



Planning Commission Agenda

Thursday, April 18, 2024

Regular Meeting – 6:30 P.M.

Frederick Town Hall

401 Locust St.

Built On What Matters

In order to promote social distancing and to protect the health and safety of our Commission members, staff, and community this meeting will be hybrid and conducted via Zoom and in person.

Interested parties are encouraged to access the meeting via Zoom or in person at Town Hall.

The meeting information is as follows:

Microsoft Teams meeting

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Meeting ID: 229 286 565 79

Passcode: GXuhzM

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Please contact Assistant Town Clerk- Records Emily Nitcher with questions regarding the meeting. 720-382-5582 or enitcher@frederickco.gov

Call to Order – Roll Call

Pledge of Allegiance

Additions to the Agenda

Action Agenda

- A. Consideration of the Hounds Town. 3771 Monarch Street, Suite E, Conditional Use Request

Discussion Item

Other Business

Adjournment



TOWN OF FREDERICK Planning Commission

Tracy Moe, Chairman

Dennis Stark, Alternate Commissioner
William Mahoney, Alternate Commissioner
Roger Kelley, Commissioner

Kristin Conroy, Vice-Chairman
Nathan Scott, Commissioner
Joseph Sammartino, Commissioner

Consideration of the Hounds Town, 3771 Monarch Street, Suite E, Conditional Use Request

Agenda Date: Planning Commission – April 18, 2024

Attachments:

- a. Letter of Intent
- b. Resolution PCR-2024-01B
- c. Public Comment

Submitted by: Audem Gonzales
Senior Planner

Strategic Plan Alignment:



2. Community and Economic Vitality

Frederick is a community that fosters economic, recreational, cultural, and environmental vitality and builds upon and enhances a variety of economic opportunities.

Summary Statement:

The applicant for Hounds Town (indoor dog daycare and kenneling facility) is seeking Conditional Use approval for a tenant space located at 3771 Monarch Street, Suite E within the Town of Frederick. The “Kennel, Indoor” use is permitted as a Conditional Use within the I-Industrial zoning district.

Background Information:

Applicant: Hounds Town
Representative, Daniel Gerner
1457 Lombardi Street, Erie CO, 80516

Owner: Craig Bustos
191 University Boulevard, Suite 601, Denver CO, 80206

Location: The property is addressed as 3771 Monarch, Suite E and is generally located at the southwest intersection of I-25 and Colorado Highway 52. The legal description of the property is Lot 5, Block 4, Glacier Business Park Amended First Filing

Zoning: The property is zoned I-Industrial

Surrounding Land Uses and Zoning:

North: Land Use: Vacant
Zoning: BLI – Business Light Industrial

South: Land Use: Overflow outdoor storage for 4Rivers Equipment
Zoning: I- Industrial

West: Land Use: Multi-tenant industrial building with multiple users
Zoning: I-Industrial

East: Land Use: Interstate 25
Zoning: N/A

Vicinity Map:





Detail of Issue/Request:

Hounds Town is proposing to operate an indoor dog daycare and kenneling facility within an existing multi-tenant industrial building. Per the letter of intent, they plan on operating 7 days a week; 6am to 7pm M-F, 7am -7pm Saturday and 9am -5pm on Sunday. The proposal calls for constructing kennels for overnight guests and constructing 5 large indoor dog pens for day use. The applicant stated the tenant finish out will include an office and laundry room. The tenant space is approximately 5,000 square feet.

Review Criteria:

Section 4.9.4.c – Conditional Use review criteria

- (1) The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.

Staff Comment: The request satisfies the applicable provisions of this Code and subdivision regulations.

- (2) The conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan; provided, that if a Comprehensive Plan update has not occurred in the five (5) years preceding the application date, the Board may consider instead the impacts of the conditional use on public health, safety, and welfare, including but not limited to its anticipated impacts on the balance of land uses in the Town and the need for the conditional use in the context in which it is proposed.

Staff Comment: The use is listed as conditional use in the zoning district. The zoning district is aligned with the Comprehensive Plan land use map. Staff believes this request conforms with and furthers the goals of the Comprehensive Plan.

