



MEMO

TO: Planning and Zoning Commission
FROM: Doni Wilbanks
Planning Technician
DATE: April 15, 2013
SUBJECT: Conditional Use Permit Request
400 E. Hwy 260, Suite C; pet shop and outside display/pet adoption

CUP13-001

Background

This is a request by Payson Development Associates property owner; PetSmart, applicant; Shawn Nelson, agent, to allow a Conditional Use Permit for pet shop and outside display/pet adoptions use in a C-2 zoning district at 400 E. Hwy 260, parcel number 304-02-017S and 304-02-017T.

Analysis

The property is zoned C-2, General Commercial. The Unified Development Code (UDC) requires a conditional use permit (CUP) for “outside display” and “uses with unique compatibility concerns,” which specifically includes pet shops in all commercial zoning districts including C-2. Noise associated with pet shops as well as the risk of contaminants from bathing or treatment of animals and animal waste precipitate the need for a conditional use permit.

The animal grooming facilities within the store have met all Town of Payson building requirements through the permit application process prior to the store opening for business. The proposed pet adoption events will be located inside the store as well as under the covered sidewalk directly in front of the PetSmart entrance. Larger tent adoption events would take place in the Rim Country Mall parking lot south of the PetSmart entrance. The events will take place on weekends from 10am-5pm. Allowing time for set up and cleanup, no animals shall be allowed to remain outside of the store between the hours of 8:00pm and 8:00am, and events are limited to daylight hours only.

The parking lot tent events would not block traffic aisles or disrupt the flow of traffic and shall be limited to the areas depicted on the site plan as submitted. Sidewalk displays/events shall comply with American’s with Disability Act accessibility requirements.

Special or additional signage for adoption events has not been proposed in conjunction with this application. Signage associated with the proposed events shall comply with all Town of Payson sign regulations.

Staff Recommendation:

Staff recommends approval of CUP13-001 with the conditions listed below.

1. Signage associated with the proposed events shall comply with all Town of Payson sign regulations.
2. Display/event area shall be limited to the areas depicted on the site plan as submitted, received on 3/29/13. Any events not in the depicted areas and located in the parking lot shall not impede traffic flow.
3. Display/event areas shall not interfere with ADA accessibility.
4. No animals shall be allowed to remain outside of the store between the hours of 8:00pm and 8:00am.
5. That the length of this Conditional Use Permit shall run concurrent with the use of this property. That is, as long as the pet shop and outside display/pet adoptions use at 400 E. Highway 260 conforms to the above conditions, this CUP is valid. Change in uses or additional uses shall require approval through the CUP process.

