

Staff Summary Report



Hearing Officer Hearing Date: December 4, 2007

Agenda Item Number: 10

SUBJECT: This is a public hearing for a request by **JUST PETS (PL070493)** located at 1526 North Scottsdale Road for one (1) use permit.

DOCUMENT NAME: 20071204dsac03

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **JUST PETS (PL070493)** (Jennifer Carter-Zuchowski, applicant; Union Knitting Factory International, property owner) located at 1526 North Scottsdale Road in the CSS, Commercial Shopping and Services District for:

ZUP07179 Use permit to allow a pet store with overnight boarding.

PREPARED BY: Jon Christopher, Planner II (480-350-8436) and Alan Como, Planner II (480-350-8439)

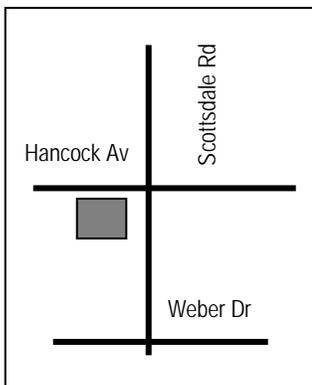
REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

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 Just Pets to operate a dog day care business with overnight boarding located at 1526 North Scottsdale Road in the CSS, Commercial Shopping and Services District. Just Pets will occupy approximately 2,882 s.f. of space. Proposed hours of operation will be Monday thru Friday 10:00 am to 8:00 pm, Saturday 10:00 am to 6:00 pm and Sunday 11:00 am to 6:00 pm. The overnight boarding is estimated to accommodate up to forty (40) dogs with 1-7 employees for every 5-10 dogs boarded. Staff supports the use permit subject to conditions. To date, staff received only one phone call, which was from the next door tenant. The tenant asked questions about the nature of the boarding, but did not express opposition to the use permit.



PAGES:

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

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Site plan
- 6-7. Floor plan
- 8-9. Staff Photographs

COMMENTS:

The Just Pets owner is seeking a use permit to allow overnight boarding of pets. The store fronts both Scottsdale Road and Hancock Avenue. The property is surrounded by commercial to the north and south, single-family to the west, and multi-family to the east, across Scottsdale Road. This location also may be used to walk dogs without disturbance to the neighbors. The nearest adjacent residence from the subject property is approximately one hundred twenty feet (120') to the west. Proposed hours of operation will be Monday thru Friday 10:00 am to 8:00 pm, Saturday 10:00 am to 6:00 pm and Sunday 11:00 am to 6:00 pm, and will not impact the surrounding neighbors. The new business owner, Jennifer Cater-Zuchowski, will operate the business with 1-7 employees for every 5-10 dogs that are boarded. The business may accommodate up to forty (40) dogs at a time. To date, staff received only one phone call, which was from the next door tenant. The tenant asked questions about the nature of the boarding, but did not express opposition to 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 this single family or surrounding 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 subject to conditions

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;
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;
4. The owners have assured that the dog center will not allow dogs that bark excessively. All waste will be picked up and disposed of immediately;
5. 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. The property owner shall upgrade rear lighting per Zoning and Development standards with a full cutoff light fixture and shall be illuminated from dusk to dawn , with five (5) foot-candles of light for fifteen (15) foot radius.
2. Obtain all necessary clearances from the Building Safety Division.
3. All dog waste to be removed from the premises immediately and all dog walking areas to be kept clean on a continual basis.
4. The owner(s) will continue to control dogs which bark excessively and will cooperate with any additional measures necessary to alleviate disruptive behavior both inside and outside the premises.
5. 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.
6. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.

HISTORY & FACTS: Built in February 08, 1985

DESCRIPTION:

Owner – Union Knitting Factory International
Applicant – Jennifer Carter-Zuchowski
Existing Zoning – CSS, Commercial Shopping and Services District
Total Area - 2,882 s.f.
Lot area - 38,598 s.f.
Lot acres - .89

