

**TOWN OF VASS
BOARD OF COMMISSIONERS
PUBLIC HEARING
October 29, 2018**

The Public Hearing was called to order by Mayor Callahan at 6:12 p.m. Commissioners in attendance were: Mosley, Blackwell, and Kellis. Commissioners Callahan and Kosem were not present. Also, in attendance was Kathy Liles, Consultant.

PUBLIC HEARING

Petition for Conditional Use: 4693 Union Church Road (former Mamas Kitchen). Petitioner: Janice Baker owner of VTC Canine Sports Medicine and Rehabilitation Clinic was sworn in to testify. Ms. Baker explained her intended use for the building to be used as a veterinary clinic. Currently has an office in Fayetteville. With the closest veterinary clinic 8 miles away, Ms. Baker believes her clinic will be an asset to the Vass community. The building will initially be used for office space and a base for her existing mobile clinic. The immediate plan does not include plans for overnight boarding, overnight hospitalization, or outdoor kenneling.

Kathy Liles asked the board of commissioners to consider Findings of Fact and a final order for this project. As a part of the findings of fact the board looked at zoning code requirements, potential conditions and how consistent the project is with the adopted land use plan.

1. The property is approximately 3.21 acres in size and is split zoned RA and R-2 with the majority of the property zoned RA.
2. The existing building is in zone RA.
3. Veterinary clinics require a Conditional Use Permit in the RA district.
4. The property in question is adjacent to R-2 zoning to the south and RA on the remaining sides.
5. Crane's Creek school is located to the north. Residentially improved properties are located on the remaining three sides. The closest is 193 feet away and across the street. The closest house on the same side of the road is approximately 263' away.
6. Section 12.69 of the Zoning Ordinance requires veterinarian's offices and clinics where animals are kept are to be constructed in such a manner as to contain noise within the facility.
7. The existing structure was formerly Mama's Kitchen and was built in 1971 as a wood frame building.
8. The septic system was originally permitted in 1989 and is need of some repairs and tree root removal.
9. Part of the access to parking for the veterinary clinic will be in the R-2 zoning district.
10. The application includes a summary that states that the intended use is to provide a full-service veterinary general practice serving the Vass area.
11. The applicant intends to offer specialty services in surgery and rehabilitation.
12. The building will serve as a base for their mobile clinic.
13. The facility will require inspection by the North Carolina Veterinary Board before operation.

FINDINGS

North Carolina General Statutes and the Zoning Ordinance require the following findings when rendering a decision for a Conditional Use Permit.

1. Does not materially endanger the public health or safety
2. Meets all required conditions and specifications;
3. Would not substantially injure the value of adjoining property or be a public necessity; and

4. Will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

CONCLUSIONS OF LAW

Based on the above Findings of Fact and subject to the following conditions, the Board of Commissioners has determined the following:

1. Subject to approval by NCDOT for driveway access and the inclusion of off-street parking the plan as proposed should not endanger public health or safety. Adequate movement area is available to avoid backing into the street. Inspection of the septic system by Environmental Health will ensure that the necessary repairs to the system are made to protect public health.
2. Veterinarian's clinics do not typically cause the types of noise problems experienced with kennels and this clinic is not expected to have an unacceptable impact on adjoining properties. The building meets required conditions for approval in the Vass Zoning Ordinance. Acceptable ingress and egress are available.
3. This proposed use is not a public necessity. Evidence has not been provided that demonstrates that the value of adjoining property would be affected. The area includes a mix of institutional and residential uses and would not be solely described as a single-family neighborhood. Lot sizes are fairly large due to the character of the RA district. The district is one that is identified for agricultural use which includes animals.
4. The following goals are contained in the Town of Vass Land Use Plan.

Goal 1: Continue to improve Vass's commercial appearance.

This use will put a substantially unused building into productive use.

Goal 2: Revitalize the Historical Downtown District.

This goal is not applicable to the project in question.

Goal 3: Encourage varied housing options for current and future residents of Vass.

This goal is not applicable to the project in question.

