

MEMORANDUM

To: Planning Board
FROM: Sloane Walbert, Case Manager
DATE: February 26, 2016
SUBJECT: **Call Up Item:** Approval of a Use Review to establish an animal kennel (cat boarding area) within a cat only veterinary clinic at 1915 28th St. in the Business – Regional 1 (BR-1) zone district. Case No. LUR2016-00011.

Attached is the disposition of approval of a Use Review to allow an animal kennel use at the southeast corner of Walnut Street and 26th Street in the Marshall's Plaza Shopping Center (see [Attachment A](#)). Pursuant to Table 6-1: "Use Table", B.R.C. 1981, a Use Review is required for animal kennels within the BR-1 zone district. The associated veterinary clinic does not require a Use Review. Refer to [Attachment B](#) for staff's analysis of the Use Review Criteria.

Background. The subject tenant space is part of the approximately 9.5 acre Marshall's Plaza Shopping Center located in Central Boulder on the west side of 28th Street, within the Boulder Valley Regional Center (BVRC) (refer to [Figure 1](#)). The shopping center contains a variety of service, retail and restaurant uses, including Marshall's, Office Depot, REI, Jason's Deli and Bed Bath & Beyond. The character of the area is predominantly commercial and retail oriented, with Target and the 29th Street Shopping Center located immediately across 28th Street to the east. To the north of the site is a shopping center, which contains a large retail liquor store (Hazel's), a retail mattress store (Denver Mattress) and a financial institution (Bank of America). An office building is located to the northwest of the shopping center, across Walnut St. and 26th St. The Diary Center for the Arts and the Hub Apartments are directly to the west, across 26th St.

A large portion of the city's commercial activity takes place in the BVRC, making this subcommunity a major regional destination area due to its abundance of shopping, restaurants, services, and jobs. Within the BVRC, the development pattern shifts from a grid of streets and alleys west of Folsom to a more auto-oriented pattern to the east featuring longer "super-blocks" lined with retail and surface parking lots.

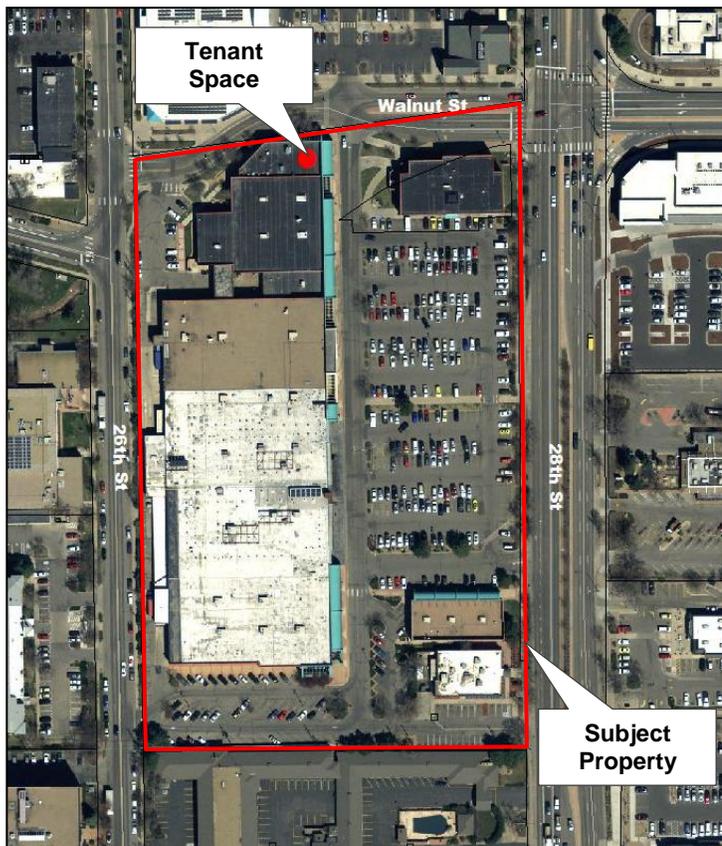


Figure 1: Vicinity Map

The project site is located within the Business Regional - 1 (BR-1) zone district, defined in the land use code as, “business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented” (section 9-5-2(c)(2)(l), B.R.C. 1981). Refer to **Figure 2**.



Figure 2: Zoning Map

The proposed use would occupy a tenant space previously occupied by the Jai Ho restaurant at the far northwest corner of the shopping center. The current configuration of Marshall’s Plaza was originally approved in 1984 as part of a Planned Unit Development (PUD) (#P-84-2) and a Special Review (SR-84-1). Commercial uses on the property pre-date this approval. Refer to **Figure 3** for a historic photograph of the former Woolco department store. A PUD amendment was approved in 1986 (#P-86-8) for Phase 2 of the development, which included the construction of the building at 1945 28th St. (Pad “B”) and the building at 1731 28th St. (Pad “A”) The amendment also included a 4,130 square foot addition to the north side of the main building (Pad “C”) and a 4,380 square foot addition to the northwest corner of the main building (Pad “D”). A number of administrative reviews (e.g., minor modifications) have been granted for the center.



Figure 3: Woolco Store in 1970

The Marshall’s Plaza Shopping Center is over 50,000 square feet of floor area. Less than 30 percent of the floor area is occupied by restaurants, taverns or brewpubs. Per Table 9-4 of the land use code, the total parking required is 652 parking spaces, where 438 are provided. The shopping center was approved for a 15.1% parking reduction in 2012 (case no. ADR2012-00175). Since that time, the former restaurant Baker

Street Pub has been converted to a retail space. With this proposal, the parking demand will be further reduced since a restaurant will be converted to a veterinary clinic. Since this application will not add floor area or increase the parking demand, no parking reduction is necessary.

Project Proposal. The applicant is requesting approval of a Use Review to allow a cat only boarding area, to be fully contained within a cat only veterinary clinic. The boarding area would occupy approximately 200 square feet or about 4.6% of the total square footage of the leased space. The kennel would accommodate 10 to 15 cats for boarding. Per [section 9-16-1](#) of the land use code, an animal kennel is defined as an establishment where domestic animals such as cats and dogs are boarded, trained, bred, or provided daycare.

The proposed hours of operation for the kennel are 6 a.m. to 9 p.m., seven days a week. The addition of the boarding use to the veterinary clinic would add two part-time employees to the anticipated staffing, for a total of four full-time and four part-time employees. The boarding use would not extend outside of the existing building and would have minimal impact on the surrounding areas. Unlike other animal kennels, the use will not have an outdoor run or an outdoor area for animals to relieve themselves. All odors and noise generated by the use will be fully contained inside the leased space. The clinic intends to install an enhanced HVAC system with negative pressure vents installed on each boarding condo to reduce possible odors. Refer to [Attachment C](#) for the applicant's written statement and proposed plans.

