



Lakewood
Colorado

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PLANNING COMMISSION REPORT

SPECIAL USE PERMIT CASE NO: SU-18-002 **REPORT DATE:** June 26, 2018

CASE NAME: Spay Today Special Use Permit **PC HEARING DATE:** July 11, 2018

ADDRESS OF SUP REQUEST: 1401 Ammons Street, Lakewood, CO 80214

APPLICANT: Cassie Tanner, Executive Director of Spay Today, Neuter Now

REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow an animal care facility (veterinary clinic) in the Mixed-Use Neighborhood Urban (M-N-U) zone district.

CITY STAFF:

Brea Pafford, Case Planner

STAFF RECOMMENDATION:

Approval of Special Use Permit Case No. SU-18-002 to allow an animal care use, subject to the conditions listed in the staff report and Planning Commission resolution.

Brea Pafford, Planner
Planning – Development Assistance

Paul Rice, Manager
Planning – Development Assistance

ATTACHMENTS TO THE REPORT:

- Attachment A – Vicinity Map
- Attachment B – Zoning Map
- Attachment C – Written Description
- Attachment D – Conceptual Land Use Plan (CLUP)
- Attachment E – Building Floor Plan
- Attachment F – Neighborhood Meeting Summary

I. SUMMARY OF REQUEST

The applicant is requesting a Special Use Permit (SUP) to allow an animal care facility (veterinary clinic) in the Mixed-Use Neighborhood Urban (M-N-U) zone district. Approval of the SUP by the Planning Commission will authorize the nonprofit organization *Spay Today, Neuter Now!* to relocate their existing veterinary clinic at 1864 S. Wadsworth Blvd to a new location at 1401 Ammons Street.

The existing site is approximately 0.3 acres in size. The existing building is currently vacant, however, it was previously used as a Knights of Columbus meeting hall. The applicant is proposing to renovate and remodel the 2,622 SF building and resurface the existing asphalt parking lot. The scope of the building/site improvements are not anticipated to trigger a Major Site Plan application, however, a site plan will be reviewed for compliance with applicable use, development and design standards as part of the building permit application.

Pursuant to Section 17.4.3.1.B of the Lakewood Zoning Ordinance, when identified as a special use, an animal care facility shall be subject to the following:

1. All animals shall be confined indoors.
2. Any exterior pens shall only be used during the daytime for supervised exercise and training use and shall not be located in front of the primary structure and shall be located a minimum of 20 feet from any side or rear property line.
3. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the Lakewood building code.

The applicant has addressed these supplemental standards on the Conceptual Land Use Plan (Attachment D). If the SUP is approved, the standards listed in Article 7 will be applied to any Major Site Plan application.

II. PROCESS – REQUIRED CITY APPROVALS

The applicant has followed the procedures for submitting a SUP application as specified in Article 2 of the Lakewood Zoning Ordinance. These procedures include holding a neighborhood meeting, submittal of an application with a conceptual land use plan, and holding a public hearing before the Planning Commission.

Section 17.2.4.3 of the Lakewood Municipal Code designates the Planning Commission as the body to hear and decide applications for SUPs. The decision of the Planning Commission is final.

A conceptual land use plan (Attachment D) and written description (Attachment C) are required with each SUP application. These documents are intended to supply enough information about the proposed site for the Planning Commission to make a decision about the requested use. A major site plan application process is required when one or more of the following situations are proposed: redevelopment of the site, a building addition that increases the gross floor area (GFA) by more than 20% or site disturbance of more than 20%. At this time, the applicant is not proposing any site improvements that will trigger a major site plan application. Instead a site plan approval will be required as part of the building permit review process. Any conditions of approval for the SUP will be verified and documented on the both the site plan and building permit plans as applicable.

