



City of Auburn, Maine

Office of Planning & Permitting

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To: Auburn Planning Board

From: Katherine A Cook, Planning Coordinator

RE: Camp K9, LLC Zoning Exception

August 9, 2022

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.

The zoning exception is requested primarily to allow a doggie daycare as an accessory use other services Camp K9 currently offers. The Special Exception sought would allow an addition of daycare, training, and taxi services to and from the facility. A retail use like a pet store and grooming facility is permitted in this zoning district, however, adding a dog daycare to such a business has been brought before the Board in the past and warrants input from the public through the Planning Board’s public 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 then includes businesses that keep and board dogs without a specified amount existing 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 play areas for big dogs only and another for small dogs only. The applicant hopes to identify any negative or problematic behaviors before the dogs are admitted. These measures include an initial application, and interview process between the dog and staff, and a test initiation 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.

II. PLANNING BOARD ACTION

Staff suggests the Board review the proposed expansion considering the applicable ordinances and precedent from other pet grooming and retail stores, consider this use in alignment with the 2021 Comprehensive Plan and hold a public hearing.

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 similar to 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). The accessory use would not make the building more non-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.

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 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 requirements of the General Business (GB) zone considering that the structure is grandfathered. The parcel abuts the Urban Residential District to the rear and once 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 believes that a kennel is an appropriate accessory use to the existing 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 GB 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 (see Admittance Plan and Noise Control Mitigation below).

It 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.

Staff requests a lighting plan featuring full cut-off luminaires at the exterior of the building as well as a description of the hours of operation. The applicant agreed on extending the lighting to the back of the building and adding cut-off luminaries. 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 proposal is not primarily grooming, and retail and the dog kennel is/ is not an accessory use. If the existing use is the primary one, then 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 29.

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 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 and 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 dup to 30 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 shall not be, at any one time, more than 30 dogs on this premises.
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.