Review Process. Pursuant to [section 9-6-1](#), B.R.C., animal kennels are only permitted in the BR-1 zone district with a Use Review approval. Despite being customarily found with veterinary uses, a boarding facility constitutes a second principal use of the premises that will attract separate customers. Per [section 9-4-2](#), B.R.C. 1981, applications for Use Review are subject to call up by the Planning Board. No modifications from the development code have been requested. The proposal meets all of the development standards for the zoning district and does not trigger or require Site Review.

Public Comment. Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days. All notice requirements of [section 9-4-3](#), "Public Notice Requirements," B.R.C. 1981 have been met. Staff has not received any public comment on the proposal.

Conclusion. Staff finds that the proposed project meets the relevant criteria of [section 9-2-15](#), "Use Review," B.R.C. 1981. The proposed use is consistent with the zoning, will provide a service and convenience to the neighborhood and will have minimal negative impact on the use of nearby properties. Refer to [Attachment B](#) for staff's analysis of the Use Review criteria.

The proposal was **approved** by Planning and Development Services staff on **February 25, 2016** and the decision may be called up before Planning Board on or before **March 10, 2016**. There is one Planning Board hearing scheduled during the required 14-day call-up period on **March 3, 2016**. Questions about the project or decision should be directed to the Case Manager, Sloane Walbert at (303) 441-4231 or at walberts@bouldercolorado.gov.

Attachments:

- A. Disposition of Approval
- B. Analysis of Use Review Criteria
- C. Applicant's Proposed Plans



**CITY OF BOULDER
Planning and Development Services**

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www.boulderplandevelop.net

**CITY OF BOULDER PLANNING DEPARTMENT
NOTICE OF DISPOSITION**

You are hereby advised that the following action was taken by the Planning Department based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

DECISION: **APPROVED WITH CONDITIONS**
PROJECT NAME: **ANIMAL KENNEL IN MARSHALLS PLAZA**
DESCRIPTION: **USE REVIEW to establish an animal kennel (cat boarding area) within a cat only veterinary clinic.**
LOCATION: **1915 28TH ST**
COOR: **N03W04**
LEGAL DESCRIPTION: **See Exhibit A**
APPLICANT: **BARBARA BOWDEN**
OWNER: **TEBO/MARSHALL PLAZA, LLC**
APPLICATION: **Use Review, LUR2016-00011**
ZONING: **Business Regional – 1 (BR-1)**
CASE MANAGER: **Sloane Walbert**
VESTED PROPERTY RIGHT: **NO; the owner has waived the opportunity to create such right under Section 9-2-19, B.R.C. 1981.**

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

Approved On: 2/25/2016
Date

By: [Signature]
David Driskell, Executive Director of Community Planning and Sustainability

This decision may be appealed to the Planning Board by filing an appeal letter with the Planning Department within two weeks of the decision date. If no such appeal is filed, the decision shall be deemed final fourteen days after the date above mentioned.

Appeal to Planning Board expires: 3/10/2016

Final decision date: _____

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND FINAL PLANS FOR CITY SIGNATURE MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS, IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING DEPARTMENT APPROVAL AUTOMATICALLY EXPIRES.

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12) the development within three years shall cause this development approval to expire.

CONDITIONS OF APPROVAL

1. The Applicant shall ensure that the **development shall be in compliance with all plans prepared by the Applicant on January 29, 2016** and the Applicant's written statement on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant **shall not expand or modify the approved use**, except pursuant to subsection 9-2-15(h), B.R.C. 1981.
3. The Applicant shall **comply with all previous conditions** contained in any previous approvals, except to the extent that any previous conditions may be modified by this approval, including, but not limited to, the following:
 - a. The Development Agreement recorded at Film No. 1444, Reception No. 00808518;
 - b. The Development Agreement recorded at Film No. 1338, Reception No. 00669299.

Exhibit A

Attached Legal Description

PARCEL A:

ALL THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST (RECORD SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST), 60.30 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (U.S. HIGHWAY NO. 36) CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BOULDER AS DESCRIBED IN RIGHT OF WAY DEED RECORDED ON FILM 1494 AT RECEPTION NO. 00876100 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID FILM 1494 AT RECEPTION NO. 00876100 TO THE SOUTHWEST CORNER THEREOF;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 489.20 FEET ALONG THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON FILM 1494 AT RECEPTION NO. 00876100 TO THE NORTHERLY LINE OF PARCEL A AS DESCRIBED IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE RECORDS OF BOULDER COUNTY, COLORADO AND THE TRUE POINT OF BEGINNING;
THENCE SOUTH 81 DEGREES 43 MINUTES 50 SECONDS WEST, 283.52 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL A TO A POINT OF CURVE TO THE RIGHT;
THENCE WESTERLY, 211.37 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL A AND ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 525.60 FEET, A CENTRAL ANGLE OF 23 DEGREES 02 MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 86 DEGREES 44 MINUTES 55 SECONDS WEST, 209.95 FEET;
THENCE NORTH 75 DEGREES 13 MINUTES 40 SECONDS WEST, 14.20 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL A TO A POINT ON THE EAST LINE OF THAT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN BOOK 1319 AT PAGE 308 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 58 MINUTES 0 SECONDS WEST, 181.01 (RECORD 180.93) FEET ALONG THE EAST LINE OF THAT RIGHT-OF-WAY AS DESCRIBED IN SAID BOOK 1319 AT PAGE 308 TO THE NORTHEAST CORNER THEREOF;
THENCE NORTH 81 DEGREES 43 MINUTES 50 SECONDS EAST, 511.95 FEET TO THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 1494 AT RECEPTION NO. 0876100;

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THENCE SOUTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, 229.37 FEET ALONG THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON SAID FILM 1494 AT RECEPTION NO. 00876100 TO THE TRUE POINT OF BEGINNING,

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST 60.30 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (COLORADO STATE HIGHWAY NO. 36) CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTH LINE OF PARCEL A AS DESCRIBED IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL A;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 562.34 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 95.67 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET;
THENCE WESTERLY, 19.14 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 34.50 FEET, A CENTRAL ANGLE OF 31 DEGREES 46 MINUTES 58 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 74 DEGREES 02 MINUTES 18 SECONDS WEST, 18.89 FEET;
THENCE NORTH 89 DEGREES 55 MINUTES 46 SECONDS WEST, 61.72 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE SOUTHWESTERLY, 107.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF COMPOUND CURVE, SAID ARC HAVING A RADIUS OF 149.50 FEET, A CENTRAL ANGLE OF 41 DEGREES 05 MINUTES 44 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 69 DEGREES 31 MINUTES 22 SECONDS WEST, 104.95 FEET;
THENCE SOUTHERLY, 73.68 FEET ALONG THE ARC OF SAID COMPOUND CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 84.50 FEET, A CENTRAL ANGLE OF 49 DEGREES 57 MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23 DEGREES 59 MINUTES 45 SECONDS WEST, 71.37 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 2.59 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 13.00 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 15.50 FEET;

THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 163.00 FEET;
THENCE NORTH 00 DEGREES 59 MINUTES 00 SECONDS WEST, 15.50 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 31.35 FEET TO THE
TRUE POINT OF BEGINNING.

