

PLANNING AND DEVELOPMENT SERVICES

TO: Municipal Planning Commission
DIVISION: 4
SUBJECT: Development Item: Kennel
USE: Discretionary use, with no Variances

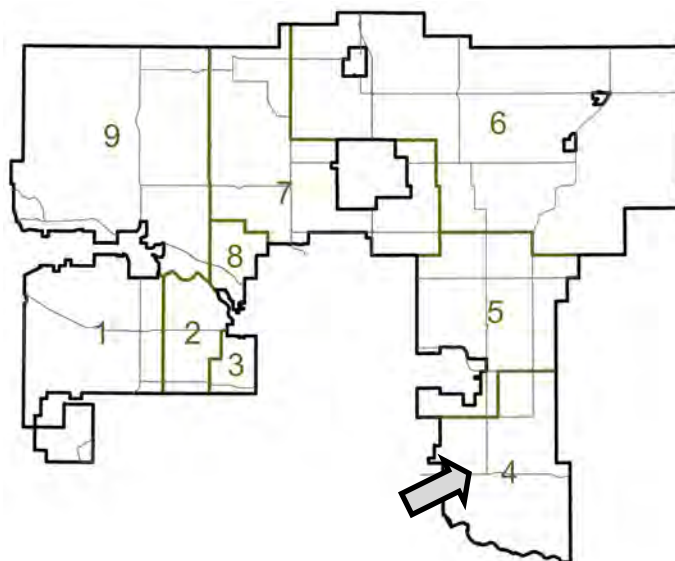
DATE: November 12, 2020
APPLICATION: PRDP20202671

APPLICATION: Kennel, for a daycare with a maximum of fifty (50) dogs on site, boarding of up to eight (8) dogs and one (1) onsite sign [replacement of PRDP20200089].

GENERAL LOCATION: located approximately 2.42 km (1 1/2 mile) south of Hwy. 22X and on the west side of Rge. Rd. 284

LAND USE DESIGNATION: Agricultural, General District (A-GEN) under Land Use Bylaw C-8000-2020.

ADMINISTRATION RECOMMENDATION:
 Administration recommends Approval in accordance with Option #1.



OPTIONS:

- Option #1: THAT Development Permit Application PRDP20202671 be approved with the conditions noted.
- Option #2: THAT Development Permit Application PRDP20202671 be refused as per the reasons noted.

AIR PHOTO & DEVELOPMENT CONTEXT:



Administration Resources

Jessica Anderson, Planning and Development Services



DEVELOPMENT PERMIT REPORT

Application Date: September 9, 2020	File: 02320004
Application: PRDP20202671	Applicant/Owner: Warren Flemming / Melo Developments Ltd.
Legal Description: NE-20-22-28-W04M (223169 Range Road 284)	General Location: Located approximately 2.42 km (1 1/2 mile) south of Hwy. 22x and on the west side of Rge. Rd. 284
Land Use Designation: Agricultural, General District under Land Use Bylaw C-8000-2020.	Gross Area: ± 32.37 hectares (± 80.00 acres)
File Manager: Jessica Anderson	Division: 4

PROPOSAL:

This application was scheduled for consideration by the Municipal Planning Commission on October 29, 2020; however, the item was tabled to November 12, 2020 at the request of the Applicant due to quarantine restrictions.

The purpose of this application is to provide for a *Kennel*. *This is a replacement application, for PRDP20200089. Note, this application was assessed in accordance with Land Use Bylaw C-8000-2020.*

The Applicant has submitted this replacement application to request changes to the previous development permit approval and correlating condition set for the *Kennel*.

The Kennel operations include a daycare for a maximum of 50 dogs, boarding for up to eight (8) dogs, and one sign. Day care includes morning session for 30 dogs, afternoon session 30 dogs, and full day sessions for 10-20 dogs (See Operational Details below).