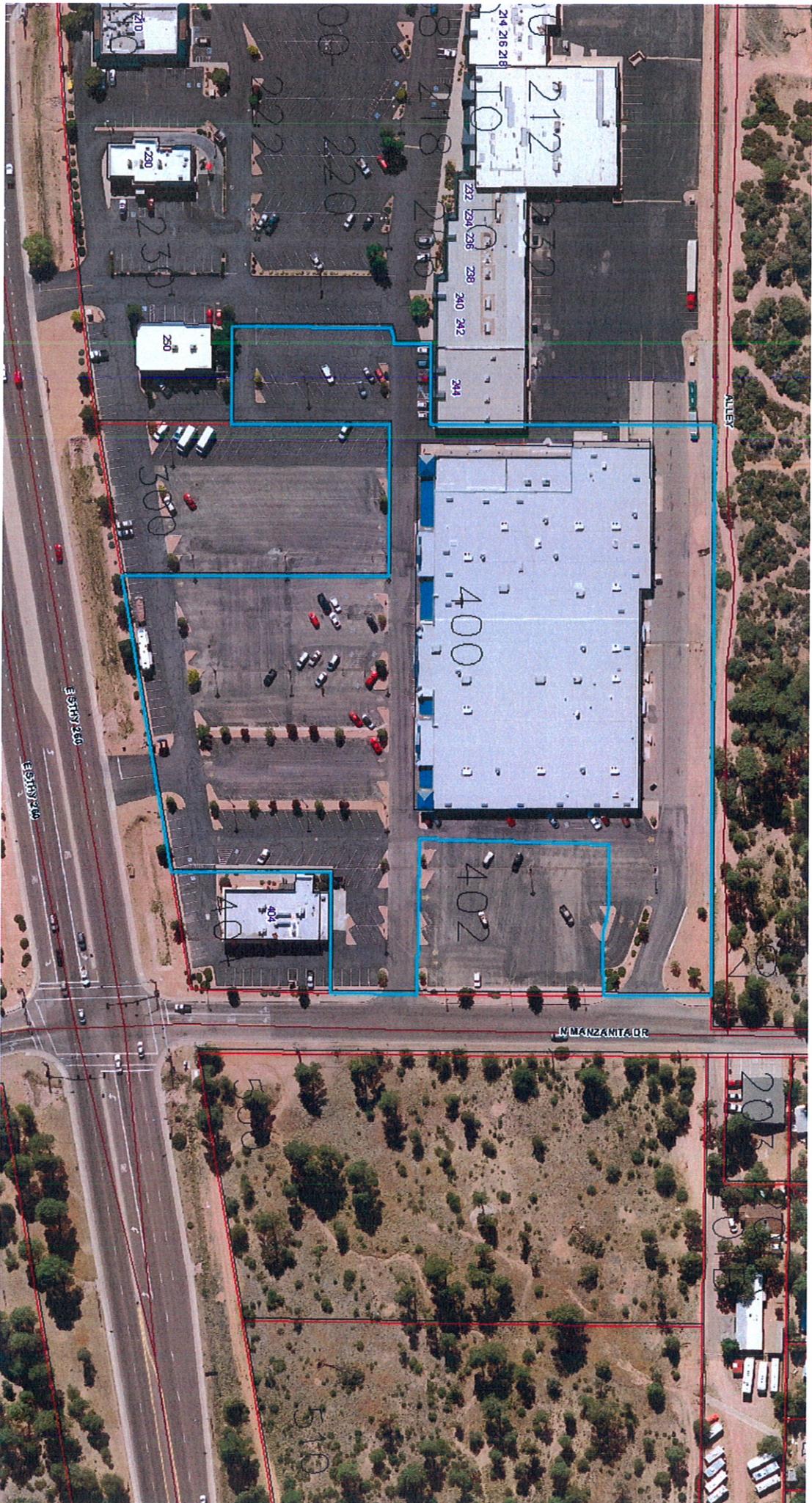
Suggested Motion to Approve:

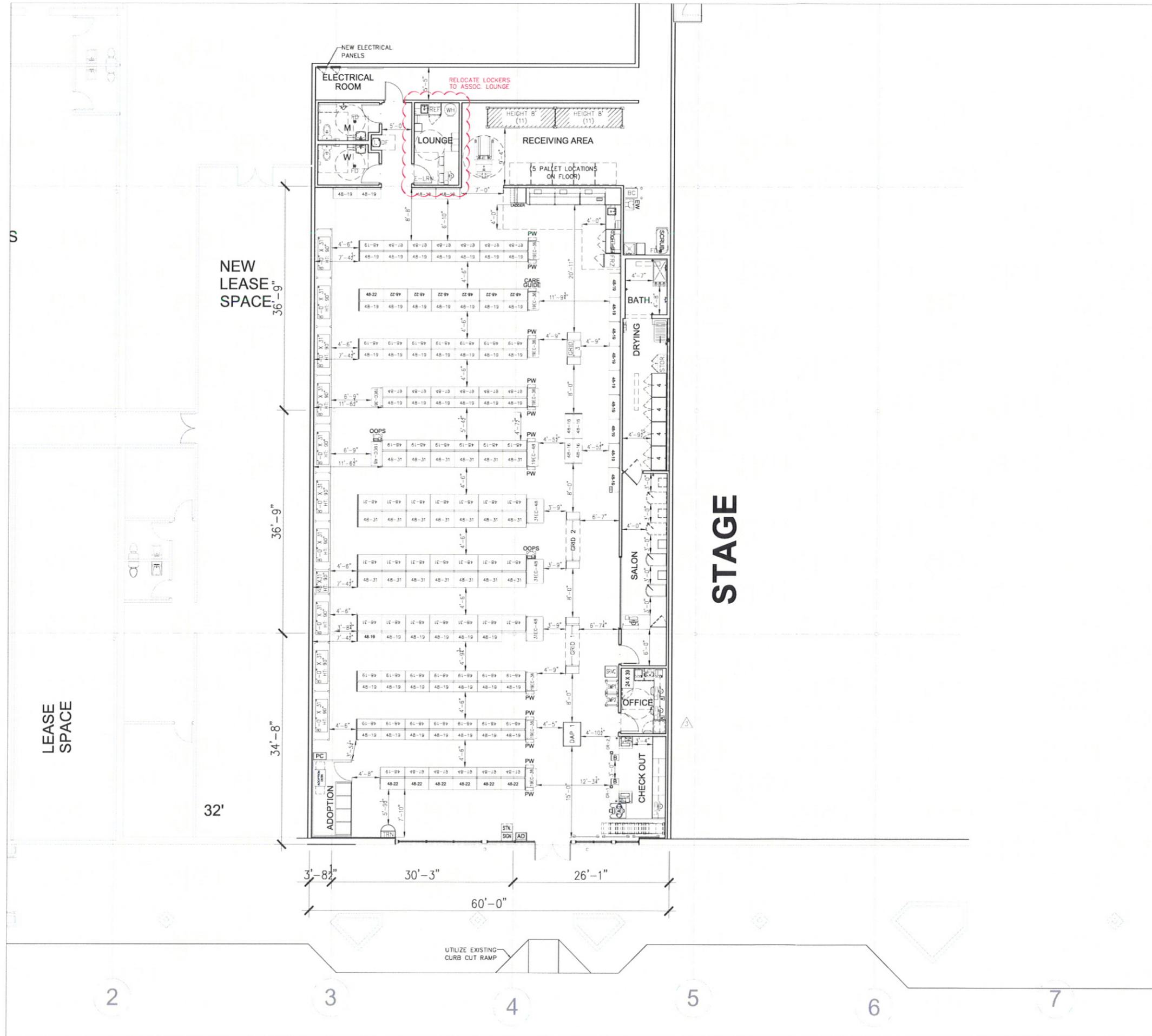
“I move the Planning & Zoning Commission approve CUP13-001, a request to allow a pet shop and outside display/pet adoptions use in a C-2 zoning district at 400 E. Hwy 260 subject to the conditions recommended by staff.”

