

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS

AGENDA

REGULAR MEETING

October 6, 2015

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. SWEARING IN OF SPEAKERS

IV. MINUTES APPROVAL

V. VISITOR/CITIZENS FORUM

At this time, any person with business before the Board of Adjustment not scheduled on the Agenda may speak to the Board, provided that an official 'Speaker's Request Form' has been completed and submitted to the Board Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual board members or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

VI. REGULAR ITEMS

A. **Case # BOA 15-06** to receive comments and consider action on a request by Pet Buddies LLC dba Camp BowWow Kennedale for a Special Exception as required by City Code Section 17-421, Schedule of uses and off-street parking requirements, to allow a kennel/dog day care in a "C-2" General Commercial zoning district at 340 Bolen Rd, more particularly described as A & A Addition Block 1 Lot 1A.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary

VII. REPORTS/ANNOUNCEMENTS

VIII. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact the City Secretary at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the October 6, 2015, Board of Adjustment & Building Board of Appeals agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script that reads "Rachel Roberts". The signature is fluid and elegant, with the first and last names clearly distinguishable.

Rachel Roberts, Board Secretary

STAFF REPORT TO THE BOARD OF DIRECTORS

Date: October 6, 2015

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Case # BOA 15-06 to receive comments and consider action on a request by Pet Buddies LLC dba Camp BowWow Kennedale for a Special Exception as required by City Code Section 17-421, Schedule of uses and off-street parking requirements, to allow a kennel/dog day care in a "C-2" General Commercial zoning district at 340 Bolen Rd, more particularly described as A & A Addition Block 1 Lot 1A.

1. Staff presentation
2. Applicant presentation
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5. Staff response and summary

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: special exception to operate a kennel (dog day care)

Applicant: Pet Buddies dba Camp BowWow Kennedale

Location: corner of Bolen Rd and Bowman Springs Rd (near I-20 frontage road)

Surrounding uses: primarily commercial (see Background & Overview)

Background & Overview.

The property is located at the edge of the Kennedale city limits at Bolen and Bowman Springs roads (see map). The only adjacent use is a storage facility (to the west and south). Surrounding uses are a billboard lot (to the north across Bolen Rd), a residential structure (located to the east across Bowman Springs in Arlington), and Southwest Nature Preserve (located to the east across Bowman Springs in Arlington). Other than the house across Bowman Springs in Arlington, the closest home is located approximately 250 feet to the south of this property, just past the storage facilities.

Photographs and a map (aerial view) of the area are attached to this report for your reference.

Staff Review.

Staff reviewed the request in terms of the six standards required for receiving a special exception (the six standards are listed on an attached page).

(1) Will the establishment, maintenance, or operation of the use be materially detrimental to or endanger the public health, safety, morals or general welfare?

The City's primary concerns with operation of a kennel would be noise and disposal of pet wastes. In terms of noise, the Camp BowWow franchise has standards in place to limit noise outside the facility, namely:

- no dogs are kept outside overnight;
- staff are present at all times when dogs are outside; and
- if necessary, overly disruptive dogs are placed in a cabin and the guardian is asked to pick them up.

In addition, the surrounding land uses are primarily commercial, and any noises generated from this use are not expected to endanger public health, safety, or general welfare of employees or visitors to these uses.

In terms of pet waste, Camp BowWow uses hospital grade disinfectants to keep facilities clean. Dumpster pick-up for pet waste is scheduled for once or twice weekly. Due to the operational standards for this franchise and the proposed size of the facility, city staff does not consider pet waste to be a concern for this operation.

Staff considers the requested use to meet this standard. However, because a special exception is granted for a use as a general category and not a specific business, staff recommends:

- that the protocols Camp BowWow indicates is its standard for noise control be required as a condition for special exception approval;
- that waste be required to be picked up at least once per week, and
- that outdoor areas be "poop scooped" at least once per day, with waste material disposed of in appropriate waste receptacles that limit odor and other nuisances.

(2) Will the uses, values and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use for which a special exception is requested?

The site is located in a commercial area. Adjacent uses and zoning are commercial, and surrounding uses are primarily commercial. A dog kennel is not expected to impair or diminish the use, values, and enjoyment of other property in the neighborhood for purposes already permitted.

Staff considers the requested use to meet this standard.

