

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT**

The issuance of a Special Use Permit to allow the expansion of a veterinary clinic to operate a pet resort with indoor kennels in a Limited Commercial (LC) zoning district.

SUP 22-03

Property Address: 2921 Ramsey Street
Tax Map Number: REID # 0439604923000
Property Owner: JBDB Investments, LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on April 25, 2022, to consider a Special Use Permit request filed by Julianne Harrelson, Critical Path Solutions LLC ("Applicant") on behalf of Dale Brown, JBDB Investments, LLC ("Property Owner") to issue a Special Use Permit to allow the expansion of a veterinary clinic to operate a pet resort with indoor kennels in a Limited Commercial (LC) zoning district, on the property addressed as 2921 Ramsey Street, Fayetteville, NC ("Subject Property"). The Subject Property is presently zoned as Limited Commercial (LC).

On April 11, 2022, a notice of evidentiary hearing was mailed to the Property Owner and all of the owners of property within 500 feet of the Subject Property. On April 11, 2022, a notice of evidentiary hearing sign was placed on the Subject Property. On April 15 and 22, 2022, a notice of evidentiary hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the City Council makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. JBDB Investments, LLC, is the owner of Limited Commercial (LC) zoned property addressed as 2921 Ramsey Street, which contains approximately .084 acres in the City of Fayetteville, NC.
2. The Subject Property is currently zoned Limited Commercial (LC) and used for commercial/office use.
3. The Property Owner seeks to demolish the current Veterinarian Clinic and build a pet resort in its place.
4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on March 16, 2022.

5. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . .”. Chapter 30, Article 4, Section 30-4.A.2 permits Residential Uses as a Use Category.

6. Chapter 30, Article 4, Section 30-4.C.4.i.1, Use Table, permits Indoor Kennels, in the Limited Commercial (LC) zoning district which meet the Use-Specific Standards.

- a. The special use complies with all of the following applicable standards in Section 30-4.C, Use-Specific Standards:

30-4.C.4.b Animal Care Uses

- (1) Animal care uses providing boarding services for dogs shall provide a fenced and screened outdoor area of at least 50 square feet per dog. The Applicant is providing 3,800 square feet where 3,500 is required.
- (2) The animal care use shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises. According to the Applicant, the existing Veterinary Office currently meets this requirement and there have been no complaints over its 46 years of operation. Less dogs will be housed overnight at the new facility.
- (3) Any open runs or pens used to house animals shall be located at least 75 feet from any lot line. The Applicant requested a reduction in this setback of 1 foot off the property line. The UDO allows a reduction can be granted if it does not increase negative impacts and there are specific characteristics that help minimize any negative impacts. The fence line of the play yard at the current facility fall on the property line. The Property Owner does not seek to increase any negative impacts, as these same conditions already exist on the property. The Applicant shall also install a 6-foot privacy fence.. The play yard is not used to house dogs for overnight stays. The play yard is used during the day for supervised playtime. The play yard will have artificial turf that can be cleaned, and employees are required to pick up after the dogs.
- (4) Accessory uses to an indoor kennel may include retail sales and grooming services if the accessory uses do not occupy more than 25 percent of the total gross floor area. Grooming will be provided in the new facility, but this use will only occupy 8 percent of the total floor area.

- (5) Any incinerators included as an accessory use to an animal shelter shall be permitted only in accordance with a Special Use Permit. No incinerators are included at this facility.
- b. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands as the surrounding property is zoned and constructed as mainly commercial property. The requested use is already being provided at the Property Owner's existing facility. This use has been on this property for 46 years. The new kennels will house 30 less animals than what are currently housed on this property.
 - c. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration as the proposed use is currently occurring at the site. No change is needed to increase service deliveries, parking, loading, odors, noise, glare or vibrations from the current situation. The play yard will have artificial turf that will be cleaned.
 - d. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The appearance of the new construction will closely match the new Veterinary Office adjacent to the north and the play area will be screened by a 6-foot privacy fence.
 - e. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources. The new building is being built on an existing site instead of a Greenfield, therefore resulting in minimal impact to wildlife, scenic and natural resources.
 - f. The special use maintains safe ingress and egress onto the site and safe road conditions around the site. The Veterinary clinic has new drive that will be shared with the Pet Retreat. NCDOT has already approved the new entrance and the entrance has a larger turning radius that is safer for entering and exiting the site. The southern most drive on the site will be eliminated.
 - g. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district. This section of Ramsey Street has very little new construction. Most businesses are in older buildings that have been repurposed. New construction will maintain or enhance the values of adjacent buildings.
 - h. The special use is required to comply with all other relevant City, State, and Federal laws and regulations. The Riverbark Pet Retreat will be required to submit building plans that comply with the NC Building Code, Accessibility, and Fire Code and Unified Development Ordinance.

7. The Special Use Permit applies to the entire Subject Property currently zoned Limited Commercial (LC) of the parcels identified by REID # 0439604923000 and addressed as 2921 Ramsey Street.

8. The City's Unified Development Ordinance (UDO) requires that the Property Owner adhere to all City, State, and Federal requirements. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.

9. The City's Technical Review Committee will review and approve all plans before any permits are issued.

10. An approved special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to consolidate the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . . " See City Code, Chapter 30.

2. The application on behalf of JBDB Investments, LLC, was timely, notice was properly given, and an evidentiary hearing was held by the City of Fayetteville's City Council in compliance with the laws of North Carolina.

3. The Property Owner shall adhere to all City, State, and Federal requirements.

4. All of the general and specific conditions precedent to the issuance of a Special Use Permit have been satisfied.

- a. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district of surrounding lands.
- b. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.
- c. The special use will minimize adverse effects, including visual impacts, of the proposed use on adjacent lands.
- d. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- e. The special use maintains safe ingress and egress onto the site and safe road conditions around the site.

- f. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.
- g. The special use complies with all other relevant City, State, and Federal laws and regulations.

5. The special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's City Council that the application for the issuance of a Special Use Permit is APPROVED.

VOTE: 7 to 0

This the 23rd day of May, 2022.

MITCH COLVIN, Mayor

ATTACHMENTS

- 1. Application
- 2. Notification Map
- 3. Zoning Map
- 4. Land Use Plan Map
- 5. Subject Properties
- 6. Surrounding Properties
- 7. Site Plan