PARCEL B:

ALL THAT PORTION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH,
RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO,
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST (RECORD SOUTH 89
DEGREES 51 MINUTES 50 SECONDS WEST), 60.30 FEET ALONG THE SOUTH LINE OF
THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO A POINT ON
THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (U.S. HIGHWAY NO. 36)
CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS
DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511
OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG
THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTHEAST
CORNER OF THAT TRACT OF LAND CONVEYED TO THE CITY OF BOULDER AS
DESCRIBED IN RIGHT OF WAY DEED RECORDED ON FILM 1494 AT RECEPTION NO.
00876100 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG
THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID FILM 1494 AT
RECEPTION NO. 00876100 TO THE SOUTHWEST CORNER THEREOF AND THE TRUE
POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 489.20 FEET ALONG
THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED ON FILM 1494 AT
RECEPTION NO. 00876100 TO THE NORTHERLY LINE OF PARCEL A AS DESCRIBED
IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE
RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 81 DEGREES 43 MINUTES 50 SECONDS WEST, 283.52 FEET ALONG
THE NORTHERLY LINE OF SAID PARCEL A TO A POINT OF CURVE TO THE RIGHT;
THENCE WESTERLY, 211.37 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL
A AND ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC
HAVING A RADIUS OF 525.60 FEET, A CENTRAL ANGLE OF 23 DEGREES 02
MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH
86 DEGREES 44 MINUTES 55 SECONDS WEST, 209.95 FEET;
THENCE NORTH 75 DEGREES 13 MINUTES 40 SECONDS WEST, 14.20 FEET ALONG
THE NORTHERLY LINE OF SAID PARCEL A TO A POINT ON THE EAST LINE OF
THAT RIGHT-OF-WAY CONVEYED TO THE COUNTY OF BOULDER AS DESCRIBED
IN QUIT CLAIM DEED RECORDED IN BOOK 1319 AT PAGE 308 OF THE RECORDS OF
BOULDER COUNTY, COLORADO;
THENCE SOUTH 00 DEGREES 58 MINUTES 0 SECONDS EAST, 595.10 (RECORD
595.21) FEET ALONG THE EAST LINE OF THAT RIGHT-OF-WAY AS DESCRIBED IN
SAID BOOK 1319 AT PAGE 308 AND THAT RIGHT-OF-WAY CONVEYED TO THE

COUNTY OF BOULDER AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN BOOK 1316 AT PAGE 586 OF THE RECORDS OF BOULDER COUNTY, COLORADO TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;

THENCE NORTH 89 DEGREES 52 MINUTES 38 SECONDS EAST (RECORD NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST) 352.81 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG A LINE 150.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF 28TH STREET AS DESCRIBED IN SAID BOOK 1034 AT PAGE 511;
THENCE NORTH 89 DEGREES 52 MINUTES 38 SECONDS EAST (RECORD NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST), 142.00 FEET ON A LINE 130.00 FEET NORTH AND PARALLEL TO THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO THE TRUE POINT OF BEGINNING.

PARCEL C:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.;
THENCE SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST 60.3 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 TO A POINT ON THE WEST LINE OF THE COLORADO STATE HIGHWAY DEPARTMENT RIGHT OF WAY AS DESCRIBED IN BOOK 1034 AT PAGE 511, BOULDER COUNTY RECORDS TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST 130.00 FEET ALONG THE WEST LINE OF SAID STATE HIGHWAY DEPARTMENT RIGHT OF WAY;
THENCE SOUTH 89 DEGREES 51 MINUTES 50 SECONDS WEST 150.00 FEET ON A LINE 130 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29;
THENCE SOUTH 00 DEGREES 05 MINUTES 10 SECONDS EAST 130.00 FEET ON A LINE PARALLEL TO THE WEST LINE OF SAID STATE HIGHWAY DEPARTMENT RIGHT OF WAY TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29;
THENCE NORTH 89 DEGREES 51 MINUTES 50 SECONDS EAST 150.00 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29 TO THE TRUE POINT OF BEGINNING.

PARCEL D:

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST 60.30 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29 TO THE WEST RIGHT-OF-WAY LINE OF 28TH STREET (COLORADO STATE HIGHWAY NO. 36) CONVEYED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO, AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN BOOK 1034 AT PAGE 511 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 130.00 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE SOUTH LINE OF PARCEL A AS DESCRIBED IN INSTRUMENT RECORDED ON FILM 677 AT RECEPTION NO. 922324 OF THE RECORDS OF BOULDER COUNTY, COLORADO;
THENCE SOUTH 89 DEGREES 52 MINUTES 38 SECONDS WEST, 8.00 FEET ALONG THE SOUTH LINE OF SAID PARCEL A;
THENCE NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 562.34 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, 95.67 FEET PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF SAID 28TH STREET;
THENCE WESTERLY, 19.14 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 34.500 FEET, A CENTRAL ANGLE OF 31 DEGREES 46 MINUTES 58 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 74 DEGREES 02 MINUTES 18 SECONDS WEST, 18.89 FEET;
THENCE NORTH 89 DEGREES 55 MINUTES 46 SECONDS WEST, 61.72 FEET TO A POINT OF CURVE TO THE LEFT;
THENCE SOUTHWESTERLY, 107.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF COMPOUND CURVE, SAID ARC HAVING A RADIUS OF 149.50 FEET, A CENTRAL ANGLE OF 41 DEGREES 05 MINUTES 44 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 69 DEGREES 31 MINUTES 22 SECONDS WEST, 104.95 FEET;
THENCE SOUTHERLY, 73.68 FEET ALONG THE ARC OF SAID COMPOUND CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 84.50 FEET, A CENTRAL ANGLE OF 49 DEGREES 57 MINUTES 30 SECONDS AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 23 DEGREES 59 MINUTES 45 SECONDS WEST, 71.37 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 2.59 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 13.00 FEET;
THENCE SOUTH 00 DEGREES 59 MINUTES 00 SECONDS EAST, 15.50 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 163.00 FEET;
THENCE NORTH 00 DEGREES 59 MINUTES 00 SECONDS WEST, 15.50 FEET;
THENCE NORTH 89 DEGREES 01 MINUTES 00 SECONDS EAST, 31.35 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL E:

A NON-EXCLUSIVE EASEMENT OVER AND ACROSS EASEMENT AREA B FOR THE PURPOSE OF VEHICULAR AND PEDESTRIAN ACCESS, INGRESS AND EGRESS TO



AND FROM THE MACERICH PROPERTY AS CONVEYED TO THE MACERICH PARTNERSHIP, L.P. IN RESTATED AND AMENDED RECIPROCAL EASEMENTS AGREEMENT RECORDED DECEMBER 20, 1996 ON FILM 2175 AT RECEPTION NO. 1665516, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE NORTH 89 DEGREES 52 MINUTES 38 SECONDS EAST, 731.16 FEET ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29;
THENCE NORTH 00 DEGREES 58 MINUTES 00 SECONDS WEST, 771.82 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN BOOK 1283 AT PAGE 216;
THENCE NORTH 81 DEGREES 43 MINUTES 50 SECONDS EAST, 35.29 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216, TO THE EAST RIGHT-OF-WAY LINE OF 26TH STREET AS DESCRIBED IN DEED RECORDED IN BOOK 1292 AT PAGE 562 OF THE RECORDS OF BOULDER COUNTY, COLORADO, AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 00 DEGREES 58 MINUTES 00 SECONDS WEST, 23.50 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID 26TH STREET;
THENCE NORTH 89 DEGREES 55 MINUTES 49 SECONDS EAST, 71.51 FEET;
THENCE NORTH 62 DEGREES 00 MINUTES 12 SECONDS EAST, 163.31 FEET;
THENCE NORTH 89 DEGREES 54 MINUTES 50 SECONDS EAST, 294.28 FEET TO THE EAST LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216;
THENCE SOUTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, 26.62 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216;
THENCE SOUTH 81 DEGREES 43 MINUTES 50 SECONDS WEST, 514.99 FEET ALONG THE SOUTH LINE OF THAT TRACT OF LAND AS DESCRIBED IN SAID BOOK 1283 AT PAGE 216 TO THE TRUE POINT OF BEGINNING.

Attachment B: City Code Criteria Checklist

Overall, the project was found to be consistent with the criteria for Use Review set forth in subsection 9-2-15(e), B.R.C. 1981.

(e) "Criteria for Review": No use review application will be approved unless the approving agency finds all of the following:

- ✓ (1) **Consistency with Zoning and Non-Conformity:** The use is consistent with the purpose of the zoning district as set forth in [section 9-5-2\(c\)](#), "Zoning Districts Purposes," B.R.C. 1981, except in the case of a non-conforming use;

The project site is zoned Business - Regional 1 (BR-1), which is described as "business centers of the Boulder Valley, containing a wide range of retail and commercial operations, including the largest regional-scale businesses, which serve outlying residential development; and where the goals of the Boulder Urban Renewal Plan are implemented" ([section 9-5-2\(c\)\(2\)\(I\)](#), B.R.C. 1981). The Boulder Valley Regional Center (BVRC) is primarily a commercial area. The Boulder Valley Comprehensive Plan describes the BVRC as the highest level of intensity of commercial, entertainment, educational and civic centers. The BVRC is intended to provide a wide range of activities and draw from the entire city as well as the region. Additionally, Policy 2.18 states that the central area "will remain the primary activity center and focal point of the Boulder Valley."

The proposed animal kennel use is consistent with such purpose. Per [section 9-6-1](#), "Use Standards," B.R.C. 1981, animal kennels are allowed if approved through the Use Review process.

- ✓ (2) **Rationale:** The use either:

- ✓ (A) Provides direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

The use is also located on the eastern edge of the Whittier neighborhood. The proposed kennel is located in proximity to residential uses and would provide a service and a convenience for residents to board their animals. In addition, the use is located in the Boulder Valley Regional Center (BVRC), which is a major regional destination. Hence, the boarding use would provide a service to the larger community.

The proposed use would reduce adverse impacts to surrounding uses. The proposal is to convert a tenant space previously occupied by the Jai Ho restaurant with a cat only veterinary clinic with a cat boarding area. The restaurant was generally open from 11:30 AM to 10:00 PM daily. The proposed use will be open 6 AM to 9 PM daily.

All odors and noise generated by the use will be fully contained inside the leased space. The clinic intends to install an enhanced HVAC system with negative pressure vents installed on each boarding condo to reduce possible odors. Unlike other animal kennels, the use will not have an outdoor run or an outdoor area for animals to relieve themselves. The addition of the boarding use to the veterinary clinic would add two part-time employees to the anticipated staffing. The boarding use is expected to have only 2 to 3 visitors each day to pick up or drop off an animal. The expected number of employees and visitors is low in comparison to other uses that can operate in the zone district without Use Review, like restaurants or retail.

N/A (B) Provides a compatible transition between higher intensity and lower intensity uses;
Not applicable. Proposal meets criterion (A).

N/A (C) Is necessary to foster a specific city policy, as expressed in the Boulder Valley Comprehensive Plan, including, without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate locations, and group living arrangements for special populations; or
Not applicable.

N/A (D) Is an existing legal nonconforming use or a change thereto that is permitted under subsection (f) of this section;
Not applicable.

- ✓ (3) Compatibility: The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of nearby properties or for residential uses in industrial zoning districts, the proposed development reasonably mitigates the potential negative impacts from nearby properties;

The proposal is to convert a tenant space previously occupied by the Jai Ho restaurant with a cat only veterinary clinic with a cat boarding area. Given the site's commercial history, its location within the BVRC and the high-intensity regional commercial character of the surrounding area, the proposal to add a small boarding facility is compatible with the use of surrounding properties. The shopping center contains a variety of service, retail and restaurant uses, including Marshall's, Office Depot, REI, Jason's Deli and Bed Bath & Beyond. The center is also located on 28th Street, which serves as a major arterial for the city and a connection to the larger regional area. No exterior changes are proposed to the existing building.

- ✓ (4) Infrastructure: As compared to development permitted under [section 9-6-1](#), "Schedule of Permitted Land Uses," B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming use, the proposed development will not significantly adversely affect the infrastructure of the surrounding area, including, without limitation, water, wastewater, and storm drainage utilities and streets;

The proposed development will not adversely impact the existing infrastructure of the surrounding area. The replacement of a restaurant use with a veterinary clinic and animal kennel use will not introduce new demands on the existing systems.

- ✓ (5) Character of Area: The use will not change the predominant character of the surrounding area;

The addition of a boarding facility within a veterinary clinic in an existing tenant space will not alter the character of the area. The shopping center has served a diverse mix of commercial uses over the last 50 years, including retail, office, restaurant and personal services uses.

