

PLANNING COMMISSION MINUTES
February 13, 2012

MEMBERS PRESENT

Mrs. Evans
Mr. Griffith
Mr. Jennings
Mr. Scarce
Mr. Wilson
Mr. Laramore
Mr. Jones

MEMBERS ABSENT

STAFF

Clarke Whitfield
Ken Gillie
Christy Taylor
Renee Blair
Emily Scolpini

The meeting was called to order by Chairman Scarce at 3:00 p.m.

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP2012000022, filed by Carol Handy on behalf of the Schoolfield Preservation Foundation. The applicant is proposing to create a public rental space as an ancillary use to museum operations.*

Ms. Blair read the Staff Report. Fourteen (14) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Four (4) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Ms. Carol Handy. Ms. Handy stated I filed the request and at this time the board would like to ask that the request be tabled temporarily to be pursued at a later time.

Mr. Scarce asked so, you do not want to go forward at this time?

Ms. Handy responded correct.

Mr. Griffith asked is there a particular reason that you are tabling it? Is there a problem with any of the conditions that were established?

Ms. Handy responded the only problem that we have is the limitation of the occupancy. We have an approximately nine hundred (900) square foot meeting room. We would like to be able to invite more than fifty (50) people to use the space.

Mr. Griffith asked is there a reason for the fifty (50)?

Mr. Gillie responded the fifty (50) is based on the Building Code with what the current occupant load of the building is. In order to change that number, they would be required to get a change of use survey done, possibly do some modifications to the building, or ask for a modification to the Building Code. At this point they have not done so, so we are going with the recommendation of our Building Department in limiting it to fifty (50). In order for them to change that number they would have to meet with them and we did not have time to do that before this meeting.

Close the Public Hearing.

Mr. Griffith made a motion to table Special Use Permit Application PLSUP2012000022 per applicant's request. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

2. Special Use Permit PLSUP2012000023, filed by Colleen Conner. The applicant is proposing to operate a pet grooming facility that will offer over night boarding.

Miss Scolpini read the Staff Report. Six (6) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Three (3) respondents were unopposed to the request; one (1) was opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Ms. Colleen Conner. Ms. Conner stated I am asking that you approve this and I would like to answer any questions that you have.

Mr. Jennings asked did you have any problems with any of the requirements that staff has placed on the request?

Ms. Conner responded no, the ten (10) dog limitation might be a situation; but certainly I can accommodate that. I have operated a grooming salon for two (2) years at 2720 Westover Drive right across from BB&T bank. I have relocated to this location because I continually have requests from my clients to board their small dogs. I am talking two (2) pound, three (3) pound, five (5) pound dogs that there are no accommodations in Danville to do that. This would be an inside facility. They would not be kept in wire kennels, which is very typical in a boarding situation. There will be suites, which will be made inside. Walls will be about as high as that (pointing at the area where the members were seated). I have hardwood floors in my facility if that gives you any idea. There will be rugs in each facility for each one of the pets. Sometimes people have more than one (1) pet that they want to keep together. I would only have six (6) suites, but two (2) suites will be much larger; so if someone has more than one (1) pet that they wanted to bring. Like myself, I have five (5) little fee-fee dogs. If I had to board them I would want them all to stay together. I do not currently have any clients that have five (5) dogs. I am the only nut that would do that. If that is what they want as a restriction I can certainly live with that. If I could request to have it increased to twelve (12) that would help, but I am not opposed to the ten (10). All of the other conditions, I have no issues with.

Mr. Jennings asked how many could you accommodate?

Ms. Conner responded I am going to have six (6) suites, so if there was one (1) pet in each suite that would be six (6). If someone had two (2), then that would be twelve (12). I do not currently have any clients that have more than two (2) dogs. If the limitation was twelve (12), I do not think that would be a problem.

Mrs. Evans asked if they are not in kennels, are they running free at night?

Ms. Conner responded no, they are not. There will be a suite made with walls about as high as that (pointing at the area where the members were seated). It will be a completely enclosed area. It will have a door on the front. They will be kept inside there. During the daytime they will be allowed to come out. This is a house. My grooming facility will be separate from them. In the daytime, if they want to come out there will be toys and stuff for them to play with. They will only be taken outside by myself. I do not even have any employees. I will take them out in the mornings if they want to go out. A lot of these small dogs, the owners do not even want them taken outside. They are kept inside. They use potty pads. They would never be left outside unattended.