Neighborhood Involvement

A Citizens Participation meeting was conducted on March 20, 2013 at 10am. The Citizens Participation Report and related correspondence received by staff are attached for review.

* Note: There is a 30 day appeal period before the action of the Planning and Zoning Commission becomes effective.



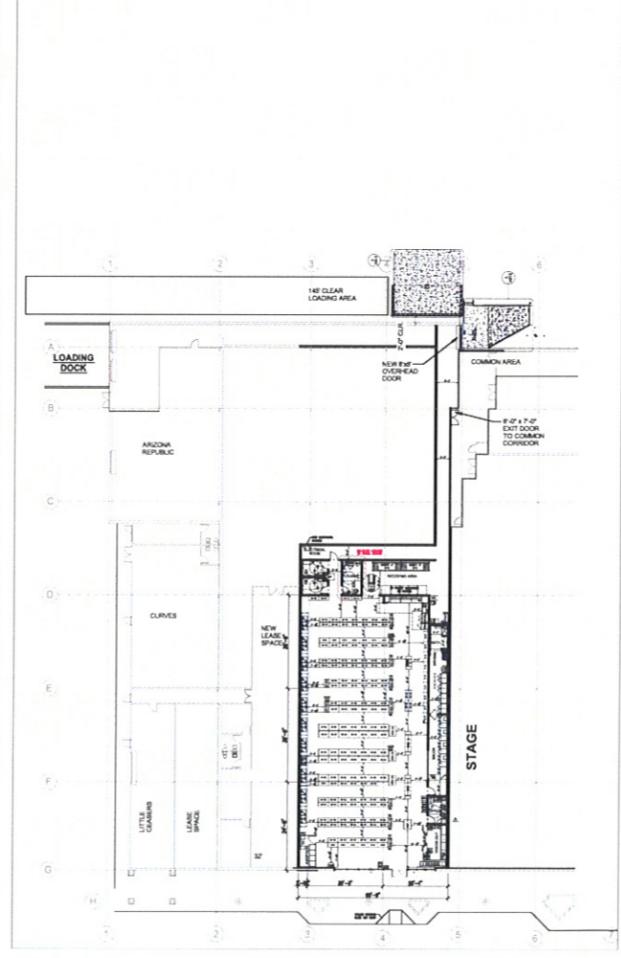


FIXTURE SCHEDULE

DESCRIPTION	12K US STD	THIS PROJECT	DIFFERENCE
OVERALL STORE DIMENSIONS (EXCLUDES RECEIVING AREA)	99'-4" x 116'-0"	82'x100'	N/A
SALES AREA	9303 sf	5781 sf	-3522 sf
DOG SALES AREA	0 sf	0 sf	name
CAT SALES AREA	0 sf	0 sf	name
BIRD SALES AREA	0 sf	0 sf	name
SMALL ANIMAL SALES AREA	0 sf	0 sf	name
FISH SALES AREA	0 sf	0 sf	name
REPTILES SALES AREA	0 sf	0 sf	name
EQUINE SALES AREA	0 sf	0 sf	name
COMMON SALES SALES AREA	9303 sf	5781 sf	-3522 sf
SALON AREA	786 sf	538 sf	-248 sf
TRAINING AREA	244 sf	0 sf	-244 sf
ADOPTION AREA	78 sf	78 sf	name
HEALTH SERVICES AREA	0 sf	0 sf	name
RECEIVING AREA	1083 sf	590 sf	-493 sf
EMPLOYEE SERVICES AREA	701 sf	380 sf	-321 sf
HOTEL AREA/DOG/DAY CAMP	0 sf	0 sf	name
TOTAL DESIGNED STORE AREA	12157 sf	7327 sf	-4830 sf
SHELF LINEAR FOOTAGE (4' SECTION)	978 #	728 #	-250
SHELF LINEAR FOOTAGE (2' SECTION)	0 #	0 #	name
PALLET RACK LINEAR FOOTAGE	0 #	0 #	name
TOTAL LINEAR FOOTAGE	1060 #	728 #	-332
FISH TANK DISPLAY	28	13	-15
NO. OF 4' SECTIONS	244	182	-62
NO. OF 2' SECTIONS	0	0	name
NO. OF STEEL SECTIONS (4')	0	1	1
NO. OF STEEL SECTIONS (2')	14	0	-14
NO. OF PALLET RACKING SECTIONS (2')	0	0	name
NO. OF PALLET RACKING SECTIONS (11')	0	0	name
NO. OF OVERSTOCK SPACES	0	0	name
CAPACITY AT RECEIVING AREA	42	12	-30

Notes:

□



EXISTING FIXTURE PLAN

PETSMART
19601 North 27th Avenue
Phoenix, Arizona 85027 - (623) 580-6100

REVISIONS:

No.	DATE	DESCRIPTION

STORE #2506
PAYSON, AZ

Sarah Secoy
Sarah Secoy

FIXTURE
FLOOR PLAN

This drawing is an instrument of service and the property of the undersigned. It is to be used only for the project and site for which it is drawn. When the instrument is no longer needed, it is to be returned to the undersigned. No part of this drawing may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the undersigned.

Date: 03-27-13
Sheet No: **F1**

● "RIGID" POWER DROP ● "FLEX" POWER DROP

PLAN BASED ON:
SMALL MARKET

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION OR
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- | | | |
|--|--|---|
| <input type="checkbox"/> Abandonment Request | <input type="checkbox"/> General Plan or Land Use Plan Amendment | <input type="checkbox"/> Guest Quarters |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Minor Land Division | <input type="checkbox"/> ADU |
| <input type="checkbox"/> Code Amendment | <input type="checkbox"/> P & Z Commission Appeals | |
| <input checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Subdivision Plat | |
| <input type="checkbox"/> Development Master Plan | <input type="checkbox"/> Temporary Use Permit | |
| <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Variance | |
| <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Zone Change | |

Jul, 2012

Project Address: 400 E Highway 260 Suite C Tax Parcel Number: 304-02-0175, 304-02-017T, 304-02-017J
 Subdivision: _____ Lot Number: _____
 Name of Applicant(s): Shawn Nelson Phone #: 623.587.2669
 Mailing Address: 19601 N. 27th Ave Town: Phoenix St: AZ Zip: 85027
 Name of Property Owner(s): George L. Lagoon
 Mailing Address: 6298 East Grant Road, Suite 100 Town: Tucson St: AZ Zip: 85712
 Contact Person: Steve Russell Phone #: 520.370.2571 Fax #: 520.296.1571
 Payson Business License # PETSMART Sales Tax # PETSMART

Detailed Description of Request:

PetSmart Requests A CUP To Have Pet Adoption Events. The Events Typically Take Place On Weekends From 10am-5pm. The Events Would Be Located Inside The Store Or On The Front Sidewalk Directly In Front Of The PetSmart Entrance. Also, A Few Times A Year There Can Be Larger Events That Would Take Place In The PetSmart Parking Field.
 (Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent in his behalf.

