

LEGISLATIVE #

110640A

City Plan Board Minutes December 5, 2011

8. Petition PB-11-142 TCH City of Gainesville. Amend the Land Development Code to allow Limited Pet Day Care in Single-family residential districts (RSF-1, RSF-2, RSF-3, and RSF-4) as a specially regulated use citywide.

Planning Manager Ralph Hilliard gave the staff presentation. Chair Ackerman reminded everyone that the issue before the board was not a public hearing on Mr. Baber's pet-sitting business, but on a proposed text change to the Land Development Code. The following members of the public addressed the Plan Board regarding this petition: Jo Beaty, Jeannie Easley, June Bowe, Paula Stahmer, Bruce Baber, Sondra Randon (Bruce Baber's attorney), Laura Jones, Karen Orr, Kristen Bowe, David Beasley, and Nicole Neal.

Ms. June Bowe, whose daughter Kristen owns and resides in the house adjacent to that of Mr. Bruce Baber acknowledged that Mr. Baber has taken measures to reduce the barking of the dogs he walks and/or boards at his house, but both she and her daughter told the Plan Board that Mr. Baber's clients regularly use Ms. Kristin Bowe's driveway (adjacent to that of Mr. Baber) during the course of dropping off their dogs, and thus create unwelcome noise, particularly in the morning. Ms. June Bowe said that her daughter's house must be treated both internally and externally for fleas, and pointed out that her daughter's small (nine-pound) dog was not in residence when the flea problem became evident. She concluded by saying that Gainesville is simply not set up to allow a commercial dog-sitting businesses in residential neighborhoods, and to illustrate her point asked how it could be assured that clients' dogs had been vaccinated.

Mr. Bruce Baber told the Board that since the appeal, there has been no noise (from the dogs under his care) and that there have not been many dogs. He said that he first became aware of the Bowes' concerns at the time of the appeal. Mr. Baber said that his dogs don't bark, that he has installed nine \$60 anti-barking devices, that he intensively trains the dogs, and that it is the small dog at the Bowe's house that barks when his clients drop off their dogs. He concluded by saying that the neighbor behind the Bowe's house has written in an e-mail that there are no problems with noise, odor or anything else emanating from Mr. Baber's property, and that many other people have written statements of support.

No other members of the public spoke, and the public hearing was closed.

Chair Ackerman asked whether special use permits (SUPs) can be conditioned. Planning staff replied that they can be conditioned and that SUPs can be revoked for non-compliance with the SUP conditions. Code Enforcement Manager Chris Cooper answered several questions from the Chair about code enforcement. Plan Board member Peter Johnson said that based on his experience as a dog owner, he would make several changes to the proposed regulations. Plan Board member Stephanie Sims asked whether distance requirements are applied to other uses, and Planning Manager Ralph Hilliard replied that their purpose is to prevent a given use from overwhelming a neighborhood.

Board member Danika Oliverio explained that although she loves dogs and owns two of them, she thinks that the commercial use of boarding dogs is not appropriate in a residential neighborhood. Plan Board member Crystal Goodison said that she also is a dog lover and dog owner, and that she also does not think that boarding of dogs is compatible with a residential neighborhood. Board member Erin Condon that although she is sympathetic with the need for dog boarding, she grew up with a wide variety of animals and occasionally takes care of her parents' animals, none of that overrides her concerns about establishing a special use permit process that would allow this use in a residential neighborhood. She later added that owning a pet obligates a person to make arrangements for care when the owner is away, and that there are other means for doing so than allowing pet boarding businesses in single-family neighborhoods.

Chair Ackerman, who is a dog owner, said that he is supportive of a special use permit process for this kind of use. He expressed confidence in Code Enforcement's ability to enforce SUP conditions, that that he could support an SUP with sufficient enforceable conditions, that would be non-transferrable, and that would have to be renewed periodically. Board member Amisha Sharma, who has two cats, said that if the petition was to be approved, there should be an overnight option and that there should be a minimum amount of interior and exterior space required for each pet. She added that there should be a requirement for frequent renewal of the SUP as a means of assuring compliance with conditions of the SUP.

Planning Manager Ralph Hilliard told the Board that the next step will be a public hearing before the City Commission. Board Member Peter Johnson said that the vote might have been different had the three new members not been in their 60-day probationary period and therefore unable to vote. He asked that this comment be shared with the City Commission.

Motion By: Danika Oliverio	Seconded By: Erin Condon
Moved To: Deny Petition PB-111-142 TCH	Upon Vote: 3:1 (nay - Bob Ackerman)