



## **Chatham County Planning Board Agenda Notes**

**Date: October 4, 2011**

**Agenda Item: VII. 3.**

**Attachment #: 3**

☐ **Subdivision**      ☒ **Conditional Use Permit-Revision**      ☐ **Rezoning Request**  
☐ **Other:**

<b>Subject:</b>	Request by Sandy Pond Enterprises dba Dogwood Animal Hospital, Parcel No. 18637, Williams Township, located at 51 Vickers Rd., for a revision to the conditional use permit to add an additional 3,500 square foot kennel building and dog runs to the site.
<b>Action Requested:</b>	See Recommendations
<b>Attachments:</b>	1. Application packet provided prior to 9-19-11 public hearing. 2. Written comments by Travis Blake provided at the 9-19-11 public hearing. 3. Recommendations from the August 10, 2011 Appearance Commission meetings with photos.

### **Introduction & Background**

A quasi-judicial public hearing was held on September 19, 2011. Blair Pittman with Bobbitt Construction and Dr. Michelle Preda presented on behalf of the applicants. Mr. Travis Blake, spoke as an adjacent property owner with a list of concerns he wished to be addressed. Those issues as outlined have or will be addressed in the following documentation.

On November 21, 2005, Sandy Pond Enterprises received an approval for a veterinary clinic and hospital with dog runs or equivalent facilities and for a dog boarding facility. There have been no violations or complaints filed with this office since it was started.

### **Discussion & Analysis**

A conditional use permit revision must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

**FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** The primary uses outlined in the application have not changed from the original approval. This is an expansion of existing services

which are permitted in the conditional use district in which it is approved. It is planning staff opinion this finding has been met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** The application states due to the increase in development within Briar Chapel, Fearington Village, and other areas, the need for services has increased. This facility provides for luxury board and daycare accommodations unlike any other in the immediate area. The application goes on to state during the first year of business, they grew by 34%. Over the last 12 months, it has grown another 27%. Services include a pet resort for luxury boarding, spa services that include massage and aromatherapy, grooming, socialization, and exercise.

With the addition of the new kennel building, there will be an increase in property value will be and the creation of 5 full-time positions ranging in salary from \$25,000 - \$35,000 annually.

Within a five mile radius, there are two other veterinary hospitals, Cole Park and Hope Crossing. Both have limited facilities for boarding and daycare of pets.

The adjacent landowner expressed a concern that the original approval had a condition that requires the owner's to provide an access easement across the front of the property for the adjoining B-1 Business zoned parcel and it was not shown on the submitted plans. He stated NCDOT would restrict access to that adjacent property and may not allow a new commercial driveway permit to be issued should the property be utilized. This was the reason for the requirement in the original approval. Staff has requested a revised site plan map showing the easement access. It is planning staff opinion this finding has been met.

**FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.** The expansion will serve up to 23 additional animals. No expansions or upgrades on accesses are required. The county has not received any complaints or concerns regarding traffic flow in this area. The most current NCDOT Daily Traffic Counts do not indicate any issues with the increased flow to this facility.

The applicant/s has met with the Chatham County Appearance Commission and has obtained approval and recommendations on the landscaping to be installed as well as areas that need replacement or additional plantings. A concern was raised by the adjacent landowner regarding missing plantings which the applicant states will be corrected.

Noise was mentioned as a possible issue with the adjacent landowner. He requested the owners consider no windows on the northern side of the building or construction with sound barrier materials are installed. The application states precautions will be taken and dogs will not be left unattended outside or housed outside overnight. The county has not received any noise complaints from this facility. It is planning staff opinion this finding has been met and be made with conditions as stated below.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.**

The Land Conservation and Development Plan of Chatham County, hereafter referred to as “the Plan”, provides a general outline of the types of developments encouraged in different parts of the county. One of the Plan’s objectives is for balanced growth with different types of development guided to suitable locations while maintaining the rural character and quality of life of the county as seen on Page 10. Page 12 of the Plan encourages the sighting of commercial uses along major highways which this business has met and it extends up a side road which complies with another objective. Page 27 of the Plan also encourages the continuation of current activities.

The new addition of the 3500 square foot building keeps the impervious surface under the 36% allowed in the WSIV-PA watershed. Staff will review the revised site plan with the easement access to determine the 36% impervious limit is still being met. It is planning staff opinion this finding has been met.

**FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county’s plans, policies, and regulations.** The site is currently served by the Chatham County water services and will continue to do so. There have been no issues with the access to the buildings from the fire department or the Fire Marshal.

The site is currently served by a state approved drip irrigation system and plans have been submitted to NCDENR for the expansion approval. The applicant states in the application, capacity has not been met.

Currently there is a stormwater feature located on the property. A review from the Environmental Quality director will be needed once the new site plan depicting the easement access is received by staff. Currently, it appears there is sufficient room in the existing area to manage any stormwater runoff that may come from the new building site. It is planning staff opinion this finding has been met and may be made with the conditions as stated below.

**Recommendation**

It is planning staff opinion all findings may be made and therefore recommend approval of the application. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners. Should your recommendation be a favorable one, it is requested you review the below conditions at this time as recommended by staff.

**Site Specific Conditions**

1. A revised site plan detailing the easement access area to the adjacent property and a copy of the legal document authorizing the access.
2. The potential impervious surface area needed for the easement access shall be provided before any land disturbing activity begins on the expansion project to ensure the maximum will not be exceeded.
3. The recommendations as provided by the Chatham County Appearance Commission shall be

followed and all previous requirements shall be maintained.

4. There shall be a limit of 53 animals housed at the facility at one time. Thirty from the previous approval and 23 from this request.
5. All other previous conditions, as outlined in the original approval, shall remain in effect. (Any exclusions are those items which have been repeated in the new additional conditions): Those that remain are:
  - A building permit shall be obtained within 18 months of the date of approval by the Board of County Commissioners and remain valid at all times or the conditional use permit becomes null and void.
  - Mature trees along the northern and north eastern boundary line shall remain and shall be supplemented with an additional variety of vegetation to create a 15 foot wide or wider Type A, Opaque landscape buffer. All other landscaping shall be as shown on the revised site plan, dated October 26, 2005 and shall also be a variety of plantings. Mature, existing trees shall remain on the property where practical. All required landscaping shall be installed prior to issuance of the certificate of occupancy for the structure. All landscaping shall be maintained properly and replaced if found dead or diseased.
  - Signage shall be as shown on the revised site plan. If illuminated, lighting shall conform to the Chatham County Lighting regulations.
  - A 25 foot wide permanent cross access with a 10 foot wide temporary construction easement on either side or temporary construction easement(s) as necessary to construct the connection to the common boundary line of the Bobby Arrington property, parcel #18909 shall be designated on a revised site plan prior to issuance of a building permit for the structure. Legal instruments shall be recorded so that if and when parcel #18908 is developed, access shall be allowed. All cost associated with said connection shall be the responsibility of the adjacent property owner.
  - No animals shall be housed outside overnight. All animals shall be supervised at all times when outside the structure.
  - All noise abatement measures and odor control measures as outlined in the application booklet, dated 6/10/05 must be utilized.
  - Any dumpster/waste areas must be screened from all adjacent property owners.
  - It is requested that the applicant and Travis Blake, adjoining property owner, discuss the issues regarding relocation of the parking area along the northern boundary line and if an agreement is reached, that it shall be shown on the revised site plan to be furnished to staff prior to issuance of a building permit.

**Standard Site Conditions**

6. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
7. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
8. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division,

Storm water Management, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

9. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.
10. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
13. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.