DRAFT MINUTES

MINUTES OF THE REGULAR SESSION MEETING OF THE QUEEN CREEK PLANNING AND ZONING COMMISSION
Wednesday, August 11, 2010 7:00 P.M.
Council Chambers, 22350 S. Ellsworth Road, Queen Creek, AZ 85242

1. **CALL TO ORDER** The meeting was called to order at 7:00 p.m. by Vice-Chairman Moore.

2. **ROLL CALL** (one or more members of the Commission may participate by telephone).

Present	**Absent**
Vice-Chairman Moore	Commissioner Atkinson
Commissioner Ingram	
Commissioner Perry	
Commissioner Reyes	
Commissioner Robinson	
Commissioner Sossaman	

Staff

Present	**Others Present**
Development Services Director Condit	Jason Gad
Community Development Manager Balmer	Alex Matheson
Principal Planner McCauley	Ryan Nichols
Community Dev. Assistant Laura Moats	Sheila Iyengar

3. **PUBLIC COMMENT**
Members of the public may address the Commission on items not on the printed agenda. Please observe the time limit of three minutes. Speakers' cards are available at the door, and may be delivered to staff prior to the commencement of the meeting. **There were no public comments**.

4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Chairman will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Commission and/or staff may remove any item for separate consideration.

   a. **Consideration and Possible Approval of July 14, 2010 Work Study and Regular Session Minutes;**

Motion: **Commissioner Perry**
To approve the Consent Agenda as presented.

2nd: **Commissioner Ingram**
Vote: **All ayes. Motion carried (6-0 Atkinson absent).**

PUBLIC HEARINGS

5. **Public Hearing, Discussion and Possible Action on CU10-055, Lotus Dog Training, Boarding & Rescue**, A request by Sheila Iyengar for a Conditional Use Permit to allow a dog kennel at 18924 E. Chandler Heights Road.

Principal Planner Mike McCauley presented the staff report. The property is approximately three acres in size, and includes a 2,800 square foot indoor, air-conditioned kennel and a large outdoor training/exercise area. The applicant has plans to eventually expand the business to allow for up to 50 dogs. Mr. McCauley stated typically, kennels are allowed by right in non-residential zoning districts and in low-density residential districts through an approved Conditional Use Permit (CUP), subject to several criteria. Mr. McCauley illustrated the site plan/lot layout. Mr. McCauley pointed out, per the lot layout, there is ample space for the kennels, parking, training and dog daycare.

Mr. McCauley provided a chronology of events from April, 2009 to present, including a letter from the Planning Manager outlining the CUP process, and a May 24, 2010 neighbor's complaint about noise. The applicant submitted the CUP and Business License application subsequent to the Code Enforcement's receipt of the neighbor's complaint. The business license is pending the outcome of this CUP request. Mr. McCauley noted the applicant held a neighborhood meeting. Staff has received letters in support of the application, and three letters in opposition from neighbors located on north side of subject property, the immediate west side of her property, and the immediate east side of the property. Mike noted most letters of support came from business patrons who live in various areas of the Valley and California. Mr. McCauley stated upon review of approval criteria for a CUP, there are nine items to which the applicant should adhere. Staff is recommending denial of the application, because Staff believes the request, as submitted, does not comply with items #5 and #9 of the standard criteria, on pages 3 and 4 of the staff report, as follows:

#5: The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

#9: The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are/may be adversely affected by the establishment of the proposed use.

Mr. McCauley added that should the Commission recommend approval, staff recommends approval subject to Conditions of Approval numbers 1-15, shown on the staff report.

QUESTIONS FROM THE COMMISSION:

Commissioner Robinson asked if the possible conditions of approval included any stipulations regarding keeping all animals indoors at certain times. Mr. McCauley responded there is currently not a condition that addresses this issue; however, it could be added through the motion.

Commissioner Perry addressed the three letters of opposition from the applicant's neighbors and requested to be shown where on the map they live relative to the applicant's site. Mr. McCauley pointed out the locations of the neighbor's properties.