Overall Business Details	Proposed (per application form)
Business Name	Paw Butler Inc.
Purpose	Dog socialization and boarding (8 dogs)
Size of Animals	Small, medium and large breed dogs
Hours / Days of Operation	7 am to 7 pm / Monday to Friday, 9 am to 7 pm (Saturday / Sunday)
Employees	Total 11 (2 part time, 9 full time)
Signage	YES, 1 on-site
Soundproofing	Minimal boarded dogs. Dogs will be housed in the Quonset which is already insulated. Soundproofing assumed as owners cannot hear dogs from outside.
Solid Waste Removal	Waste Removal company hired – 15 bins on property
Method of water waste removal	Septic System
Screening / Fencing	Entire site is fenced. Fencing provided around the 5 play areas. Fenced areas screened by trees along the north and partially on the east.

OPERATIONAL DETAILS (per cover letter emailed January 23, 2020 and February 19, 2020):

ENCLOSURES & SECURITY

- 5 fully fenced fields available for dogs
- Site fully fenced

PROGRAM MANAGEMENT

- Pick-up/ Drop-off for dogs in mini-vans equipped with kennels
- Approximately 10 dogs capacity in mini-vans
- Sorted by size, temperament and play style on site
- Each field supervised by staff member
- 2 sessions during day care (morning/ afternoon)
- Last session leaves park around 3:30 pm
- **Note:** Number of dogs will not exceed 50 at a given time according to the Applicant.
 - Includes 10-20 *Day Camp/ Dog Day Out* dogs and up to 30 unleashed dogs at one time.

OPERATIONS (Monday to Friday - 7 am to 7 pm)

Monday to Friday 10 am to 3:30 pm (approx.)

Dogs Unleashed - 1.5 hours

- Morning and afternoon sessions
- 30 dogs per session

Dogs Day Out - 4.5 hours (longer sessions)

- 10-20 dogs per session

Monday to Friday 7am to 6pm

Day Camp - up to 11 hours

- Capped at 10 dogs per day
- No dog kennels
- Outdoor run / play or in heated Quonset

Monday to Friday 4pm to 9pm

Field Rentals

Saturday/ Sunday 9am to 7pm

- Fenced fields for client to rent/run own dogs
- 5-client limit (except for rare special events)

Year Round Ranch Boarding

Overnight stays for max. 8 dogs (if required)

Must adhere to general rules

PARKING & ACCESS:

- Business vehicles and staff parking located north of the existing Quonset and Dwelling (*Refer to Site Plan submitted February 19, 2020*).
- Primary site access from existing approach located at east, from Range Road 284, with driveway leading to parking area shown on Site Plan.

OTHER SERVICES:

- Site services such as provide walks, grooming and boarding at client location.

SPECIAL EVENTS:

- Pet friendly events such as client appreciation BBQ in the summer, Animal Rescue events where dogs that are available for adoption, runs off leash in one of our fields, wearing a bandana saying that they are available for adoption, then potential adoption clients see how their dogs reacts to the dogs up for adoption.

Any events that could benefit from dogs being allowed.

SIGNS:

Refer to Sign Elevation and Site Plan - 1 sign by the entryway and 1 directional sign indicating to turn onto RR284, located on RR224. Refer to mock design sample for entryway sign below. Size of sign not provided.

Details of directional sign not provided; therefore, cannot be approved within this application. Should directional signage information be provided at a later time, a separate Development Permit application is required.