III. ZONING AND LAND USE

	North	South	West	East
Adjacent Zoning Designation	Mixed-Use General Suburban (M-G-S)	Mixed-Use Neighborhood Urban (M-N-U) / Residential Multifamily (R-MF)	Mixed-Use Neighborhood Urban (M-N-U)	Mixed-Use General Transit (M-G-T)
Adjacent Land Uses	Office Building	Church Parking Lot/ Single-family	Single-family	Mobile Home Park
See Attachment A - Vicinity Map and Attachment B - Zoning Map				

The project site is in the M-N-U zone district. The site is adjacent to a single-family residential land uses to the west and an office building to the north. Across Ammons Street to the east is an existing mobile home park. To the south (across W. 14th Avenue) is a larger parcel that straddles two separate zone districts. The northern third of the property identified as 1375 Ammons Street is in the M-N-U zone district and contains an unimproved surface (dirt) parking lot. The remainder of this parcel is located in the R-MF zone district and contains a single-family home with a paved surface parking lot for the New Life in Christ Church located at 1380 Ammons Street. The church property is located in the Mixed-Use Residential Urban (M-R-U) zone district.

IV. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

Public Notification

Notices for the neighborhood meeting and for the Planning Commission public hearing were mailed to 148 tenants and owners of property within 300 feet of the subject property and were mailed to the 3 Registered Neighborhood Organizations (RNO) located within 1/4-mile of the subject property, as required by the Lakewood Zoning Ordinance. Notice for the public hearing was also published in the Lakewood Friday Report, posted in the Civic Center and posted on the property to satisfy all notice requirements.

Agency Review

The case materials were sent to City Departments and outside agencies for review, as indicated in the table below. As part of the referral process, staff received a response from three agencies: West Metro Fire Protection District, Xcel Energy and Century Link, each indicating that they had no objections to the project as long as their standards are met when development occurs.

Department/Agency	Notification Sent	Referral Sent	Response Received
West Metro Fire Protection District		X	X
Xcel Energy		X	X
Consolidated Mutual Water Company		X	X
Comcast		X	
Century Link		X	X
Lakewood Property Management		X	X
Lakewood Engineering		X	X
Lakewood Sewer Utility		X	X
Lakewood Police		X	X
West Colfax Community Association	X		
Morse Park Neighborhoods Organization	X		
Eiber Neighborhood Association	X		

Referral Comments

1. West Metro Fire Department, Xcel Energy, Century Link, Lakewood Police Department, and Lakewood Property Management had no objection to the proposal.
2. Lakewood Sewer Utility requested a site inspection (prior to any remodeling) to get a plumbing fixture count within the existing building.
3. Lakewood Engineering stated that back out parking along W. 14th Avenue is not preferred. Currently there are four existing parking spaces that are accessed from W. 14th Avenue. The Conceptual Land Use Plan proposes removing three of those parking spaces, and maintaining one van accessible parking space.
4. Consolidated Mutual Water Company stated that the property is already receiving domestic water service, which may continue subject to compliance with the Company's rules, regulations and requirements for such service. It is unlikely that any upgrades or improvements to other Company owned infrastructure will be required.

Neighborhood Meeting Comments

The Lakewood Zoning Ordinance requires that any applicant requesting a Special Use Permit must hold a neighborhood meeting prior to submitting a formal application. The purpose of this meeting is to provide neighbors and other interested stakeholders with the opportunity to learn more about the proposed use and to begin a dialogue between area stakeholders and the project applicant.

A neighborhood meeting was held to introduce the proposal and solicit comments on March 22, 2018. In addition to staff and the applicant, there were six residents/stakeholders in attendance for the meeting which was about a half hour in length. Attendees at the neighborhood meeting voiced support for the non-profit organization and the value that the low cost services will bring to pet owners in this neighborhood. Others asked questions related to onsite parking, adjacent zoning, traffic control at the Ammons/W. 14th intersection, and information about the organization and their funding. A summary of the neighborhood meeting is included with this staff report as Attachment F.

V. ANALYSIS – SPECIAL USE PERMIT CRITERIA

Article 2 of the Lakewood Zoning Ordinance provides specific review criteria for SUPs. The review criteria are shown below in bold text followed by staff's analysis in standard text. Following is a summary of staff's analysis.

1. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance.

Pursuant to Section 17.4.3.1.B of the Lakewood Zoning Ordinance, when identified as a special use, an animal care facility shall be subject to the following:

1. All animals shall be confined indoors.
2. Any exterior pens shall only be used during the daytime for supervised exercise and training use and shall not be located in front of the primary structure and shall be located a minimum of 20 feet from any side or rear property line.
3. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the Lakewood building code.

