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May 21, 2007

City of Rochester Hills Planning Commission
c/o Mr. Ed Anzek, Planning Department Director
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Subject: **PetSmart Inc.'s Application for a Conditional Use Permit For a Veterinary Facility at 1116 S. Rochester Road, Rochester Hills, MI Our File Number 1021-694**

Dear Mr. Anzek:

I am writing this letter on behalf of my client PetSmart, Inc.

I. Background:

PetSmart currently operates a store at the above-described location. PetSmart has over 900 stores throughout the United States and is the leading operator of retail stores specializing in the sale of pet food, supplies and accessories. The vision of PetSmart is to be the preferred provider for the lifetime needs of pets. In furtherance of this vision, in addition to the retail sales of pet products, PetSmart offers pet grooming, and dog training at this location and is requesting a Conditional Use Permit so that it can locate a veterinary facility at this location. PetSmart maintains a veterinary facility at 621 PetSmart stores throughout the United States. PetSmart will be opening a store at M-59 and Adams Road in Rochester Hills where a veterinary facility and a PetsHotel will be located.

II. The Veterinary Facility:

The PetSmart veterinary facility is a high quality, full service veterinary care facility located within a PetSmart store and operated by PetSmart's Banfield licensed affiliate. The veterinary services are provided by properly licensed professionals and generally consist of outpatient care, routine examinations and vaccinations, pharmacy, dental care, and most surgical procedures. All medical waste is properly contained and handled by experienced qualified

operators in accordance with established policies and local regulations. Boarding or keeping of pets is not offered by the vet as a separate service, however, an overnight stay may be required for the safety and/or well being of a pet.

III. **PetSmart Representations:**

In support of its request for a Conditional Use Permit, PetSmart makes the following representations, which are referred to in this letter in responding to the Zoning Standards for the issuance of a Conditional Use Permit:

A. The floor area for the veterinary facility, set forth on the Fixture Schedule (attached as Exhibit A), will, if approved, occupy 1945 s.f. of the Total Store Area of 26093 s.f. I have included a floor plan illustrating the veterinary health services area. The veterinary facility was constructed as part of the original construction plans, but was never occupied.

B. All activities of the veterinary facility, if approved, will be conducted within a totally enclosed building.

C. The PetSmart building does not abut property zoned for any R, RCD, RM, or MH district.

D. The veterinary facility is a service establishment dealing directly with consumers.

E. There will be no outside storage associated with the veterinary facility.

F. Additional traffic generated from the facility will be negligible. While the result of this store cannot yet be determined, on average the veterinary services account for less than 12% of the sales.

G. There will be no noise or odor present that will result in a nuisance. All operations are conducted within an enclosed building. Currently PetSmart has veterinary facilities in 621 of its 900 stores throughout the country and the operation of the veterinary facilities do not result in complaints from abutting properties or PetSmart customers due to noise or odor.

H. Treatment is limited to household pets - dogs and cats. Presently pets enter the store with their owners as part of the retail business operation, training and grooming. No known complaints exist concerning the pets in the building or parking areas, and therefore none should be expected by adding a veterinary facility at this location.

I. There is no new building or construction proposed or required.

J. Based upon PetSmart's experiences at its other locations, there will be no appreciable increased demand upon police and fire protection by reason of the addition of a veterinary facility at this location.

K. Refuse disposal services are currently provided for the PetSmart store, and based upon the experience at other PetSmart locations which have veterinary services, there will be no appreciable increase in refuse by reason of the addition of a veterinary facility at this location. Any pet waste will be bagged and disposed of as refuse in PetSmart's existing dumpster container or disposed of through the Sanitary Sewer System.

IV. Standard for a Conditional Use Permit for a veterinary facility in a B-3 District:

PetSmart is requesting a recommendation of approval from the Planning Commission to the City Council and approval of a Conditional Use Permit by City Council for the proposed veterinary facility at this location as provided for under Sec. 138-568 of the City of Rochester Hills Zoning Ordinance in a B-3 Zoned District and in support of this request states the following:

All activities of the veterinary facility, if approved, will be conducted within a totally enclosed building as required under Sec. 138-568(6).

V. Zoning Ordinance Standards under Sec. 138.1306. Special and Conditional Land Uses; Discretionary Decisions:

A. Standard: Promote the intent and purpose of this chapter.

Response: Veterinary clinics and hospitals are specifically indicated uses which are permitted in a B-3 district as a conditional use provided all activities of the veterinary hospital or clinic are conducted within an enclosed building.

B. Standard: Be designed, constructed, operated, maintained and managed so as to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use, and the community as a whole.

Response: The veterinary facility will be entirely within an existing PetSmart building and therefore is "designed, constructed" "so as to be

compatible, harmonious and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment". The same is true for how it is "operated." Please see PetSmart Representations III. A, C, E, G and H.

C. Standard Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainageways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.

Response

- Increase in traffic will be negligible. See III. F.
- There will be no issue of drainage. See III. I.
- There will be no appreciable increase demand on police, fire, or refuse disposal. Please see PetSmart Representations III. I, J and K.

D. Standard Not be detrimental, hazardous, or disturbing to existing or future neighboring uses, persons, property or the public welfare.

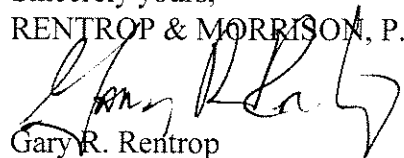
Response Please see III. B, C, D, E, F and G.

E. Standard Does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Response Please see III. F and J.

On behalf of PetSmart, I respectfully request a Conditional Use Permit to allow a veterinary facility, as shown on Exhibit A, at its existing PetSmart store located at 1116 S. Rochester Road.

Sincerely yours,
RENTROP & MORRISON, P.C.


Gary R. Rentrop