



City of Auburn, Maine

Office of Planning & Permitting

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To: Auburn Planning Board

From: John Blais, Deputy Director of Planning & Permitting

RE: Camp K9, LLC Zoning Exception

August 9, 2022, and January 9th, 2024

Updated January 5th, 2024

I. **PROPOSAL:**

Camp K9, LLC is requesting a Special Exception in the General Business (GB) Zone to expand their current business model into other areas of pet-related services to complement their existing dog grooming and retail business. Camp K9 is located at 314 Center Street, Parcel I.D. 271-021. This proposal is pursuant to Chapter 60 Article IV Division 12 – General Business District and Chapter 60 Article XVI Division 3 – Special Exception. This is a tabled discussion from August 9, 2022, that requested the applicant to submit an updated site plan with additional mitigation factors that include a defined buffer, site plan to scale and separation from the dog yard to the businesses and surrounding residential homes.



The zoning exception is requested primarily to allow a doggie daycare as an accessory use to other services Camp K9 currently offers. This Special Exception request includes the addition of daycare, training, and taxi services to and from the facility. Retail use such as pet stores and grooming facilities are currently permitted in this zoning district, however, adding a doggie daycare falls outside of permitted uses in this zone. This request warrants Planning Board

discussion and input from the public through the Planning Board's public hearing process. The proposed accessory use would be defined as a kennel meaning "any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment, that keeps, boards, or trains dogs or cats or other animals, which may be present in such facilities, for profit," (State Law reference— Similar definitions, 7 M.R.S.A. § 3907(16), 17 M.R.S.A. § 1011(17)) The definition of a kennel includes businesses that keep and board dogs, with no mention of

grooming, and retail business services shall conform to all site plan and special exception requirements. The applicant has listed several precautionary strategies to allow this use. These include separating the dogs by size and utilizing separate play areas for big dogs and small dogs. The applicant will identify any negative or problematic behaviors before the dogs are admitted by including an initial application and interview process between the dog and staff, and an initial test period where the newly admitted dog will be exposed to small groups of the other dogs. If nuisance barking occurs (lasting over 10 minutes), the owner will be issued a written warning which will give the owner 7 days to correct the nuisance barking. If the problem persists or a second warning is issued, then the dog will not be allowed to return to daycare for 30 days and the owner must demonstrate that effective correctional action is taking place. More importantly, the dog daycare will operate mostly indoors while the outdoor dog yard will be situated away from the residential areas and towards Center Street.

II. PLANNING BOARD ACTION:

Staff suggests the Board review the proposed exception considering the applicable ordinances and precedent from other pet grooming and retail stores, consider this use in alignment with the 2021 Comprehensive Plan, other similar uses and hold a public hearing. If granted an approval, staff is suggesting the following conditions:

1. Business hours shall be limited from 7:00AM to 7:00PM.
2. The entirety of the perimeter of the outside fenced area shall be shielded with a solid fence or fencing accessory/cover.
3. There shall be fewer dogs at the facility than are groomed daily given the outdoor space of 8,000 +/- SF and to ensure accessory and value-added status to the existing business. With a limiting outdoor use to 1/3 or (max 6 dogs) at one time.
4. Adhere to the plan in place for alleviating any barking nuisance resulting from the doggie daycare.
5. Adhere to the waste plan to address pet waste generated on site.
6. Add or keep existing buffers and limit the outside dog area to the area identified on the Plan.
7. Garage to be used as on-site storage/residential and not for the business.
8. Cannot expand the dog yard without Planning Board approval.

III. CHAPTER 60 ARTICLE IV DIVISION 12 – GENERAL BUSINESS DISTRICT

The General Business District is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area (Sec. 60-498). The proposed zoning exception will be like other permitted uses in this zone. Among them are animal hospitals and pet shops, but no kennels (Sec. 60-499(a)(20)), and retail, service, office, and commercial uses like the foregoing. (Sec. 60-499 (a)(24).

The existing structures making up Camp K9. Built in 1890, are legally non-conforming as the rear setback is shy of the 35 ft. from the property line. The applicant proposes no site plan or building footprint change, and the existing business otherwise meets building size and dimensional setback requirements. (Sec. 60-500). Accessory use would not make the building less conforming.

IV. CHAPTER 60 ARTICLE XVI DIVISION 3 – SPECIAL EXCEPTION

Staff believes that the applicant's proposal to provide a doggie daycare among other dog-related services as an accessory use to the existing grooming business and retail store meets requirements for the Planning Board to grant a Special Exception for the zoning provided it remains less than the primary use.

The additional accessory use will not impose any traffic hazard as the daycare will be offered only to clients who travel to and from Camp K9 for other services, primarily grooming, currently. The accessory daycare would allow owners to leave their animals for services during the day while they go to work or attend to their other business.