- N/A (6) Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in [subsection 9-5-2\(c\)\(1\)\(a\)](#), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a

day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not applicable, as there are currently no residential units on the subject property.

Cat Maintenance and Repair LLC

Land Use Proposal – Written Statement Narrative

Executive Overview

Cat Maintenance and Repair LLC (CMAR) proposes to install a feline-exclusive (cats only) boutique Animal Kennel / boarding facility at 1915 28th St., Boulder, CO inside a Cats Only Veterinary Clinic (the space is currently occupied by the Jai Ho restaurant). The Veterinary Clinic is an Allowed Use in the BR-1 zoning district and the Cats Only Animal Kennel / boarding facility is Permitted with a Use Review. We are requesting approval of the Cat Only Animal Kennel/boarding area based on the need of such a service in the Boulder community, the lack of any nuisance factor or impact to the surrounding area and being a positive-impact neighbor and a desirable, trend-setting presence to the area.

Facility Use

With the assistance of Animal Arts, the nation's foremost veterinary architecture firm (also located here in Boulder), CMAR will create a quiet, serene cats-only Veterinary Clinic (4338 sq. ft.) and feline-centric boarding facility (~200 sq. ft.); a hospital designed to meet the special needs of cats and their guardians in the city of Boulder and surrounding areas. This will provide a much-needed community service, as there are no feline-exclusive veterinarians practicing in Boulder or within 15 miles of it, and no feline boarding in dog-free environments anywhere in the area.

In addition to upscale, boutique feline boarding, the Cat Clinic (name still TBD) will provide a full array of veterinary services.

While this sounds like (and is) what every veterinary hospital offers, the difference in HOW it is offered is crucial – for optimal outcomes of both veterinary medical practice and boarding experiences, cats require a vastly different environment from dogs, as well as different handling, a different knowledge base and different staff training. We can supply all this for the cats of Boulder and their loving guardians.

Neighborhood Impact Positive

A feline-exclusive practice with boutique boarding has three very important impacts for this land review: 1) Cat hospitals are quiet, odor-free, and nuisance-free to neighboring properties; 2) Cat hospitals in general attract a higher-income and more educated demographic of customers than do general small animal hospitals, which is an advantage to neighboring businesses; and 3) the creation of a cat hospital and boarding facility will meet a widespread community need in Boulder.

Let's address these one at a time.

Quiet, Odor-Free and Nuisance-Free Boarding

Animal hospitals that board dogs have noise problems. The barking of dogs, especially in kennels, can be loud enough to damage hearing. BUT: Cat hospitals are quiet, both because cats are instinctively quiet creatures, and

Cat Maintenance and Repair LLC

because we design the hospital to minimize sound transference in order to keep our feline patients and hotel guests calm and serene.

Animal hospitals which kennel dogs usually have outdoor runs. These are often a nuisance to the neighborhood due to both smell and noise. BUT: Cat hospitals and boarding facilities do not have outdoor runs, and so do not generate either nuisance.

Dog owners visiting general small animal hospitals and/or kennels will often walk their dogs outside the facility to relieve themselves. BUT: In the cat hospital setting, 99+% of patients will come into the hospital in a carrier, so there is no danger of animal waste as a common space nuisance.

Many dogs coming to small animal hospitals and kennels are not well-trained, and some can be quite aggressive to humans they do not know. This can be frightening to passersby and a real problem when it happens in a shopping center. BUT: Cats, being completely enclosed in carriers, do not pose this problem.

Even indoors, the cat hospital is maintained odor-free. As with the suppression of sound transference, this is extremely important for the minimization of our feline patient's stress and therefore for their health and well-being. For this reason, our hospital design includes features specifically to remove odors as soon as they occur. Examples include such things as HVAC air exchange capacity far above and beyond that of any normal business, and negative pressure vents installed on each boarding condo. In addition, our staff procedures will include strict protocols for immediate waste removal and airtight disposal, again mandated by the need to provide an environment that will foster the effective medical care of our feline patients and guests.

Finally, the parking needed to support the Veterinary Clinic and Boutique Boarding will have a limited impact to the overall parking availability. Our cat-only clinic will have, on average, much longer appointment times than one finds in a general small animal hospital. This is necessary both for accurate patient evaluation (cats must have time to become calm first) and for the doctor to obtain a thorough history (cat owners often don't realize that much of what they are seeing as "normal" is not, so feline history-taking is a true art). The implication for the neighboring businesses is that the parking requirement for the cat hospital is minimal compared to that of an average general small animal practice, and in fact compared to that of most small businesses (including the previous restaurant tenant). We expect an additional 2-3 clients per day will bring or pickup their cat for boarding. Since the "Kitty Hotel" will be a comparatively small part of the clinic (4%), we do not anticipate that the boarding service will add significantly to the parking demand.

Cat Hospitals with Boutique Boarding Attract a Desirable Customer Demographic

The clients of feline-exclusive practices tend to be highly educated, affluent, professional people. These people expect the appearance of the facility to be equal to the quality of medicine practiced, and both are expected to be pristine and excellent. Our clients expect not simply cleanliness and lack of odor, but an elegant clinic design. Boutique boarding must be equally elegant.

Our Cat Clinic, with the proposed upscale feline boarding space, will bring new, affluent customers into the shopping center, thereby helping all the other commercial tenants.

The Boulder Community Lacks and Needs a Facility with Expertise in Feline Medicine and Care

Cat Maintenance and Repair LLC

Our Cat Clinic will fill a community need here in Boulder; that of access to one or more practitioners who have devoted their careers, studies and practice exclusively to feline medicine; and to a facility designed specifically for the medical care and boarding care of cats.

“Cats Are Not Small Dogs.” This saying, coined in the late 1970s by the founder of the American Association of Feline Practitioners, is the foundation of feline medicine. Most people are unaware that the needs of the cat for food, environment, monitoring and care are completely different from that of the dog. Even in veterinary colleges, until very recently, most “science” regarding cats was based on the unwarranted assumption that what works for a dog will do just fine for a cat. This could not be farther from the truth (dogs are actually more like humans medically than like cats).

Cats boarded in a facility designed around their needs are much more likely to be content and unstressed during the boarding experience, and return home to satisfied guardians. Cats boarded in conditions stressful to felines (noise, smell, loud music, staff untrained in gentle, “minimal restraint” cat handling, improper paint color choices, lack of vertical spaces and hiding places, separation of litter area from food area, etc.) commonly return home exhausted and ill, having had diarrhea, anorexia and worse in the dog kennel environment.

