



Notice of Decision for a Conditional Use

Wagly Facility CUP – CUP2016-00184

Project Description: The proposed project is a Change of Use and Interior Tenant Improvement from the previously approved Specialty Retail use to an Animal Medical Office/Clinic facility in the 13,589 square foot tenant space located on Lot 2, Building 3, Level 2 at The Village at Sammamish Town Center. This facility will provide an “all-in-one” facility that allows pets to receive veterinary care, grooming services and kennel/daycare services. Regular facility hours are from 7:00am to 9:00pm Monday through Sunday with 21 staff members (8 at the vet clinic and 13 within the grooming and daycare facility) on any given work shift. However, the facility will have someone on staff while the facility is closed to the public (overnight) as the facility will provide overnight boarding and veterinary care services with a reduced staff of 3 or 4 persons.

The applicant (Michael Williams) applied for the above project on June 14, 2016. On September 9, 2016, the City issued a Notice of Application, which identified a public comment period from September 9, 2016 through September 30, 2016. The City issued this Notice of Decision on October 4, 2016 and public notice has been provided via: mailed notice to property owners within 1,000 feet of the subject site, a sign posted on the subject site, and by placing a legal notice in the local newspaper. The application has been **Approved with Conditions**.

Applicant: Michael Williams
Public Comment Period: September 9, 2016 through September 30, 2016
Project Location: 22650 SE 4th St, Suite 200, Sammamish, WA. 98074
Tax Parcel Number: 7527050020
SEPA Review: The City has determined that the development proposal is exempt from SEPA review.
Public Hearing: A Public hearing is not required for this project.
Appeal Period: **October 4, 2016** through **October 25, 2016**
Staff Member Assigned: Tracy Cui, Associate Planner
(425) 295-0523
tcui@sammamish.us

Inquiries regarding the application, comment period, decision and appeal process as well as requests to view documents pertinent to the proposal may be made at the Sammamish City Hall at 801 - 228th Ave SE, Sammamish, WA 98075 (Tel: 425.295.0500) during normal business hours, Monday through Friday, 8:30 a.m. to 5:00 p.m.

Note: Mediation of disputes is available pursuant to SMC 20.20. Requests for mediation should be made as soon as it is determined the disputed issue(s) cannot be resolved by direct negotiation. Please contact the Department of Community Development for additional information on the Land Use Mediation Program.



**City of Sammamish
WAGLY FACILITY**

Type 2 Land Use Decision – Conditional Use Permit #CUP2016-00184

Findings and Conclusions / Decision / Conditions of Approval

Applicant: Michael Williams
15400 SE 30th Place, Suite 205
Bellevue, WA 98007

Representative: Architectural Werks Inc. /Franklin Ng
11416 98th Avenue NE, Suite 200
Kirkland, WA 98033

Address: **22650 SE 4th Street, Suite 200**

Parcel(s): 7527050020

CUP Decision: Approved with conditions

Date of CUP Decision: October 4, 2016

Proposal:

This is a proposal to locate a new Wagly animal clinic and animal kennel/daycare within the City of Sammamish TC-A and TC-B zones. The proposed Wagly facility would be an initial tenant buildout of a 13,589 square foot tenant space located on Lot 2, Building 3, Level 2 at The Village at Sammamish Town Center. The tenant space was recently constructed as part of The Village at Sammamish Town Center site development project, a mixed use development that includes retail, commercial, and residential units as allowed through approval of a Unified Zone Development Plan (UZDP - City of Sammamish File #UZDP2014-00263). The proposed location of the Wagly facility was previously approved through the UZDP process as a Specialty Retail use (drug store). The applicant is requesting Conditional Use Permit approval to locate an Animal Medical Office/Clinic facility in this space to replace the Specialty Retail use (drug store). This facility will provide an "all-in-one" facility that allows pets to receive veterinary care, grooming services and kennel/daycare services.

