

# Staff Summary Report



Hearing Officer Hearing Date: 11/02/11

Agenda Item Number: 8

**SUBJECT:** This is a public hearing for a request by **AZ EXOTIC BIRD RESCUE** located at 1290 North Scottsdale Road, Suite No. 130, for one (1) use permit.

**DOCUMENT NAME:** 20111102cdsl07 **PLANNED DEVELOPMENT (0406)**

**COMMENTS:** Request by **RIO SALADO SHOPPING CENTER - ARIZONA EXOTIC BIRD RESCUE INC. (PL110360)** (Curt Scarberry, applicant; P J Properties, property owner) located at 1290 North Scottsdale Road, Suite No. 130 in the PCC-1, Planned Commercial Center Neighborhood District for:

**ZUP11091** Use permit to allow the overnight board of small animals (birds).

**PREPARED BY:** Sherri Lesser, Senior Planner (480-350-8486)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

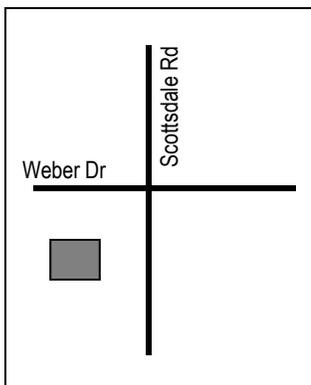
**LEGAL REVIEW BY:** N/A

**DEPARTMENT REVIEW BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

**FISCAL NOTE:** There is no fiscal impact to City funds.

**RECOMMENDATION:** **Staff – Approval , subject to conditions**

**ADDITIONAL INFO:**



This is a request by Exotic Bird Rescue for a use permit to allow overnight boarding of small animals (birds) in the PCC-1 zoning district. The site is located, at the southwest corner of Weber Drive and Scottsdale Road, within the Rio Salado Shopping Center. The Arizona Exotic Bird Rescue occupies a suite at the north end of the shopping center along the Weber Drive frontage. Staff is in support of this use permit request with the finding that it meets the Zoning and Development Code criteria for approval of a use permit. To date, staff received one telephone inquiry in support of this request.

**PAGES:**

1. List of Attachments
2. Comments; Reasons for Approval;
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Floor plan

## COMMENTS:

The Arizona Exotic Bird Rescue is a non-profit avian rescue dedicated to the rescue, rehabilitation, retirement and placement of exotic birds. They state in their letter of explanation that their business was established in 2007 and has existed in this center since September 2011. On average they have approximately 75 birds housed overnight in their facility, some are rescue and some are waiting for adoption. The cleaning and maintenance of the cages occur in the service area on the back side of the shopping center. Their hours of operation are 10 Am -6 Pm; Monday-Saturday.

### Use Permit

The Zoning and Development Code requires a use permit for overnight boarding of small animals (birds) within the PCC-1 Zoning District. The applicant has provided authorization from the property owner for the use. Staff finds the proposed request meets the Zoning and Development Code criteria for approval of a use permit. The business plan as proposed will not create a nuisance for the surrounding properties or businesses. The use is no more intense than other commercial businesses located in the center; there appears to be no nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions. The shopping center is adjacent to single family residential; to date staff received one telephone call from the surrounding area. They are in support of this use in the shopping center.

Evaluating the use permits, the proposal appears to pass the use permit test listed below:

- a) Any significant increase in vehicular or pedestrian traffic in adjacent areas;  
There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b) Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;  
Will not create a nuisance from emission of odor, dust, gas, noise, vibration, smoke, heat or glare.
- c) Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;  
The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
- d) Compatibility with existing surrounding structures and uses;  
The proposed use appears to be compatible with surrounding uses.
- e) Adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public;  
Not applicable to this request.

### Conclusion

Staff recommends approval of the use permit subject to conditions. Should staff receive complaints from the surrounding area regarding the operation of the business; the applicant shall be remanded back to the Hearing Officer for review of the use permit.

