



STAFF REPORT

June 17, 2009

To: Southwest Consolidated Zoning Board

Fr: Diane Wicklund, AICP, Principal Planner

Re: Application No. SW-CU-2915 (GA)

APPLICATION INFORMATION

Applicant/Owner: Debe and Frank Britt

Requested Action: Conditional Use Permit Amendment

Purpose: To continue operation of a private kennel for the raising, showing, and training of dogs and to increase the number of dogs allowed from 12 to 16.

Legal Description: Part of the Northeast Quarter of Section 18, Township 15, Range 23.

Site Address/Location: 20930 Cedar Niles Road

Existing Land Use and Zoning: Residential and RUR, Rural District Zoning

Existing Improvements: Single-family home and accessory building

Site Size: 20 acres

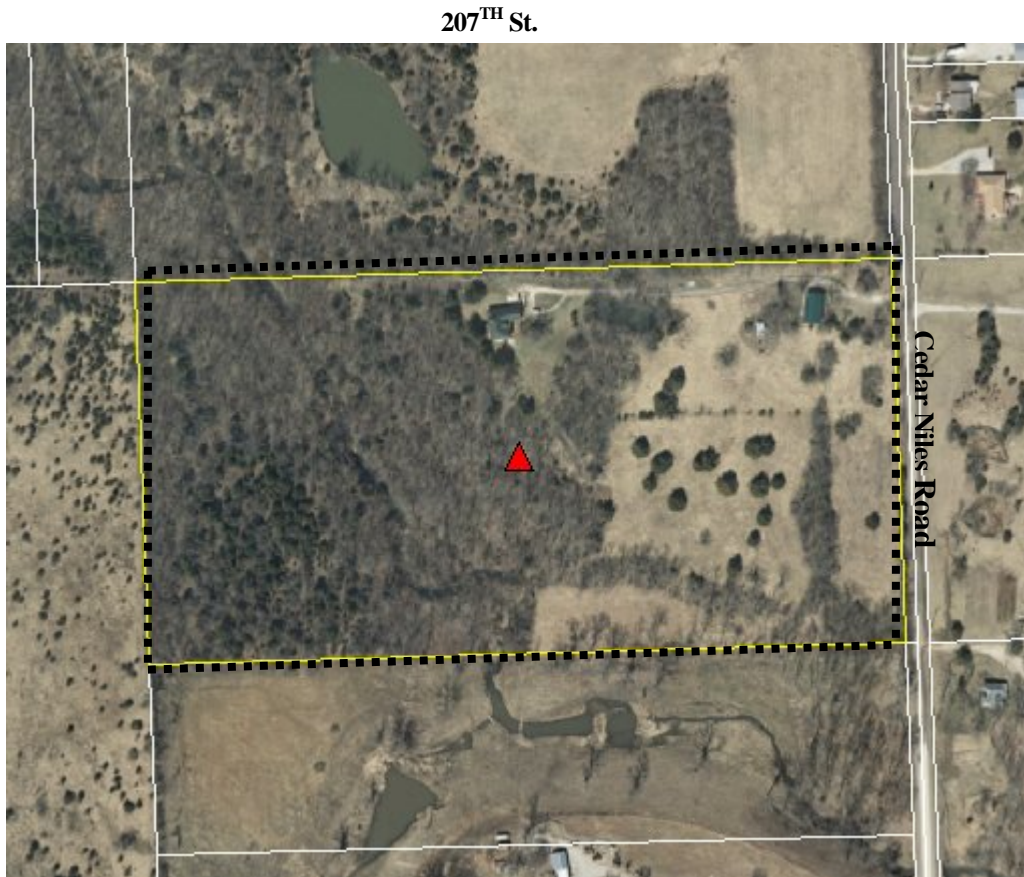
BACKGROUND INFORMATION

Proposal:

The applicant is requesting to amend their CUP to continue operation of a private dog kennel for the breeding, training, and showing (off-site) of Shih Tzu adult dogs and puppies and to increase the number of dogs from 12 to 16 with a 10-year term. The private kennel is owned and operated by the applicant. There are no employees. The kennel is operated inside the applicant's home. According to

the applicant, there is no public boarding or shows on site, therefore, no additional traffic or customer activity will be generated to the site. The facilities can accommodate up to 16 dogs.