Goal 4: Adopt enhanced development standards and improved infrastructure and maintenance for future development.

This goal is not applicable to the project in question.

Goal 5: Promote the health, safety, and general welfare of citizens of Vass by providing living conditions in which clean air, water, and minimal noise are priorities.

The conditions as proposed will protect against water contamination and ensure noise containment. Restricting outdoor kennels will reduce noise. There is adequate separation to protect the health, safety and general welfare of the citizens of Vass.

THEREFORE, ON THE BASIS OF THE FOREGOING, IT IS ORDERED THAT THE APPLICATION FOR A CONDITIONAL USE PERMIT BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS.

1. Because of the change in use, a driveway access permit will be requested from NCDOT.
2. R40 uses shall not intrude into the remaining property zoned R-2 unless the applicant petitions and receives approval for a rezoning to an allowable district for veterinary use.
3. The change in use will require an inspection by Moore County Inspections and the Fire Marshall.
4. This conditional use permit does not authorize use of the property for an outside kennel. Addition of a kennel will require a modification of the conditional use permit.
5. Use of the septic system will require recertification by Moore County Environmental Health.

6. Prior to future expansion of use within the building, the applicant will contact Moore County Public Utilities regarding future availability of sewer.
7. In the event three verified noise complaints occur within a rolling calendar year, the applicant will install additional noise proofing subject to approval by the town.

Motion made by Commissioner Kellis to approve the Conditional Use Permit. Motion was carried unanimously.

Motion to close Public hearing made by Commissioner Mosley. All were in favor.

PUBLIC MEETING:

The Public Meeting was called to order by Mayor Callahan at 6:28 p.m

CDBG and CIP Update: Mike Apke, McGill Associates informed the board that 80 applications for hookup only grants were received from low to moderate income residents. 64 applications were verified, 16 applicants did not qualify based on income. USDA has indicated they may be able to fund applicants that CDBG does not fund through a special program.

Mr. Apke informed the board of a condition through the proposed CDBG project that requires the local government to adopt a low-income rental rate for all low-income rental units in the grantees jurisdiction. He has asked the state for clarification on how to determine what a low-income rental rate is. He was referred to the local housing authority who then referred him to another agency. He has not gotten much guidance on this. 38 of the applications submitted were for owner occupied, 26 are rentals. The interpretation of this guideline is CDBG is requiring rental rates to be locked for one year to keep landlords from increasing rates to cover connection costs. The board of commissioners chose to submit the application specifying further clarification is needed on this issue. Motion made by Commissioner Blackwell to submit the grant application with and to include the rental applications. The motion was carried unanimously.

The application asks if 100% grant money is not available what percentage would the applicant be willing to accept. The options are 25%, 50%, 75% and 100%. Commissioner Kellis made a motion to accept 50%. The motion was carried unanimously.

The Waste Water Capital Improvement Plan adopted by the board in 2017 showed the areas of town that were served by the county sewer system, the rest of the town would be served by the county at a later date. Both projects are now being funded by USDA. Three points can be added to the new application if the project being submitted is include in the CIP. Mike Apke proposed adoption of an updated CIP adding the current project, which is a hookup only grant, to the previous CIP. Commissioner Blackwell made a motion to adopt an updated CIP Plan. The motion was carried unanimously.

Camellia Crossing Phase II: Kathy Liles presented an amended final plat (received October 25, 2018). Moore County Public Safety required a connection between the two cul-de-sacs. An all-whether access road has been added in order to get fire trucks in and out during an emergency. Deficiencies with the sediment and erosion plan noted by the state have been corrected. Commissioner Mosely made a motion to approve the improvements. The motion was carried unanimously.

Jordan's Ridge – Petition for Annexation: Removed from Agenda due to legal description issues.

3697

Adjournment

Mayor Callahan asked for a motion to adjourn the public meeting. Commissioner Kellis made a motion to adjourn the meeting at 6:57 p.m. The motion carried unanimously.

TOWN OF VASS


Henry E. Callahan, Mayor

ATTEST: 
Mabel A. Walden, Town Clerk