**REASON(S) FOR APPROVAL:**

1. The use covered by the permit, the manner of its conduct, and any building which is involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirements, or standards prescribed therefore by the Zoning and Development Code;
2. There appears to be no significant increase in vehicular or pedestrian traffic. The use is no more intense than other commercial businesses located in the center;
3. There appears to be no nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.
4. This use will not contribute to the deterioration of the neighborhood or to the downgrading of property values which, is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan;

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

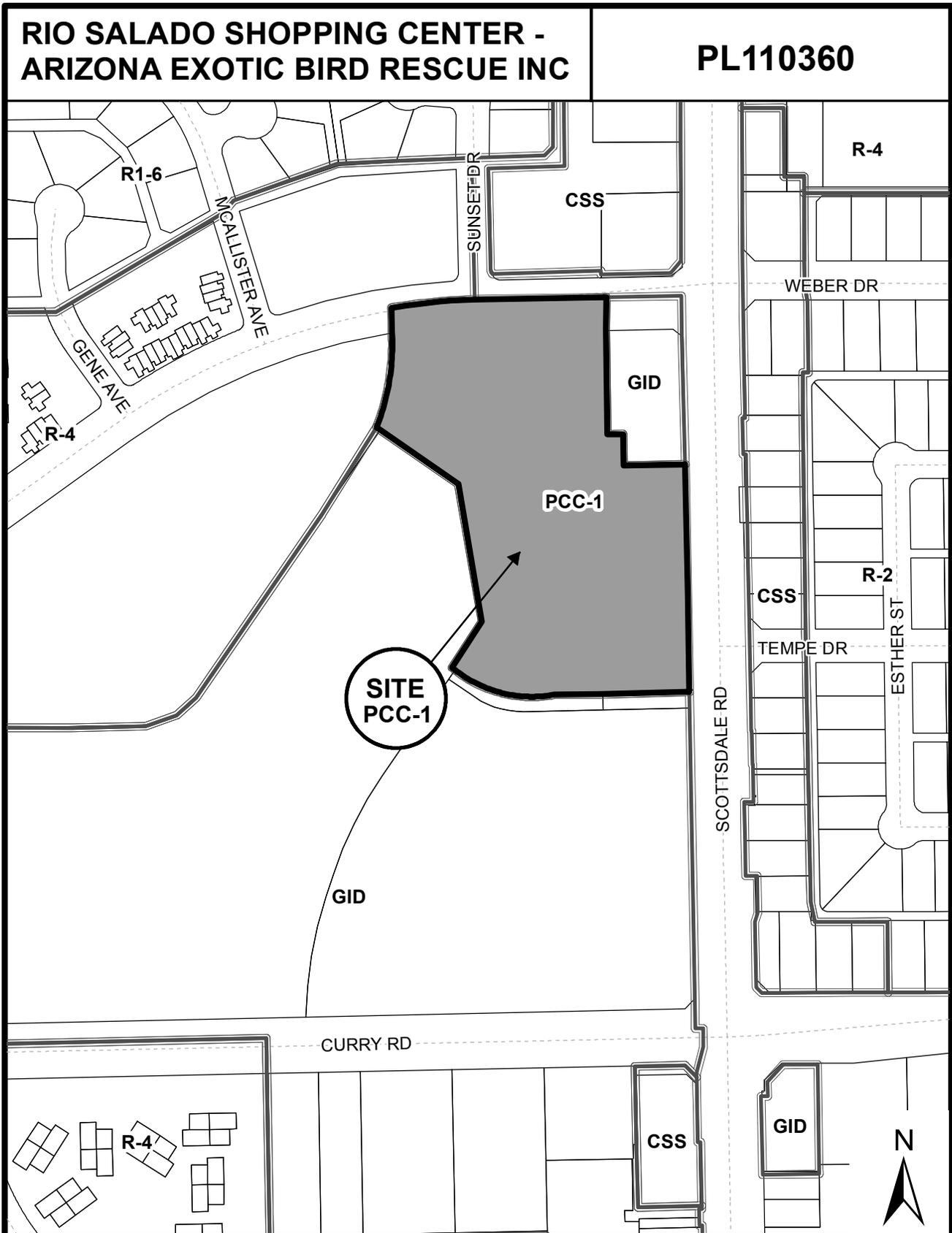
**CONDITION(S) OF APPROVAL:**

1. The use permit is valid for Arizona Exotic Bird Rescue and may be transferable to successors in interest through an administrative review with the Community Development Manager, or designee.
2. No outdoor storage of cages or supplies is allowed.
3. Outdoor cleaning areas to be maintained free of trash and debris.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. Obtain occupancy clearance from Building Safety Division prior to use permit becoming effective.

**HISTORY & FACTS:** None pertinent to this case.

**DESCRIPTION:** Owner – P J Properties  
Applicant – Curt Scarberry  
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District

**ZONING AND DEVELOPMENT CODE REFERENCE:** Part 3, Chapter 2, Section 3-202  
Part 6, Chapter 3, Section 6-308



**Location Map**



**RIO SALADO SHOPPING CENTER - ARIZONA EXOTIC BIRD RESCUE INC.  
(PL110360)**

October 12, 2011

**Arizona Exotic Bird Rescue** is a non-profit avian rescue dedicated to the rescue, rehabilitation, retirement, and placement of companion parrots. **Arizona Exotic Bird Rescue, Inc.** was established, as a non-profit corporation on a state and federal level on November 20<sup>th</sup>, 2007, and opened its Tempe location in September 2011.

We are opened from 10 Am – 6 Pm, Monday thru Saturday and offer bird supplies, grooming and overnight boarding in addition to avian rescue. We have two full time employees, Curt Scarberry/CEO and Tyler Odekirk/Executive Director.