- (3) The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse

collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

Staff Comment: The building currently exists and has operated for several years. The site is adequately served by the applicable services listed above. An indoor dog daycare and kennel does not require additional services.

- (4) The conditional use will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district.

Staff Comment: The lot and surrounding area is a mix of uses ranging from indoor gyms to outdoor storage. Other uses in the area include athletic training facilities and a golf cart sales facility. The industrial zoning district permits several non-industrial uses. The proposed use is located indoors and is not anticipated to alter the basic character of the area.

- (5) The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

Staff Comment: A Kennel, Indoor use generates very little parking demand. The overall site contains around 45 parking spaces. The proposed use triggers the need for around 8 parking spaces. There appears to be three other business located within this building. Staff finds the proposed use to be one of the least intensive parking demand uses in this building. The applicant stated 10 parking spaces are allotted to the dog daycare/kennel facility.

- (6) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- (a) Traffic; *The applicant stated the business will see between 30-40 cars per day and will have 10 spaces allotted to the business. The 10 spaces will meet the parking demands for the use.*
- (b) Activity levels; *The applicant stated they will receive between 30-40 cars per day with short drop off and pick up times per customer. It is anticipated each customer will spend 3-4 minutes for drop off and again for pick up. Staff finds this level of activity to be normal for this type of business.*
- (c) Light; *The applicant stated they are not proposing any new outdoor lighting.*
- (d) Noise; *The applicant stated they will be adding sound proofing measures to the interior of the tenant space. Staff has confirmed there is an active building permit application with tenant space alterations proposed. The applicant is proposing to extend a party wall to the ceiling between their tenant space and the tenant space directly to the north. Closing off their space entirely will help mitigate noise and potential odors.*
- (e) Odor; *The applicant stated they will use sealed bags for dog waste and will utilize the dumpster behind the building daily. Also, they plan on extending the existing party wall to the ceiling to fully enclose the space and create a buffer between tenant spaces.*
- (f) Building type, style and scale; *There are no external changes proposed to the existing multi-tenant building.*
- (g) Hours of operation; *The applicant stated the hours are from 6am to 7pm M-F, 7am -7pm Saturday and 9am -5pm on Sunday. Staff finds these hours to be within normal business hours.*
- (h) Dust; *There is no dust anticipated with this proposal outside of the tenant space construction.*
- (i) Erosion control. *N/A*

- (7) The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained.

Staff Comment: The applicant is required to apply for a building permit for a tenant finish out.

Public Notice: This project was properly noticed according to the requirements found in C.R.S. §24-6-402(2)(c). Staff has received one public comment in the form of an email from the business located directly north of the proposed dog daycare/kennel. Their concerns include noise, odor and lack of adequate parking.

Legal Comments: The Town's Land Use Attorney has reviewed the request and provided comments.

Conditional Use Process: Conditional Use proposals require a public hearing process before the Planning Commission and Town Board of Trustees. The Planning Commission makes a recommendation to the Board of Trustees as the BOT is the decision maker for these applications.

Staff Recommendation: Staff recommends the Planning Commission recommend approval with conditions to the Board of Trustees. See the recommended conditions below:

1. The applicant shall install sufficient sound mitigation measures within the tenant space.
2. An approved building permit shall be required before the Kennel, Indoor use can move into the tenant space.
3. The applicant shall provide staff with the parking agreement between the owner of the building and Hounds Town before any building permit is issued.

Alternatives/Options:

Approval:

I move to approve PCR-2024-01, which recommends approval of the Hounds Town, 3771 Monarch Street, Suite E, Conditional Use to the Board of Trustees.

Approval with Conditions:

I move to approve PCR-2024-01B, which recommends approval of the Hounds Town, 3771 Monarch Street, Suite E, Conditional Use to the Board of Trustees with the following conditions; 1. The applicant shall install sufficient sound mitigation measures within the tenant space. 2. An approved building permit shall be required before the Kennel, Indoor use can move into the tenant space. 3. The applicant shall provide staff with the parking agreement between the owner of the building and Hounds Town before any building permit is issued.