Commissioner Perry requested clarification of item #9 on the Conditions of Approval Criteria. Mr. McCauley responded this item emphasizes the importance of the recommending body and elected Council Members in considering not just the property in question, but how it will impact the public as well; that being the adjacent property owners and properties in the general vicinity.

There were no further questions from the Commission.

PRESENTATION BY APPLICANT:

Andrew Moore, 1821 S. Sandstone Street, Gilbert, AZ, addressed the Commission on behalf of Lotus Boarding, Training, and Rescue.

On behalf of his client, Sheila Iyengar, Mr. Moore explained how the applicant would effectively mitigate the concerns of the neighbors in opposition to the application. He provided background information about Ms. Iyengar and her boarding and training facility, as well as the Reservation Rewards Animal Rescue non-profit organization. Mr. Moore outlined the site plan for the property, which he reiterated is zoned R1-43. He referred to Section 6.2 of the Town's Zoning Ordinance, noting if approved, this may be the only boarding facility within town limits.

Mr. Moore stated the applicant made door-to-door contact with her neighbors before she opened her business in its current location. The support was overwhelmingly positive. She left brochures for anyone who wasn't home at the time of her visits. Ms. Iyengar purchased the property in December, 2009 and moved into the property on Feb. 1, 2010. She began operating the business shortly after that. Mr. Moore explained the function of each of the different areas on the site plan, including the open training and exercise areas, the north property line (irrigation canal and backyards across from that), and the neighbors located to the east and west of the subject property. Mr. Moore noted these properties are all approximately three acres in size. He stated the neighbors who live east and west of the applicant have provided letters of support. The site currently houses approximately 25 dogs. The applicant would like approval for up to 50 dogs maximum, which would not necessarily be at all times, but would be during peak times, such as holidays. The applicant has made several improvements to the property, including $10,000 in landscaping to provide a visual buffer from the neighbors, and irrigation to re-grow

the grass. A company has been hired to clean the property twice a week, to ensure there is never an odor or mess.

Mr. Moore noted the applicant had addressed Mr. Rispoli's (neighbor to the north) concerns when she became aware of his complaint. She put training collars on the dogs to stop them from barking, and hired more staff to work on the property. There is staff presence any time the dogs are outside. In addition, the applicant purchased a tread mill for the dogs to run on indoors, to decrease the amount of time necessary for them to be outdoors. Since the complaint was received, the roll-up doors have been closed to keep noise inside. Although the applicant did take measures to address Mr. Rispoli's concerns, there was no concrete resolution. Mr. Moore noted a total of 53 letters in support of this operation have been received from the applicant's business community, patrons and neighbors. The applicant is open to addressing any additional concerns from any neighbors.

Mr. Moore addressed #5 and #6 of the Conditions of Approval relating to noise and enjoyment of property. He stated:

- The applicant is willing to install a six-foot block, masonry wall on all sides of her property to mitigate the dogs running up to the property line and bothering the neighbors' horses.
- The applicant will also install Oleanders and other landscaping as an additional buffer.
- The applicant is in agreement to having no more than 10 dogs outside at any time, with staff presence.
- Mr. Moore noted the three-year expansion plan is not part of the application; however, if the business goes well, the applicant would like to come back for approval to expand the business if she feels it is warranted.
- The applicant agrees to keep the dogs in the back of the property, and keep them 50 feet from the property lines.
- The applicant would like to be able to have outside training between the hours of 7 am and 7 pm, instead of the staff recommended 7 am to 5 pm.

Lastly, Mr. Moore pointed out the large lots lend themselves to animal uses, as illustrated by residents' horses on nearby properties.

QUESTIONS FROM THE COMMISSION:

Vice-Chairman Moore commended the applicant for doing a great job in getting support on her application.