(3) Will the establishment of the use significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

Surrounding properties are already developed; the mostly empty lot across Bolen Rd is used for a billboard and is unlikely to be put to any other kind of use in the foreseeable future. The area is primarily commercial in nature, and any new uses are expected to be commercial as well, in keeping with the zoning in the area. A kennel or dog day care is compatible with most uses permitted in the existing C-2 zoning districts on surrounding sites and is not likely to impede the normal and orderly (re)development and improvement of permitted uses on surrounding property.

Staff considers the requested use to meet this standard.

(4) Have adequate utilities, access roads, drainage and other necessary site improvements been (or will be) provided?

Water and wastewater lines are available near this site. It will be the developer's responsibility to bear all costs associated with connecting to these existing lines. The developer will also be required to build adequate drainage facilities and any other required site improvements before a certificate of occupancy will be issued and electrical power released. Staff therefore considers the requested use to meet this standard.

(5) Have adequate measures been taken or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets?

Unlike schools or similar uses that have a large number of people arriving and leaving at the same time, staff does not expect there to be much congestion from traffic entering and leaving this site. However, there may occasionally be traffic stemming from this use (around holidays, for example), and ingress and egress will need to be coordinated carefully, given how close this site is to the corner of Bowman Springs and the I-20 frontage road. Driveway access along Bowman Springs will have to be coordinated with the City of Arlington, rather than the City of Kennedale, but staff will still consider the location of ingress and egress points along Bowman Springs Rd as part of its site plan review. If the special exception were approved, staff would not issue any building permits until an adequate circulation plan had been approved by city staff (building official, streets superintendent, and fire chief). Staff can be assured therefore that adequate measures will be taken to provide access designed as to minimize traffic congestion in the public streets.

Staff considers the requested use to meet this standard.

(6) Does the use conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located?

The site is vacant and therefore does not have a building that we could review for compliance. However, plans for any new structures built on site will be required to conform to all applicable building and development regulations before a permit will be issued. Staff therefore considers the request to meet this standard.

Staff Recommendation.

Staff considers the requested use as presented by the application to meet the standards for a special exception and recommends approval. However, we recommend the following items be applied as a condition of approval, if the board grants the special exception.

- If an 8 ft high fence is not installed at time of development, an 8 ft fence will be installed at the request of city staff if noise complaints from nearby property owners or tenants are made;
- No dogs shall be left outside unattended by Camp BowWow staff;
- No dogs shall be permitted to remain outside overnight;
- Pet waste containers shall be emptied by a commercial waste removal company at least once

- per week, and
- Outdoor areas shall be "poop scooped" at least once per day, with waste material disposed of in appropriate waste receptacles that limit odor and other nuisances.

Action by the Board of Adjustment.

- The board can approve the request, deny the request, or approve it with conditions.
- You may also postpone/continue the case until a later date, but you must specify when the case will be continued.
- If you approve or deny the request, your motion should state why you are doing so (i.e., it meets all standards for a special exception, it doesn't mean the standard concerning ...).

Sample motions are provided below for your reference; please note that you are not required to use one of the sample motions.

Approve

I find that the use meets the standards and requirements for a special exception and make a motion to grant the request.

Approve with conditions

I find that the use will meet the standards for a special exception with the addition of conditions to secure compliance with the standards and requirements of Section 17-422 of the city code and make a motion to approve the request for a special exception (NOTE TO BOARD: if you would like to set a time period after which the special exception expires, state that time period here), with the following conditions...

Deny

I find that the use does not meet the standards and requirements for receiving a special exception (NOTE TO BOARD: state which standards or requirements haven't been met) and make a motion to deny the request for a special exception.