Shawn Nelson
 Print Name

[Signature]
 Signature

3.4.13
 Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	<u>3/4/13</u>	<u>SEA</u>	<u>Conditional Use Permit Commercial: \$500⁰⁰</u>
COMPLETED APPLICATION	<u>3/29/13</u>	<u>SEA</u>	
NEWSPAPER PUBLICATION	<u>3/29/13</u>	<u>SEA</u>	
300' NOTIFICATION MAILOUT	<u>4/1/13</u>	<u>SEA</u>	
POSTING DATE	<u>4/1/13</u>	<u>SEA</u>	

RECOMMENDATION	DECISIONS
By: _____ Date: _____	By: _____ Date: _____

**TOWN OF PAYSON
PRINCIPAL / AGENT FOR ZONING SUBMITTALS**

A Principal (owner) / Agent (acts for the owner) relationship has been created between

_____ [Principal(s)] and
Shawn Nelson _____ (Agent),

for the purpose of:

Getting A Conditional Use Permit For Pet Adoptions

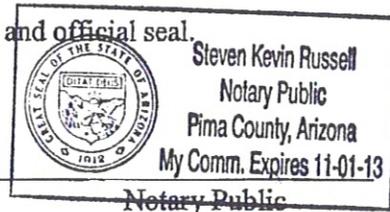
[Signature]
Principal
(Need both signatures, if husband and wife)

Principal

The foregoing Principal / Agent Relationship Statement was signed before me this 4 day of
MARCH, 2013, by George C. Carson [Principal(s)],
known to me to be the person(s) who signed said statement.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature]



My commission expires: 11-1-13

**CITIZENS
PARTICIPATION
MATERIAL**



New Store Development • 19601 North 27th Avenue • Phoenix, AZ 85027
P: 623-580-6100 • F: 623-580-6509

March 5, 2013

Dear Property Owner:

As you may be aware PetSmart will be opening its store in Payson in the coming weeks. We are thrilled to be a part of your community! On behalf of PetSmart, you are invited to a Citizen Participation Meeting regarding a request to approve a conditional use permit to allow PetSmart Charities to hold pet adoption events at PetSmart's location at 400 E Highway 260, Suite C, Payson AZ.

PetSmart Charities partners up with over 3,000 local animal welfare organizations to help save the lives of homeless cats and dogs across the country. Last year PetSmart Charities helped save 435,000 lives and donated \$30 million to local animal welfare organizations. Each PetSmart store helps save an average of 370 lives a year and we hope to do the same for the Town of Payson.

This meeting will be held on Wednesday, March 20, 2013, at 10:00 AM at the PetSmart location at 400 E Highway 260, Suite C, Payson AZ. The purpose of the meeting is to provide information to property owners and residents that are adjacent to the subject property regarding the pet adoption events. This is also your opportunity to ask questions or comment about the pet adoption events.

If you are unable to attend the meeting and have questions regarding the CUP for Pet Adoption Events, please call Shawn Nelson, 623.587.2669. I look forward to hearing from you or meeting you at our new store in Payson AZ.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Nelson".

Shawn Nelson
Development Project Manager
Direct: 623.587.2669
snelson@ssg.petsmart.com



New Store Development • 19601 North 27th Avenue • Phoenix, AZ 85027
P: 623-580-6100 • F: 623-580-6509

To: Town of Payson - Community Development Department
From: Shawn Nelson - PetSmart, Real Estate/Development
Subject: Citizen Participation Report, Conditional Use Permit
Date: March 20, 2013

The Citizens Participation Meeting was held Wednesday, March 20, 2013, at 10:00 AM at the PetSmart location on 400 E Highway 260, Suite C, Payson AZ.

The only response received from the letters that were sent out was from Mike Stotts with Reaching Hearts Ministry (928.970.2439). He expressed his approval in the adoption proposal and wished us the best of luck. We were at the store for over 2 hours and talked to customers that were coming in and out. The following is a list of people who were in favor of the proposal:

Mary Williams	1014 W Chatham	"Please allow dog adoption in store"
Peggy Beach	937 San Juan Dr	
Lorriane Ehelers	3933 E. Hwy 260	
Sean Hammock	121 S. Tonto St #32	"Come on "Adoption" it the ultimate act of love. Remember-
	"for god so loved the world" John 3:16	You Too Are Adopted"
Susan Hammock	121 S Tonto St #32	
Dianna Wagner	1212 N. Hillcrest Dr.	
Yvonne C-Hamm	316 W. Corral Dr.	
Robert Sweetwood	PO Box 1286 Strawberry AZ	
Bryan Parkersm	1206 W. Lake Dr.	
Gina Parkersm	1206 W Lake Dr.	
Lee Norman	314 N. Stage Coach	"Glad you are here! We need the puppy adoption here."
Carol Sweetwood	HCI Box 1286 Strawber	"Hope you are successful"
Paul Ruetters	240 W. Liberty Ln	

Sincerely,

Shawn Nelson
PetSmart Development Project Manager
Direct: 623.587.2669
snelson@ssg.petsmart.com