Mr. Jones asked the twenty-five (25) pound limit, can you handle dogs that are bigger than twenty-five (25)?

Ms. Conner responded I only groom currently, and I have been in the business for two (2) years, four (4) dogs that exceed twenty-five (25) pounds and they get a bath and go home. I do not want to board larger animals because they typically bark, scare smaller dogs, and there are facilities in Danville that will accommodate larger dogs. I refer those people to Hollywood Pets because they do accommodate those size animals. That is the reason the twenty-five (25) pound is not an issue for me.

Mr. Griffith asked is there a problem with twelve (12) dogs?

Mr. Gillie responded staff would not be opposed to twelve (12). We went with ten (10) because we figured six (6) kennels possibly two (2) in a few of them. If you take six (6) times two (2), you get twelve (12). We are not opposed to that.

Close the Public Hearing.

Mr. Jones asked in your fifth (5th) condition did you say 8:00 o'clock or 9:00 o'clock?

Miss Scolpini responded I said nine (9:00) but it is eight (8:00).

Mr. Wilson asked what would be the procedure if any of these six (6) conditions were to change, like if business starting going a certain way and started doing twenty-five (25) pound dogs or more?

Mr. Gillie responded if they wanted to do dogs larger than twenty-five (25) pounds they could come back and ask for a modification to the Special Use Permit. If everyone is familiar with Hollywood Pets, that facility operated in a similar situation. They expanded and came back to ask for modifications to theirs. They go back through the public hearing process, Planning Commission, and ultimately to City Council.

Mr. Wilson stated the comment from Goodwill Industries raises just neighborly type concerns. What recourse would somebody have if they felt things were not going well? He raised a few concerns about exercising during the day, not having enough information about being outside. What if some of those started to become? What happens then?

Mr. Gillie responded we have noise ordinances that protect against animals barking continuously. First off, if someone complained to us we would go out and investigate to make sure that they are complying with the conditions as approved be it the number of dogs, the size of dogs. If it then would go and continue on, someone at that point could challenge the issuance of the Special Use Permit and complain that they are in violation of those conditions and potentially go to court.

Mr. Jennings asked in regard to condition six (6), is there anything wrong with the building that would prevent it from passing?

Mr. Gillie responded no, but as she said she is going to be building not standard wire cages but small little walled in areas that would house the animals. Anytime that you build anything within a structure you are required to meet the Building Code. Based on what she is describing in modifications to the building we felt it was necessary. The structure itself is fine. It is a house that has been converted to a commercial property. It had to meet certain Code requirements, but since she is planning on adding a few things inside tweaking the building, the new stuff that she would have to build would need to comply with Building Code.

Mr. Jennings asked but according to your thinking now, everything is ok?

Mr. Gillie responded as it is right now the building is ok. With the modifications that she is proposing if she does it according to Code it will be ok.

Mr. Jennings made a motion to recommend approval of Special Use Permit Application PLSUP20120000023 with staff's conditions allowing a twelve (12) dog maximum. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.

3. *Special Use Permit PLSUP20120000024, filed by Thomas Brown. The applicant is proposing to construct a horse stable on the property without a primary building.*

Ms. Blair read the staff report. Twelve (12) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request Mr. Thomas Brown. Mr. Brown stated I will answer any questions that you may have concerning this. As to the restrictions, this is for private only. There are no intentions to be commercial. There will be a primary dwelling built hopefully starting next year. We want to build the stable so it will be there and ready when the house starts.

Mr. Griffith asked how did you come up with eleven (11) horses?

Mr. Gillie responded that is a Code condition. We allow one (1) animal per three (3) acres.

Mr. Griffith stated in looking at what little bit of the piece of property and looking at the map, there is not thirty-four (34) acres that is available for use.

Mr. Brown stated there are only three (3) horses. There will probably never be more than three (3) horses. It is only going to be a three (3) stall stable.

Mr. Griffith stated I was just curious in looking at the aerial there looks like there is a fairly good size pond on it.

Mr. Brown stated it is an approximately two (2) acre pond. There is approximately twenty (20) acres of pasture.

Mr. Griffith asked is all of it fenced in?

