

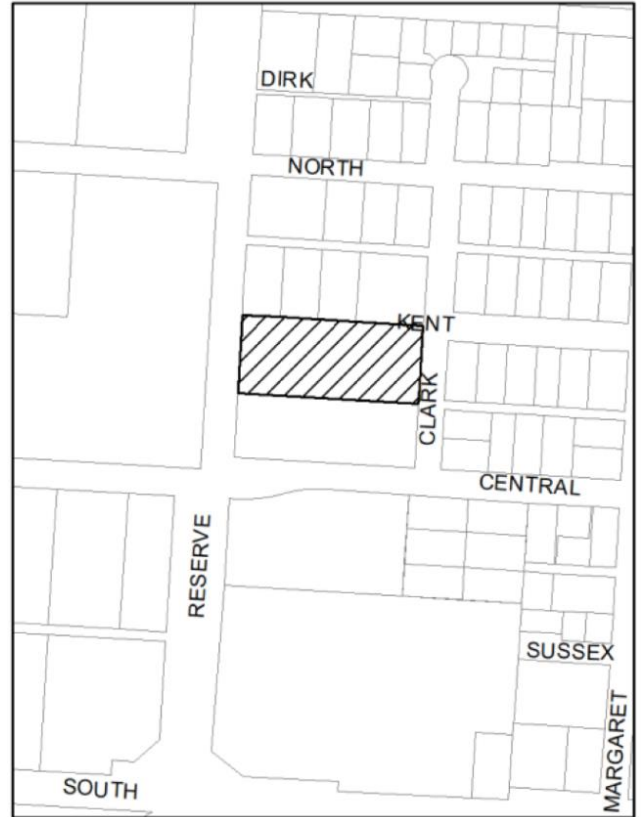


DEVELOPMENT SERVICES

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

CONDITIONAL USE STAFF REPORT & REFERRAL

Agenda item:	Unleash Boarding Kennel	
Report Date(s):	9/13/2021	
Case Planner:	Spencer Starke, Planner	
Report Reviewed & Approved By:	Mary McCrea, Permits and Land Use Manager	
Public Meetings & Hearings:	City Council hearing: 9/27/2021 Land Use & Planning (LUP) post-hearing discussion: 9/29/2021	
Applicant & Owner:	Jennifer Haviland 2118 S Reserve Street Missoula Crist Family LLP, Crist Brad 2100 S Reserve St.	
Representative:	David V. Gray DVG Architecture and Planning P.C. 111 N Higgins Avenue #420 Missoula, MT 59802	
Location of request:	The subject property is located 2100 S Reserve Street Neighborhood Council: Franklin to the Fort Ward: Ward 6	
Legal description:	Lots 1 through 15 and half of vacated alley adjacent in Block 21 of Car Line Addition located in Section 29, T13 N, R 19 W, P.M.M	
Legal ad:	The legal ad was published in the <i>Missoulian</i> on 9/12/2021 and 9/19/2021.. The site was posted on 9/12/2021. Adjacent property owners within 150 feet of the site were notified by certified mail on 9/10/2021.	
Growth Policy:	The applicable regional plan is the Our Missoula: City Growth Policy 2035 which recommends a land use designation of Community Mixed Use	
Zoning:	C1-4 Neighborhood Commercial/ DE-C Design Excellence Overlay- Corridor Typology 4	
	Surrounding Land Uses	Surrounding Zoning
North:	Single Detached Residential	B2-2- Community Business/ DE-C Design Excellence Overlay- Corridor Typology and RT5.4 Residential
South:	Retail	C1-4 Neighborhood Commercial/ DE-C Design Excellence Overlay- Corridor Typology 4
East:	School	RT5.4 Residential
West:	Single Detached Residential	RT2.7 Residential



I. RECOMMENDED MOTION

Approval of the Boarding Kennel Conditional Use Request located at 2100 South Reserve Street in accordance with Missoula City Zoning Ordinance, Title 20, Sections 20.10.020.D, 20.85.070, and 20.105.040.A.I.2 and based on the findings of fact in the staff report and subject to the condition of approval.

II. CONDITION(S) OF APPROVAL

1. The Boarding Kennel Conditional Use at 2100 South Reserve Street shall comply with all applicable portions of Title 20. Plans submitted at the time of building permit application shall substantially conform with the plans submitted at the time of conditional use review, subject to the review and approval of Development Services prior to building permit approval.