Commissioner Robinson questioned if, and how, the applicant would be able to adhere to #7 on the Possible Conditions of Approval (page 5 of 5):

7. *All outdoor dog training activities north of the home shall occur at least 50 feet from the property lines.*

Mr. Moore responded this stipulation addresses training activities; he stated no training activities will be done in that area.
Commissioner Robinson asked if dogs not being trained would be permitted to get within 50 feet of the wall. Mr. Moore responded the applicant would like to use this area (outside of training) since it is grassy.

Vice-Chairman Moore asked how many dogs would be in different parts of the site, and requested the applicant provide an example of the daily process for training, including the area to be used for training, the time of day, and how it is handled.

Applicant Sheila Iyengar, 18924 E. Chandler Heights Road, addressed the Commission, and explained the day-to-day activities, noting the daily operation is dependent on the types of dogs they have, and what the purpose for the dogs being there is.

Vice-Chairman Moore asked what maximum number of dogs is that are in the yard at any time. Ms. Iyengar responded there are never more than 10 dogs outside at one time; there are typically 4 to 6 dogs out at one time.

Commissioner Robinson asked how far the indoor kennel is from the back wall. Ms. Iyengar responded the distance is about 200 feet.

Commissioner Robinson asked if any dogs would be outside past 7 p.m. if the 7 a.m. to 7 p.m. timeframe is granted. Ms. Iyengar responded those hours relate to what hours the clientele would typically be present. However, the dogs are typically let outside to go to the bathroom after 7 p.m.

There were no further questions from the Commission.

Vice-Chairman Moore opened the Public Hearing at 7:40 p.m.

Vice-Chairman Moore noted he had received eight letters of support from audience members; these letters will be entered into the record.

The following people addressed the Commission during the Public Hearing:

1) Rebella Kovacevich, 935 East Verona Street, San Tan Valley, AZ (near Ironwood and Ocotillo – in Cambria subdivision). Ms. Kovacevich spoke **In favor** of this business. She stated she used Sheila's web site to look at dog profiles when looking for a dog to adopt.

2) Mitzie Cordes-Heydt, 2353 E. Clexton in Gilbert. Spoke **in favor.** She stated she is the applicant's real estate agent and sold her this property. She stated, as real estate agent, she is experienced with CUP transactions. She stated Ms. Iyengar researched all the laws before buying this property. The applicant felt this location would be perfect for her business. She noted prior to finalizing the purchase, Ms. Iyengar met with Town Zoning Staff, and left feeling confident this would not be a problem. She noted this was a foreclosure property, and the bank would not take a contingent offer (upon CUP approval). She and the applicant

visited the surrounding neighbors, at which time they received lots of support. She stated her professional opinion is that it will not decrease property values, adding the work Ms. Iyengar has completed has been an improvement to the property, based on the comparables.

3) Sandy Aaron – address unknown - Gilbert, owns PetButler. Spoke **in favor** of the application. Ms. Aaron stated she met the applicant through different business dealings, and was immediately drawn to her ethics and business values. She stated Ms. Iyengar is very community-minded. She cares about the dogs, but also the community. Her neighbors are blessed to have her for a neighbor.

4) Lisa Kovach from Apache Junction - **in favor**. Not wishing to speak..

5) Kevin Voight – Apache Junction **- in favor** – not wishing to speak.

6) Alan Peterson – Mesa - **in favor** - not wishing to speak.

7) Cristina Peterson – Mesa – **in favor**- -not wishing to speak.

8) Cindy Oshop – San Tan Valley - **in favor** - not wishing to speak. Included on public comment card: the kennel is a well-kept facility; professionally run.

9) Jasper Jackson – Chandler Heights Road, Queen Creek – **in favor**, not wishing to speak.

10) Sally Whetstein from Florence – **in favor** – not wishing to speak – "Sheila and her staff offer invaluable service to dogs, dog owners and rescue dogs. This is and will be an asset to the Town of Queen Creek. Her focus is on training, teaching, rescuing and maintaining an orderly environment."

11) Mike Conboy, Sr. – Apache Junction – **in favor -** not wishing to speak. Feels it is a blessing to Pinal County residents who are animal lovers.