We understand that many loving parrot owners find themselves facing the gut wrenching reality whereby they must surrender their beloved bird. While the facts behind this decision vary we understand how difficult it is to let go. We remain non-judgmental and supportive of your needs as well as those of birds who grace our lives. If you need to home your bird, we can help.

Adopting a parrot is a lifelong responsibility, as many birds out-live their owners. We take special care in matching up our adoptable birds with the right owners to build lasting relationships and forever homes.

Arizona Exotic Bird Rescue, Inc. relies on donations and adoption fees. Without the support of the community, we would not be here. All donations received to the rescue go directly to the care of our rescued birds.

It is our purpose to enhance the lives and well-being of surrendered captive exotic birds by providing superior avian knowledgeable care, excellent nutrition, companionship, veterinary support, and rehabilitation for the correction of aggressive non-social behavior, lifetime sanctuary for the older or handicapped birds and a responsible, loving, home when a bird is determined to be best served by adoption. We maintain one of the strictest rehoming policies in the United States.

We offer support and understanding to those persons who have found themselves in a position whereby they are facing the hardship of surrendering an exotic bird. The vast majority of our birds have come from a loving, caring environment. They have been deeply loved, cherished, family members. The process of living can present many unexpected changes. The decision that one must part with their bird is difficult and emotionally painful. We are committed to improving the lives and welfare of the misunderstood, abused, neglected, abandoned, seriously ill, and aggressive captive exotic birds, by providing protection, rehabilitation, and understanding. We work to educate the public as to the needs of these amazing creatures that grace our lives.