III. INTRODUCTION

The City of Missoula Development Services office has received a Conditional Use Request for a boarding kennel to be located at 2100 South Reserve Street in Missoula. Unleashed, a dog daycare facility, would like to add boarding and kennel service at their current location. Currently the dog daycare facility operates from 7 a.m. to 8 p.m., where owners leave dogs at the facility and pick up dogs before the end of the workday. Unleashed is in a small shopping center with an interior parking lot shielded from view of the adjoining residential neighborhood. With the addition of the boarding kennel, the applicant would have dogs onsite 24 hours per day. The dogs would mainly be kept inside the facilities, except for when they are let out to use the outdoor bathroom area. The kennel would serve a maximum of 20 dogs at one time, with a maximum of 10 dogs being boarded overnight.

The subject property is zoned C1-4, Neighborhood Commercial, and is within Design Excellence Overlay-Corridor Typology 4. According to Title 20, Section 20.10.020, a boarding kennel service use requires conditional use approval to operate in the C1-4 zoning district. Title 20 defines animal services-shelter or boarding kennel as "Animal shelters and kennel services for dogs, cats and small animals. Typical uses include boarding kennels, pet resorts/hotels, dog training centers and animal rescue shelters."

IV. APPLICABLE ZONING REGULATIONS IN TITLE 20

Title 20 Zoning Ordinance, Section 20.85.070(H) outlines the criteria for review of Conditional Use applications. According to the Zoning Ordinance, "not all review criteria would apply in every case... [and] only the applicable review criteria need to be met." Uses that require conditional use approval may be approved by the City Council only when Council determines that the proposed uses meet all the applicable review criteria. Section 20.85.070(I) outlines "Factors to be Considered" that City Council may specifically consider in determining whether all applicable review criteria have been satisfied.

V. Conditional Use Review Criteria

1. The property is located at 2100 South Reserve in a small shopping center at the corner of South Reserve and West Kent Avenue.
2. The subject property is legally described as Lots 1 through 15 and half of vacated alley adjacent in Block 21 of Car Line Addition located in Section 29, Township 13 North, Range 19 West, P.M.M
3. The applicant currently operates a day kennel with no overnight services. Currently the day care is open between 7AM and 8PM. There are no dogs onsite outside of business hours. The addition of a boarding kennel use at this location would result in dogs being onsite 24 hours a day, with the dog owners picking up and dropping off dogs between 7AM and 8PM.
4. The subject property is within the Missoula Urban Transportation District, the Urban Growth Area, the Wastewater Facilities Service Area, and Air Stagnation Zone. The building is connected to City Water and Sewer.
5. The subject property is within an established service area for Missoula hospitals and the City Fire and Police Departments.
6. The building is existing. The applicant states in their application that it is their intent to remodel the building to expand into part of the tenant space north of the current location. The expansion would nearly double the amount of indoor space and would be used as an open "dog lounge". No additional building area would be created because of this use.
7. Unleashed is in a small shopping center with an interior parking lot on the south side of the building shielded from view of the adjoining residential neighborhood to the north and east.
8. The applicant states in their application that their animal daycare use would serve a maximum of twenty (20) dogs at one time during the day, and the boarding kennel use would serve a maximum of ten (10) dogs would be boarded overnight.

Growth Policy and Zoning:

