PLANNING COMMISSION REPORT

SPECIAL USE PERMIT (SUP) CASE NO: SU-19-001  REPORT DATE: October 16, 2019

CASE NAME: Clearwater Dog Training SUP  PC HEARING DATE: November 13, 2019

ADDRESS OF SUP REQUEST: 1446 Estes Street, Lakewood, CO 80215

APPLICANT: Tom Riggs, Owner/Operator of Clearwater Dog Training

REQUEST: The applicant is requesting a Special Use Permit (SUP) to allow an animal care facility (one-on-one dog training) in the Mixed-Use Neighborhood Urban (M-N-U) zone district.

CITY STAFF: Erin Bravo, Case Planner

STAFF RECOMMENDATION:
Approval of Special Use Permit Case No. SU-19-001 to allow an animal care use, subject to the conditions listed in the staff report and Planning Commission resolution.

Erin Bravo, Planner  Paul Rice, Manager
Planning – Development Assistance  Planning – Development Assistance

ATTACHMENTS TO THE REPORT:
Attachment A – Vicinity & Zoning Map
Attachment B – Written Description
Attachment C – Conceptual Land Use Plan (CLUP)
Attachment D – Building Floor Plan
Attachment E – Neighborhood Meeting Summary
I. SUMMARY OF REQUEST

The applicant is requesting a Special Use Permit (SUP) to allow an animal care facility (one-on-one dog training) in the Mixed-Use Neighborhood Urban (M-N-U) zone district. Approval of the SUP by the Planning Commission will allow Clearwater Dog Training to relocate their existing dog training business from Denver Colorado, where they have operated for 26 years, to 1446 Estes Street in Lakewood, Colorado.

The site is approximately 0.15 acres or 6,700 sf in size. The existing building is currently vacant, however, it was most recently used as an Office, according to City records. The applicant is proposing to use the site and 1,998 SF building as is. The only improvement needed within the building is a fresh coat of paint. The scope of the building/site improvements are not anticipated to trigger permits or a Major Site Plan application at this time. If renovations or improvements are proposed in the future, a site plan will be reviewed for compliance with applicable use, development and design standards as part of the building permit or major site plan application, depending on scope of the project.

Pursuant to Section 17.4.3.1.B of the Lakewood Zoning Ordinance, when identified as a special use, an animal care facility shall be subject to the following:

1. All animals shall be confined indoors.

2. Any exterior pens shall only be used during the daytime for supervised exercise and training use and shall not be located in front of the primary structure and shall be located a minimum of 20 feet from any side or rear property line.

3. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the Lakewood building code.

The applicant has demonstrated that these supplemental standards will be met in the Written Description (Attachment B), the Conceptual Land Use Plan (Attachment C), and on the Building Floor Plans (Attachment D). If the SUP is approved, the standards listed in Article 7 will be applied to any Major Site Plan application.

II. PROCESS – REQUIRED CITY APPROVALS

The applicant has followed the procedures for submitting a SUP application as specified in Article 2 of the Lakewood Zoning Ordinance. These procedures include holding a neighborhood meeting, submittal of an application with a conceptual land use plan, and holding a public hearing before the Planning Commission.

Section 17.2.4.3 of the Lakewood Municipal Code designates the Planning Commission as the body to hear and decide applications for SUPs. The decision of the Planning Commission is final.

A conceptual land use plan (Attachment C) and written description (Attachment B) are required with each SUP application. These documents are intended to supply enough information about the proposed site for the Planning Commission to make a decision about the requested use. A major site plan application process is required when one or more of the following situations are proposed: redevelopment of the site, a building addition that increases the gross floor area (GFA) by more than 20% or site disturbance of more than 20%.