Mr. Curt Scarberry/CEO

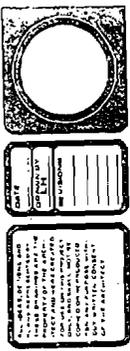
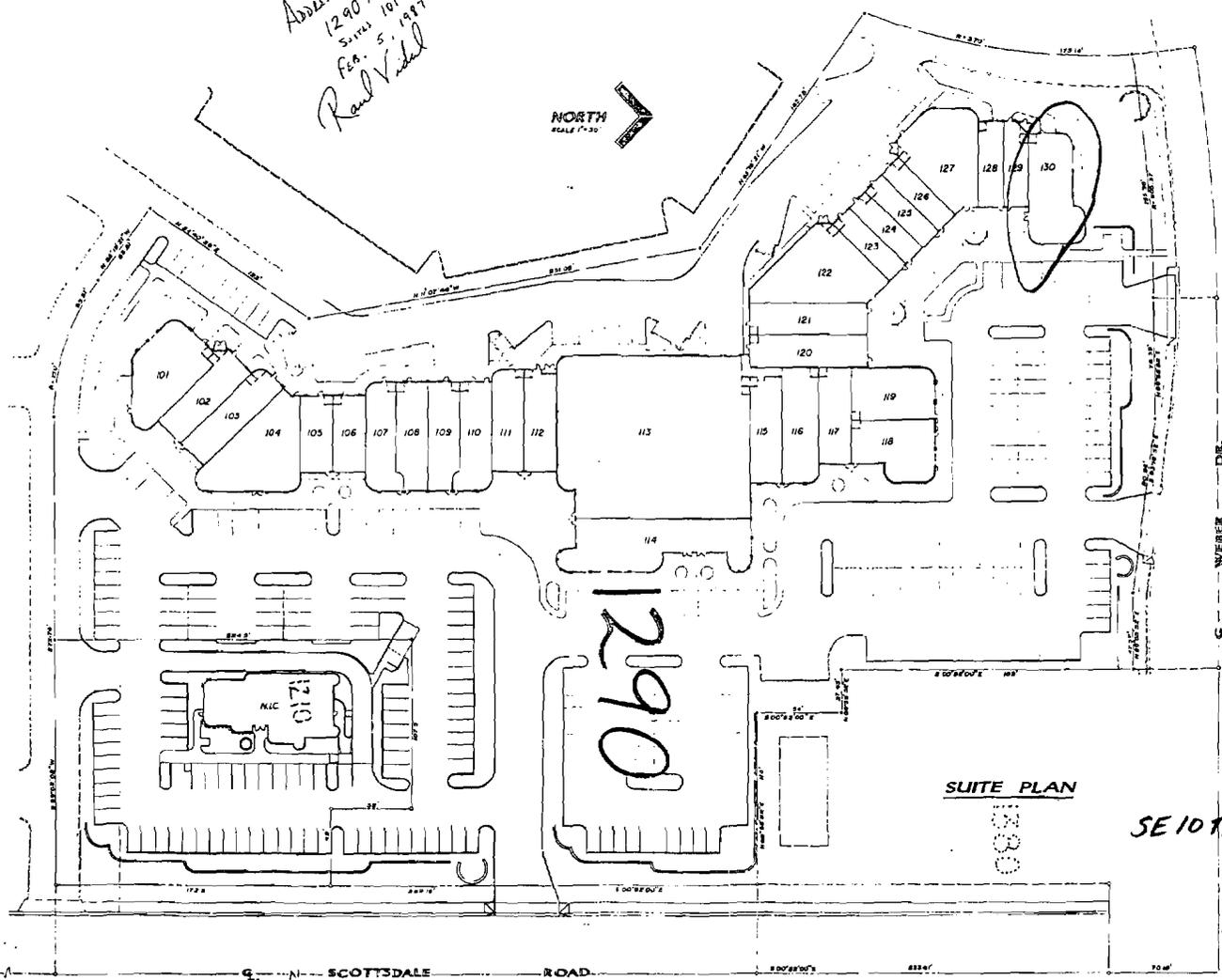
Arizona Exotic Bird Rescue, Inc.

1290 N. Scottsdale Rd Suite 130

Tempe, AZ 85281

Phone: (928) 710-3214

Address:  
 1290 N. Scottsdale Rd.  
 Suite 101 thru 130  
 Feb. 5, 1987  
 Paul Vidal