SITE INFORMATION:

- Site is adjacent to agricultural properties on the east, west, and north.
- Site is adjacent to Residential Two District to the south.
- There are small wetlands/ water bodies located on site.
- There is no oil & gas infrastructure on the property.
- Site has one (1) existing access off Range Road 284.
- Site topography appeared generally flat across the property.
- Entire site is fenced and screening by trees north and east of the dwelling and Quonset

Buildings & Setbacks

- There is presently one (1) single-family dwelling, one (1) accessory building (Quonset), attached to a Shop, and two (2) accessory buildings (Garage and Granary) onsite based on the submitted Site Plan (Real Property Report stamped in 2002).
- Buildings onsite meet the setback requirements of the Ranch and Farm District:

	Minimum (RF)	Proposed
Front Yard	45.00 m (147.63 ft.)	137.00 m (449.47 ft.) to Dwelling, Lots to Quonset
Side Yard (north)	3.00 m (9.84 ft.)	Lots to all buildings

Side Yard (south)	3.00 m (9.84 ft.)	Lots to all buildings
Rear Yard	7.00 m (22.96 ft.)	608.70 m (1,997.04 ft.) to Quonset; Lots to all buildings

PERMIT HISTORY

- There are no building permit records for the buildings on this site.
- Development Permit, PRDP20200089 was conditionally-approved by the Municipal Planning Commission on March 9, 2020, pending prior to issuance submissions.
- RPR stamped for compliance in 2002, located one dwelling and four (4) accessory buildings on this site, including the attached Shop, Quonset, detached garage and Granary.

LAND USE BYLAW:

Part 8 Definitions:

“Kennel” means a facility for the keeping, breeding, boarding, caring, or training of dogs and/or other domestic pets over three months of age, excluding livestock.

Section 304 Discretionary Uses - Kennel

Section 151 Sign Regulations

Signage General Requirements:

- a) Signs shall be compatible with the general character of the prescribed District, to the satisfaction of the Development Authority,
- b) No sign or any part of a sign is allowed in a road allowances or County rights-of-way, and No sign or any part of a sign shall be within 3.0 m (9.84 ft) of overhead power and service lines.

STATUTORY PLANS:

The property does not fall within an Area Structure Plan or Conceptual Scheme; however, the lands are located within the RVC/City of Calgary Intermunicipal Development Plan. The plan does not provided guidance on the nature of the application; therefore, the application was evaluated in accordance with the Land Use Bylaw.

INSPECTOR’S COMMENTS:

Inspection date: February 11, 2020

- Roughly 12-15 dogs on site at the time of inspection.
- 2 employees on site at any given time, depending on the number of dogs (10 dogs/employee).
- Dogs are separated based on temperament.
- One small sign on property, potentially 1 additional one.
- Operate five days a week; weekends clients have option to rent one or five fields.
- Waste bin is filled and cleared on a regular basis.
- Quonset is heated with large space for dogs.
- Entire site is fenced and will be upgraded with storage material come spring/summer.
- Dogs are always supervised.
- Main owner lives on site with his three personal dogs.
- Dogs not picked up or dropped off by owners but by using vans with cages in them.

- Two work vehicles seen on site.

CIRCULATIONS:Agricultural and Environmental Services, Rocky View County (February 6, 2020):

- No concerns.

Alberta Environment and Parks:

- No comments received.

Alberta Health Services (February 14, 2020):

- No concerns with application and information provided.
- AHS-EPH would like to note that soils, groundwater and surface water sources should not become polluted due to operations on the subject lands. Also, potable water sources on the property and beyond must be adequately protected from any run-off, nuisance or contaminants.

Building Services, Rocky View County (February 11, 2020):

- Advisory condition - Applicant is required to submit a Building permit application prior to the structures being used for their intended use.
- The attached link consists of a hyperlink to the checklist for the an industrial/commercial/institutional facility:
https://www.rockyview.ca/Portals/0/Files/BuildingPlanning/Building/checklists/Commercial-Industrial-Institutional_Checklist.pdf
- Advisory condition – All Buildings shall conform to the National Energy Code 2017 or 9.36. subject to a Part 3 or Part 9 Building permit with documentation/design at Building Permit stage: <http://www.rockyview.ca/Portals/0/Files/BuildingPlanning/Building/resources/NECB-Submission-Requirements.pdf>
- The drawings and information listed in the checklist from items 1-11 (as applicable) shall be submitted as part of the Building permit application in a complete and satisfactorily manner.
- Further comments may follow upon receiving the building permit application once a comprehensive submission with to-scale drawings are submitted for approvals.