9. The 2035 Our Missoula City Growth Policy is the applicable regional plan and recommends a land use designation of Community Mixed Use. The designation allows for broad range of functions including retail, education, financial institutions, professional and personal services, offices, residences, and general service activities typify this designation.
10. The subject property is zoned C1-4 Neighborhood Commercial/ DE-C Design Excellence Overlay- Corridor Typology 4. Pursuant to Table 20.10-1 "Uses Allowed in Business and Commercial Districts" of the Title 20 Zoning Code, an animal boarding use requires conditional use approval to operate in the C1-4 zoning district.
11. The surrounding uses include retail sales to the south, a school to the west across Reserve Street (CS Porter Middle School), and single dwelling detached residential homes across W Kent Avenue to the north and across Clark Street to the east.
12. The existing shopping center is composed of a range of uses including a mattress store and an automotive calibration service.
13. Per the application packet, the boarding kennel use would comply with all applicable Title 20 regulations for building setbacks, parking, and other requirements. Compliance with zoning, engineering, fire and building codes would be confirmed prior to any building permit approval per condition of approval #1.
14. The boarding kennel use will be added to the animal daycare use and is located in a small shopping center and is surrounded by a mix of commercial, civic, and residential uses. The site currently operates as a dog day care in a similar capacity to that proposed. The addition of a Boarding Kennel use would result in dogs being onsite 24 hours a day.
15. The applicant states that clients will be able to drop off dogs between 7AM and 8PM. Staff would be present 24 hours a day, with two (2) staff working night shifts to care for the dogs between 8PM and 7AM.
16. The associated impacts to be mitigated are sound and waste. As part of their application, the applicant provided a schedule of cleaning and maintenance regarding animal waste.
17. The site includes an outdoor area screened from view from the adjacent right-of-way and neighborhood, which serves as the bathroom facilities for the animals on site. Solid dog waste is collected and disposed in the adjacent dumpster, which is collected weekly. The area is treated with disinfectant and cleaned daily.
18. The applicant has improved the tenant space to minimize noise, including sound absorbing materials have been installed inside the facility on the ceiling and walls to reduce noise. The applicant has purchased turf to install in the run to lower some noise reflection from the outdoor area. The applicant has reported that no noise complaints have been received since opening July 2020 till the time of application.
19. Staff received two letters of public comment included as an attachment
20. One (1) public comment raised concerns over the noise of the existing business. The commenter communicated that often barking and "yelling" can be heard from the business.
21. In addition to the public comment submitted in response to City staff's notification, the applicant submitted several letters of support from community members and patrons.

Design Excellence Review

22. The Design Excellence Review includes a set of site and building design guidelines that are intended to shape development that is consistent with community character.
23. For existing buildings Design Excellence Review is triggered by exterior remodel work. No exterior remodeling is being proposed that would trigger the requirements of Design Excellence. Therefore, the project is not subject to the Missoula's Design Excellence Review.

Parking and Access

24. Per Title 20.60.020, Table 20.60-1, animal shelter and boarding kennel uses require one space per every 1,200 square feet of facility space.
25. Unleashed is approximately 3,736 square feet in area which would require three parking spaces.
26. There are forty-five (45) spaces within the shopping center and six other businesses. Three (3) of the parking spaces are reserved for Unleashed.
27. South Reserve Street is a Principal Arterial.
28. There is an existing two-way access drive from South Reserve Street. The site would continue to be accessed by the existing drive. No right-of-way improvements are required.
29. Title 20.60.090 requires that commercial uses provide one (1) short term bike parking space per ten (10) vehicle spaces with a minimum of two (2) short term bike spots. In addition, one (1) long term bike parking space is required per five (5) employees with a minimum of one (1) long term parking space. One (1) long term parking spot and two (2) long term bike parking spots are required for the boarding use, which will be required prior to issuance of a building permit.

Conditional Use Review

30. Title 20 Section 20.85.070(A) states, "The conditional use approval procedure of this section is intended to provide a transparent, public review process for land uses that, because of their widely varying design and operational characteristics, require case-by-case review in order to determine whether they would be compatible with surrounding land uses and development patterns."
31. Title 20 Section 20.85.070(H)2 outlines criteria for the review of Conditional Uses, stating, "Conditional use applications may be approved by the City Council only when they determine that the review criteria listed below, as applicable, have been satisfied." Title 20 further notes that not all review criteria would apply in every instance.
32. Title 20 Section 20.85.070(I) includes factors to be considered when determining whether all applicable review criteria have been satisfied, and states "the City Council may specifically consider agency and public testimony."