The medical director and senior veterinarian of the cat clinic, Dr. Fern Slack, has the required expertise to design and provide the proposed facility. She has practiced feline medicine exclusively since 1993. Her continuing education, far exceeding state requirements, has been exclusively in feline medicine. She has served two terms on the Board of Directors of the American Association of Feline Practitioners. During part of that time, she chaired their publications committee, which is responsible for creating the State of the Art documents for feline medical standards, and she contributed to several of those documents herself. Dr. Slack has owned and operated a highly successful and prominent feline hospital and beautiful, upscale boutique feline boarding facility in the past. Dr. Slack and the Cat Clinic team can bring that expertise to the needs of the Boulder cat-owning community.

Facility Hours

6 a.m. to 9 p.m., seven days a week

The hours of operation of the new feline clinic will be on the order of ~~7 am to 7 pm Monday through Friday, with hours for some or all of the day on Saturday and possibly Sunday.~~ After-hours and holiday emergencies will be referred to the local 24-hour critical care center of the client’s choice. Observed holidays will include Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, and New Year’s Day. House calls will be available.

Guests in the “Kitty Hotel” will remain in the hospital after business hours. ~~Drop off and pick up of Hotel guests may occur during non-standard business hours in order to increase convenience to our clients.~~

Summary

We expect our new cat-only clinic and boutique “Kitty Hotel” to be a very beneficial, long-term, high-profile and elevating addition to the shopping center. The beautiful interior design of the clinic (to be developed in concert with Animal Arts Architecture) and the complete lack of any nuisance factor will make the feline-exclusive veterinary practice a desirable, trend-setting presence, a positive-impact neighbor, and a much needed addition to the Boulder community .

“Kitty Condo” Examples

Litter boxes are separate from the living area. Special ventilation and staff diligence eliminates odors.



USE REVIEW WRITTEN STATEMENT

Submit with your application.

For your convenience, this form is also available as an electronic form on the Planning and Development Services web site at www.boulderplandev.com. You may type in your responses in the electronic form, and then print it to attach to your written statement.

KEY INFORMATION

Please provide the following information. Please type or print complete, detailed responses. Please also select use categories from the Boulder Revised Code Land Use Charts (Section 9-6-1(d)).

EXISTING

Use of existing building and land:

The unit at 1915 28th St. is currently occupied by the Jai Ho restaurant who is moving out of the space. Cat Maintenance and Repair LLC is in the final negotiations with TEBO to lease the space for a Cat Only Veterinary Clinic.

Hours of operation:

~~The hours of operation of the new feline clinic will be on the order of 7 am to 7 pm Monday through Friday, with hours for some or all of the day on Saturday and possibly Sunday.~~

6 a.m. to 9 p.m., seven days a week

Number of employees

(Please indicate full and part time)

The clinic team will consist of 4 full time employees plus 2 part time employees

PROPOSED

Proposed use of buildings and land:

The Cat Only Veterinary Clinic would contain a Cat Only Animal Kennel /boarding service, which requires a Use Review. The Animal Kennel/boarding area would occupy approximately 200 sq. ft. of the 4338 sq. ft. unit or 4.5%. The Cat Only Animal Kennel/boarding area would not extend outside of the building and would have no impact on the surrounding areas.

Hours of operation:

~~The hours of operation do not change. Drop off and pick up of boarding clients may occur during non-standard business hours in order to increase convenience to our clients.~~

Number of employees:

(Please indicate full and part time)

With the addition of a cat only Animal Kennel/boarding area we expect to add 2 more part time employees

CRITERIA

In the space provided below, please indicate how the proposal will meet the Use Review criteria.

1. **Consistency with Zoning and Non-conformity** . The use is consistent with the purpose of the zoning district as set forth in Section 9-5-2, "Zoning Districts Established", B.R.C. 1981, except in the case of a non-conforming use;

The proposed Use of a Cat Only Animal Kennel/boarding area inside the Cat Only Veterinary Clinic, is a Permitted Use in the Business - Regional 1 (BR-1) zoning district with an Approved Use Review.

2. **Rationale** . The use either:

- (A) Provides a direct service or convenience to or reduces adverse impacts to the surrounding uses or neighborhood;

A Cat-Only Animal Kennel provides a much needed service to the Boulder Community. The traditional Animal Kennel is generally a very stressful environment for a cat. Cats are extremely sensitive to noise and smells and being around barking dogs and other animals all day makes cats very agitated. The Cat Only Veterinary Clinic will provide a quiet, serene boarding space where the cats can relax and rest while they are away from home. Medical care can also be provided during a cat's stay, which provides an added convenience for their guardians.

- (B) Provides a compatible transition between higher intensity and lower intensity uses;

- (C) Is necessary to foster a specific city policy, as expressed in the BVCP, including without limitation, historic preservation, moderate income housing, residential and non-residential mixed uses in appropriate location, and group living arrangements for special populations; OR

- (D) Is an existing legal non-conforming use or a change thereto that is permitted under subsection (e) of this section.

3. **Compatibility.** The location, size, design, and operating characteristics of the proposed development or change to an existing development are such that the use will be reasonably compatible with and have minimal negative impact on the use of the nearby properties;

Since the proposed Cat Only Animal Kennel/boarding service will be fully contained inside the Cat Only Veterinary Clinic there will be minimal negative impact on the nearby properties. Odors and noise generally associated with all animal kennels is minimized by being fully contained inside the leased space. Special design features and staff training will be built into the Veterinarian Clinic to eliminated any noise or odor.

4. **Infrastructure.** As compared to development permitted under Section 9-6-1, "Permitted Uses of Land", B.R.C. 1981, in the zone, or as compared to the existing level of impact of a nonconforming use, the proposed development will not significantly or adversely affect the infrastructure of the surrounding area, including without limitation, water, wastewater, and storm draining utilities and streets.

The existence of a Cat Only Animal Kennel/boarding area within the Permitted Use Cat Only Veterinary Clinic will not affect the infrastructure of the surrounding area. It will be completely contained within an existing lease space. No additional space outside the leased space will be utilized.

5. **Character of Area.** The use will not change the predominant character of the surrounding area.

Because the Cat Only Animal Kennel/boarding area is completely contained within the Permitted Use Cat Only Veterinary Clinic, there will be no change to the character of the surrounding area. No changes to the exterior and surrounding areas will be required.

6. **Conversion of Dwelling Units to Non-Residential Uses.** Conversion of Dwelling Units to Non-Residential Uses: There shall be a presumption against approving the conversion of dwelling units in the residential zoning districts set forth in Subsection 9-6-1(d), B.R.C. 1981, to non-residential uses that are allowed pursuant to a use review, or through the change of one non-conforming use to another non-conforming use. The presumption against such a conversion may be overcome by a finding that the use to be approved serves another compelling social, human services, governmental, or recreational need in the community including, without limitation, a use for a day care center, park, religious assembly, social service use, benevolent organization use, art or craft studio space, museum, or an educational use.