City of Calgary

- No comments received.

Development Compliance (Enforcement) Review (January 29, 2020)

- Recommend that adequate fencing be constructed to contain all animals on the property;
- Recommend that the applicant be required to adhere to the County's Animal Control Bylaw at all times;
- Recommend that adequate parking arrangements be made, to accommodate all visiting traffic on the property and not on public or private roads.
- Development Compliance file related to application: File #DC201909-0115 – Concern received that too many dogs were on the property causing a noise nuisance issue and that visiting traffic was spilling over onto public and private roads. Development Compliance investigated and determined that no permits were in place for a dog-related business on the property. Officer spoke with the landowner, who was directed to apply for a development permit.

Re-circulated September 25, 2020

- Thank you for the opportunity to add any comments or concerns. Based on numerous complaints that our office has received, this operation continues to operate without a valid Development Permit in place.
- One of our officers has reminded Mr. Flemming that he has prior to release conditions to meet before he can operate.
- In addition, barking is the point of contention with respect to the complaints coming in at all hours of the day and night.

Planning and Development Services - Engineering Review (February 4, 2020)**General:**

- The review of this file is based upon the application submitted. These conditions/recommendations may be subject to change to ensure best practices and procedures.
- As per the application, the applicant is proposing Kennel, Commercial (daycare for up to 30 dogs morning and 30 dogs afternoon, and boarding for 8 dogs)

Geotechnical:

- Engineering has no requirements at this time as no changes to the current ground conditions are proposed.

Transportation:

- Access to the subject lands is via an approach off RGE RD 284.
- The proposed facility may cause an increase traffic in the road network. Prior to issuance of DP, the applicant is required to provide a Trip Generation Assessment indicating the volume of traffic to be drawn towards the site on a regular basis.
- Prior to the issuance of the DP, the applicant will be required to provide payment of the Transportation Offsite Levy in accordance with Bylaw C-7356-2014 for the total gross area associated with the proposed kennel operation. The applicant will be required to submit a revised site plan identifying the development area of the proposal.
- The development area refers to the portion of lands utilized directly for development purposes, and includes: the driveway access; all structures (buildings), the storage and display areas directly associated to the use; and the required parking area (as defined in the Land Use Bylaw)

Sanitary/Waste Water:

- The proposed kennel is to be contained within and around the existing structures. Engineering has no further concerns.

Water Supply And Waterworks:

- The proposed kennel is to be contained within and around the existing structures. Engineering has no further concerns.
- As an advisory condition, all commercial licensees for water supply from AEP shall be the responsibility of the applicant.

Storm Water Management:

- Engineering has no requirements as no addition of hard surfaces or changes to current drainage or are proposed at this time.

Environmental:

- As the applicant is not proposing any further redevelopment, Engineering has no further concerns at this time.

Fire Services and Emergency Management Review

- No comments received

Operations Division Review - Utility Services, Rocky View County (January 27, 2020)

- No concerns.

RECOMMENDATION:

Development Authority recommends **approval**, to the satisfaction of the Municipal Planning Commission.

Development Authority Assessment:

- Based on assessment of the submitted cover letter, applicant details, Real Property Report, circulation responses, site inspection results, and the Land Use Bylaw, the keeping of 50 dogs for daycare and 8 dogs for boarding for the Kennel, Commercial operation, may have noise, parking, and traffic impacts neighbouring developments and roads.
- Applicant/Owner has at the time of this report has outlined measures to mitigate potential noise impact, parking requirements, visual impact, waste disposal, and water management concerns. However, a trip generation assessment is required indicating traffic volumes as a prior to issuance condition.
- If approved, Development Authority recommends a time limited permit for a period of one (1) year to monitor any issues/impacts resulting from the operation of the Kennel, Commercial. If the Applicant/Owner proposes to increase the number of dogs on site beyond 50, a development permit application will be required for the keeping of additional dogs.
- The proposed on-site signage may be approved under this development application, however the proposed directional sign will have to be applied as a separate development application.