12) Bill Drevyanko – 2611 E. Augusta Avenue, Chandler - **in favor.** Mr. Drevyanko stated he has known the applicant for five years. He has a rare dog that is a high-liability animal and requires special training. He also has two businesses, specializing in foreclosure properties. He will not leave his dog with anyone else. Mr. Drevyanko addressed the advantages of the applicant's rescue organization. Mr. Drevyanko stated he also owns horses and boards them at Marley Farms. He stated Marley Farms also boards dogs. He feels having a block wall is a waste of time because the block wall will traumatize a horse who cannot see a dog on the other side of the fence. He stated he hopes the Commission and Council will approve the CUP request.

13) Phillip Acosta – not speaking – **in favor**. "Reservation Rewards Animal Rescue provides an invaluable resource to Queen Creek. The area does not have an animal control facility of its own. This keeps stray animals off the street and makes Queen Creek safer for animals and people."

14) Elaine Jackson, 19914 E. Calle Flores, Queen Creek – in Circle G ranch at Chandler Heights and Hawes roads. **In favor.** Ms. Jackson stated she is confident in Sheila's services, stating, "We need this in Queen Creek very much. It is a crying shame that people leave homes and abandon animals in them. Thank God we have people like Sheila so dogs don't have to go to an untimely death. I very much trust her with her my animals."

15) Donna Hofman, 148 W. Latego Circle, Queen Creek (Solero del Webb) – Ms. Hofman stated she lives in a 55 and older community. She stated when people can't find a place that's safe for dogs, they drop their animals in senior areas, where the dogs can succumb to heat or get attacked by coyotes. Ms. Hofman showed pictures of two dogs that were rescued by the applicant after Ms. Hofman had called her about the dogs.

16) Judy Dettman, 1438 E. Leaf Road, San Tan Valley – **In favor**. Ms. Dettman stated, "I have known Sheila for over 4 1/2 years. Her business is very clean, very organized. She follows the letter of the law regarding vaccinations. Sheila provided important behavioral training that allowed us to keep our Rottweiler. We travel in an R.V. Our dog used to bark ferociously and try to jump out the window. We saw Sheila's number on her SUV and called her. She came out to our RV. Now our dog, 'Samson', follows her every command. Families and friends can now visit without problems. I am in support of this CUP. Please approve as she provides a great service for the community."

17) Heather Bunch-Rindels - 1111 W. Desert Springs Drive, San Tan Valley – **in favor**. Heather stated she volunteers with Sheila and is at the facility almost every weekend. When the noise problem happened, she was there. She stated Sheila tried to do so much to work with the neighbors: She closed the garage doors, and cleans waste every day. The dogs are supervised at all times. Sheila bought a treadmill so the dogs could still get exercise while they are indoors. She stated she started volunteering in October to fill free time, and she attended the neighborhood meeting. She noted Sheila is very willing to work to address all neighbors' concerns.

18) Jeanne Robinson, 3498 E. Park Avenue, Gilbert – **in favor** – Ms. Robinson stated she has known Sheila since Feb. 2008, at which time she was looking to adopt a dog. She visited many rescue facilities. Sheila was the only rescue that called her back. It is clean, organized, and the dogs are so well-trained. She stated Sheila also visited her home to make sure her home was perfect for dog being rescued. Sheila's property is always well-maintained. Sheila maintains a good organization. The community is her top priority. She does her best to work with her neighbors.

19) Jo Gelinas, 26129 S. 202nd Place, Queen Creek – **in favor** – Ms. Gelinas owns three dogs and is a professional dog groomer. She stated she met Sheila 6 years ago when she had a problem dog. She was in danger of being injured from her dog. Sheila helped train the dog and taught her, as an owner, to know how to control dogs which helps her as a dog groomer. She does a lot of recommendations to dog owners from canine cardiologists to pooper scooper businesses. She now volunteers at the facility to groom the dogs and prepare them for adoption.