At this time, the applicant is not proposing any site improvements and since no site improvements are required with the SUP, a major site plan application is not required. Improvements are limited to painting the building. Conditions of approval for the SUP will be verified and documented on any future site plan and/or building permit as applicable.
III. ZONING AND LAND USE

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<tr>
<th>Adjacent Zoning Designation</th>
<th>North</th>
<th>South</th>
<th>West</th>
<th>East</th>
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| Adjacent Land Uses | Office/Personal Service/Retail/Indoor Entertainment Building | Community Building/Action Center | Office/Retail | Community Building/Action Center |

See Attachment A - Vicinity Map & Zoning Map

The project site is in the M-N-U zone district. The site is adjacent to a mix of Office, Retail, Indoor Entertainment Facility, and Personal Service land uses to the North and a Community Building to the South and East. Across Estes Street to the West is are Office and Retail uses. All of the properties adjacent to 1446 Estes Street are zoning Mixed-Use Neighborhood Urban (M-N-U).

IV. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

Public Notification
Notices for the neighborhood meeting and for the Planning Commission public hearing were mailed to 92 tenants and owners of property within 300 feet of the subject property and were mailed to the 5 Registered Neighborhood Organizations (RNO) located within 1/4-mile of the subject property, as required by the Lakewood Zoning Ordinance. Notice for the public hearing was also published in the Lakewood Friday Report, posted in the Civic Center and posted on the property to satisfy all notice requirements.

Agency Review
The case materials were sent to City Departments and outside agencies for review, as indicated in the table below. As part of the referral process, staff received a response from four agencies: West Metro Fire Protection District, Xcel Energy, Consolidated Mutual Water Company and Lakewood Sewer Utility, each indicating that they had no objections to the project as long as their standards are met if/when development occurs.

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<th>Department/Agency</th>
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<th>Response Received</th>
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<td>West Metro Fire Protection District</td>
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<td>Consolidated Mutual Water Company</td>
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<td>West Colfax Community Association</td>
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<td>Morse Park Neighborhoods Organization</td>
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<td>Pine Place Condominiums</td>
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Referral Comments
West Metro Fire Department, Xcel Energy, Lakewood Sewer Utility and Consolidated Mutual had no objection to the Special Use Permit proposal as long as any proposed future development meets code and gets any necessary permits and/or permissions.

Neighborhood Meeting Comments
The Lakewood Zoning Ordinance requires that any applicant requesting a Special Use Permit hold a neighborhood meeting prior to submitting a formal application. The purpose of this meeting is to provide neighbors and other interested stakeholders with the opportunity to learn more about the proposed use and to begin a dialogue between area stakeholders and the project applicant. A neighborhood meeting was held to introduce the proposal and solicit comments on October 1, 2019. In addition to the 2 staff members and the 2 applicants, there were eleven residents/stakeholders in attendance for the meeting which was about a half hour in length. Attendees at the neighborhood meeting voiced support for the dog training business and the value the services it will bring to pet owners in this neighborhood. Others asked questions related to why the building was a perfect fit, if the operations take place completely inside the building, and how they will ensure that waste is cleaned up/managed so it doesn’t impact the nearby creeks. A summary of the neighborhood meeting is included with this staff report as Attachment E.

V. ANALYSIS – SPECIAL USE PERMIT CRITERIA
Article 2 of the Lakewood Zoning Ordinance provides specific review criteria for SUPs. The review criteria are shown below in bold text followed by staff’s analysis in standard text. Following is a summary of staff's analysis.

1. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance.
   Pursuant to Section 17.4.3.1.B of the Lakewood Zoning Ordinance, when identified as a special use, an animal care facility shall be subject to the following:
   1. All animals shall be confined indoors.
   2. Any exterior pens shall only be used during the daytime for supervised exercise and training use and shall not be located in front of the primary structure and shall be located a minimum of 20 feet from any side or rear property line.
   3. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the Lakewood building code.

