

STAFF REPORT

“Animal Care”
Summation

UDC Text Amendment

CASE NUMBER: PLN-13-00017

PREPARED BY: Donna Ferguson

MEETING September 3, 2013 – Planning Commission

DATES: September 9, 2013 – City Council

RECOMMENDATION: The Planning and Development Office recommends approval of the proposed text amendment pursuant to the review criteria outlined in Article 2, Section 2.4.1d of the Cheyenne Unified Development Code (UDC).

Proposed Ordinance: Part 1: A UDC text amendment to allow Service Uses: Animal Care – Hospital/Clinic as a conditional use within the NB Neighborhood Business and the MUB Mixed-Use Business Emphasis zoning districts.

The proposed ordinance is attached.

Background: The Development Office has been fielding inquiries from entrepreneurs wishing to offer small animal care services within the City. Small animals such as dogs and cats play an important role in the lives of many citizens within the City of Cheyenne. Many pet owners seek pet services related to the health and well being of their animals such as veterinary clinics and dog day care facilities. The demand for these services has led to increased inquiries from entrepreneurs wishing to establish businesses to meet these needs of pet owners. As such, the Development Office has put forth this proposed UDC text amendment to address these needs and further accommodate veterinary clinics and dog day care facilities within the City’s current zoning districts.

Data: The UDC defines *Animal Care - Hospital / Clinic* as a Service Use where animals are admitted for examination, treatment, or health care by a doctor of veterinary medicine, which may include kennels, runs or other accessory accommodations (Article 1, Section 1.4.4c). This use is permitted by right in the CB Community Business zoning district and permitted after conditional discretionary review in the AG Agricultural and the AR Agricultural Residential zoning districts (Article 5, Section 5.1.4, Table 5-1). Veterinary clinics are categorized within this land use type.

Analysis: In many respects a veterinary clinic use is comparable to a *Medical Care, Office* use and a *Medical Care, Clinic* use in terms of its functional and operational characteristics and its potential impacts. For instance, the UDC defines a *Medical Care, Office* as a Service use where physicians, dentists, or other health care professionals carry on their professions and may include a dental or medical laboratory, but may not include in-patient care, operating rooms for major surgery or be open for after-hours emergency care. The UDC defines a *Medical Care, Clinic* similarly except for clinics may be open for after-hours emergency care whereas offices may not. Both of these uses are permitted by right in the NB, CB, CBD, MUB and MUE zoning districts.

Veterinary clinics which target urban areas typically service small animals such as dogs and cats, have typical office hours Monday

through Friday from 8-5, in which pets are dropped off and picked up throughout the day. A veterinary clinic may or may not provide outdoor animal space or kennels, which are used for long term or overnight boarding of animals, and typically do not offer after-hours emergency care. Potential impacts that veterinary clinics may pose, which a medical office or clinic would not pose, are auditory and olfactory impacts due to dog barking and animal excrement disposal. However, if the auditory and olfactory impacts can be eliminated or mitigated it stands to reason that a veterinary clinic use could be allowed to operate in similar zoning districts as those of medical care clinics and offices such as the NB and MUB zoning districts.

The NB district is intended for Retail, Service, Employment and Civic uses to support adjacent residential neighborhoods in meeting most of the daily needs of residents within close proximity to dwellings. Likewise, the MUB district is intended for the same uses as the NB district but includes a Residential use component integrated into a walkable compact development pattern.

Recommendation:

The Development Offices recommends approving this UDC text amendment. Finding that an Animal Care, Hospital/Clinic use functions to support the needs of adjacent neighborhoods and has operating characteristics which are able, under certain conditions, to fit into the intended uses and compact development patterns associated with either the NB or MUB zoning districts. Furthermore, the proposed text amendment will further PlanCheyenne’s Community Foundation and Principle to create livable “Hometown” Neighborhoods with a mix of uses that serve the neighborhood (ShapeCheyenne p.2-12).

Proposed Ordinance:

Part 2: A UDC text amendment to allow Service Uses: Animal Care – Kennel as a use permitted by right in the LI Light Industrial zoning district.

The proposed ordinance is attached.

Background:

The Development Office has been fielding inquiries from entrepreneurs wishing to offer small animal care services within the City. Small animals such as dogs and cats play an important role in the lives of many citizens within the City of Cheyenne. Many pet owners seek pet services related to the health and well being of their animals such as veterinary clinics and dog day care facilities. The demand for these services has led to increased inquiries from entrepreneurs wishing to establish businesses to meet these needs of pet owners. As such, the Development Office

has put forth this proposed UDC text amendment to address these needs and further accommodate veterinary clinics and dog day care facilities within the City's current zoning districts.

Data:

The UDC defines *Animal Care - Kennel* as a Service Use where domestic animals are boarded, bred or sold as a primary business (Article 1, Section 1.4.4c). This use is permitted by right in the CB Community Business and AG Agricultural zoning districts and permitted after conditional discretionary review in the AR Agricultural Residential zoning district (Article 5, Section 5.1.4, Table 5-1). Dog day care facilities are categorized within this land use type.

Analysis:

A dog day care facility is a place where pet owners drop their dogs off for the day for care and activity much like a day care for children. Dogs are dropped off in the morning and picked up in the evening. Dogs are fed, exercised and provided medicine, if necessary, while attending dog day care. Some dog day care facilities also offer overnight kenneling as well as accessory dog services such as grooming and training. Dog day care facilities generally require discreet space both outside and inside.

CB is the only businesses district that Animal Care – Kennel, thus dog day care facilities, is permitted by right to operate. The CB district is intended for Retail, Employment, Service and Civic uses that may serve a number of residential neighborhoods or other districts in meeting daily or discretionary needs, or other business functions. The functional and operational characteristics of a dog day care use are believed to be compatible with the intent and other allowable uses in the CB district. Additionally, the potential auditory and olfactory impacts of a dog day care are believed to be capable of being mitigated or of blending into the zoning district environment.

When considering whether a land use would be appropriate for a zoning district it is important to evaluate whether the proposed land use meets the intent of the district and whether or not the functional and operational characteristics of the proposed land use are compatible with the other allowable uses as well as whether or not the potential impacts of the proposed land use can fit into the district or be mitigated. The LI zone district is intended for environmentally controlled manufacturing or intensive employment uses that may have accessory commercial, service or offices uses. The uses and building and site designs associated with uses in this district produce little or no impacts beyond the property lines.

The CB district and the LI district are similar in that neither contains a residential component. On the other hand, the main difference between the districts is that LI allows some industrial uses while the CB generally does not. The boarding, breeding and selling of animals associated with Animal Care – Kennel appears to be just as compatible in the LI district as it is in the CB district as a dog day care would have little or no harmful impacts to surrounding uses or be impacted negatively by other uses which are already allowed in the LI district.

Recommendation:

The Development Offices recommends approving this UDC text amendment. Finding that an Animal Care - Kennel use meets the intent of the LI district to allow service uses which function as secondary uses. Its operating characteristics are compatible with other allowable LI uses and its potential impacts are able to be mitigated. Furthermore, the proposed text amendment will further PlanCheyenne's Community Foundation and Principle to create livable "Hometown" Neighborhoods with a mix of uses that serve the neighborhood (ShapeCheyenne p.2-12).