

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of October 19, 2010

**SUBJECT: Arbor Dog Day Care Special Exception Use Rehearing
(2856 South Main Street) File No. SEU09-001**

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission, after hearing all interested persons and reviewing all relevant information, finds the petition to substantially meet the standards in Chapter 55 (Zoning Ordinance), Section 5:104 (Special Exceptions), subject to: 1) limiting the size of the operation to a maximum of 10,000 square feet; 2) limiting the hours of operation from 6:00 a.m. to 8:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on weekends and allowing indoor boarding during the hours the day care is closed; 3) limiting the number of dogs to 125 with no more than 15 dogs outside on the site at one time and limited to the hours of 10:00 am to 5:00 pm; and 4) occupant complies with Fire Department requirements for additional fire extinguishers, No Parking Fire Lane signs on site and a future Fire Department review if the business changes use, and, therefore, approves the Arbor Dog Day Care Special Exception Use.

STAFF RECOMMENDATION

Staff recommends that the special exception use request, as revised from the request presented in September 2010, be **approved** because the proposed use is of such location, size and character as to be compatible with the zoning district in which the site is situated; and the location and size of the proposed use, its nature and intensity, the site layout and access, and effect of the proposed use on public services would not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic or the neighborhood.

STAFF REPORT

This petition was originally postponed at the December 15, 2009, City Planning Commission meeting to allow the petitioner time to address several concerns. The petitioner provided responses to these concerns, as described in the attached staff report dated September 21, 2010. This petition was then considered and denied by the City Planning Commission at its September 21, 2010 meeting with a vote in favor of approval of 5-4 (six votes required for approval).

Because of this denial, the petitioner requested a reconsideration of the petition at the October 5, 2010, City Planning Commission meeting as provided for in the Commission's bylaws. The Commission approved reconsideration of the special exception use request and then subsequently postponed the petition to give the petitioner additional time to address noise concerns created by the dogs.

Noise Concerns

Because of the concern about increased noise generated in the outdoor play area due to the increase of dogs, Arbor Dog Daycare agrees to limit the number of dogs in this outdoor play area to 15 and limited the hours from 10:00 am to 5:00 pm. The petitioner has also submitted a video demonstration of the noise levels in the area along South Main Street and Oakbrook Drive, with 20 dogs in the play area. This video can be found at <http://www.youtube.com/watch?v=mo2sOXu-IDo>. This link was sent to the Planning Commissioners to view before the CPC Meeting.

Special Exception Use Standards

The special exception use standards listed in the the September 21, 2010 staff report remain the same with the exception of the number of dogs allowed outside at one time. The petitioner now proposes to reduce the number of dogs outside by 10, limiting the maximum number of dogs outside on the site at one time to 15 and limiting the hours from 10:00 am to 5:00 pm. This limitation has been added as a condition in the the City Planning Commission motion.

Neighborhood Notification

Since this petition was denied at the September 21, 2010 City Planning Commission meeting and the public was unaware of the reconsideration of the petition, neighbors within 500 feet of this site were sent postcard notices of the upcoming October 19, 2010 City Planning Commission meeting.

The petitioner also indicated he planned on meeting with the neighbors in opposition to the dog daycare expansion. The petitioner plans to present the outcome of these meetings to Planning Commission.

Prepared by Christopher Cheng
Reviewed by Wendy Rampson
mg/10/14/10

Attachments: Petitioner Letter 10/15/10
9/21/10 Staff Report
12/15/09 Staff Report

Fire
Systems Planning
File No. SEU09-001