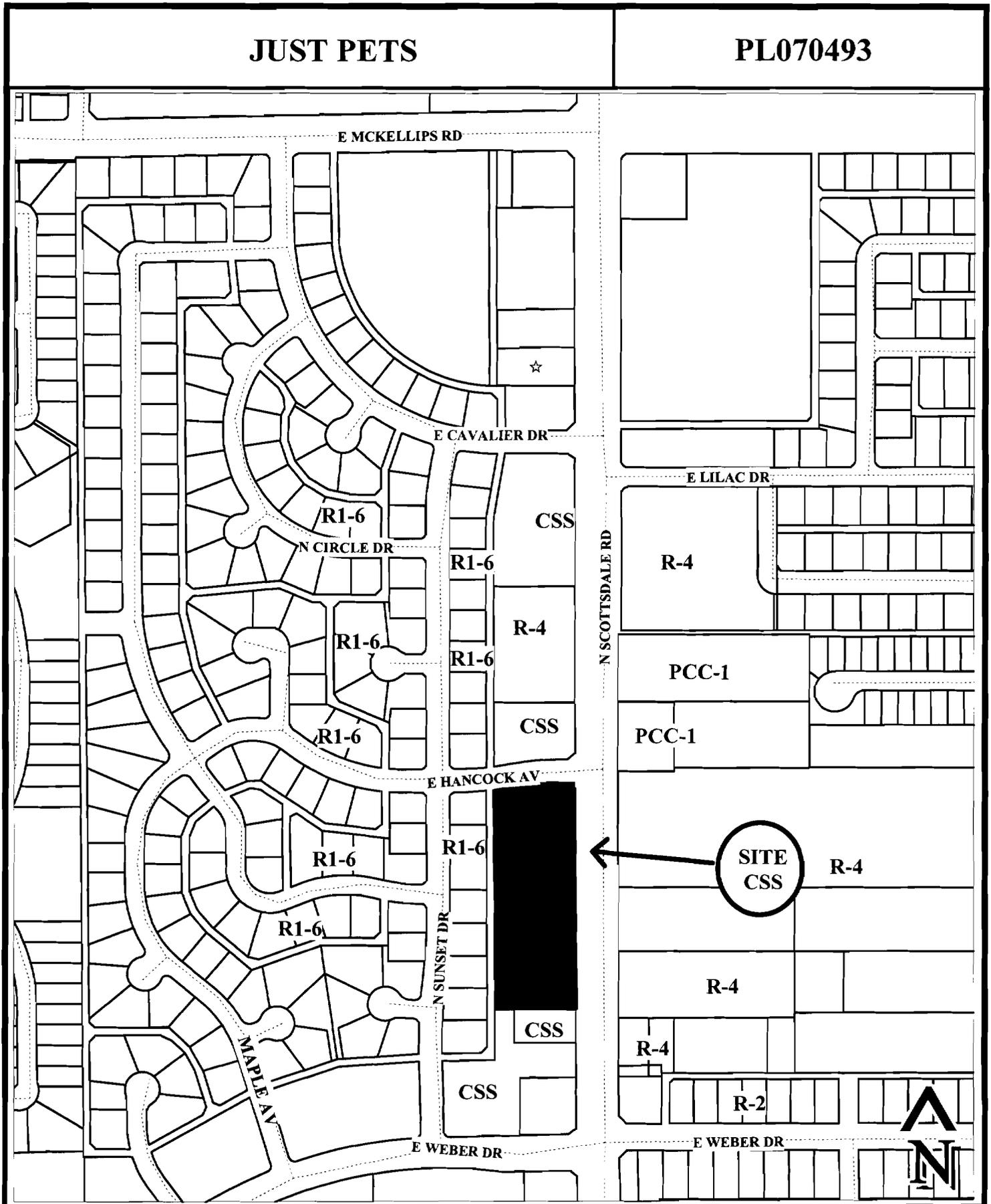
**ZONING AND
DEVELOPMENT**

CODE REFERENCE:

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

JUST PETS

PL070493



Location Map



JUST PETS (PL070493)

Just Pets
1526 N. Scottsdale Rd.
Tempe, AZ 85281
480-970-0630
www.justpets.biz
justpets@aol.com

To Whom It May Concern:

In 2003, I was honored to be crowned as Miss Tempe. I went on to represent the City of Tempe at the prestigious Miss Arizona Pageant, a preliminary to the Miss America Pageant held yearly in Atlantic City. Unfortunately, I did not win the state title but from my experience, I grew to love the city and everything that it stood for which was good enough for me. The growth I experienced during my reign far surpassed anything I could have imagined. I was actively involved in local organizations and even spoke at various community events across the city. My goal was to promote volunteerism and community activity among both the youth and adult population. In doing so, I was able to actively get families involved in activities that would not only strengthen their ties as a family unit but as community members. Following my reign as Miss Tempe I went on to graduate from the University of Southern California with a Bachelors in Psychology and a minor in Substance Abuse Prevention in 2005.