Conclusions of Law:

Conditional use applications may be approved by the City Council only when Council determines that the applicable review criteria, in bold below, have been satisfied:

- 1. Whether the proposed use complies with the Growth policy all applicable standards of the Title 20 Zoning Ordinance;**
 1. The Boarding Kennel use complies with the 2035 Our Missoula City Growth Policy Community Mixed-use land use designation and the goals and objectives of the Growth Policy that recommends a broad range of commercial uses and services where city services and infrastructure are available.
 2. The Boarding Kennel use is permitted as a conditional use in the C1-4 Neighborhood Commercial zoning district and will comply with the Title 20 Zoning Ordinance Compliance if City Council imposes the recommended condition of approval.
- 2. Whether the proposed use is in the interest of public convenience and would not have a significant adverse impact on the general welfare of the neighborhood or community;**
 1. The Boarding Kennel use is an expansion of the current Animal Day Care use, and should not compromise the general welfare of the neighborhood or community.
 2. The Boarding Kennel use will be served by adequate existing public facilities and services, as the subject property has frontage on Reserve Street, a Principal Arterial.

3. The Boarding Kennel use is proposed in an area that is already served by City of Missoula Police and Fire protection.
 4. The Boarding Kennel use will provide a convenient service to the residents of the surrounding area.
- 3. Whether the proposed use would be compatible with adjacent properties and uses in terms of physical elements such as open space design, screening and buffering, any applicable use-specific standards and any other elements considered important by the City Council.**
1. The Boarding Kennel use is compatible with the adjacent commercial business in the area and does not abut parcels zoned for residential use.
 2. The Boarding Kennel use will meet Title 20 Zoning Ordinance Compliance if City Council imposes the recommended condition of approval. Title 20 does not require screening or buffering unless a commercial use abuts a parcel zoned for Residential.
- 4. Whether the proposed use will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district;**
1. The Boarding Kennel use is an addition to an existing commercial space and animal day care business, and will not impede the orderly development and improvement of the surrounding properties for uses permitted in the district.
 2. Compliance with all applicable sections of the Title 20 Zoning Ordinance will be confirmed prior to building permit approval if City Council imposes the recommended condition of approval.
- 5. Whether the proposed use has operating characteristics that are compatible with the surrounding area in terms of hours of operation, outdoor lighting, noise, and traffic generation;**
1. The Boarding Kennel use is compatible with surrounding area in terms of hours of operation because, operating hours will continue to serve customers similar to the current animal daycare use from 7AM to 8PM, with the exception that dogs and staff will be present onsite overnight.
 2. The Boarding Kennel use is located within existing business and structure with no exterior modification that would impact traffic generation or outdoor lighting.
 3. The Boarding Kennel use should not be incompatible in terms of noise, if the applicant follows through with their stated business plan to have staff present in the outdoor area with dogs at all times.
- 6. Whether the proposed use would have a significant adverse impact on traffic safety or comfort, including all modes of transport (non-motorized and motorized), and will be functional and safe in terms of pedestrian, bicycle and vehicular access, parking, loading and servicing;**
1. The Boarding Kennel use will not have a significant adverse impact on traffic safety or comfort because the use is an expansion of the existing animal day care use. The existing facility is served by an existing approach from Reserve Street into the commercial parking lot. Pedestrian facilities and bike lanes are located along the Reserve Street frontage.
- 7. Whether the proposed use would properly address open space, light, and protection of natural features.**
1. This review criteria does not apply because there will be no change to the exterior of the building and no additional lighting is proposed. There are no natural features on or adjacent to the site.

VI. AGENCY COMMENT

Missoula Valley Water Quality District: No comment was received at the time of Staff Report submittal

Health Department - Air Quality Division: “Air Program at the Missoula City-County Health Department has no comments on the proposed conditional use at 2100 S Reserve ST.” - Ben Schmidt

Missoula County – Emergency Management: No comment was received at the time of Staff Report submittal

Missoula Urban Transportation District: No comment was received at the time of Staff Report submittal

City Parks & Recreation: No comment was received at the time of Staff Report submittal

Office Of Housing & Community Development: No comment was received

City Attorney: No comment was received at the time of Staff Report submittal

Missoula Redevelopment Agency: No comment was received at the time of Staff Report submittal

City Police: No comment was received at the time of Staff Report submittal

City Fire: No comment was received at the time of Staff Report submittal

Montana Department of Transportation: No comment was received at the time of Staff Report submittal

City Stormwater Division: “No comments from Stormwater.” – Tracy Campbell

City Wastewater Division: No comment was received at the time of Staff Report submittal

City Water Division: No comment was received at the time of Staff Report submittal

Neighborhood Council (NC): No comment was received at the time of Staff Report submittal

VII. ATTACHMENTS:

1. Application
2. Public Comment