This **Conditional Use Permit** is granted approval based upon the findings and conclusions of this staff report and subject to the **Conditions of Approval** contained in this report. The decision to approve this proposal has been based upon requirements stated in the Sammamish Municipal Code, the Sammamish Comprehensive Plan, Sammamish Public Works Standards, current information the applicant has provided about the subject property, and the case file contents. In addition to City of Sammamish development standards, the applicant is required to comply with all applicable state and federal regulations. The approval is based upon information provided by the applicant; erroneous or incomplete information may lead to the revocation or voiding of the conditional use permit approval.

Findings of Fact:

1. The applicant submitted a base land use application (Exhibit 1) and acceptance of financial responsibility for project fees on June 27, 2016.
2. The proposed use is not called out in the permitted use tables either by definition or SIC code. Based upon a discussion between the Community Development Director, Jeffrey Thomas, and a former Senior Planner, Evan Maxim, the Director determined, pursuant to SMC 21B.05.080(4) that the proposed use most closely is designated under SIC code 0752. However, SIC code 0752 excludes veterinary services. Therefore, the Director determined that a conditional use permit is the proper way to review this proposed land use. (Exhibit 2 and 3)
3. A neighborhood meeting was held on June 1, 2016 pursuant to SMC 20.20.050. (Exhibit 4)
4. The subject property is located at 22650 SE 4th Street, Suite 200, Sammamish, Washington; further described as King County Assessor's parcel # 7527050020; located on Lot 2, Building 3, and Level 2 at The Village at Sammamish Town Center. (Exhibit 5)
5. The Village at Sammamish Town Center is being constructed. All street improvements will be completed as a part of the Village. (Exhibit 6)
6. A Traffic impact analysis was submitted on June 27, 2016. (Exhibit 7) The pet facility is proposed to occupy the same 13,589 square foot space originally planned for a drug store (without a drive-through window). The analysis finds that the proposed use will have less traffic impact than the originally permitted drug store use, and there will not be any increase in Traffic Impact Fees. The Public Works staff completed review and have no comments on the proposal.
7. As prescribed by SMC 20.05.020 CUPs are processed as a Type 2 permit in accordance with SMC Title 20. SMC 21A.110.040 establishes the review criteria for conditional use permits.
8. The applicant representative, Franklin Ng, applied for a conditional use permit, on June 14, 2016. On September 9, 2016, a Notice of Application was mailed and posted onsite in accordance with the SMC 20.05 requirements. (Exhibit 8)
9. The Notice of Application identified a public comment period for the proposal, extending from September 9, 2016 through September 30, 2016; one public comment was received during the comment period. (Exhibit 9) Puget Sound Clean Air Agency (PSCAA) questioned if the pet facility will be operating a sterilizer onsite. It has been determined that a permit will not be necessary from PSCAA.
10. **Zoning.** Current zoning of the subject property is TC-B; surrounding properties are zoned TC-B and TC A-1.
11. The development plan set (Exhibit 10), received by the City on June 27, 2016 indicates that no exterior work to be done, and interior renovations to include new stud wall partitions, GYP. Wallboard, millwork, flooring, acoustic ceiling system, and new electrical, mechanical and plumbing system. The applicant is proposed to utilize sound mitigation practices, such as supplementing exterior walls with additional sound isolation measures and supplementing exterior windows with additional walls/glazing where animals are kept. There is soundproofed insulation planned for the interior conditions where animal areas are adjacent the exterior walls as well as selected interior walls to isolate sound with the service areas.