However, I wasn't ready just yet to go back to school for my PhD. Instead, I decided to take on the task of running the family business-a pet store. All my life I have grown up with animals, whether be birds, dogs, cats, turtles, or fish I truly love them all. My father started his first store in 1965, after not finding his niche in pharmaceuticals. He had a passion for animals and pets and found his mark in the pet industry. He was successfully able to help lobby various laws in Arizona which regulate how pet dealers do business. The most popular is Shokas law, also known as Arizona's Dog Lemon Law. He was tired of seeing so many stores that were only out to make a profit and in turn were forgetting about the health and well-being of the animals they were bringing into the community.

I have found great joy in the companionship that they bring. Pets provide unconditional love and can brighten up any life and home. I wanted to share the same joy that I found in pets with the people around me, so I became very passionate about our mission as a store which is to provide healthy, quality companion pets to people in search of a furry friend.

Thus, my family and I would like to bring the same store that brings us joy to your neighborhood. We carry a large array of small animals including, but not limited to, hamsters, bunnies, guinea pigs, and even reptiles. We also have Arizona's largest and best selection of both pure-bred and designer dog puppies. And if you are looking for supplies for your existing pets, we have that too! We are your one-stop pet shop. We have a huge selection of dog toys, cat toys, holistic foods, and small animal supplies. We'd love to be able to share our passion with you and your family.

We truly believe that the neighborhood of North Tempe could benefit from having an establishment such as ours. We are family and pet friendly and are always eager to help. We have an on-sight veterinarian once a week, a dog trainer that offers classes twice a month, and we always have events for the community. In fact, at our old location we hosted a safe Halloween party in which pet owners brought in their dogs in their best costumes. It turned out to be a great success.

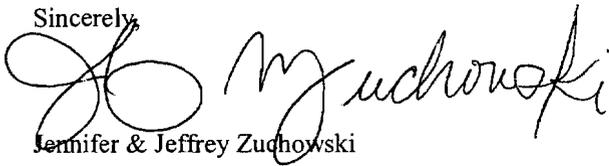
Just Pets also gives back to the community. In the past we sponsored the Weiner Dog Nationals (for eight consecutive years), the American Heart Association, The Phoenix Children's Hospital, the Arthritis Foundation, United Cerebralpalsy, VFW, and the Phoenix Zoo, just to name a few. Just recently we were involved in an event with the Friends of Orphans non-profit organization. Not to mention, when our budget permits we sponsor smaller-scaled local charities and school athletics.

Just Pets
1526 N. Scottsdale Rd.
Tempe, AZ 85281
480-970-0630
www.justpets.biz
justpets@aol.com

We assure you that our store would not be a nuisance. In fact, our store is constructed of concrete center block walls. Thus, there is no noise that can be heard outside as far as barking is concerned. In addition, we have metal solid core doors and very few windows. The only windows we do have face Hancock and Scottsdale Road, rather than the residential houses. As always, we will comply with all health and building codes. We would also ensure that all waste is disposed of properly, as not to disrupt the beauty of the community.

Our family successfully operated Petland Fiesta mall for thirteen years and Just Pets in Scottsdale for seven. We plan to stay planted here in the wonderful city of Tempe. We hope that you see this as a positive opportunity, just as we do. We truly believe we would be an asset to your community and would bring up the overall quality of the area. Thank you for your time.

