



# Chatham County, NC

## Legislation Details (With Text)

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**Title:** Vote on a request to approve a quasi-judicial request by Jennifer Miller-Farias, for a Conditional Use Permit for a Boarding Kennel, Parcel 64991 being approximately 6.75 acres, located at 5821 NC HWY 87, Hadley Township.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. More information from planning website, 2. CUP Hearing Presentation- Miller-Farias

Date	Ver.	Action By	Action	Result
1/19/2021	2	Board of Commissioners	adopted	Pass
11/16/2020	1	Board of Commissioners		

Vote on a request to approve a quasi-judicial request by Jennifer Miller-Farias, for a Conditional Use Permit for a Boarding Kennel, Parcel 64991 being approximately 6.75 acres, located at 5821 NC HWY 87, Hadley Township.

**Action Requested:**

Vote on a request to approve a quasi-judicial request by Jennifer Miller-Farias, for a Conditional Use Permit for a Boarding Kennel, Parcel 64991 being approximately 6.75 acres, located at 5821 NC HWY 87, Hadley Township.

**Introduction and Background:**

A quasi-judicial public hearing was held on November 16, 2020. Planning staff presented the request, and the applicant, Jennifer Miller-Farias, had a presentation. Two residents spoke on the matter and had multiple concerns:

- The dog facility being built in a primarily residential area and its rules and restrictions
  - The conditions listed in the approval, along with the zoning ordinance, will be the conditions for the property. If any of the conditions are violated, appropriate enforcement action by the Planning department will be enacted.
- Amount of dogs at one time
  - The applicant stated that they may have a maximum space for 34 dogs. This depends on size as well. It will be at the discretion of the Planning Board to suggest a condition to limit the amount of dogs allowed.
- Rules about noise
  - The Sheriff's department enforces the noise ordinance.
- How any restrictions are enforced

- The Planning department, at this time, is complaint based. Once a complaint is given to our department, the Zoning Official will then investigate to determine if there is a violation. If a violation is found, the Zoning Official may speak with the property owner and they may work on bringing the property into compliance. If the property owner is not willing to comply, a Notice of Violation may be issued.
- Animal solid waste
  - This issue is best answered by the applicant, Environmental Health, and/or a soils scientist.
- Hours of operations
  - The applicant has stated in their application, and at the public hearing, that clients will be dropping off/picking up their pets between the hours of 8:00 AM-12:00 PM, and 3:30 PM-6:00 PM.
  - The dogs will be allowed indoor/outdoor access from 7:00 AM-6:00 PM, and will be kept indoors from 6:00PM-7:00 AM.

In the applicant's presentation, they gave some specifics of their project:

- Building size = 2730 square feet
- Runs = 15 off the building and 15 on the opposite side
- Dogs will not go outside at night, unless the applicant notices a dog may need to step outside but be brought back in
- The septic will be expanded to meet the needs
- Exterior lighting will be full cut off and meet zoning ordinance lighting regulations
- If dogs are at the facility longer than 3 days then there will be mandatory play time
- They will install sensors to limit barking if needed

Commissioner Hales asked where this is located, what they currently do at their home, if the property will be used just for their business, and the number of the maximum number of dogs at one time. The applicant responded that currently, they have a small operation at home and show dogs, and travel to show dogs. They do intend to use this property solely for the business. There is a potential maximum of 34 dogs, but this depends on the size of the dogs that will be there at that time.

Commissioner Dasher wanted to know how the applicant could be contacted by neighbors if this is approved. The applicant stated she has given her phone number out and has encouraged neighbors to reach out with any concerns they may have.

Commissioner Howard asked if they are travelling for showing dogs, who will be facilitating the property? The applicant responded that once they have the facility up and running, she will be there full time, along with the help of her parents.

Planning Board Chair Lucier remembered that there was a boarding kennel proposed on highway 87, and wanted to know if there were any boarding kennels in this area. It was found that there are no boarding kennels in this area, and the previous proposal was approved in 2008, parcel 84022, but there has been no development on the property.

