

SPECIAL USE PERMIT 07-01. Jolin Kennels

Staff Report for the June 12, 2001, Board of Supervisors Public Hearing

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Center
Planning Commission: May 7, 2001, 7:00 p.m.
Board of Supervisors: June 12, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant/Landowner: Joseph H. Banks, Jr., and Linda B. Banks

Proposed Use: Kennel

Location: 4472 Ware Creek Road; Stonehouse District

Tax Map and Parcel No.: (14-1)(1-12)

Primary Service Area: Outside

Parcel Size: ± 9.4 acres

Existing Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Surrounding Zoning: The site is surrounded by land zoned A-1, General Agricultural.

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On May 7, 2001, the Planning Commission recommended approval of this application by a unanimous vote. Therefore, staff recommends the Board of Supervisors approve this application with the conditions listed in the attached resolution.

Project Description

Mr. Joseph H. Banks, Jr., and Mrs. Linda B. Banks propose to operate a boarding kennel at 4472 Ware Creek Road which would contain eight indoor/outdoor dog runs, eight indoor dog runs, two outdoor holding kennels, and three outdoor dog exercise pens. The kennel facilities have already been constructed and are housed in the basement of an existing garage located adjacent to the residence on the site. The kennels were originally constructed to allow the applicants adequate space to properly groom and house their show dogs; breed, whelp, and raise litters of puppies; and allow sufficient space for their animal rescue work. The applicants have stated that they intend to have operating hours of 8:00 a.m. to 6:00 p.m., seven days a week. Kennels are a specially permitted use in the A-1, General Agricultural, zoning district.

Surrounding Zoning and Development

The site is surrounded by a mixture of rural residential homes, agricultural fields, and undeveloped wooded land zoned A-1, General Agricultural. Alabama Farm is a 425-acre undeveloped and mostly forested property located to the north and east of the kennel site. The property located to the west of the site is a 150-acre agricultural field owned by the Wenger Family Trust which also owns 143-acres of agricultural property on the south side of Ware Creek Road. Four single-family residences are located between Ware Creek Road and the kennel site, three of which are located on lots ranging from one acre to 1.5 acres. Several commercial businesses are located in the immediate vicinity including another commercial dog kennel on the south side of Ware Creek Road, a contractors office, and a neighborhood grocery store. Staff believes that the proposed use is consistent with surrounding zoning and development.

Physical Features and Environmental Considerations

The 9.4-acre site slopes gradually from the front of the property toward the rear. The residence, garage, and kennel facilities are located near the rear of the site, approximately 800-feet from the nearest residence. The kennel facilities were constructed in the basement area of the garage at the bottom of a valley at the lowest point on the site.

Transportation

Access

The residence and kennel has frontage on Ware Creek Road (State Route 606) and are accessed by a gravel driveway within a 50-foot private right-of-way which is owned and maintained by the applicant. Two of the four adjacent residential properties have access from this right-of-way. Poor sight distance when exiting the facility onto Ware Creek Road is a concern; however, staff believes that the majority of traffic along Ware Creek Road is generated by residents who are aware of the sight distance issue in this area and the limited amount of anticipated additional traffic exiting the property will not create a significant hazard. The applicants have stated that they would be willing to post a small sign warning kennel customers to exercise caution when exiting onto Ware Creek Road.

Traffic Impacts

The traffic generated by the kennel would fall well short of the volume necessary to require the submission of a formal traffic study. The applicant has stated that anticipated traffic volumes will be heaviest on Friday afternoon, Sunday evening, and Monday morning. Institute of Traffic Engineers (ITE) estimates that a single-family residence generates ten vehicle trips per day; therefore, current traffic volume on the private driveway is estimated at 30 vehicle trips per day. Staff estimates that the additional traffic volume generated by the kennel would be equivalent to an additional residence or approximately ten vehicle trips per day. Staff does not believe that maintenance of the driveway will be an issue given the relatively small amount of traffic that would be added by the kennel. A condition is proposed which will limit the size of the operation to the 18 dog runs currently existing on the site. Given this limitation, staff does not believe that traffic created by

the kennel operation would have a significant impact on the neighboring residences or the surrounding community.