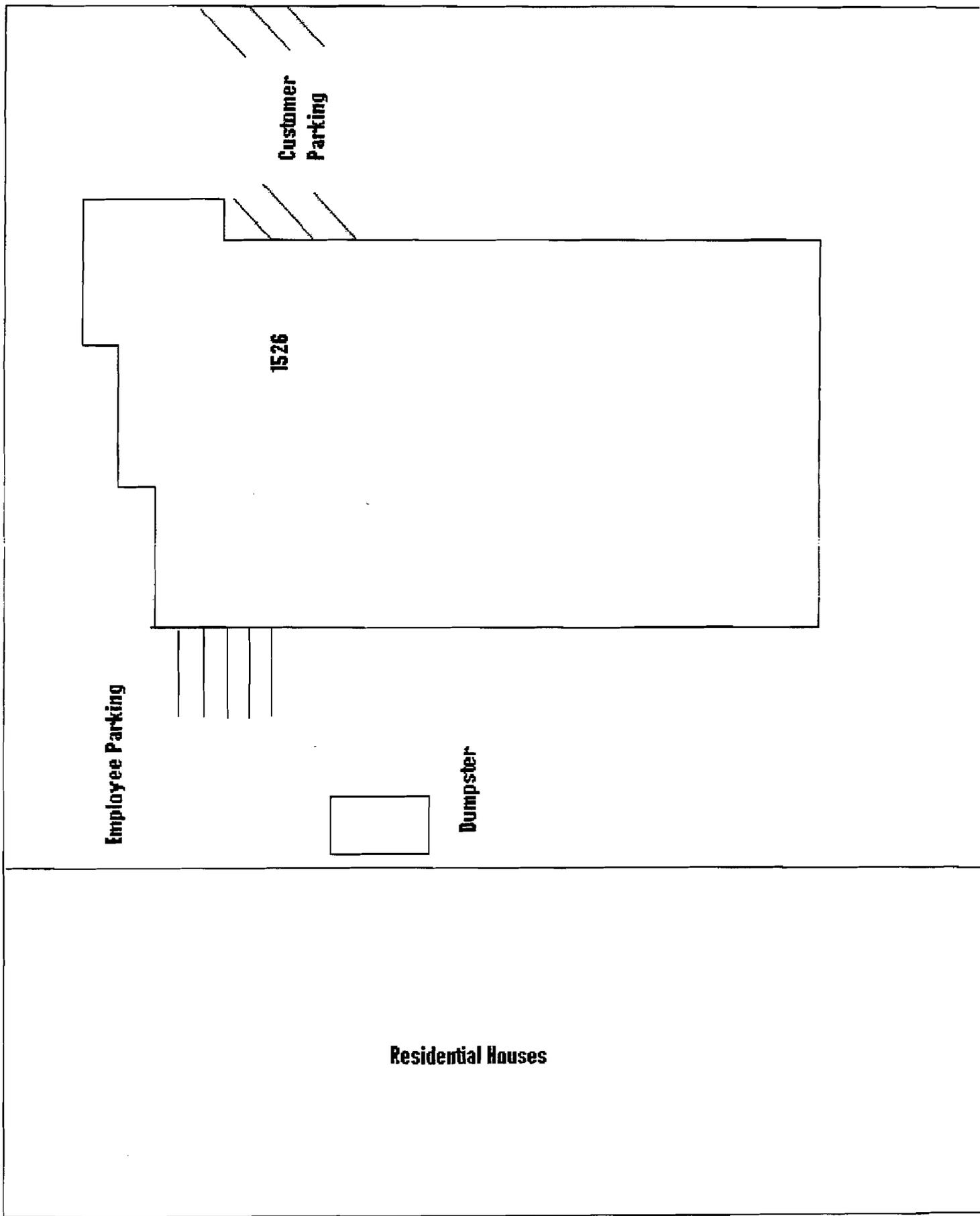
Sincerely,

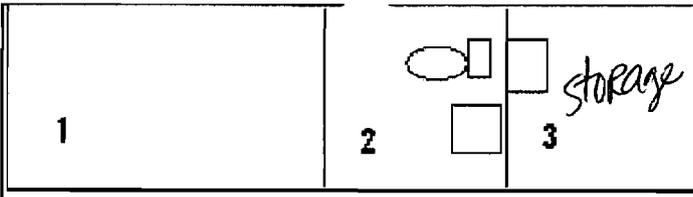


Jennifer & Jeffrey Zuchowski



HANCOCK AVENUE





Supply Room / Office

9'x5'3"

tilled flooring



door

tilled / sealed flooring

6'