   The applicant has addressed how this criterion is consistent with the proposed use in the written narrative and the conceptual land use plan. All animals will be confined indoors, they come in with their owners and leave with their owners after a 30 minute to 1-hour training sessions. The two training rooms are located in the rear of the building where there are no operable windows. Clearwater Dog Training does not keep animals overnight, therefore, there is no need for any exterior pens, only a place for them to go to the bathroom if necessary.

2. The proposed special use is consistent with the applicable dimensional and
development standards set forth in Article 5 of this Zoning Ordinance.

As previously stated, the applicant is not proposing any site improvements that would impact the existing building setbacks, open space, building height, etc. If any new facilities or redevelopment were to happen on this site, those improvements will be required to comply with any applicable dimensional and development standards in Article 5.

3. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance.

If the SUP is approved, all proposed improvements must comply with any applicable non-residential design standards of Article 7 at the time of the Site Plan review. Please note that the existing site improvements are not required to be brought into compliance with current building and site design standards. However, any new improvements (such as a future building addition) shall satisfy the applicable non-residential standards in Article 7.

4. The proposed special use is consistent with the Comprehensive Plan and other adopted City plans; and

The applicant states in the Written Description (Attachment B) that the proposed dog training facility is consistent with the Comprehensive Plan and other adopted city plans. Specifically, the Applicant, through the Comprehensive Plan, is committed to strengthening and supporting Lakewood’s neighborhoods by “supporting public, private and nonprofit actions that improve the physical and social environments of neighborhoods experiencing a lack of investment and maintenance” and “support the development of neighborhood-serving businesses.” We are committed to first and foremost being a resource to pet-owners in the area requiring our services. When pet owners can have well-trained dogs, the entire community benefits.

5. The proposed special use will not substantially impair the appropriate use or development of adjacent property.

This criterion relates to potential negative impacts of an animal care facility use and how the special use might impact redevelopment potential of the adjacent properties. In general, the potential impacts related to an animal care use might include loud barking or whining as well as potential odors from pet waste.

The applicant has identified how they plan to mitigate possible negative impacts related to the animal care use. The building is free-standing, built with concrete walls, over one foot of insulation, and non-operable windows in the training areas which will help mitigate noise. Pet waste will be appropriately collected and discarded. All trash will be appropriately contained and disposed of and picked up regularly. Clearwater Dog Training staff will regularly inspect the grounds for waste and pick up any waste and dispose of it properly in receptacles.

Staff does not anticipate that the proposed dog training facility will impair the appropriate use or development of any of the adjacent properties.

VII. FINDINGS OF FACT AND ORDER

Based upon the information and materials provided by the applicant, the neighborhood meeting and the staff report, Staff supports the SUP request. Therefore, the City of Lakewood Staff recommends that the Planning Commission find that:

1. Tom Riggs, Owner/Operator of Clearwater Dog Training, is requesting approval of a Special Use Permit to relocate their existing training facility to 1446 Estes Street.

2. Notice of the neighborhood meeting was sent to residents and owners of properties...
within 300 feet of the site and to registered homeowner associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and

3. Notice of the public hearing was sent to residents and owners of properties within 300 feet of the site and registered neighborhood associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and

4. Notice of the public hearing was posted on site and published in the newspaper of record, as required by the Lakewood Zoning Ordinance; and

5. The request was reviewed by the appropriate referral agencies; and

6. The proposed animal care use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance; and

7. The proposed animal care use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance; and

8. The proposed animal care use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance; and

9. The proposed animal care use is consistent with the Comprehensive Plan and other adopted City plans; and

10. The proposed animal care use will not substantially impair the appropriate use or development of adjacent property.

AND

The Planning Commission adopts the findings of fact and order as presented in the staff report and APPROVES Case No. SU-19-001 a Special Use Permit as required under the Zoning Ordinance, with the following conditions:

1. Any new construction shall meet all applicable requirements of the Lakewood Zoning Ordinance prior to site plan approval.

2. The Special Use Permit is subject to the criteria for revocation as listed in Article 2 of the Lakewood Zoning Ordinance, as amended.