Not Applicable

This section not applicable

ADDITIONAL CRITERIA FOR MODIFICATION TO NON-CONFORMING USES:

A non-conforming use is described as any use of a building or use of a lot that is not permitted under Section 9-6-1, "Schedule of Permitted Uses of Land", B.R.C. 1981, but excludes a conforming use in a non-standard building or on a non-standard lot; a legal existing use that has been approved as a conditional use or a use review use, or a use approved pursuant to a valid special review or a use review approval. A non-conforming use also includes an otherwise conforming use, except a single dwelling unit on a lot, that does not meet the parking and residential density requirements, including, without limitation, the requirements for minimum lot area per dwelling unit; useable open space per dwelling unit, or required off-street parking requirements for Section 9-6-1, "Schedule of Bulk Requirements", B.R.C. 1981.

1. **Reasonable Measures Required:** The applicant has undertaken all reasonable measures to reduce or alleviate the effects of the non-conformity upon the surrounding area, including without limitation objectionable conditions, glare, visual pollution, noise pollution, air emissions, vehicular traffic, storage of equipment, materials and refuse, and on-street parking, so that the change will not adversely affect the surrounding area;

2. **Reduction in Non-Conformity / Improvement of Appearance:** The proposed change or expansion will either reduce the degree of non-conformity of the use or improve the physical appearance of the structure or the site without increasing the degree of non-conformity;

3. Compliance with this Title / Exceptions: The proposed change in use complies with all of the requirements of this title:

(A) Except for a change of a non-conforming use to another non-conforming use; and

(B) Unless a variance to the setback requirements has been granted pursuant to Section 9-2-3, "Variances", B.R.C. 1981, or the setback has been varied through the application of the requirements of Section 9-2-14, "Site Review", B.R.C. 1981; and

4. **Cannot Reasonably be Made Conforming:** The existing building or lot cannot be utilized or made to conform to the requirements of Chapters 9-6, 9-7, 9-8, and 9-9, "Use Standards", "Form and Bulk Standards", "Intensity Standards", and "Development Standards", B.R.C. 1981; and

5. **No Increase in Floor Area Over Ten Percent:** The change or expansion will not result in an increase in floor area of more than ten percent of the existing floor area.

6. **Approving Authority May Grant Zoning Variances:** The approving authority may grant the variances permitted by Subsection 9-2-3(d), B.R.C. 1981, upon finding that the criteria set forth in Subsection 9-2-3(h), B.R.C. 1981, have been met.

PROJECT FACT SHEET

For Land Use Review Applications

Accurate and complete information about a project is integral to a timely and thorough city review. Please type or print complete answers to the items listed under the boxes that relate to your project. While some of this information may be included on the project site plans or discussed in the written statement, please also enter it here. If you choose to recreate this document, please only include the items that relate to your project. An electronic version of this document is available on the Web at www.boulderplandevlop.net

ALL PROJECTS

Key Information

Subject property address/location: 1915 28th Street Boulder, CO

Owner name and address: TEBO/Marshall Plaza LLC
PO Box T Boulder, CO 80306

Legal Description (or attach): see attached

Age of existing structures: Built in 1987 - the structure is approximately 29 years old

Size of site in square feet and acres.	Gross:	<u>4338 sq. ft.</u>
	Net (after public dedications):	<u>N/A</u>

Current Zoning Designation: BR-1

For rezoning and annexation applications,
 Proposed Zoning Designation: N/A

Boulder Valley Comprehensive
 Plan Land Use Designation: Mixed Use Business

Previous Approvals (specify
 project name, review type): N/A

Solar Access Area Designation (circle one): Area I Area II Area III

Does the project include the demolition of any structures? Yes No
 If yes, what year was the structure built? _____

Please list any requested variations to the land use regulations (specific variance information is requested later in the project fact sheet):

Requesting approval of the permitted use (with Use Review) within zoning district BR-1 for a cat only Animal Kennel/boarding area that would be completely contained inside the cat only Veterinary Clinic which is an allowed use in zone BR-1.

Please indicate with a checkmark if your property is affected by any of the following:

Wetland area	N/A
Airport Influence Zone	N/A
Historic landmark designation/district	N/A
Boulder Valley Regional Center (BVRC)	N/A
100 Year Flood Zone	N/A
North Boulder Subcommunity Plan	N/A
CAGID parking district	N/A
UHGID parking district	N/A
Other local improvement district	

Land Use

Please describe the proposed use(s) of the property, including activities conducted on site, number of seats, number of guest rooms, number of residents, number of employees, hours of operation and any other unique operating characteristics. Also, please specify which land use category(ies) in the Schedule of Permitted Land Uses (Section 9-6-1) that most closely describes the proposed use:

Cat Maintenance and Repair LLC (CMAR) proposes to install a feline-exclusive (cats only) boutique Animal Kennel / boarding facility at 1915 28th St., Boulder, CO inside a Cats Only Veterinary Clinic (the space is currently occupied by the Jai Ho restaurant). The Veterinary Clinic is an Allowed Use in the BR-1 zoning district and the Cats Only Animal Kennel / boarding facility is Permitted with a Use Review. We are requesting approval of the Cat Only Animal Kennel/boarding area based on the need of such a service in the Boulder community, the lack of any nuisance factor or impact to the surrounding area and being a positive-impact neighbor and a desirable, trend-setting presence to the area (more details in the Written Statement Narrative).

We are planning for a clinic team consisting of 4 full time employees and 2 part time employees. The addition of a boarding area will add another 2 part time employees.

6 a.m. to 9 p.m., seven days a week

The hours of operation of the new feline clinic will be ~~on the order of 7am to 7pm Monday through Friday, with hours for some or all of the day on Saturday and Sunday.~~ With the addition of boarding the hours remain the same. ~~However, drop off and pick up of boarding clients may occur during non-standard business hours in order to increase convenience to our clients.~~

Utilities

- Are existing buildings hooked-up to city water? Yes No
- Are existing buildings hooked-up to city sewer? Yes No
- Are there city water mains adjacent the property? Yes No
- Are there city sewer mains adjacent the property? Yes No

Please name any utility districts that currently serve the property: _____

City of Boulder - water and sewer, Xcel Energy - gas and electric

Parking

Total # off-street parking spaces <i>existing</i>	standard size _____ (dimensions: 9' x 19')
	small car _____ (dimensions: 7'9" x 15')
	accessible _____ (dimensions: 12'x19'+3')
	bicycle _____ (type: _____)
	other _____ (dimensions: _____)
TOTAL 438 spaces Approved at Administrative Review ADR2012-00175	
Total # off-street parking spaces <i>proposed</i>	standard size _____ (dimensions: 9' x 19')
	small car _____ (dimensions: 7'9" x 15')
	accessible _____ (dimensions: 12'x19'+3')
	bicycle _____ (type: _____)
	other _____ (dimensions: _____)
TOTAL <u>No change</u>	

