

FINAL



Town of Southern Shores

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Planning Board Meeting

February 21, 2017

5:30 p.m., Pitts Center

MEETING MINUTES

I. CALL TO ORDER:

Chairperson Sam Williams called the meeting to order at 5:35 pm. Planning Board Members Gray Berryman, Elizabeth Morey, David Neal, Sam Williams, Town Planner Wes Haskett, Town Clerk Sheila Kane, Board Attorney Jay Wheless, and Town Attorney Ben Gallop were present.

II. PLEDGE OF ALLEGIANCE:

Chairperson Sam Williams led the Pledge of Allegiance.

III. APPROVAL OF AGENDA:

Gray Berryman motioned to approve the agenda. David Neal seconded the motion. The motion passed unanimously (4-0).

IV. APPROVAL OF MINUTES:

Chairperson Williams stated that the minutes had not been revised to reflect all comments that were submitted electronically prior to the meeting and requested to table the vote on approval until the March 20, 2017 meeting. Gray Berryman motioned to table the vote to approve the minutes of the December 19, 2016 Planning Board Meeting. Elizabeth Morey seconded the motion. The motion passed unanimously (4-0).

V. PUBLIC COMMENT:

Jim Conners, 83 Duck Woods Drive, stated that he recently submitted an email to the Town Council regarding updating the Land Use Plan which they recently voted 5-0 to do. As recently published in the Outer Banks Sentinel, he will be running for a Council seat in the November election. As the election nears, he will be speaking about Planning issues and asked the Board to call him out should he get out of line.

VI. OLD BUSINESS:

- A. VA-16-02: Variance application submitted by House Engineering, P.C., for a variance from Section 36-202, (d) of the Southern Shores Town Code for the property located at 103 Ocean Blvd. (Performing the duties of the Board of Adjustment).

Chairman Williams announced that the Planning Board was now acting as the Town of Southern Shores Board of Adjustment and introduced the application. He called on the applicant, Rick House, and informed him that only four Board members were present. In order for the variance to be approved, a unanimous (4-0) vote would be required. He asked the applicant if he would like to proceed or table consideration of the application

until the next meeting. The applicant stated that he would prefer to table the consideration of the application until the next meeting.

Elizabeth Morey motioned to table VA-16-02 until the next meeting. Gray Berryman seconded the motion. The motion passed unanimously.

VII. NEW BUSINESS:

A. CUP-17-01: Conditional Use Permit application submitted by Dr. Emily Worthy to operate a Veterinary Clinic at 5385 N. Virginia Dare Trl.

Chairperson Williams introduced the application and asked Wes Haskett to present the Staff Report (attached). David Neal asked which unit the proposed use would occupy. Wes Haskett stated the unit on the west end of the building.

Chairperson Williams called on the applicant to address the Board. Dr. Emily Worthy stated that she hopes to open the clinic and she looks forward to joining the community and serve as a role model for kids interested in animal health and veterinary medicine.

Chairperson Williams pointed out that the floorplan diagram submitted appears to show the unit on the eastern end of the building but the proposal applies to the unit on the western end. He asked Dr. Worthy if she had visited the space. Dr. Worthy stated yes. Chairperson Williams pointed out that the diagram of the proposed floor plan shows a door that opens to the hallway but the approved plan shows a door that opens into the proposed x-ray room. If the door does open that way, the toilet and sink will need to be moved in order to open the door to the proposed hallway. Dr. Worthy stated that interior improvements will be made if the proposal is approved.

Chairperson Williams asked if stacked cages or crates would be used for the animals. Dr. Worthy stated that stainless steel stacked cages would be used with larger animals kept on the bottom and the smaller animals kept on top.

Chairperson Williams stated that the application indicated that the clinic would primarily be an outpatient facility with no overnight stays. One has to assume that there would be some cases when animals will have to stay overnight. Dr. Worthy stated that the animals are usually quiet but she would discuss it with the owner of the building. The animals can be taken to another facility for overnight stay if needed.