The general hours of operation are from 6:30 a.m. to 4:00 p.m. *Please see the applicant's narrative for details.*



Aerial View of Subject Property



Subject Property

Zoning History: The RUR, Rural zoning was established in 1994 as part of the county-wide rezoning. The original CUP was issued on December 16, 2004 by BOCC Resolution No. 126-04 for a maximum of 12 dogs with a 10-year term.

MINIMUM INFRASTRUCTURE REQUIREMENTS

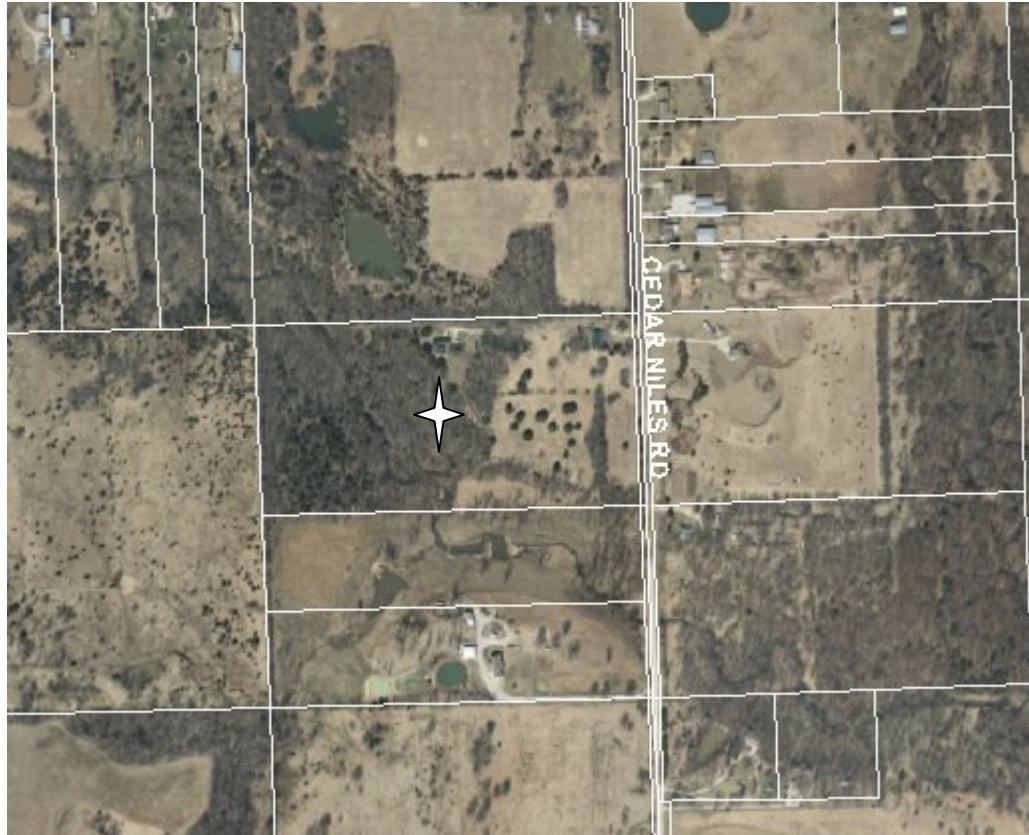
The use has met the minimum infrastructure guidelines and the existing infrastructure system is sufficient to continue the existing use (private dog kennel).

