

Planning Commission Staff Report

File #: C-22-2
Applicant: Sara Kello
CUP Request: To operate a Commercial Kennel in the A-2 Zoning District
Property Location: 11630 Wheelers Pond Road Dinwiddie, Va. 23841
Tax Map Parcel #: 43-6-5
Property Size: 7.04 acres
Magisterial District: Rowanty District
Planning Commission Mtg.: April 13, 2022
Board of Supervisors Mtg.: May 17, 2022

CASE OVERVIEW

The property owner, Sara Kello, is requesting a conditional use permit to utilize the following described property for a commercial kennel. The property is located at 11630 Wheelers Pond Road, further identified as Tax Map Parcel # 43-6-5 is zoned A-2. The Agricultural, General, A-2, zoning classification allows for a commercial kennel with a conditional use permit pursuant to the Zoning Ordinance allowed density. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Rural Conservation Area, which recommends agricultural residential and limited commercial and service development for this general area.

The applicant intends to have the commercial kennel in order to develop a dog-training kennel and to breed Mastley retrievers.

ATTACHMENTS

Rezoning Application and Property Location Map

LAND USE/ZONING ANALYSIS

The subject property, which is a platted property originally created in 1984 as part of the Wilkinson Land subdivision, is mainly surrounded by large acreage single-family residential lots, open space, and forestal/timberland land uses. The surrounding zoning pattern consists of properties zoned A-2, Agricultural, General.

In the Comprehensive Land Use Plan the subject property is located within the Rural Conservation Area, which recommends agricultural residential and limited commercial and service development for this general area. The commercial kennel would allow for a limited service use to be added as an accessory use to the primary residential use of the property.

There is adequate area on the property to locate the proposed commercial kennel buildings on the subject property. There is one existing accessory building on the property that may be utilized as part of the kennel. The subject property is partially wooded and the residence is located toward the rear of the property where an additional accessory building could be constructed as part of the kennel operation.

OVERVIEW OF IMPACTS

Public Utilities & Public Safety Impacts

Currently, there is no impact to the public utility system. Any future expansion beyond what is allowed under the conditional use permit will be subject to governmental agency reviews and permitting. The potential impact on public safety is limited.

Transportation Impacts

With the proposed use of the property generating very few vehicle trips, the impacts on the existing transportation network are negligible. The subject property has direct access to Wheelers Pond Road.

Planning Staff Recommendation:

The planning staff has reviewed the impacts of the request for a conditional use permit to utilize the subject property for an accessory commercial kennel, and staff recommends APPROVAL WITH CONDITIONS of the request subject to the following conditions:

CUP, C-22-2, Conditions:

1. With the exception of dogs kept temporarily (i.e. kept for no more than 30 days) as part of the rescuing of dogs and locating foster families for these rescued dogs, there shall be no more than fifteen (15) dogs (i.e. any dog over six months of age) on the subject property at one time.
2. With the exception of dogs that are being actively trained by the owner or by an individual employed by the owner, the dogs that are part of the kennel operation shall be kept in a fenced area, in dog runs, or inside a structure for boarding dogs.
3. All defactory matter shall be placed in a controlled location, covered and disposed of per County and State Codes.
4. Operation of the kennel shall comply with all applicable County, State, and Federal Codes.
5. The conditional use permit shall be reviewed for compliance with stated conditions a minimum of one time per calendar year.

PLANNING COMMISSION RECOMMENDATION

The following includes the meeting Minutes from the April 13, 2022 Planning Commission Public Hearing for Case C-22-2:

Mr. Bassett asked if there were any questions from the Planning Commission.

Mr. Titmus asked if the fifteen (15) dogs included personal dogs.

Mr. Bassett said the way we have it written, it would include personal dogs if the dogs are over six months of age.

Mr. Titmus said with that being the case, I would like for the owner of the property to ensure that the conditions we agree to tonight will be conveyed in a deed to the new owner of the property if it is sold.

Mr. Bassett said we could add that as a condition for this CUP request.

Mr. Hayes asked if what we are doing tonight has been consistent with what we have done in the past.

Mr. Bassett said that it is.

The Chairman said since there are no more questions for Mr. Bassett, would the applicant like to come forward and add anything.

Ms. Sarah Kello, 11630 Wheelers Pond Road Dinwiddie VA said she did not have anything to add, but would answer any questions the members may have.

Mr. Tucker asked if she had any problems with what Planning Commissioner Titmus wanted to be added into the conditions.

Ms. Kello said she did not have a problem with that.

Mr. Titmus said the reason he asked for this addition is because, we have had some problems recently about people doing things outside of the conditions we have set. The reasons they have done things outside the conditions is because the conditions never conveyed with the deed. It then becomes difficult for Zoning to go back and enforce the conditions. I just believe it would be good practice for us, as we move forward, to put that condition in all the CUP's we do.

The Chairman asked if there were any more questions for the applicant's representative. He said since there are none he was opening the public hearing portion of the case. He asked if anyone had signed up to speak. He said since there is no one he was closing the public hearing portion of the case. He asked the Commissioners if they had anything else they wanted to add and if not he would entertain a motion.

Mr. Titmus made a motion and read the following BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-22-2, as presented be recommended for approval with conditions to the Board of Supervisors. It was seconded by Mr. Simmons and with Mr. Titmus, Mr. Simmons, Mr. Cunningham, Mr. Harvell, Mr. Hayes, Dr. Prosis and Mr. Tucker voting "AYE" C-22-2 was recommend for approval to the Board of Supervisors.

Planning Commission Recommended Conditions:

1. With the exception of dogs kept temporarily (i.e. kept for no more than 30 days) as part of the rescuing of dogs and locating foster families for these rescued dogs, there shall be no more than fifteen (15) dogs (i.e. any dog over six months of age) on the subject property at one time.
2. With the exception of dogs that are being actively trained by the owner or by an individual employed by the owner, the dogs that are part of the kennel operation shall be kept in a fenced area, in dog runs, or inside a structure for boarding dogs.

3. All defactory matter shall be placed in a controlled location, covered and disposed of per County and State Codes.
4. A provision shall be made in the Deed restrictions for the subject property requiring that the Conditions of the Conditional Use Permit shall be disclosed to all subsequent property owners.
5. Operation of the kennel shall comply with all applicable County, State, and Federal Codes.
6. The conditional use permit shall be reviewed for compliance with stated conditions a minimum of one time per calendar year.

BOARD OF SUPERVISORS ACTION

Motion for approval with conditions by the Board of Supervisors:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (3) & (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-22-2, as presented, be approved with conditions by the Board of Supervisors.

Motion for disapproval by the Board of Supervisors:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (3) & (7) and Zoning Ordinance Sections 22-2 and 22-22 it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit request, C-22-2, as presented, be disapproved by the Board of Supervisors as the issuance of a conditional use permit would not be in compliance with the intent, purpose, and design of the Dinwiddie County Zoning Code.