

## GENERAL INFORMATION

Applicant: Kraus Anderson, Inc. (owner)  
Petco (user)

Location: 7803 Penn Avenue South

Request: Conditional use permit for a pet services facility

Existing Land Use and Zoning: Regional Shopping Center; zoned C-3, Freeway  
Commercial Center and C-5, Freeway Mixed Use

Surrounding Land Use and Zoning: North – Interstate 494  
South – Mixed use district; zoned C-5  
East – Restaurant, motor vehicle sales; zoned C-4  
West – Retail; zoned CR-1

Comprehensive Plan Designation: Regional Commercial

## CHRONOLOGY

Planning Commission 01/12/2017 Public Hearing Scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 12/07/2016  
60 Days: 02/05/2017  
Extension Letter Mailed: No  
120 Days: 04/06/2017  
**Applicable Deadline: 02/05/2017**  
Newspaper Notification: Confirmed – (12/29/17 Sun Current – 10 day notice)  
Direct Mail Notification: Confirmed – (500 buffer – 10 day notice)

## STAFF CONTACT

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## **PROPOSAL**

Petco is proposing an approximately 12,000 square foot pet services facility within the Southtown shopping center at 7803 Penn Avenue. The proposed Petco tenant space is a portion of the former Hancock Fabrics space located in the southwest portion of the shopping center. The facility would predominately be retail, including small pet sales, but the applicant would also offer grooming, training, veterinary care, and short-term boarding. No outdoor pet-related uses are proposed.

## **ANALYSIS**

City Code defines a pet services facility as a business establishment that provides any of the following services or retail activity either individually or in combination, for pets and domestic animals as defined in Section 12.91: sales, animal sales, veterinary care, animal hospital, short-term daily care, training classes, boarding and grooming. As the proposed use includes pet sales (small animals, reptiles, fish), pet grooming, training, veterinary care, animal adoptions, and short term boarding, it falls under the definition of a pet services facility.

The applicant recently received approval for a City Code amendment to allow pet service facilities as conditional uses in the C-3 zoning district. The portion of the Southtown site to be occupied by Petco is zoned C-3. That Code amendment was approved by the City Council on December 19, 2016 and was intended to enable this conditional use permit application for Petco at Southtown Shopping Center.

The proposed pet services components occupy less than 20 percent of the total facility floor area. The pet sales area is approximately 1,700 square feet, the grooming service would occupy approximately 600 square feet and the training is approximately 120 square feet.

Because there would be pet waste associated with the pet services, an interior trash room is a Code requirement. Currently, no interior trash facility is provided, so trash must be accommodated within the building, such as the existing loading area. An alternative is to build a small addition to the shopping center and incorporate shared accesses to various tenants, although the applicant has indicated that is not within the scope of the proposal.

At this time, the applicant proposes no exterior changes as part of this application. Minor exterior modifications were approved when the former Hancock Fabrics was subdivided into two tenant spaces. The signage for the business must be consistent with the City's sign ordinance and the approved Uniform Sign Design (USD) for Southtown Shopping Center. Staff is recommending conditions of approval related to these requirements.

**Lighting**

The subject property is in compliance with the City's lighting ordinance and no additional lighting improvements are proposed.

**Access, Circulation, Parking and Traffic:**

Because the proposed pet services facility is predominately retail, and the services provided would operate much like a retail establishment, the parking requirement would be for a retail use. Since the space has previously operated as retail, no additional parking is needed nor are any modifications to the existing parking lots required. No significant impacts to the adjacent traffic patterns are anticipated as the pet services facility will operate predominately as a retail establishment similar to the previous use of the tenant space.

**Status of Enforcement Orders**

There are no open enforcement orders for this property.

**FINDINGS**

Based on a review of the application materials, staff believes the required conditional use permit findings in Section 21.501.04(e) can be made as follows:

<b>Required Findings</b>	<b>Finding</b>
The proposed use is not in conflict with the Comprehensive Plan	<b>Finding Made</b> - The subject property is guided Regional Commercial in the Comprehensive Plan. A pet services facility on a parcel guided as Regional Commercial does not conflict with the guidance of the Comprehensive Plan.
The proposed use is not in conflict with any adopted District Plan for the area	<b>Finding Made</b> – The property is located within the Penn American District. The proposed use within an existing shopping center does not conflict with the Penn American District Plan.
The proposed use is not in conflict with City Code provisions	<b>Finding Made</b> – Subject to compliance with the conditions of approval, the proposed use meets all City Code requirements.
The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development	<b>Finding Made</b> – A pet services facility within an existing shopping center should not increase traffic demand sufficient to have a noticeable impact on adjacent streets. The subject site is served by two arterial streets, Penn Avenue and American Boulevard, and is near Interstate 494, which provides excellent

	regional access to the site. The proposed use is not of a nature, scale, or intensity to create an excessive burden on parks, schools, or other public facilities and utilities.
The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare	<b>Finding Made</b> – A pet services facility located in a retail shopping center would complement the surrounding retail or other land uses in the area. The proposed use is consistent or similar to other retail and service oriented uses in the shopping center. The pet services facility is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

## RECOMMENDATION

**Note the Planning Commission has final approval authority on this conditional use permit application unless an appeal to the City Council is received by 4:30 p.m. on January 17<sup>th</sup>.**

Staff recommends the following motion:

In Case PL2016-219, having been able to make the required findings, I move to adopt a resolution approving a pet services facility located at 7803 Penn Avenue South, subject to the conditions and Code requirements attached to the staff report.

## RECOMMENDED CONDITIONS OF APPROVAL

Case PL2016-219

**Project Description:** Conditional use permit for a pet services facility

**Address:** 7803 Penn Avenue S.

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
2. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
3. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
4. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
5. Ongoing The pet services facility must be implemented as shown on the approved plans in Case File #PL2016-219.
6. Ongoing All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
7. Ongoing All loading and unloading must occur on site and off public streets.
8. Ongoing Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and Uniform Design Plan.
9. Ongoing Development must comply with the Minnesota State Accessibility Code.