

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 16

DATE: August 15, 2006

STAFF: Ted Shepard

SUBJECT

Second Reading of Ordinance No. 115, 2006, Amending Section 4.21(b)(2)(c) of the Land Use Code to Add Two Permitted Uses to the H-C, Harmony Corridor Zone District.

RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on July 18, 2006, makes two Text Amendments to the Land Use Code to add *Small Animal Hospitals* and *Indoor Kennels* as permitted uses in the Harmony Corridor Zone District. The proposal to add *Indoor Kennels* would be conditioned such that there must be an association with either a *Small Animal Veterinary Clinic* or *Small Animal Veterinary Hospital*. Both new uses are proposed as being subject to Administrative Review (Type One).

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

ITEM NUMBER: 27

DATE: July 18, 2006

STAFF: Ted Shepard

COPY

SUBJECT

First Reading of Ordinance No. 115, 2006, Amending Section 4.21(b)(2)(c) of the Land Use Code to Add Two Permitted Uses to the H-C, Harmony Corridor Zone District.

RECOMMENDATION

Staff recommends adoption of this Ordinance on First Reading.

EXECUTIVE SUMMARY

This is a request for Two Text Amendments to the Land Use Code to add, *Small Animal Hospitals* and *Indoor Kennels* as permitted uses in the Harmony Corridor Zone District. The proposal to add *Indoor Kennels* would be conditioned such that there must be an association with either a *Small Animal Veterinary Clinic* or *Small Animal Veterinary Hospital*. Both new uses are proposed as being subject to Administrative Review (Type One).

BACKGROUND

Section 2.9.4 of the Land Use Code allows applicants to submit requests to amend the text of the Land Use Code. Such a request must first be considered by the Planning and Zoning Board before being forwarded to City Council for final action in the form of an ordinance. City Council has legislative discretion to approve, modify or deny the request.

Applicant's Justification:

The applicant has provided an attachment that offers a justification for adding the two uses. Briefly, for the addition of *Small Animal Hospitals*, the justification is that the industry does not recognize the distinction between *Clinics* and *Hospitals*. In addition, whatever the differences may be, they are subtle to the casual observer.

Regarding the addition of *Indoor Kennels*, the justification is that providing such a service is a logical supporting function of either *Small Animal Clinics* or *Small Animal Hospitals*.

Staff Evaluation of Request:A. Addition of *Small Animal Hospitals*

The difference between a *Clinic* and a *Hospital* is that the *Hospital* permits the overnight care of animals whereas the *Clinic* does not. Other than length of stay, the operational aspects of both defined uses are the same.

In order to care for animals overnight, a *Hospital* must be properly staffed during times when a *Clinic* would normally be closed. Most *Clinics*, however, provide 24-hour emergency on-call service for their customers. So there would be times when even *Clinics* would be acting in a similar manner as *Hospitals*.

The key to the analysis is potential noise impact associated with recovery of the animals overnight. If loud barking dogs are heard by nearby residents during normal sleeping hours, then such disturbance is unacceptable. On the other hand, most surgical recoveries render the dogs unable or unwilling to bark loudly enough to be heard outside the building. In all likelihood, a loud barking dog in a recovery unit would be attended to by staff.

Staff, therefore, finds that from an operational perspective, both a *Clinic* and a *Hospital* are very similar. The impacts associated with a *Hospital* can be mitigated by the proper staffing normally associated with typical veterinary care.

Staff recommends that the use be considered permitted for Administrative Review (Type One).

B. Addition of *Indoor Kennels*

Indoor Kennels were added to the Harmony Corridor zone but only if located within a designated community or regional shopping center. The request would expand the use to operations associated with *Small Animal Veterinary Clinics* and *Small Animal Veterinary Hospitals*.

The concept of *Indoor Kennels* has evolved as the increasing population of dogs and cats is finding its way into urban areas. The explosion in popularity in small, miniature and toy breeds allows for pet ownership while being able to live on small lots, townhomes, condos and apartments. In response to these trends, pet stores in shopping centers are offering *Indoor Kennels* for the convenience of their customers.

Staff finds that with proper management and sound-proofing, *Indoor Kennels*, can provide a valuable service for urban pet owners without impacting surrounding properties. The key is that the operation is basically contained within a building, except for the necessary outdoor function, and that there are no "runs" or other outdoor facilities designed to accommodate long term outside activities.