Public Utilities

The property is outside the Primary Service Area (PSA). The site is served by a private well and septic system. The kennel facilities are served by a separate septic system. All animal waste from the kennel building is washed into the septic system and no waste drains onto any adjacent property.

Comprehensive Plan

Land Use Designation

The property is designated as Rural Lands on the Comprehensive Plan Land Use Map. Rural Lands are areas containing farms, forests, and scattered homes, exclusively outside the PSA, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. The Rural Lands designation seeks to protect the rural character as well as the agricultural and forestal activities of this area. Commercial development not related to agricultural and forestal activities is discouraged. Appropriate land uses include agricultural and forestal activities and recreational public and semipublic uses which require a spacious site and are compatible with the natural and rural surroundings.

Most retail and commercial uses which will serve Rural Lands should be located at planned commercial locations on major thoroughfares inside the PSA. However, a few smaller service uses and certain uses which require a specialized location may be located on the basis of a case-by-case review, provided such uses are compatible with the natural and rural character of the area, in accordance with the Development Standards of the Comprehensive Plan. The Land Use Element of the Comprehensive Plan states that the primary goal of the Plan is to achieve a pattern of land use and development that reinforces and improves the quality of life for citizens and assists in achieving the goals of the Comprehensive Plan. The primary objective is to promote land use in a manner harmonious with surrounding uses and the environment.

Staff believes that the proposal is consistent with the Rural Lands designation. The kennel would be in an existing accessory building on a site that is predominantly used for rural purposes (pasture, farm buildings, etc.). Given the distance of the kennel facility from surrounding properties and its location at the bottom of a small valley, noise and visual impacts are almost nonexistent. The kennel facilities are located in a manner that minimizes the potential impacts on the surrounding residences. The proposed conditions ensure adequate access to the site and limit the size of the operation to a scale which is compatible with the surrounding rural character of the area.

RECOMMENDATION:

Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On May 7, 2001, the Planning Commission recommended approval of this application by a unanimous vote. Therefore, staff recommends the Board of Supervisors approve this application with the following conditions:

1. The number of kennel runs permitted on the property shall not exceed eighteen and shall be located within and immediately adjacent to the garage that is adjacent to the residence on the site.
2. The existing outdoor kennels located on the northwest corner of the property shall not be used for the boarding of any animals.

3. The pickup and drop off of animals for boarding or grooming shall not occur prior to 8:00 a.m. or after 6:00 p.m., seven days per week.
4. A site plan shall be submitted which identifies the location of customer parking spaces. The number of spaces shall be determined by the Planning Director.
5. One freestanding sign shall be permitted on the site. The sign shall be ground mounted and shall not exceed a cumulative size of sixteen square feet or a height of six feet unless approved by the Planning Director. The location, design, materials, and lighting of such sign shall be approved by the Planning Director prior to the issuance of a sign permit.
6. The owner shall provide landscaping adjacent to the kennel facilities consistent with landscaping ordinance requirements. The landscaping plan shall be reviewed and approved by the Planning Director or his designee.
7. The applicant shall maintain the right-of-way in a passable condition at all times and consistent with the requirements of Section 19-17 (4) of the Subdivision Ordinance. The intent of this condition is to repair any damage to the right-of-way that may be caused by kennel traffic.
8. All animal waste shall be disposed of in an on-site septic system and all animal runs shall be constructed so that animal waste will drain to the septic system approved by the Virginia Department of Health.
9. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/tlc
sup-07-01.wpd

Attachments:

1. Minutes from the May 7, 2001, Planning Commission public hearing
2. Location Map
3. Letter from Delores Johnson dated April 23, 2001
4. Letter from James Vincent and Helen Vincent dated April 23, 2001
5. Letter from Harold Johnson dated April 23, 2001
6. Letter from Rachel Smith dated April 23, 2001
7. Letter from Joseph M. Wenger and Ima Wenger dated April 26, 2001
8. Resolution