Dog  
Area

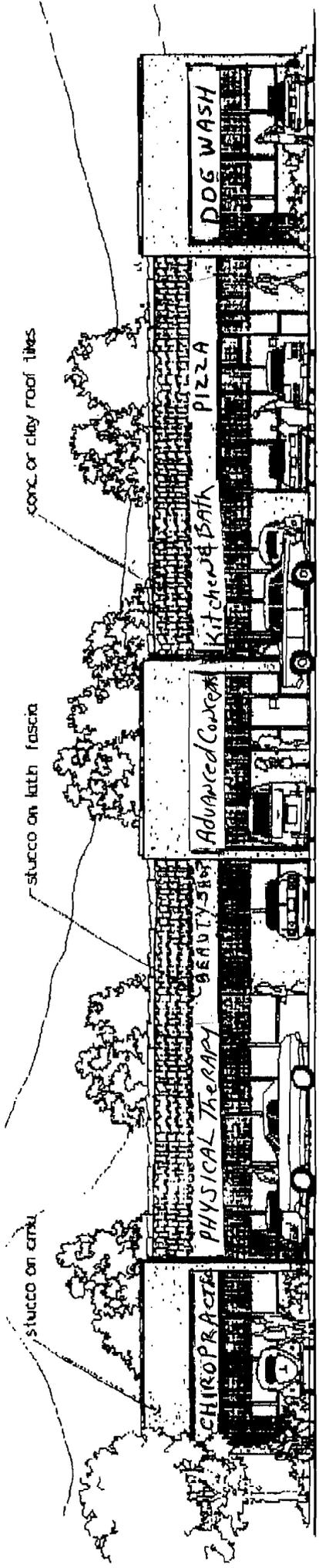
Sidewalk

Fence →

fence

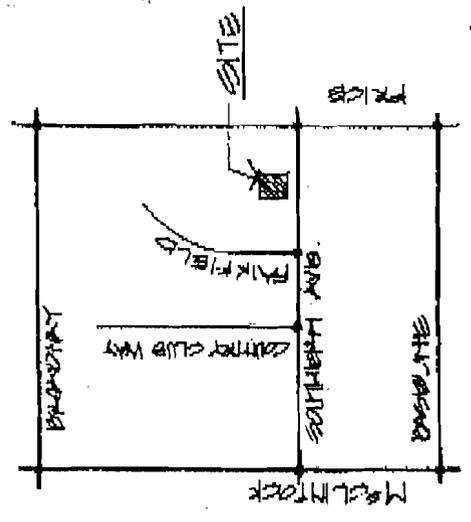
North  
↓





**SOUTH ELEVATION**  
20. 10'-1/2"

<b>SITE INFORMATION</b>	
Address	2050-2088 Southern Ave.
Gross Building Area	8038 sq. ft.
Net Area for Parking (72%)	5788 sq. ft.
Parking Required	29 Spaces
Parking Provided	29 Spaces
Zoning	C-2
Fire Zone	1
Occupancy	F-2
Construction	III 1-hour
Landscaping On Site	2865 sq. ft. (12.7%)



**VICINITY MAP**  
n.t.s.

3/8/8

Hearing Office  
PO Box 5002  
Tempe, AZ. 85282

Concerning the public hearing notice on Twenty Paws LLC D.B.A. The Dog Wash (PL080064), I want to state my concerns as President of Shalimar East Improvement Association which borders the present Dog Wash complex on the North side of the wall.

Behind the present building they have only an area that is 15 feet by 30 feet which is 1/3 blacktop and cement and the other 2/3rds is dirt.

Where would the dogs defecate?  
Where would these dogs exercise if they were kept for any length of time?  
I see no watering facilities present out side.  
I see no shade area presently out side.  
What about the dogs barking at night?

When they first started business they used to walk the dogs over to our front grassy area facing Fairfield Dr. and let them defecate there and not pick up after the dogs. We informed them that it was private property and not to use it, which they did. But they now walk the dogs across Fairfield Dr. on the medical Centers lawn and do the dog duties there. They still do. They also use the grassy area in front of the Golf Course.

What is it going to like if they boarder dogs?

The members of Shalimar East Improvement Association request that the permit to allow boarding of dogs at the present location be denied.

Albert Levesque  
3143 S. Fairfield Dr.  
Tempe, Az. 85282  
480-345-8004  
President of Shalimar East Improvement Association

RECEIVED  
08 MAR 12 AM 9:24  
TEMPERANCE DEPARTMENT  
SERVICES DEPARTMENT

March 9, 2008

Hearing Officer  
P. O. Box 5002  
Tempe, Arizona 85280-5002

RECEIVED  
08 MAR 12 AM 9:24  
TEMPE PLANNING  
SERVICES DEPARTMENT

Reference #ZUP0830

Public Hearing Notice (03-18-08)

Regarding the public hearing ZUP08030 on Twenty Paws LLC d.b.a. The Dog Wash (PL080064) (Donald & Jeanette Chenevert, applicants: Joyce C. Carson Estate Trust, property owner) located at 2066 East Southern Avenue in the R/O, Residential Office District for:

**ZUP08030** Use permit to allow dog boarding

As residents of the property at 3155 S. Fairfield Drive, Tempe, Arizona 85282 we strongly object to the applicants request listed above to change the zoning from a dog washing to a dog boarding.

Dog boarding in this area should not be allowed as it will become a public nuisance in this residential area. Dog boarding will create additional barking and foul orders from the dogs elimination of indigestible material and waste products day and night 24 hours, 7 days a week.

Also, there is no place to exercise or run the dogs that are boarded.

Even now with the dog washing we continue to hear dogs bark during the day time and on weekends. This has created a disturbance to our peace and quite at our town home.

We respectfully request that the permit be denied.

Sincerely,

*Bernard W. Dusek Caroline J. Dusek*  
Bernard W. Dusek & Caroline J. Dusek

3155 S. Fairfield Drive  
Tempe, AZ 85282

March 7, 2008

Hearing Officer  
P.O. Box 5002  
Tempe, Arizona 85280-5002

Re: Reference #ZUP08030

Dear Sir:

**FILE COPY**

*This letter is in regards to TWENTY PAWS (Dog Wash) on Southern Avenue and Fairfield. I was surprised when I saw the announcement that they requested to be a Boarding establishment.*

- 1. The dogs they give hair cuts to at present are desiccating on our property. We have told them to restrict their animals from being on our land. Finally, they now give the golf course across the street and doctors' offices the pleasure of having droppings on that property.*
- 2. To board animals, isn't it necessary for an area to be set aside to permit the animals to run? As it is, there is no area for this to happen. The place is very small and confined.*
- 3. The barking is a constant aggravation!! When you purchase property, you sure don't need to have dogs barking day and night.*

*Please consider my opinions, as I certainly DO NOT WANT "Twenty Paws" next to my home.*

*Marge Gale*

Marge Gale  
3107 S. Fairfield Drive  
Tempe, AZ 85282  
480-491-0024

RECEIVED  
08 MAR 10 PM 3:30  
GENERAL INVESTIGATION  
SERVICES DEPARTMENT



## **THE DOG WASH**

**2066 E. SOUTHERN AVE**

**PL080064**

**FRONT OF EXISTING BUSINESS**



**THE DOG WASH**

**2066 E. SOUTHERN AVE**

**PL080064**

**REAR OF BLDG: EXISTING DOG RUN**