Mr. Brown responded we are currently fencing some of it that is not fenced in. All of the Sandy River border has a high-tensile fence. The whole entrance area is fenced all of the way to the Sandy River. That is the way it was purchased. We are currently fencing in the other two thirds (2/3). We are sectioning it off into two (2) or three (3) different pasture areas.

Mr. Griffith asked are you going to have a ring or training area?

Mr. Brown responded there will be a training ring for her, yes; but not for commercial purposes.

Mr. Griffith asked I know not for commercial properties, but at the same time is that going to be close to other properties?

Mr. Brown responded it will adjoin the stable.

Mr. Griffith asked I am thinking about the neighbor's property. Is that going to be close?

Mr. Brown responded it will close to the fenced in area. The fence is within the restricted area that you are allowed to have a fence. If the ring would actually come close to the fence at some area, yes it would be that close.

Mr. Griffith stated I am thinking about your neighbor Andy Baines for example owns a piece of property adjoining yours.

Mr. Brown stated yes, that is her good friend.

Mr. Griffith stated I know the Baines have the intention of building a house.

Mr. Brown stated next year.

Mr. Griffith stated if I came and built down there I might not necessarily want three (3) horses right up next to my house.

Mr. Brown stated where they are going to put their house cannot be seen. They already have a barn on their place. They are bringing a horse also. My daughter and Amy Baines ride together, so they are going to have horses also.

Mrs. Evans stated one of the property owners is concerned about the care of the horses since nobody is living on the property.

Mr. Brown stated the horses will not be there until someone is there.

Mrs. Evans asked so, you are building the structure now; but you are not going to move the horses until you have a house?

Mr. Brown responded yes, the house will be started next year.

Mrs. Evans asked so the horses will not be there?

Mr. Brown responded no more than they are now, unless she takes them out there and rides. It is several people in the neighborhood. You go all of the way up to Fox Hollow. The Leggetts live up there and have horses. They follow the river and the power line goes through this property and the Baines property. They follow the power line on the horses and they come down there and ride. It is a community thing with horses in that neighborhood. All of these people ride together, but there are no intentions of putting horses there unless someone is there.

Mr. Wilson asked you said you were going to use a track?

Mr. Griffith responded an enclosed training ring.

Mr. Wilson asked is that an additional thing that they are going to need to have approved?

Mr. Gillie responded they should be able to do it just based on what we have.

Mr. Brown stated it is just a small fenced in area.

Mr. Jones asked what is wrong with using it commercially? Is there a reason why he cannot make any money off of this land?

Mr. Gillie responded the uses permitted by Special Use Permit include commercial kennel or commercial horse stable, so he can ask to have a commercial horse stable going through the Special Use Permit process. When we talked to him, he was using this as a personal stable. If he would want to use it commercially, he could come back through the process and ask Planning Commission to operate a commercial horse stable and go to City Council and see if they will authorize it.

Close the Public Hearing.

Mrs. Evans made a motion to recommend approval of SUP20120000024 with staff's conditions. Mr. Jennings seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

Mr. Jones asked last meeting, we had something tabled. What is the status of that?

Mr. Gillie responded it was tabled basically in perpetuity to allow them to work on providing the additional parking. Last conversation with them they were still working on additional parking. The applicant had told you that they had painted a number of spaces on site to comply with Code. Staff visited the site and that was not the case. We have been working with them to provide as many spaces as possible. They still need to provide additional off-site. That is where we are right now. We are still waiting to hear from them.

Mr. Griffith made a motion to approve the minutes from the January 9, 2012 meeting. Mr. Laramore seconded the motion. The minutes were approved by a 7-0 vote.

III. OTHER BUSINESS

Mr. Gillie stated there will be a River District guidelines meeting on Wednesday. If you can attend please do so. We have six (6) cases for next month, so plan ahead for a rather long meeting. I do not have a Council report. Nothing went to Council in January. I have one (1) case that will go in a few weeks and I will let you know next month what the outcome of that is. We sent the final comments on the Comprehensive Plan back to the consultant to make some modifications to it. We should have that here shortly.

Mr. Jones asked where is the meeting Wednesday?

Mr. Gillie responded Renee says it is at Galileo School.

With no further business, the meeting adjourned at 3:30 p.m.

APPROVED