Staff, therefore, finds that the addition of *Indoor Kennels* in the Harmony Corridor are appropriate, but only if subject to the restriction on being in the same facility as *Small Animal Veterinary Clinics* or *Small Animal Veterinary Hospitals*.

Staff recommends that the use be considered permitted subject to Administrative Review (Type One).

Other Considerations:

These two Text Amendments are being recommended for approval based on the merits of the two uses and not in conjunction with a specific application. There has been a Preliminary Design Review for a parcel in the Harmony Corridor that would include these two uses but Staff's recommendation is made independent of that potential application.

Should the applicants pursue a P.D.P., then Staff and the Decision Maker are authorized to review any such proposal by other sections in the Land Use Code. For example, Section 3.5.1(J)(1-6) – *Operational and Physical Compatibility Standards* allows Staff to impose conditions on a P.D.P.:

“... to ensure that new development will be compatible with existing neighborhoods and uses, including, but not limited to, restrictions on:

- (1) hours of operation and deliveries;
- (2) location on a site of activities that generate potential adverse impacts on adjacent uses such as noise and glare;
- (3) placement of trash receptacles;
- (4) location of loading and delivery zones;
- (5) light intensity and hours of full illumination;
- (6) placement and illumination of outdoor vending machines.”

Staff and the Decision Maker have the discretion to impose restrictions. If necessary, such conditions may include a cap on the number of dogs, special sound-proofing for the building, installation of extra landscape materials, or other mitigation measures that may be required to address compatibility issues on a site-by-site basis.

Planning and Zoning Board Recommendation:

On June 15, 2006, the Planning and Zoning Board voted 6 – 0 (on its consent agenda) to approve the two Text Amendments by taking the following actions:

- A. Recommend approval of adding *Small Animal Veterinary Hospitals* to Section 4.21(B)(2)(c) of the Harmony Corridor zone district as a Type One permitted use.
- B. Recommend approval of adding *Indoor Kennels* to Section 4.21(B)(2)(c) of the Harmony Corridor zone district as a Type One permitted use, subject to such use being restricted to being in a Small Animal Veterinary Clinic or Small Animal Veterinary Hospital.

ORDINANCE NO. 115, 2006
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 4.21(B)(2)(c) OF THE LAND USE CODE
TO ADD TWO PERMITTED USES TO THE H-C,
HARMONY CORRIDOR ZONE DISTRICT

WHEREAS, the City has received an application proposing an amendment to Section 4.21(B)(2)(c) which would add an additional commercial retail use of "small animal veterinary hospitals" and broaden the conditions under which indoor kennels can be located in the Harmony Corridor Zone District; and

WHEREAS, following favorable recommendation from the Planning and Zoning Board and consideration by the City Council, the Council has determined that the proposed text amendments to the Land Use Code are in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 4.21(B)(2)(c) of the Land Use Code is hereby amended to read as follows:

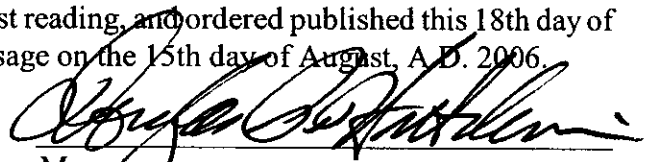
B) *Permitted Uses.*

(2) The following uses are permitted in the H-C District, subject to administrative review:

(c) **Commercial/Retail Uses:**

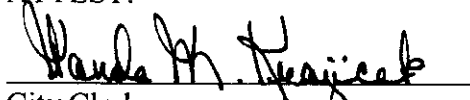
1. Offices, financial services and clinics.
2. Child care centers.
3. Print shops.
4. Food catering or small food product preparation.
5. Open air farmers markets in neighborhood, community and regional shopping centers only.
6. Adult day/respite care centers.
7. Small animal veterinary clinics.
8. Indoor kennels if in a community or regional shopping center or a small animal veterinary clinic or a small animal veterinary hospital.
9. Small animal veterinary hospitals.

Introduced and considered favorably on first reading, and ordered published this 18th day of July, A.D. 2006, and to be presented for final passage on the 15th day of August, A.D. 2006.



Mayor

ATTEST:



City Clerk

Passed and adopted on final reading this 15th day of August, A.D. 2006.

Mayor

ATTEST:

City Clerk