STAFF ANALYSIS

Staff has reviewed the Golden Criteria and the performance standards for conditional use permits and there have been no changes to the neighborhood and surrounding area since the 2004 CUP was granted. The request to increase the number of dogs by 4 (from 12 to 16) with a 10-year term is minimal and will continue to have no adverse effects to the general public or nearby neighbors for the following reasons:

1. There have been no complaints regarding the private dog kennel since the CUP was approved;
2. The subject parcel is 20 acres in size;

3. The private kennel has been in continual compliance with state and local regulations and licensing requirements;
4. The kennel is located inside the house, which is not close to adjacent homes; and
5. The closest residence is approximately 480 ft. away from the kennel and is across the road to the east and is separated by a dense tree line along Cedar Niles Road, which will screen the use and sound from this property.



Surrounding View of Subject Property

Therefore, Staff reaffirms the reasons which the BOCC used for granting the original CUP:

1. The use is consistent and compatible with the surrounding zoning and land uses and is an appropriate site for the kennel.
2. With appropriate stipulations, the use will have minimal detrimental effects to nearby properties.
3. The use is consistent with the comprehensive plan.
4. With appropriate stipulations, the use will not adversely affect the public health, safety, or welfare.

5. The proposed conditional use permit satisfies the "Standards for Issuance of CUP" [Article 23 Sec. 6 (C)].
6. The kennel, as developed per the stipulations and site plan, is a low intensity use which will not pose a conflict with the surrounding rural community.
7. The site, because of its physical features and large acreage, will be a suitable location for a kennel.

Public Works Department Staff: No comments.

Environmental Department: See attached memo.

Letter from Applicant's Veterinarian: See attached letter.

Letter from the State Animal Health Department: See attached form.

RECOMMENDATION

Planning staff recommends **approval** of amending the Conditional Use Permit to continue the operation of a private dog kennel and increasing the number of dogs allowed from 12 to 16, subject to the following stipulations:

1. Permitted use of the property shall be for a private dog kennel located inside the single family residence as shown on the attached site plan hereto after referred to as Exhibit A.
2. The term of the permit shall not exceed a period of 10 years commencing from the date of approval of this resolution by the Board of County Commissioners.
3. BOCC Resolution No. 126-04 shall be rescinded upon adoption of this resolution.
4. Installation of any new signs shall comply with Article 20 of the county zoning regulations.
5. The property shall be developed in accordance with the site plan attached hereto as Exhibit A, except as modified by these stipulations.
6. The maximum number of dogs at the kennel facility shall not exceed, at any given time, a total of 16 adult dogs.
7. This facility shall not be used for public boarding, breeding, training, or shows on site.
8. No animals shall be left outside unattended or off-leash.
9. The kennel shall be regularly cleaned, sanitized, and operated in a fashion that prevents the attraction of vermin, the growth of infectious bacteria, the communication of disease, or any other such related health problems.

10. The kennel shall be operated in a manner that prevents noise, odors, vermin infestations or other objectionable conditions from being a nuisance to neighboring properties.
11. The kennel shall be continuously operated in compliance with state regulations.

Reasons for Recommendation of Approval:

1. The existing use (private dog kennel) is consistent and compatible with the surrounding zoning and land uses and continues to be an appropriate site for the kennel.
2. The applicant has complied with the stipulations of the original CUP and the existing use has not caused any detrimental effects to nearby properties.
3. The existing use is consistent with the comprehensive plan.
4. The existing use has not adversely affected the public health, safety, or welfare.
5. The existing use has satisfied the "Standards for Issuance of CUP" [Article 23 Sec. 6 (C)].
6. The existing kennel, as developed per the stipulations and site plan, will continue to be a low intensity use which does not conflict with the surrounding rural community.
7. The site, because of its physical features and large acreage, continues to be a suitable location for a kennel.

Attachments: Applicant's Narrative
Site Plan
Vicinity Map
Environmental Department Memo
Letter from Applicant's Veterinarian
Form from the State Animal Health Department