Cc: Case File: SU-19-001
   Tom Riggs
Organization Background

Clearwater Dog Training has been doing business since January of 1993 (26 Years). We have been at 5555 West Evans Ave. Denver, CO. 80227 since January of 1993. We have trained many thousands of dogs during that time. We help our clients develop a well-mannered, polite dog. We train the dog in basic obedience as well as helping our clients to understand how to keep their dogs healthy and safe.

Business Operations

The number of classes we do on any day differs from day to day. The way we conduct our business is quite simple. A client calls us with a need to train their dog or dogs. We schedule a time for them to come in and meet with us on what type of training they need. After the initial consultation we schedule a time for them to do their next class. Classes are 30 minutes to 1 hour per client. Our hours are 11:00AM to 8:00PM, everyday accept Fridays and Sundays – Saturdays 11:00AM to 5:00PM. Hours and days can be subject to change. No dogs will be kennelled outside at any time.

Compliance with Supplemental Standards for Animal Care Use

17.4.3.1.B.1
We will comply fully with supplemental standard 17.4.3.1.B.1 by confining all animals indoors at all times.

17.4.3.1.B.2
Clearwater Dog Training does not allow kenneling or overnight stays of patients. Dogs are primarily indoors, except for the coming and going with their respective owners. The outdoor area on the east and south ends of the property will not be used for animal confinement or training and no exterior pens will be placed. This is in compliance with 17.4.3.1.B.2

17.4.3.1.B.3
We will comply with supplemental standard for animal care 17.4.3.1.B.3 by not having any operable windows, doors or other penetrations in indoor areas containing cages or pens, even though there are not residential neighbors.
ATTACHMENT B - WRITTEN DESCRIPTION

Special Use Permit Review Criteria - 17.2.4.2

A. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance.

Yes; the proposal to use utilize this property as a veterinary clinic is consistent with the applicable standards set forth in Article 4. Specifically, we will comply with all applicable supplemental standards related to Animal Care in 17.4.3.1.B

B. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance.

C. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance.

D. The proposed special use is consistent with the Comprehensive Plan and other adopted City plans.

The proposed use of a dog training facility is consistent with the Comprehensive Plan and other adopted city plans. Specifically, the City, through the Comprehensive Plan, is committed to strengthening and supporting Lakewood’s neighborhoods by “supporting public, private and nonprofit actions that improve the physical and social environments of neighborhoods experiencing a lack of investment and maintenance” and “support the development of neighborhood-serving businesses.” We are committed to first and foremost being a resource to pet-owners in the area requiring our services. When pet owners can have well-trained dogs, the entire community benefits.

E. The proposed special use will not substantially impair the appropriate use or any future development of adjacent property.

In addition, pet waste will be appropriately collected and discarded. All trash will be appropriately contained and disposed of and picked up regularly. Clearwater Dog Training staff will regularly inspect the grounds for waste and pick up any waste and dispose of it properly in receptacles.

Existing parking on the site will be used. There will be six parking spaces along the west end of the property.

In addition, pet and medical waste will be appropriately collected and discarded. All trash and medical waste will be appropriately contained and disposed of in trash receptacles in the enclosed yard and will be picked up a minimum of two times each week by a waste management company. Owners of pet clients will be responsible for picking up any pet waste on the property and will provide disposal bags to assist in this. Clearwater Dog Training will regularly inspect the grounds for waste and pick up any waste and dispose of it properly.
The site is currently zoned M-N-U (Mixed Use- Neighborhood-Urban) which is intended to allow for low-intensity, small-scale commercial or residential uses. The building was previously used as a heating and air conditioning service company. Colfax is located one block to the north of the proposed special use permit site. Surrounding properties are commercial buildings and all similarly-zoned M-N-U.
ALL CLOSEST AND CONTIGUOUS PROPERTIES:
8755 W. 14TH AVE.
8805 W. 14TH AVE.
1429-35 ESTES ST.
1439 ESTES ST.
1439 ESTES ST.
8800 W. COLFAX AVE.
8790 W. COLFAX AVE.