20) Art Rispoli – 23252 Via del Oro, Queen Creek – **Opposed.** Mr. Rispoli lives immediately adjacent to the applicant on the north side of her property. He has lived there for 16 years. He stated his southern border encompasses the entire northern border of the applicant's property. He feels stressed, and discontent. He stated he cannot barbeque or work with horses anymore without having stress. His friends who have visited his home have commented, saying, "this must upset you". He does not think this is good for his property value. His major concerns are: property values, noise, and his personal comfort. He addressed the Conditions of Approval stating he does not agree with any of them, especially the masonry wall. He stated the CC&Rs permit only view fencing. He does not want to be walled-in. He stated Lotus should have applied for a permit prior to starting the business. He has spoken with the applicant three, and finally called the Town to make a formal complaint. He stated he is totally against approval of this CUP.

    Commissioner Robinson asked about the installation of a solid wall, stating it seems the wall would help issues with the horses.

    Mr. Rispoli responded he has a view fence and does not want his views of the mountains to be obstructed. He does not want a wall put up unless it is 100 feet from his property line, rather than on the property line. He noted there is 8 feet on either side of the irrigation ditch, making a total of 16 feet.

    Vice-Chairman Moore stated the fence could be put 50-feet off the property line. Mr. Rispoli also noted the property to the east of the applicant is vacant, and the neighbor to the west is usually in violation of having more than six dogs of their own. Mr. Rispoli stated the CC&Rs permit view fencing only as part of Rancho Jardines subdivision. He informed the Commission his property is pie-shaped; therefore, he does not have depth behind his house; his home is very close to the kennel, and the property depth is on the side yards.

21) Kaleolani Halican – not speaking – **in favor –** per her comment card, **"**Keep the rescue in Queen Creek.

22) Inge Voglemann, 33682 N. Bell Road, 1 ½ miles south of Hunt Highway and Sossaman – **in favor** – Ms. Voglemann addressed the rescue portion of the operation. She stated she adopted two abandoned dogs as puppies. She pointed out Queen Creek does not have an animal control facility. Ms. Voglemann stated she has trouble convincing local authorities, like animal control, that they have jurisdiction over her area. Also, she has horses and her personal experience is when they can't see, they are more spooked, more so than if they can see what is making the noise. She stated she has been around horses for 25 years.

    Vice- Chairman Moore called for a recess at 8:23 p.m. The meeting reconvened at 8:30 p.m.

23) Carina Petes – address unknown, Chandler - **in favor** – not wishing to speak, "Sheila is awesome".

24) Shelli Tepe – address unknown, Queen Creek - **in favor** – not wishing to speak. Per comment card: "There is a huge overpopulation of animals in this area; killing 1000+ a week. If you have ever lost an animal, Sheila would provide service. If you need training, she would help. Training…call Sheila. If people would take on animal ownership responsibly, her services would be reduced…but we've not reached the day for people to act responsibly regarding animals".

25) Terry Weckesser – 23255 S. Via del Arroyo, Queen Creek – **Opposed** – Mr. Weckesser said he is referred to as the "north side guy". He lives across from Art Rispoli, and is opposing this application. If the Town grants this request, he would like to see the Town limit the maximum number of dogs allowed on the property at any time, whether it be for rescue, boarding, daycare, or training. He also wants the class sizes limited. He stated he is opposed to this application due to the noise factor. He also feels if there are more dogs, then there will be more vehicular traffic, which is inviting trouble. He asked if the Town condones having a business on this stretch of Chandler Heights. Road.

Vice-Chairman Moore noted, per the Staff Report, staff has suggested a maximum of 10 dogs outside, and 50 dogs total. Mr. Moore added he thought the ingress/egress was a good point, and thanked Mr. Weckesser.

26) Melissa Jordan – address unknown, Queen Creek – **in favor** – not wishing to speak. Per comment card: "She provides shelter to unwanted dogs and finds good homes for them. She is an excellent trainer and provides a safe environment for dogs that need boarding when their owners are out of town."