The applicant has addressed how this criterion is consistent with the proposed use in the written narrative, land use plan and proposed building floor plan. All animals will be confined

indoors. The building floor plan (Attachment E) depicts separate rooms with kennels for both cats and dogs. The cat room is proposed in the northwest corner of the building, however, there are not any proposed windows or doors along the west exterior building wall which is adjacent to a single-family residential property/use. Spay Today does not keep animals overnight, as such there is not a need for any exterior pens for exercise or training.

2. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance.

As previously stated, the applicant is not proposing any site improvements that would impact the existing building setbacks, open space, building height, etc. If any new facilities or redevelopment were to happen on this site, those improvements will be required to comply with any applicable dimensional and development standards in Article 5.

3. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance.

If the SUP is approved, all proposed improvements must comply with any applicable non-residential design standards of Article 7 at the time of the Site Plan review. Please note that the existing site improvements are not required to be brought into compliance with current building and site design standards. However, any new improvements (like a future building addition) shall satisfy the applicable non-residential standards in Article 7.

4. The proposed special use is consistent with the Comprehensive Plan and other adopted City plans; and

The applicant states in the written narrative that the proposed high-quality and low-cost veterinary clinic is consistent with the Comprehensive Plan and other adopted city plans. The Comprehensive Plan (Lakewood 2025: Moving Forward Together) encourages strengthening Lakewood's neighborhoods by supporting:

- Public, private and nonprofit actions that improve the physical and social environments of neighborhoods experiencing a lack of investment and maintenance; and
- Development of neighborhood-serving businesses.

The applicant also reiterated that the nonprofit organization is committed to being a resource to pet-owners in the area, specifically those that are experiencing financial hardship. The low cost services that Spay Today, Neuter Now provide, helps to decrease the number of unplanned and unwanted litters in the community, lessens the burden on animal control agencies and helps to limit the spread disease.

5. The proposed special use will not substantially impair the appropriate use or development of adjacent property.

This criterion relates to potential negative impacts of an animal care facility use and how the special use might impact redevelopment potential of the adjacent properties. In general, the potential impacts related to an animal care use might include loud barking or whining as well as potential odors from pet waste.

The applicant has identified how they plan to mitigate possible negative impacts related to the animal care use. Patients will be kept indoors from the time that they are dropped off until they are picked up by the owner. Pet and medical waste will be collected and discarded in appropriate waste receptacles located in the fenced yard to the north of the building. Trash will also be collected twice a week by a waste management company. Pet waste disposal bags will be made available on site for the pet owners/clients. The clinic staff will also have regular inspections to ensure that the site and parking lot are appropriately maintained.

Staff does not anticipate that the proposed veterinary clinic will impair the appropriate use or development of any of the adjacent properties.

VII. FINDINGS OF FACT AND ORDER

Based upon the information and materials provided by the applicant, the neighborhood meeting and the staff report, staff supports the SUP request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

1. Cassie Tanner, Executive Director of Spay Today, Neuter Now is requesting approval of a Special Use Permit to relocated their existing veterinary clinic to 1401 Ammons Street.
2. Notice of the neighborhood meeting was sent to residents and owners of properties within 300 feet of the site and to registered homeowner associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and
3. Notice of the public hearing was sent to residents and owners of properties within 300 feet of the site and registered neighborhood associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and
4. Notice of the public hearing was posted on site and published in the newspaper of record, as required by the Lakewood Zoning Ordinance; and
5. The request was reviewed by the appropriate referral agencies; and
6. The proposed animal care use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance; and
7. The proposed animal care use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance; and
8. The proposed animal care use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance; and
9. The proposed animal care use is consistent with the Comprehensive Plan and other adopted City plans; and
10. The proposed animal care use will not substantially impair the appropriate use or development of adjacent property.

THEREFORE

The Planning Commission adopts the findings of fact and order as presented in the staff report and **APPROVES** Case No. SU-18-002 a Special Use Permit as required under the Zoning Ordinance, with the following conditions:

1. The Animal Care use on this site shall be limited to businesses that do not provide overnight boarding services, 24-hour emergency care or outdoor exercise areas.
2. Any new construction shall meet all applicable requirements of the Lakewood Zoning Ordinance prior to site plan approval.
3. The Special Use Permit is subject to the criteria for revocation as listed in Article 2 of the Lakewood Zoning Ordinance, as amended.

Cc: Case File: SU-18-002
Cassie Tanner