IV. Recommendation:

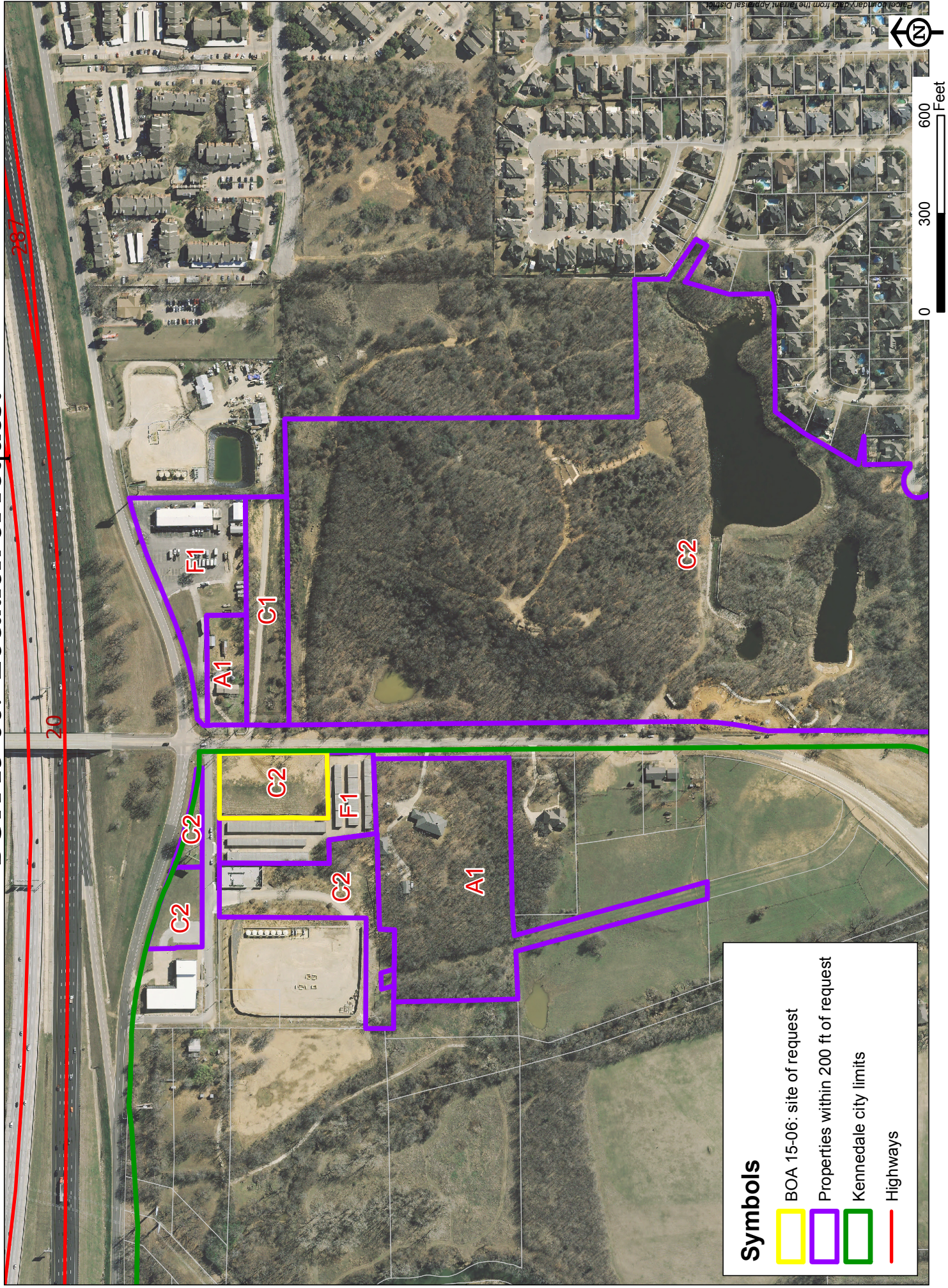
Approve

V. Alternative Actions:

VI. Attachments:

1.	BOA 15-06 map of site and surrounding uses	BOA 15-06 surrounding uses.pdf
2.	BOA 15-06 application	BOA 15-06 - Application.pdf
3.	BOA 15-06 owner affidavit	BOA 15-06 - Owner Affidavit.pdf
4.	Standards for granting special exceptions	Standards for Special Exceptions.pdf
5.	BOA 15-06 pictures of site	BOA 15-06 pictures.pdf

BOA 15-06: Location of request



STATE USE CODES

A RESIDENTIAL	
A1	Single-Family
A2	Mobile Homes
A3	Condominiums
A4	Townhomes
A5	Planned Unit Development (PUD)
A9	Interim use

B RESIDENTIAL	
B1	Multi-Family
B2	Duplex
B3	Triplex
B4	Quadraplex

C VACANT PLATTED LOTS/TRACTS	
C1	Residential
C2	Commercial
C3	Rural
C6	Vacant Exempt (Right-of-Way)

D ACREAGE	
D1	Ranch Land
D2	Timberland
D3	Farmland
D4	Undeveloped

E FARM/RANCH	
E1	House + Limited Acres
E2	Mobile Home + Limited Acres
E3	Other Improvements

F COMMERCIAL/INDUSTRIAL	
F1	Commercial
F2	Industrial
F3	Billboards

G OIL/GAS/MINERAL RESERVES	
G1	Oil/Gas/Mineral Reserves

J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

APPLICATION FOR SPECIAL EXCEPTION

Special Exception Use Requested: dog daycare & boarding (Kennel)

Note: the use must be listed as a special exception use in Kennedale City Code Section 17-421.