MERCADO DEL RIO  
 SHOPPING CENTER

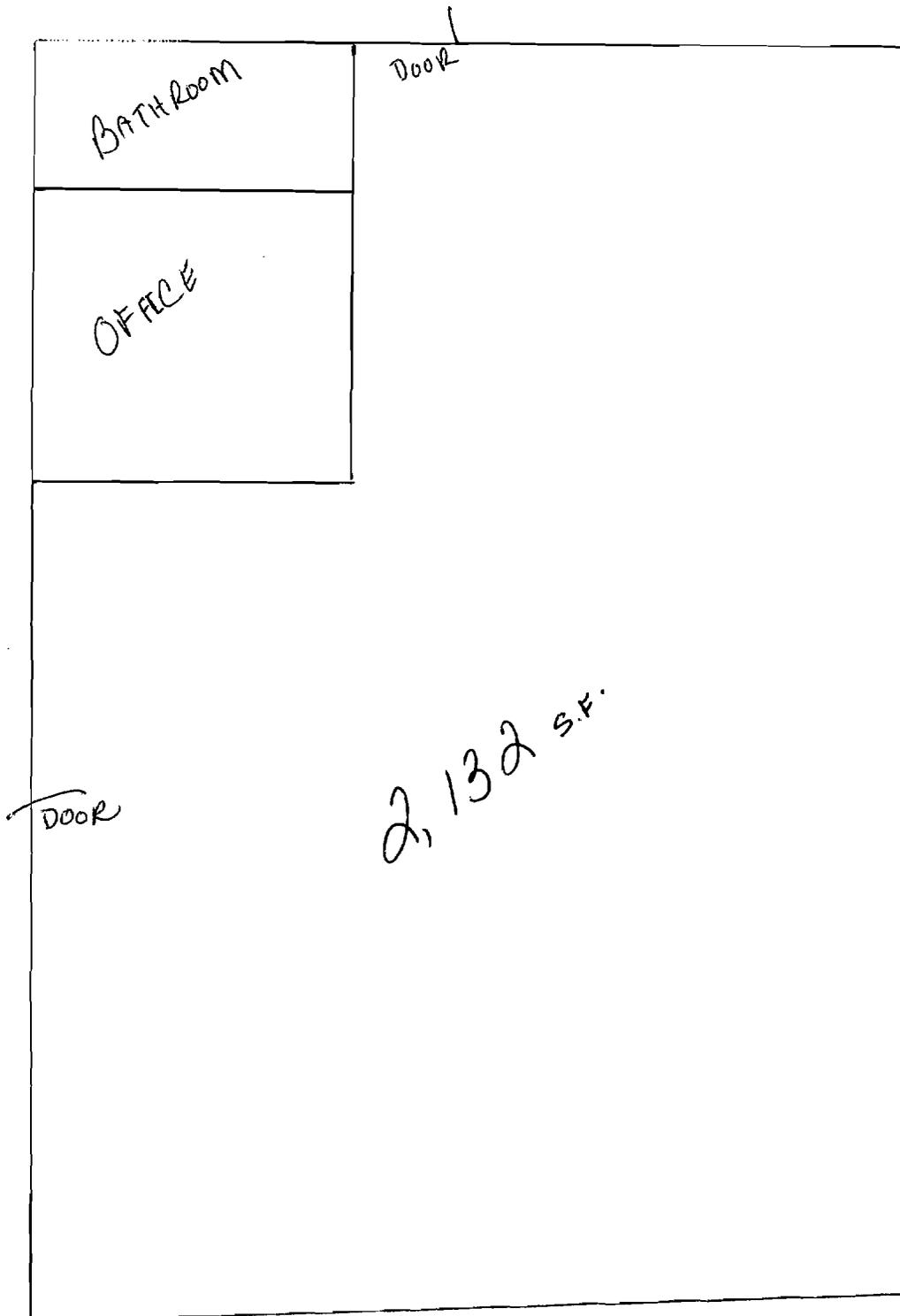
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 ARCHITECTS • PLANNERS • LANDSCAPE ARCHITECTS  
 7077 EAST MAIN, SCOTTSDALE, ARIZONA 85261  
 602-941-3880



1290 N. Scottsdale Rd.

# ARIZONA EXOTIC BIRD RESCUE INC.

## Floor ~~SITE~~ PLAN



NOT TO SCALE