Denial:

I move to approve PCR-2024-01C, which recommends denial of the Hounds Town, 3771 Monarch Street, Suite E, Conditional Use to the Board of Trustees.

Financial Considerations:

Not Applicable.

January 8, 2024

Dear Town of Frederick,

Thank you for your consideration of the Hounds town - Conditional use and site plan amendment for 3771 Monarch St. Suite E. We plan on operating a dog daycare and kenneling facility at this location. We will operate seven days a week from 6 am till 7 pm. We will construct kennels for overnight guests to stay in and five large indoor pens for the dogs to be in during the day. We will also have an office and laundry room built.

a) Traffic;

The business will see between 30-40 cars a day. We have ten assigned parking spots. There are also auxiliary parking spaces available. Most clients will not stay longer than 3-4 minutes per visit as they pick up and drop off their dogs..

(b) Activity levels;

Between 20-30 guests a day with an average visit to the facility of about 3-4 minutes each.

(c) Light;

There will be no alteration to any outside lighting nor any addition windows installed.

(d) Noise;

We will be building sound mitigation barriers to keep any sound coming from the facility to a minimum

(e) Odor;

All waste matter will be contained in sealed bags and keep in a dumpster

(f) Building type, style and scale;

No new building will be constructed. Existing building is light industrial flex building.

(g) Hours of operation;

6 am - 7 pm Monday -Friday, 7am - 7 pm Saturday, Sunday 9 am - 5 pm

(h) Dust; and

No activity at the business will affect this. All construction work will be interior.

(i) Erosion control.

No activity at the business will affect this and no alterations will be done to the exterior of the property..

If you have any questions please feel free to reach out to me at 303-746-3934.

Thank you.

Sincerely,

Dan Gerner
Owner Hounds Town
Dan.Gerner@houndstownusa.com

PCR-2024-01B

A Resolution of the Planning Commission

**Recommending Approval with Conditions for the Hounds Town, 3771 Monarch Street,
Suite E, Conditional Use**

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

- 1.1 An application for the 3771 Monarch Street, Suite E, Conditional Use has been submitted.
- 1.2 Said application was found to be complete through the review process.
- 1.3 Said application was considered during a public meeting held April 18, 2024.
- 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- 1.5 Said application conforms with the applicable requirements of Section 4.9.4 of the Frederick Land Use Code.

Section 2.

- 2.1 A public hearing was held and the public was able to provide testimony.
- 2.2 The Planning Commission recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends approval of the application with the following conditions:

1. The applicant shall install sufficient sound mitigation measures within the tenant space.
2. An approved building permit shall be required before the Kennel, Indoor use can move into the tenant space.
3. The applicant shall provide staff with the parking agreement between the owner of the building and Hounds Town before any building permit is issued.

This resolution approved this 18th day of April, 2024 by a vote of ____ to ____.

Tracy Moe, Chairperson, Planning Commission

From: Chris Johnson <chrisjohnson@cerusfitness.com>
Sent: Monday, January 15, 2024 6:14 PM
To: Ali van Deutekom <AVanDeutekom@frederickco.gov>
Cc: Richard Leeper <richard@cerusfitness.com>
Subject: Re-Zoning Request 3771 Monarch Unit E

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Hi Ali,

I'm writing to express concerns brought to me by customers and also shared by myself and fellow business owners in Unit F & G (Cerus Fitness).

The project which would bring an indoor dog daycare is likely to create several issues that will directly impact our business and also our customers:

- There isn't sufficient parking to support the new business (this is already an issue)
- The area would require animals to defecate indoors. Smell is a concern.
- The area would create a large sound issue with barking (we have a demised wall that has a large gap 2' at the top so we share the same air, sound, etc.).
- Allergens for our allergic customers. We have over 300 customers and given 10 to 20% of the population has allergies to animal fur we expect this to impact and cause us to lose 30 to 60 customers.

We along with our customers are very concerned about the proposed use of the neighboring unit and would ask that the Town does not permit this use of the space. It will have a large negative impact on us financially through loss of customers.

Best,

Chris

--



Chris Johnson
CEO, Cerus Fitness, Inc.

303.775.4260

www.cerusfitness.com