Applicant

NAME: <u>Pet Buddies LLC dba Camp Bow Wow Kennedale</u>	
PHONE: <u>972 296 9663</u>	EMAIL OR ALTERNATE PHONE: <u>214 683 4441</u>
MAILING ADDRESS: (Street) <u>519 E. Hwy 67</u>	
(City, State, Zip Code) <u>Duncanville, TX 75137</u>	

Property for which a Special Exception is requested

ADDRESS: <u>340 Bolen Road, Kennedale, TX 76060</u>
LEGAL DESCRIPTION: <u>A#A Addition Block:1 Lot:1A</u>

NOTE: Attach metes and bounds description if property is not platted.

Property Owner

NAME: <u>Abdallah Adhman MD Prof Shr PN</u>	
PHONE:	EMAIL OR ALTERNATE PHONE:
MAILING ADDRESS: (Street) <u>14160 Valley Creek Dr.</u>	
(City, State, Zip Code) <u>Dallas, TX 75254</u>	

1. Has a previous application or appeal been filed on this property? ☐ Yes ☒ No

1.a. If yes, when was the application or appeal filed?

2. Identify any requirements of Section 17-422 of the Kennedale city code that cannot be met. Give reason(s) why the requirement(s) cannot be met. Use the back of this form or attach a separate page if additional space is needed.

N/A

3. If the special exception request is for a land use, is the request for a use not allowed in the zoning district?

☐ Yes

☐ No

3.a. Is this a remodel of an existing structure? ☐ Yes

☐ No

3.b. Is this new construction?

☒ Yes

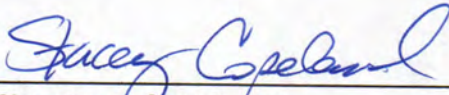
☐ No

4. If the special exception request is for oil or gas well drilling, how many wells are requested for this location?

NA

5. Special exceptions may be granted by the Board of Adjustment only if all of the conditions listed on the Notice to Special Exception Applicant are present.

On a separate page(s), please describe how your requested use will meet all of the six conditions stated above.


Signature of applicant

9-4-15
Date



CITY OF KENNEDALE
BOARD OF ADJUSTMENT
OWNER AFFIDAVIT

Case #BOA _____

Property Address: 340 Bolen Rd

Legal Description: A & A Addition BLK 1 Lot 1A

Applicant: _____

Type of BOA request: _____

I, ADHAM ABDALLAH, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Board of Adjustment to consider granting the above reference request on my behalf and to appear before the Board.

Owner Signature: Abdullah Adham

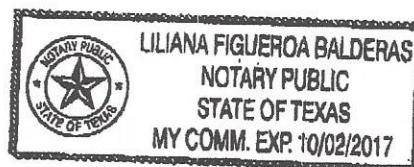
Date: 9/8/15

SWORN TO and Subscribed before me by Adallah N Adham

ON THIS 8th DAY OF September, 2015

[Signature]

Notary Public, Tarrant County, Texas



Standards for Special Exceptions

The board of adjustment must find that all six of the following standards are present in order to grant a special exception.

- (1) That the establishment, maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals, or general welfare; *and*
- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of use; *and*
- (3) That the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; *and*
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided; *and*
- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; *and*
- (6) That the use shall conform to all applicable area, yard, height, lot coverage, building size, and exterior requirements and parking space regulations of the district in which it is located.

Facing the property, looking
south



Looking east toward intersection of Bolen Rd and Bowman Springs Rd;
Property is to the south (on the right-hand side in this picture)



Facing property, looking south, with
Bowman Springs shown along the east side of
the property



Looking west on Bolen Rd; property is to the left (south)



Looking north/northwest from property; showing billboard property across Bolen Rd