ARE ZONED THE SAME M-N-U AS SUBJECT PROPERTY

CONDITIONS OF APPROVAL:
1. ANY NEW CONSTRUCTION SHALL MEET ALL THE REQUIREMENT OF LAKEWOOD ZONING ORDINANCE AT THE TIME OF A MAJOR SITE PLAN APPLICATION.
2. THE SPECIAL USE PERMIT IS SUBJECT TO THE CRITERIA FOR REVOCATION BASED ON COMPLIANCE WITH THE ABOVE CONDITIONS AS LISTED IN ARTICLE 2 OF THE LAKEWOOD ZONING ORDINANCE, AS AMENDED.

CITY OF LAKEWOOD SUP REVIEW CRITERIA:
RECOMMENDATIONS AND DECISIONS REGARDING SPECIAL USE PERMIT APPLICATIONS SHALL BE BASED ON THE FOLLOWING REVIEW CRITERIA. AN APPLICATION FOR A SPECIAL USE PERMIT SHALL BE APPROVED IF IT IS DEMONSTRATED THAT:
A. THE PROPOSED SPECIAL USE IS CONSISTENT WITH THE APPLICABLE SUPPLEMENTAL STANDARDS SET FORTH IN ARTICLE 4 OF THE ZONING ORDINANCE AND
B. THE PROPOSED SPECIAL USE IS CONSISTENT WITH THE APPLICABLE DIMENSIONAL AND DEVELOPMENT STANDARDS SET FORTH IN ARTICLE 5 OF THE ZONING ORDINANCE AND
C. THE PROPOSED SPECIAL USE IS CONSISTENT WITH THE APPLICABLE DESIGN STANDARD SET FORTH IN ARTICLES 6 AND 7 OF THE ZONING ORDINANCE AND
D. THE PROPOSED SPECIAL USE WILL NOT SUBSTANTIALLY IMPAIR THE APPROPRIATE USE OR DEVELOPMENT OF ADJACENT PROPERTY

AT THE OUTDOOR AREA WILL NOT BE USED FOR SUPERVISED ANIMAL CONFINEMENT OR TRAINING AND THERE WILL BE NO EXTERIOR PENS. ALL ANIMALS ARE KEPT INDOORS IN COMPLIANCE WITH SECTION 17.4.3.1.8.2

EXISTING ASPHALT PARKING (6 SPACES) AND DRIVE TO REMAIN

CONCEPTUAL LAND USE PLAN
## ATTACHMENT E – NEIGHBORHOOD MEETING NOTES

**CASE NUMBER:** ZP-19-055 / SU-19-001 – Special Use Permit (SUP)

**Project Manager:** Erin Bravo  

**Applicant:** Tom Riggs, Owner Clearwater Dog Training  

**Owner:** Estes 1446, LLC  

**Location:** 1446 Estes Street  

**Request:** The applicant is requesting a Special Use Permit (SUP) to allow for an Animal Care (one-on-one dog training) use in the Mixed Use Neighborhood Urban (M-N-U) zone district  

**Date:** October 1, 2019  

**Time:** 6:00PM – 7:00PM  

**Location:** Lakewood Plaza Event Center  

8790 W Colfax Ave, Lakewood, CO 80215  

**Neighborhood Groups Notified:**  

- Eiber Neighborhood Association  
- Pine Place Communities  
- West Colfax Community Association  
- Morse Park Neighborhood Organization  
- Estes Square HOA  

**City Staff:** Erin Bravo, Planning - Development Assistance  
Paul Rice, Planning Manager - Development Assistance  

**In Attendance:**  

- 2 Applicants, 11 Residents/property owners, and 2 City Staff members were in attendance.  

This is a summary of the neighborhood meeting. It is not inclusive of all the details, but rather a summary of the main points discussed at the meeting.