12. **State Environmental Policy Act (SEPA).** The proposal is exempt from SEPA review. The site was originally approved for Specialty Retail uses and was proposed to be occupied with a drug store within The Village at Sammamish Town Center under UZDP2014-00263. A SEPA Determination of Non-Significance (DNS) has been issued for the project on May 12, 2015 (Exhibit 11). The SPEA review was conducted using the Optional SEPA process pursuant to WAC 197-11-355. Staff determined that the impacts associated with the new proposal (pet facility) have been adequately evaluated in a previously issued SEPA document, the document should be adopted to satisfy the requirements of SEPA.
13. **Utilities.** A Certificate of Water and Sewer Availability will be required at the time of building permit (tenant improvement) application.
14. **SMC 21A.40 Development Standards-Parking and Circulation.** The parking requirement for Medical Offices and General Services are 1 stall per 300 SF. For this pet facility as proposed, a minimum of 46 parking stalls (13,459 SF / 300) are required. The traffic impact analysis notes that the new proposed use will generate less trips than a standard retail use (the formerly proposed drug store, also calculated at 1 stall per 300 s.f.). Additionally, because the project is within an approved UZDP, there is a shared parking agreement. (Exhibit 12) Lastly, in the approved UZDP, a minimum of 601 parking stalls are required. However, a total of 635 parking stalls are planned for the overall development, which is more than what is required for the fully developed project which previously included the Drug Store. (Exhibit 13)
16. **Conditional Use Criteria.** In accordance with SMC 21A.110.040 (1-7) conditional use permit requirements, a CUP shall be granted by the City only if the applicant demonstrates the conditional use permit requirements are met. (Exhibit 14)

- (1) The conditional use is designed in a manner that is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property.

The proposed project will occupy a previously constructed shell building within The Village at Sammamish Town Center development. All construction will be interior to the space and there will be no exterior changes to the existing shell building other than the addition of the customary tenant signage allowed within the confines of the City regulations and therefore not affect the character or appearance of the center or vicinity of the center.

According to the applicant, Wagly will likely install exterior blade signs and channel letter signs above and/or on the exterior storefront and/or on the building the facility is located within that meet the City's regulations per code section 21B.45 and comply with the approved UZDP conditions and Center regulations. It is also likely that signage will be placed within the Center's common area Monument sign(s) and within their own storefront (windows signs, max. of 25% of window area). There will be a combination of lit and unlit signs as dictated and allowed by code. The sign package, while nowhere near started or finalized, will be submitted to the City for review and shall meet the Town Center Design Review guidelines and all City regulations for size, placement, material and colors.

Criterion 1 is met.

- (2) The location, size, and height of the buildings, structures, walls and fences and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties.

As noted previously, the scope of work for Wagly will be confined to an interior tenant improvement and will not affect the exterior or site related characteristics of the center, nor will this use affect the circulation within the neighborhood or discourage the development of neighboring properties.

The site is zoned TC-B (mixed residential). The purpose is to implement Town Center Plan goals and policies by providing for areas with a mixture of housing types that support the desired activities of adjacent mixed-use zones, including providing the opportunity for commercial uses for those areas adjacent to TC-A zones provided the subject property is developed as part of an approved Unified Zone Development Plan (reference UZDP2014-00263). This proposed pet facility is appropriate for lands designated by the Comprehensive Plan and Town Center Plan as Town Center B (TC-B).

Criterion 2 is met.

- (3) The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property.

The proposed use is designed to remain confined within the shell space and will not affect the physical characteristic of the existing center.

Criterion 3 is met.

- (4) Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title.

The applicant is not requesting modifications to any standards. Medical Offices and Clinics are allowed within the development as long as there is an approved Unified Zone Development Plan for this site (please reference UZDP2014-00263) and this parcel is contiguous to a TC A-1 zone per SMC 21B.20.060.

All of the functions that Wagly conducts are indoors. The applicant is proposed to utilize sound mitigation practices, such as supplementing exterior walls with additional sound isolation measures and supplementing exterior windows with additional walls/glazing where animals are kept. There is soundproofed insulation planned for the interior conditions where animal areas are adjacent the exterior walls as well as selected interior walls to isolate sound with the service areas.