Karen McClelland and Marilyn McClelland spoke and provided comments. They ultimately wish for the area to remain residential. They stated that at the community meeting it was noted that during the summer time the

dogs will not be outside during the day, but at night. The applicant clarified that the normal play time for the dogs will be midday, but on the very hot days that playtime will be pushed back to when the temperature is not as high.

### **Discussion and Analysis:**

In reviewing and considering approval of a Conditional Use Permit, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance, "In considering an application for a conditional use permit or revision to a CUP, the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, the purpose conditional use permit or revision thereof should not be granted, such proposed permit shall be denied."

A community meeting was held on August 31, 2020 and notice was provided to the adjoining property owners as required by the Zoning Ordinance. Concerns presented at the meeting were bamboo on the southern property line from an adjoining property owner and the ability to have it safely removed, what will be done to prevent the smell of animal waste, and how excessive dog barking will be handled. At the Chatham County Appearance Commission meeting, the applicants expressed the concern about bamboo, and the members gave them information on how this can be safely removed. The applicants explained what the daily cleaning will look like and the schedule for letting the dogs in and out. The dogs will only have access to the outside when an employee is present, as well as scheduled times that the dogs will be allowed outside.

The site plan was presented to the Chatham County Appearance Commission (CCAC) on September 23, 2020, and again on October 28, 2020. The September CCAC meeting did not have a quorum, but was still held for review of plans. Comments on the landscaping plan were made, and the applicants provided a plan that was approved by the CCAC during the October meeting. They will be required to plant 11 Red Cedar spaced 30' on center, 27 Camillia 8' on center, and leave a strip along the southern border to vegetate. There is an existing pole light on the property. Another pole light will be installed only if what is existing does not emit enough light. All other lights will be full cut off and adhere to the Chatham County Zoning Ordinance.

### **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 applicant answered N/A, as this use is allowed as a CUP within R1 zoning.

**It is the Planning Board and planning staff opinion this finding is met.**

*The following*

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*map shows the current zoning of the property.*

**Finding 2 - The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.**

The applicant states that the additional traffic will bring a maximum of 50 people a day. The hours in which clients will drop off/pick up their dogs will be from 8:00 AM -12:00 PM, and 3:30 PM - 6:00 PM. The kennel will have a ranch style look made of steel, with fencing surrounding it for the pet's safety. Additional lighting will be added, but will comply with the Chatham County Zoning Ordinance.

The project will generate noise. An average dog bark can reach up to 80-90 decibels. Multiple dogs barking can reach up to 115 decibels. The dogs will be limited to the outdoors, and kept inside from 6:00 PM to 7:00 AM.

Pet safe shampoos and supplies will be used for the business. They will be disposed of through a conventional septic system specifically designed for the business needs. A sign with a logo, business name, and telephone number is proposed to be placed towards the front of the property.

At the public hearing, the applicant stated that there are no similar facilities in the area, and have been encouraged by current clients to open a facility.

**It is the Planning Board and planning staff opinion this finding is 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 applicant provides statistics in regards to Chatham Park, with the potential of 49,357 households which yields a pet population of approximately 18,953 dogs and 12,537 cats. Currently in Chatham County, there is a limited number of pet services and no one who provides an all in one location for pet needs like the proposed Doggie Dude Ranch will. A large portion of people in Chatham County go outside of the county for pet care needs. The only other businesses that provide these services are within the town of Pittsboro. Most are with veterinary offices which are limited to the number of dogs they can board and/or groom due to space. None provide indoor/outdoor access for pets to be more relaxed and have more space to move around, with only one providing daycare. Another factor is that many of the businesses have limited capacity because appointments are booked weeks in advance due to high demand-low service. Two full time and possibly one part time job opportunity are proposed.

**It is the Planning Board and planning staff opinion this finding is met.**

**Finding 4 - The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof (i.e. Comprehensive Plan, Chatham/Cary Joint Land Use Plan, etc.) You must note specifics from the plan/s giving reference to page number and section.**

The property is located in a rural designation on the Comprehensive Land Use Plan map. This states that there should be a “mix of uses include(ing) agriculture, large lot residential, supporting service uses, and home-based & small scale businesses”. At least 2 full time and 1 part time position will be created for this business. This will assist in out-commuting employment. It is the intention of the applicant to eventually offer a grooming school once the clientele base has been developed. The look of the property is intended to remain residential, as a ranch style business is proposed to be constructed, as well as leaving the majority of the vegetation of the property, and will be planting a buffer along the front property line.