The Special Exception sought would not alter the character of the neighborhood nor will it alter the City's master development plan. The parcel in question is in the GB zone. There is no proposed building footprint change for this business which meets all the requirements of the General Business (GB) zone considering that the structure is grandfathered. The parcel abuts the Urban Residential District to the rear and one side, and other GB parcels to the other side and front matching the zoning of all parcels on Center Street.

Stormwater management complies with section 60-1302(14), There is current sewage connection and water connection, and the City does not anticipate that this change will deplete any city resources.

Staff recommends that a kennel is an appropriate accessory use to the existing grooming business provided that the number of dogs does not exceed the primary use of the dog grooming business. There is precedent to show that a kennel can be seen as a part of a business providing other pet services. 65 Washington Street (PID 220-085), also located in formerly zoned GB zone sets a precedent for this conclusion. Staff therefore concludes that the kennel as an accessory use would fit the General Business District which is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area (Sec. 60-498). The precedent of allowing other kennels in this zone as an accessory use renders this proposal a normal accessory use compatible with this zone. Significant measures to ensure that this accessory use will not impose a problem that the existing business does not potentially create (see Admittance Plan and Noise Control Mitigation below).

This accessory use would not hinder the city's master development plan.

V. PEER REVIEW

Water and Sewer District: No comment.

Engineering Department: No comment.

Fire Department: No comment.

Planning and Permitting Department: There is a solid fence lining three of four sides of each of the outside play areas. The remaining side is not solid allowing line of site to the driveway and to the residences lining Broadview Ave. To avoid a possible barking nuisance from the dogs flocking to the visually unobstructed part of the fence, staff requests that the applicant extend a similar solid fence on the remaining edges or install slats to reduce visibility. The applicant has agreed to install screening in any remaining visible area, including the gate.

Staff also suggests that the applicant outline a mitigation plan in the case that there is excessive barking after the measures laid out in the application are applied. The applicant has noted that the dogs will be separated by size and will be brought into the house if they demonstrate nuisance barking. The applicant also notes that the dogs they receive are screened for any aggressive or nuisance behavior and the applicant notes that they only want to accept gentle breeds.

The applicant provided a noise and nuisance mitigation and corrective plan attached to this report as well as a waste management plan provided at the planning board meeting. In addition, staff asked the applicant to include additional buffers and limit the area of outside dog yard to be included away from the existing residential areas. No additional lighting is being proposed within the parking lot with minimal solar wall pack lighting on the building is being proposed.

The business is proposed to be open from 7AM to 7PM at the latest for a limited number of dogs with extenuating circumstances (i.e., the owner got out of work late, etc.)

Police Department: No comment.

Public Works/Traffic: No comment.

VI. FINDINGS AND SUMMARY

1. That the business is to remain primarily grooming and retail. The dog kennel is an accessory for use. The existing use is the primary one, so the following findings should be considered:
2. The zoning ordinance contains no specific requirements for retail use like that being proposed.
3. The Special Exception sought will not aggravate a traffic hazard, a fire hazard, or another safety hazard.
4. The proposed special exception sought will not block or hamper the Master Development Plan pattern of highway circulation or of planned major public or semipublic land acquisition.
5. The subject property is situated in a General Business (GB) district and the proposed use is consistent with this zoning classification. The exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of the property adjoining and neighboring the property under application.
6. The proposed use is on an existing lot within an existing building.
7. The standards being imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of Chapter 60.
8. All essential city services, which will be required for the project, are presently available or can be made available without disrupting the City's Master Development Plan.
9. It has been determined that the proposed project satisfies the objectives of the Special Exception review and will constitute a suitable development and will not result in a detriment to the neighborhood or the environment. This determination is based upon the above noted findings.
10. Staff believes that Camp K9 will safely harbor the dogs and make all reasonable provisions to limit barking nuisances as listed in the mitigation plan attached.

VII. SUGGESTED MOTION

I make a motion to approve the grant the special exception to Camp K9, LLC at 314 Center Street, Parcel 271-021 to allow a doggie daycare and taxi service for up to 20 dogs with the following **conditions**:

1. Business hours shall be limited from 7:00AM to 7:00PM.
2. The entirety of the perimeter of the outside fenced area shall be shielded with a solid fence or fencing accessory/cover.
3. There should not be, at any one time, less than the number present for grooming on any given day and limiting outdoor use to 1/3 or (max 6 dogs) at one time.
4. Adhere to the plan in place for alleviating any barking nuisance resulting from the doggie daycare.
5. Adhere to the waste plan to address pet waste generated on site.
6. Add or keep existing buffers and limit the outside dog area to the area identified on the Plan.
7. Garage to be used as on-site storage/residential and not for the business.
8. Cannot expand the dog yard without Planning Board approval.