27) Jeff Robinson – address unknown – **in favor** – not wishing to speak. Per comment card: 'I fully support Sheila Iyengar. I have known her for 2 ½ years and have adopted two amazing dogs from her. She runs a great boarding and rescue facility".

28) Kathy Martinez, address unknown, Queen Creek area – **in favor** - not wishing to speak. Per comment card: We need a place to house abused/neglected dogs. With the rise in economic problems, people are abandoning their dogs. Reservation Rewards provides a valuable service to this community and should be supported".

29) Sylvia Smart – address unknown, San Tan Valley – **in favor –** not wishing to speak. Per comment card: "Sheila Iyengar provides a valuable and important service to this community. She should be supported and recognized for her contribution".

30) Sara Moore – address unknown, Gilbert – **in favor**, not wishing to speak. Per comment card: "This is a wonderful organization which provides a valuable service to the community. I feel that Sheila has been more than generous and flexible with both her neighbors and the stipulations of the Council (sic). Her new facility is perfect for the needs of both the Lotus Training and Boarding business, but also the dog rescue organization, Reservation Rewards. I whole-heartedly support her petition".

31) Uta Sauermann – 2176 West Periwinkle Way, Chandler, spoke **in favor**. Ms. Sauermann stated it would be a great loss to Queen Creek if the applicant didn't provide these services.

32) Heinz Sauermann – 2176 West Periwinkle Way, Chandler – **in favor** – not wishing to speak. Per comment card: "I know her/worked with her and everything is professional".

Vice-Chairman Moore read letters submitted by from Bill Drevyanko and Uta Sauermann, who had already addressed the Commission in favor of the application.

33) Carolyn Iyengar – address unknown, Queen Creek - **in favor** - not wishing to speak. Per comment card: "We supported this business because the neighborhood included animals of all kinds, including cow, alpacas, horses and dogs. A well-managed and supervised training, boarding and rescue business in this scale (small business) seemed very appropriate.

34) Bob Oshop – address unknown, Queen Creek – **in favor** - not wishing to speak. Per comment card: "She is a valuable member of the community. Provides a service that is very essential to the well-being of the community".

Vice-Chairman Moore read a letter received from Judy Dettman, who had already addressed the Commission in favor of the application.

Vice-Chairman Moore closed the Public Hearing at 8:40 P.M.

Commissioner Robinson asked if there is a time period when dogs are not allowed to be outside at night. Ms. Iyengar responded outside hours depend on the season; summer hours are more limited due to the heat.

Commissioner Sossaman asked why the business was started without a permit. Ms. Iyengar apologized and responded it was never her intention not to get a permit. She was not trying to avoid it.

Commissioner Robinson asked for comments on possible conditions.

Commissioner Ingram asked staff if a six foot solid wall is permissible in this area. Mr. Condit responded, "yes". Community Development Manager Balmer stated there are two issues: 1) Can the Town issue a building permit for the wall: Mr. Balmer stated yes, if Council approves the CUP, then the Town can issue the permit; and 2) Deed restriction – another property owner within the subdivision could say the owner is in violation of the deed restriction, and could ask for the wall to be removed.

Commissioner Ingram asked if they could avoid confusion and do that beforehand or, would the permit need to be issued first. Mr. Balmer responded staff can research this with the neighbors before it goes to Council, presuming the Commission makes this recommendation.

Commissioner Perry stated, should the application be considered for approval, he would want to add a stipulation that the wall be pulled back 20-feet off the property line, and be 42-inch solid/30-inch view, to accomplish keeping the area open and the level of where the dogs can be seen below the view fence. In addition, he would like to add landscaping to the outside. He feels this would be a better solution than installation a solid wall.

Vice-Chairman Moore asked about the side yard, stating a solid wall on the side would be just as big a concern to him.

Commissioner Sossaman pointed out the issue is, is this an appropriate use of this property? He stated he is in agreement with staff as to the reasons why this should not be approved. If the application is ultimately approved, it would put a great burden on staff to continue to answer calls. He stated to put 50 dogs at one place is not appropriate in an area like this.