Fixtures

open area

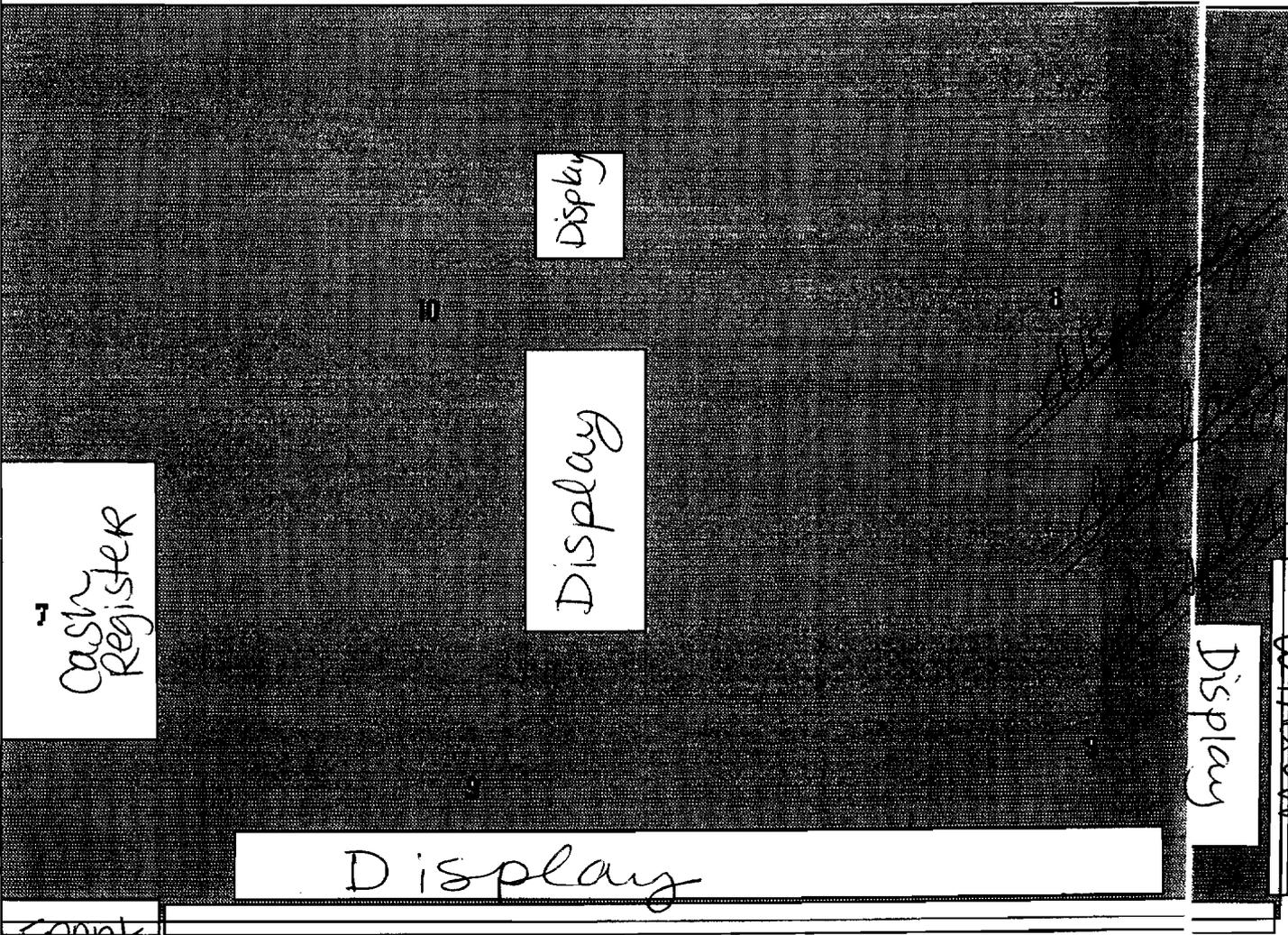
Fixtures

5

5

tilled / sealed flooring where all live animals are housed

Small animals



FRONT DOOR

**1. Adjoining suites access j
to their backdoor**

**2. Restroom with tile, sink,
and toilet, plumbing already
installed. Tiled flooring with
light color, smooth easily
cleanable surfaces**

**3. Map Sink room with tiled
flooring with light color,
smooth easily cleanable
surfaces**

**4. Will be used as an
office space storing
paperwork and
computers**

**5. Movable fixtures (kennels)
used for housing puppies**

**6. Entire area of back end of
property is either tiled, or
sealed flooring that is easily
cleanable and of impervious
construction. All walls and
ceilings are finished in a light
color and are of smooth,
easily cleanable surfaces.**

7. Cash register

8. Supply Isles

**9. Dog food/Cat food Display
Shelfs**

**10. Merchandise & Clearance
items**

**11. Washer, Dryer, Bathing Sink,
Industrial Table, Sewer
Connected sink with hot & cold
water for animals**

12. Hot Water Heater

**13. Quarantine
Kennels**

14. Hamsters



JUST PETS

1526 N SCOTTSDALE RD

PL070493

FRONT OF BUSINESS



JUST PETS

1526 N SCOTTSDALE RD

PL070493

REAR OF BUSINESS