According to the applicant, dogs will be exercised within the facility even when at full capacity. While an event that causes full capacity happens only a few times a year, the dogs will still be exercised within the open areas created by the kennels and bins (mainly at the Camp/Board rooms) and at the Play areas, coordinated by a schedule. Note that the kennels and bins, when not in use, are folded against the walls within the Camp/Board Rooms creating more space for animals to exercise. (Exhibit 15)

Criterion 4 is met.

- (5) The conditional use is not in conflict with the health and safety of the community.

After review by the City and local agencies, it has been determined that the project poses no health or safety risks to the community. In fact, the services provided will help enhance the experience for community neighbors that own pets as there will be a facility that provides medical care, exercise, grooming and supervised daycare of family pets in one location. Pet

care is as highly important to the owners of pets as is medical care for themselves and therefore is in-step with the community' sense of health and safety.

Questions have been raised by staff about pet waste disposal for the proposed facility. According to the applicant, pet waste will generally be collected via a central wet/dry vacuum system (Exhibit 16). There are typically two systems in a facility the size proposed. The hose and fixture at the user-end will suck up all waste to a centrally located tank mounted in a room. The waste is then treated and broken down with water and a solution within the central tank. The waste is then "flushed" from the tank into the sanitary system via a mop sink. Other waste, such as pet hair/fur from the grooming and bathing areas, normal business paper waste and recyclables will be collected and disposed of within the Center's designated trash and recycling areas.

Criterion 5 is met.

- (6) The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

The proposed use will not create or intensify the pedestrian and vehicular traffic associated with the center. The use is designed to fit into the existing center's vehicular parking and traffic patterns as well as the center's pedestrian traffic strategy. The use will utilize existing parking stalls and garages and pedestrian walkways to accommodate the facility's customers.

Criterion 6 is met.

- (7) The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

The proposed use will utilize the facilities and utility services supplied the developer of the center. As such, since the developer has already assessed the overall demand for public facilities and services and thusly provided them with center. Water and sewer certificates of availability are required at the time of building permit submittal.

Parks and Recreation Department provided comments and indicated that city park facilities are not allowed for business use. Per SMC 7.12.150, "The use of park facilities for financial gain shall be allowed only through concession contracts secured by the City's competitive bid process, negotiated concession contracts or by special use permit issued by the department."

Criterion 7 is met.

Summary:

Based upon the findings and conclusions contained herein, the City of Sammamish has determined that CUP application CUP2016-00184 complies with SMC 21A.110.040 Conditional Use Permit decision criteria 1 through 7.

Decision / Conditions of Approval:

The City of Sammamish hereby **APPROVES** the Conditional Use Permit (CUP) for the above-described proposal. Approval of this application is based upon the exhibits of this staff report, contents of the case file, and is subject to the following conditions of approval:

1. Per SMC 21A.100.060 the establishment of the use authorized pursuant to this conditional use permit shall occur within two years of the effective date of the decision;
2. City park facilities shall not be used for the proposed commercial activity;
3. The applicant shall comply with all federal, state, or local statutes, ordinances, rules, or regulations applicable to this project;
4. The use of the property is limited to the activities as described in the submitted application;
5. Issuance of this Conditional Use Permit does not impliedly or expressly guarantee the approval of any related permits, including but not limited to, building permits, electrical permits, etc.

 For Jeffrey Thomas
By: Jeffrey Thomas, Community Development Department Director

10/4/2016
Date

Exhibit List:

1. Base land use application
2. Project narrative from Aaron Laing
3. Email correspondence dated March 14, 2016
4. Neighborhood meeting
5. Legal description
6. UZDP2014-00263 staff report
7. Traffic impact analysis
8. Affidavit of mailing, posting and publishing
9. Comment from PSCAA
10. Development plan set
11. DNS (UZDP2014-00263)
12. Declaration of easements with covenants restrictions
13. Code compliance narrative for parking and circulation
14. CUP criterion compliance narrative from applicant
15. Exercise areas plan
16. CycloVac cleaning system