Motion: **Commissioner Sossaman**

To approve staff's recommendation and deny the CU10-055, Request for Conditional Use Permit to operate a boarding, training and rescue facility at 18924 E. Chandler Heights Road.

Second: **Commissioner Reyes.**

Discussion on the motion: Commissioner Robinson stated the property value on this property seems to have been increased due to it being a previously foreclosed property. The other issue is noise. He would like to implement a curfew from 9 p.m. to 6 a.m. He stated he would support the proposal with the additional modifications.

Commissioner Perry stated his agreement with Commissioner Robinson, noting the purpose of the CUP is to allow a use conditionally. He pointed out of the nine conditions, only two are outstanding issues per staff. He noted item number 6 is a matter of interpretation. The additional stipulation he requested resolves #5; therefore, he would be comfortable moving forward with a recommendation.

Call the Motion:
Roll call Vote:
Ayes: Reyes, Sossaman
Nays: Ingram, Moore, Perry, Robinson
Absent: Atkinson

Motion failed: 2-4.

Motion: **Commissioner Perry**
To recommend approval of the CUP application, with staff's recommendations that #6 on solid masonry wall along the east, west, and northern property lines be struck, with a stipulation added to provide a masonry wall on the north side 20 feet off the property line,

and that the wall be 42 inches solid, 30 inches view, with the wall on the west and east property lines being turned 20 feet to south; with the modification of Stipulation #8 to state hours of operation to be 7 a.m. to 7 p.m.; with the maximum number of dogs to be 50 at any one time, per Stipulation #16.

Seconded: **Commissioner Robinson**

Discussion: Commissioner Ingram questioned future property owners, and proposed view fencing along the entire perimeter; He suggested any valid complaints received within the first 6 months or one year would necessitate this CUP come back for review, with Staff to present a progress report on a regular basis showing any complaints.

Commissioner Perry amended motion to include Commissioner Ingram's suggestion to be added as Stipulation #17; and amending Stipulation #6 to same wall 42 masonry 30 inch view down east and west.
20 feet inside off property line. (12 feet inside current fence).
Reyes – 7 am to 7 pm relates to training only.

Mr. Balmer requested clarification on whether the planting is to be inside the wall or between the wall and the property line. The Commission concurred it should be between the wall and property line, with the wall installed south of the existing landscaping at 20 feet or more if needed.

Amended Motion:
To recommend approval of CU10-055, Lotus Dog Training and Boarding, with stipulations to be amended as follows:

#6: *Applicant shall construct a six-foot wall that is 42" solid and 30" view (top), to be erected 20 feet inward from the northern, eastern and western property lines, beginning at the fence line north of the existing house.*

#8: *The hours of operation for outdoor training and exercise shall be 7 a.m. to 7 p.m.;*

#16: (additional stipulation) *A maximum of 50 dogs may be permitted on the property at any one time;*

And that staff monitors the business for violations or complaints and presents a progress report on a regular basis.

Call the vote: Motion carried unanimously by roll call vote (6-0 – Atkinson absent).

ADMINISTRATIVE ITEMS

All administrative items were discussed during Work Study.

8. **Review** of next month's agenda items

9. **Report** on Town Council Action
   - Appointment of New Commissioners

10. **Communication** from members of the Commission and Staff

11. **Adjournment**

Motion: **Commissioner Ingram**
To adjourn.
2nd: **Commissioner Sossaman**
Vote: **All ayes. Motion carried 6-0. (Atkinson absent)**

The meeting adjourned at 9:04 p.m.

PLANNING AND ZONING COMMISSION

By: _____
Commissioner Ingram on behalf of Vice Chairman Moore

ATTEST:

_____
Laura Moats, Community Development Assistant

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I, Laura Moats, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the August 11, 2010 Regular Session Meeting of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 11th day of August, 2010.
Passed and Approved this day of, 2010.