Specify % of parking reduction requested 0 _____ % _____ spaces where _____ are required
 Specify % of parking deferral requested 0 _____ % _____ spaces where _____ are required

Setbacks

Certain streets are categorized in the city code as Major Streets and have more restrictive setback requirements.
 Does your property abut a Major Street? Yes No
 What is the setback requirement? _____

Are any setback variations requested? Yes No
 Please specify request: _____ feet for the _____ yard setback, where _____ feet is required
 _____ feet for the _____ yard setback, where _____ feet is required
 _____ feet for the _____ yard setback, where _____ feet is required
 _____ feet for the _____ yard setback, where _____ feet is required

Are you requesting any other variations to the Land Use Regulations? Yes No
 If so, please list the specific variation(s) requested:

Projects with residential dwelling units (existing or proposed)

This section not applicable

	Existing	Proposed
Total # of lots	_____	_____
Size of lots	_____	_____
Total # of buildings	_____	_____
Size of each building	_____	_____
	_____	_____
	_____	_____
Total # of dwelling units	_____	_____
Total # of kitchens	_____	_____
Total floor area	_____	_____
Number of stories	_____	_____
Maximum building height	_____	_____

	Existing	Proposed	Floor Area/unit
Specify the number of units with each bedroom configuration.	_____ ELU*	_____ ELU*	_____ ELU*
	_____ 1 BR	_____ 1 BR	_____ 1 BR
	_____ 2 BR	_____ 2 BR	_____ 2 BR
	_____ 3 BR	_____ 3 BR	_____ 3 BR
	_____ 4 BR	_____ 4 BR	_____ 4 BR
	_____ other	_____ other	_____ other

* efficiency living unit

Project density:	Existing	Proposed
Gross units/acre	_____	_____
Net units/acre	_____	_____
Lot area/unit	_____	_____
Total useable open space	_____	_____
Useable open space/unit	_____	_____
Floor area ratio	_____	_____

Is open space reduction requested***? (If yes, specify %) _____

*** Open space reduction requests may only be made for properties in the RH-1 or RH-2 zoning district.

Projects with non-residential uses (existing or proposed)

This section not applicable

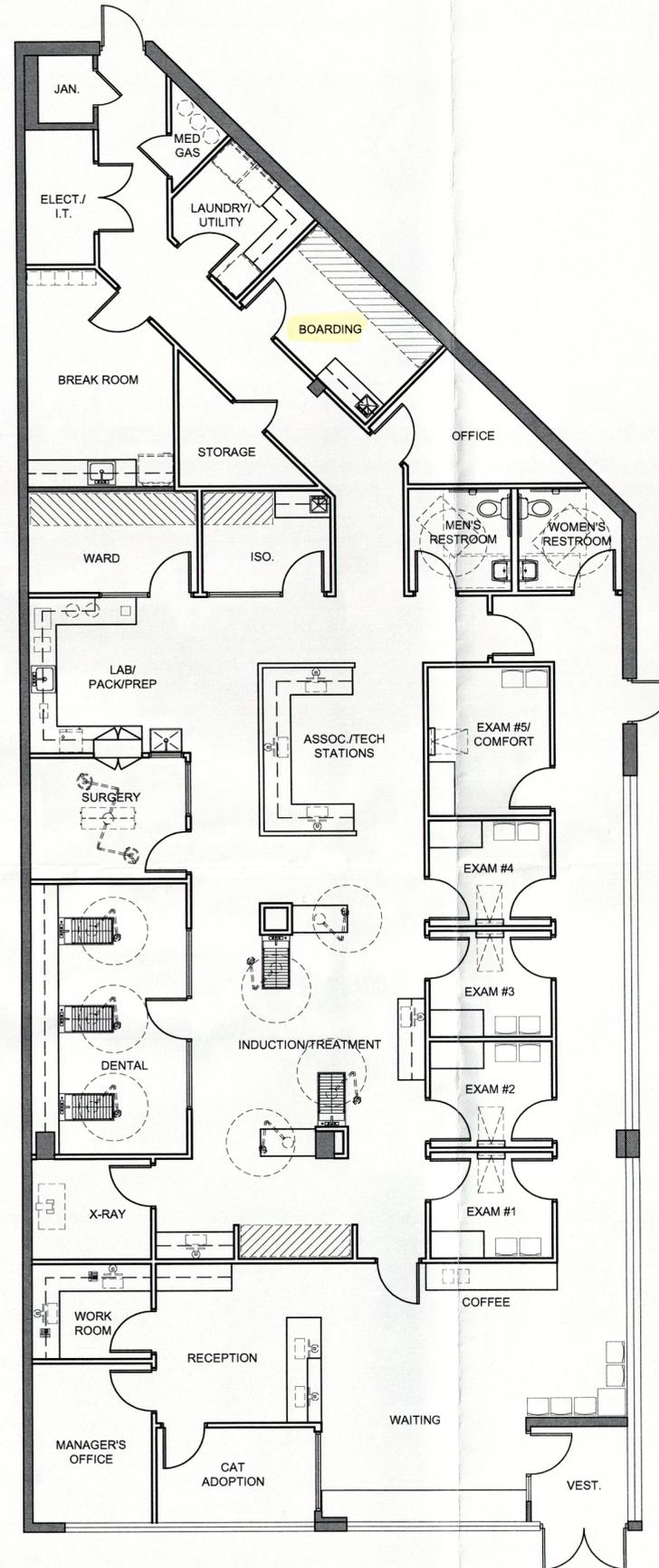
	Existing	Proposed
Total # of lots	_____	_____
Total # buildings	_____	_____
Size of each building	_____	_____
	_____	_____
	_____	_____
Total floor area	_____	_____
Floor area ratio	_____	_____
Total building coverage	_____	_____
Number of stories	_____	_____
Maximum building height	_____	_____
Ratio of non-residential floor area to number of parking spaces	_____	_____
Ratio of non-residential floor area to residential floor area	_____	_____

What type of building code occupancy classification is required? _____

Projects with a mix of non-residential and residential uses

This section not applicable

In addition to the information above, please describe the proposed project, and any project characteristics or requested variations of the mixed-use project.



1 PROPOSED FLOOR PLAN
 SCALE: 1/8" = 1'-0" 4,338 SQ. FT.



CITY USE REVIEW DOCUMENTS - NOT FOR CONSTRUCTION

ANIMAL ARTS
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 4520 BROADWAY, SUITE E
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 for
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 & REPAIR**
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REVISIONS

APPROVALS

PROJ. MGR.

PRINCIPAL

SEAL

DRAWING TITLE
PROPOSED FLOOR PLAN

DATE: JANUARY 29, 2016

A-2.0