Chairperson Williams stated that small animals are usually vocal and some large dogs can be loud. Dr. Worthy stated that cats are usually not vocal and dogs are usually not feeling exuberant after treatment. Large dogs aren't usually kept but if they were, they would not be left unattended.

Chairperson Williams pointed out that the unit is adjacent to another business and the animals could be disruptive. Soundproofing the unit may be necessary. In addition, with no outside runs, one has to assume that the animals would be kept in cages and not walked which could result in an odor problem. Dr. Worthy stated that proper sanitation measures would be followed including the use of bleach and odor killing materials.

Chairperson Williams pointed out that the dumpsters for the units are on the opposite end of the building and asked about disposal of the animal waste. Dr. Worthy stated that the waste will be disposed of as needed, including multiple trips per day if necessary.

Chairperson Williams pointed out that there is no break room shown on the floorplan and there is no vacant space that could be used as a break room which could be an OSHA

issue. Dr. Worthy stated that she would have to look into that and off-site breaks may be taken.

David Neal asked if the applicant currently owned a clinic. Dr. Worthy stated that she had not owned a veterinary practice before.

Elizabeth Morey motioned to recommend approval of CUP-17-01 to the Town Council. Gray Berryman seconded the motion. The motion passed (3-1).

David Neal asked if interior improvements would require a Building Permit. Wes Haskett stated that a Building Permit and Zoning Permit will be required.

Chairperson Williams motioned to amend the original motion by adding the condition from the Staff Report. Gray Berryman seconded the motion. The motion passed unanimously.

VIII. PUBLIC COMMENT:

None.

IX. PLANNING BOARD MEMBER COMMENTS:

None.

X. ANNOUNCEMENTS:

Chairperson Williams announced that the next Planning Board meeting will be held on March 20, 2017 which includes consideration of VA-16-02 and a discussion regarding the Land Use Plan. At this time, it is not apparent if the Board's role in the update of the land use plan will be major or minor.

Wes Haskett announced that Codewright will present the first phase of the Town code rewrite project to the Town Council and the Planning Board at 3:00 pm on March 20, 2017. This is the same day as the Planning Board's next meeting. More details to follow.

XI. ADJOURNMENT:

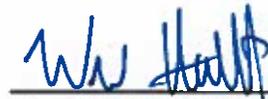
Gray Berryman motioned to adjourn. David Neal seconded the motion. The motion passed unanimously and the meeting adjourned at 6:10 p.m.

ATTEST:



Sam Williams, Chairperson

RESPECTFULLY SUBMITTED:



Wes Haskett, Town Planner

STAFF REPORT

To: Southern Shores Planning Board
Date: February 16, 2017
Case: CUP-17-01
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Emily Worthy
 1105 West Rd.
 Chesapeake, VA 23323

Requested Action: Conditional Use Permit application to operate a Veterinary Clinic at 5385 N. Virginia Dare Trl.

PIN #: 986720917495
Location: 5385 N. Virginia Dare Trl.
Zoning: C, General Commercial

Existing Land Use: "Commercial"

Surrounding Land Use & Zoning:

- North-** Commercial; C, General Commercial District
- South-** U.S. Hwy. 158, Town of Kitty Hawk
- East-** Commercial; C, General Commercial District
- West-** Commercial; C, General Commercial District

Physical Characteristics: Developed (Sandy Ridge Shopping Center)

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant seeks a Conditional Use Permit to operate a veterinary clinic at 5385 N. Virginia Dare Trail. The proposed clinic is to be located in the Sandy Ridge shopping center which currently contains adequate parking spaces to meet the minimum parking requirements for veterinary clinics and the existing uses. Section 36-207, (c), (2) requires all boarding runs and kennels to be in an enclosed, heated, and air conditioned building. Veterinary clinics are permitted uses in the C, General Commercial zoning district provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.

- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Commercial in the C, General Commercial zoning district which is consistent with the proposed use. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that apply to this application have been identified. Should the Board recommend approval of the application to the Town Council, Town Staff offers the following condition for consideration:

- 1. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.