From Chapter 4 of the Comprehensive Land Use Plan, the applicant cites Land Use strategy 7.4, and Natural Resources strategy 1.4. The former states to “modify zoning regulations to allow for more flexibility for rural businesses that have minimal impact on adjacent properties and rural character”. The latter states “encourage tree plantings and restoration activities in watersheds with low or diminishing tree cover”. There is a water feature along the rear of the property that will remain protected due to all of the development being located at the front of the property and increasing vegetation on the property.

**It is the Planning Board and planning staff opinion this finding is met.**

*The following map shows the property and surrounding properties within a rural designation on the Comprehensive Land Use Plan Map.*



**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.**

There is an existing well and septic system on the property. The applicant has had a soils scientist evaluate the property, and they are applying for the necessary permits with the Chatham County Environmental Health department.

The property has access directly off of NC HWY 87. It will need to meet Fire Marshal requirements of being 20 foot wide, 13.5 foot height clearance, and support 75,000 pounds.

The new building is approximately 2,700 square feet, and will encompass a majority of the footprint of the existing residence on the property. Because of the minimal amount of development of this property, stormwater measures are not required.

**It is the Planning Board and planning staff opinion this finding can be met. If approved, the applicant is required to meet all other department regulations.**

The Watershed/Hydrology map below shows that the property is located within the WS-IV PA Jordan Lake Watershed. The map also shows a water feature on the property that has a required 50 foot undisturbed buffer on either side per regulations.



The Planning Board discussed this item during their December 1, 2020 meeting and discussion included the existing dwelling, time of employees on site, times dogs would be outside, soundproofing of the building, and landscaping. The applicant stated the existing dwelling is a sore thumb and will be removed, with the boarding kennel improving the appearance of the property. There will be cameras installed for 24 hour surveillance, and the owner will be available to visit the property if necessary. The doors for the runs will open in the morning (7:00 AM) and all doors will be down at close (6:00 PM). The applicant will be there the majority of the time. The applicant is working with a builder to find the best solution to soundproof the building, the doggie doors will have insulation, and they may have paneling in the ceiling to mitigate noise leaving the building. The applicant also noted that noise dampening was needed inside the building to reduce stress on the dogs. The landscaping was clarified from the CCAC minutes in which planning staff had listed an invasive species, but it was corrected (Ligustrum to Camillia). The Planning Board recommended by unanimous vote to approve the requested amendment.

**Based on all five findings being met or can be met, the Planning Board and planning staff supports the conditional use permit request.**

**How does this relate to the Comprehensive Plan:**

Page 41 Objective 4 is to “diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting”. This project increases the non-residential share of the tax base and in-county jobs.

Page 55 Economic Development, Strategy 1.2, states to modify zoning regulations to allow for more flexibility for rural businesses that have minimal impact on adjacent properties, traffic, and rural character.

**Recommendation:**

The Planning Board recommends approval by unanimous vote (9-0) to the Board of Commissioners adoption of a resolution approving a quasi-judicial request by Jennifer Miller-Farias for a conditional use permit on Parcel No. 64991, located at 5821 NC HWY 87, for a Boarding Kennel. The following conditions are provided for consideration if recommended for approval:

**Site Specific Conditions**

1. The recommendations from the Chatham County Appearance Commission (CCAC) shall be followed as stated in the minutes. The planning staff and CCAC may conduct routine inspections of the property to ensure compliance with the landscaping requirements.
2. A building permit shall be obtained and remain valid at all times within two (2) years of the date of this approval or the conditional use permit revision becomes null and void.
3. All existing conditions shall remain in effect, except as modified by this conditional use permit amendment.

**Standard Site Conditions**

4. The application, standards and adopted regulations of the applicable ordinances and policies, and the 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. These include, but are not limited to, landscaping, lighting, signage, parking, building construction, etc.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

**Standard Administrative Conditions**

6. 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 inspections.
7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. 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.