**Meeting Agenda:**  

- Introduction  
- Purpose of Meeting  
- Explanation of the Special Use Permit Process  
- Presentation by the Applicant  
- Questions and Discussion with Citizens  
- Closing Comments and Next Steps  

At 6:04 PM Staff opened the meeting with an explanation of the purpose, notice requirements, and an explanation of the special use permit application process. Staff then turned the meeting over to the applicants for their presentation.
Following staff’s introduction, the applicant presented information about the behavior correction/dog-training they do as an organization, their day-to-day operations, and the services they provide.

- Clearwater Dog Training has been in business for over 26 years off of W Evans Ave in Denver. They are looking to move because the owner of the current building are selling the building. Clearwater dog training is a one on one service provided to the dog owner and dog during a 30-minute to 1-hour session to help improve the dogs behavior in public spaces, private spaces, or both.

- Improvements to the site will be minimal. No exterior improvements are proposed at this time and the site will remain as is on the exterior unless the City requires him to do any improvements, like striping the parking lot. As for the interior, the only thing needed is a little fresh paint.

- The proposed floor plan of the building has the office in the front with two separate training rooms, one for Tom and one for Gina toward the back of the building. The building has no operable windows in the rooms that will be dedicated to training the dogs with their humans.

- Currently the business is open 5 days a week (everyday except Fridays and Sundays). The hours of operations are typically 11:00 AM – 8:00 PM Monday-Thursday and 11:00 AM – 5:00 PM on Saturdays.

- The number of classes differs from day to day. The applicant helps their clients develop a well-mannered, polite dog, training the dog in basic obedience as well as helping clients understand how to keep their dogs healthy and safe. No dogs will be kenneled outside at any time.

Following the presentation, the applicant opened the floor for questions/comments. The following lists the questions and comments that were received by those in attendance.

**Comment (C): I am very supportive!**

C: This is a very important business because for those of us with service dogs, its really important that other dogs know how to behave in public and act in the presence of a service dog. Obedience is the key to safety.

**Question (Q): I like the idea that its all done indoors. How will you address urine?**

**Answer (A):** There is currently an area covered in pea gravel on the side area rear of the building that we can improve and even treat with enzymes that will neutralize the waste. We constantly clean up after the dogs to ensure run off will not be a problem and pollute the creeks in the area. We are very diligent about clean up.

C: The creek changes color near another facility that has dogs and we just want to make sure that’s not the case here because its gross.

**Response (R):** We are incredibly diligent about waste clean up and will be constantly attending to it. Additionally, that operation that pollutes the creek (name not heard by Staff) is a completely different type of animal care business, they have a lot more dogs which means a lot more waste. It’s a very different scale and our maintenance plan doesn’t let waste sit there.

**Q:** Is the building insulated to help restrict the amount of noise coming out into the neighborhood?

**A:** Yes, the owner stated that there is about 14 inches of insulation in the roof and the walls are block concrete which really help mitigate noise heard from outside of the building. The windows in the...
training areas are also not operational.

Q: What makes this a great building for you?
(A): It’s a bit larger than our Denver location, which will allowed both Tom and Gina to both train at the same time and provide space for a nice office and reception area. The free standing building is also a huge plus because you aren’t worried about disrupting neighbors through thin, shared walls. The overall privacy and building ownership.

Q: So the training area is isolated and fully cement?
A: Yes its almost fully cement walls. There are a few windows for natural light but they are not operational and do not open.

Q: So there will be absolutely no boarding at this site overnight?
A: No, we are not in the business of boarding animals overnight. We say were most closely related to retail or Dr. office where a client comes in, gets a private session, and leaves.

The meeting ended at 6:31 PM. Staff provided a summary of the applicant’s ‘next steps’:

- Submit formal application
- Notification
- Public Hearing

CC:  Case File ZP-19-055
     Case File SU-19-001