OPTIONS:

Option #1: (this would allow the proposed development to commence)

APPROVAL subject to the following conditions:

Description:

1. That a *Kennel (50 dogs)* may operate on the subject property in accordance with the submitted Site Plan, cover letter, application details, and includes the following:
 - a. Two (2) existing accessory buildings (garage & quonset), and the existing dwelling may be used in the kennel operations;
 - b. A maximum of fifty (50) dogs may be allowed on the subject site at any one time; and,
 - c. Outside Dog Runs/fenced areas (as identified on the Site Plan submitted).
2. That one (1) on sign may be placed on site in accordance with the details provided with the application.

Prior to Issuance:

3. That prior to issuance of this permit, the Applicant/Owner shall submit a Trip Generation Assessment indicating the volume of traffic drawn towards the site on a regular basis, in accordance with County Servicing Standards.
4. That prior to issuance of this permit, the Applicant/Owner shall submit payment of the Transportation Offsite Levy in accordance with Bylaw C-8007-2020 for the total gross area associated with the proposed kennel operation. The Applicant/Owner shall be required to submit a revised site plan identifying the development area of the proposal.

Permanent:

5. That any dogs that cause a nuisance by barking shall be kept indoors at all times.
6. That all dogs shall be kept indoors between the hours of 9:00 p.m. and 7:00 a.m.
7. That dogs residing on site, in the kennel operation shall not run outside at large, at any time.
8. That all waste shall be stored in solid metal or plastic containers, and shall be disposed of off-site.
9. That all water used for cleaning of pens and washing of animals shall be collected and disposed of in accordance with Provincial regulations.
10. That all waste shall be stored in metal or plastic containers and shall be disposed of offsite.
11. That the kennel area containing outside runs shall be enclosed with fencing (permanent wire containment fence / chain link), to ensure the dogs are contained and shall be maintained at all times.
12. That the maximum sound for the kennel operation shall not exceed 50 dba at the nearest residence, not at this property.
13. That upon request from the County, the operator shall engage a qualified Acoustical Engineer to monitor the sound levels at the nearest residence, not at this property and provide recommendations within the report, to help mitigate business noise levels.
 - a. If any recommendations are proposed within the report, the Applicant/Owner shall implement those recommendations, to the satisfaction of the County.
14. That the on-site signage shall be kept in a safe, clean, and tidy condition, and may be required to be renovated or removed if not properly maintained.
15. That the Applicant/Owner shall obtain any necessary Special Event Permit(s) prior to hosting events associated with the operation exceeding 50 dogs on site in accordance with the Special Events Bylaw C-7990-2020.
 - a. That for the purposes of this permit, a Special Event application may include but is not limited to client appreciation BBQs, Animal Rescue or Adoption events etc.;

Advisory:

16. That Dog Licenses shall be obtained yearly from the County Finance Department.
17. That the current the County's Animal Control Bylaw shall be adhered to at all times.
18. That the Applicant/Owner shall comply with the Canadian Veterinary Medical Association "Code of Practice for Canadian Kennel Operations" at all times while housing rescue dogs.
19. That any Building Permit(s) for change of occupancy shall be obtained through Building Services as required.



20. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
21. That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
22. That if this Development Permit is not issued by **JUNE 30, 2021** or the approved extension date, then this approval is null and void and the Development Permit shall not be issued.
23. That this Development Permit, once the prior to issuance conditions have been satisfied, shall be valid until **NOVEMBER 25, 2021**.

Option #2: (this would not allow the proposed development to commence)

REFUSAL as per the following reasons:

1. That in the opinion of the Municipal Planning Commission, the development unduly interferes with the amenities of the neighbourhood and materially interferes with and affects the use, enjoyment, and value of neighbouring parcels of land.

OLLERENSHAW RANCH

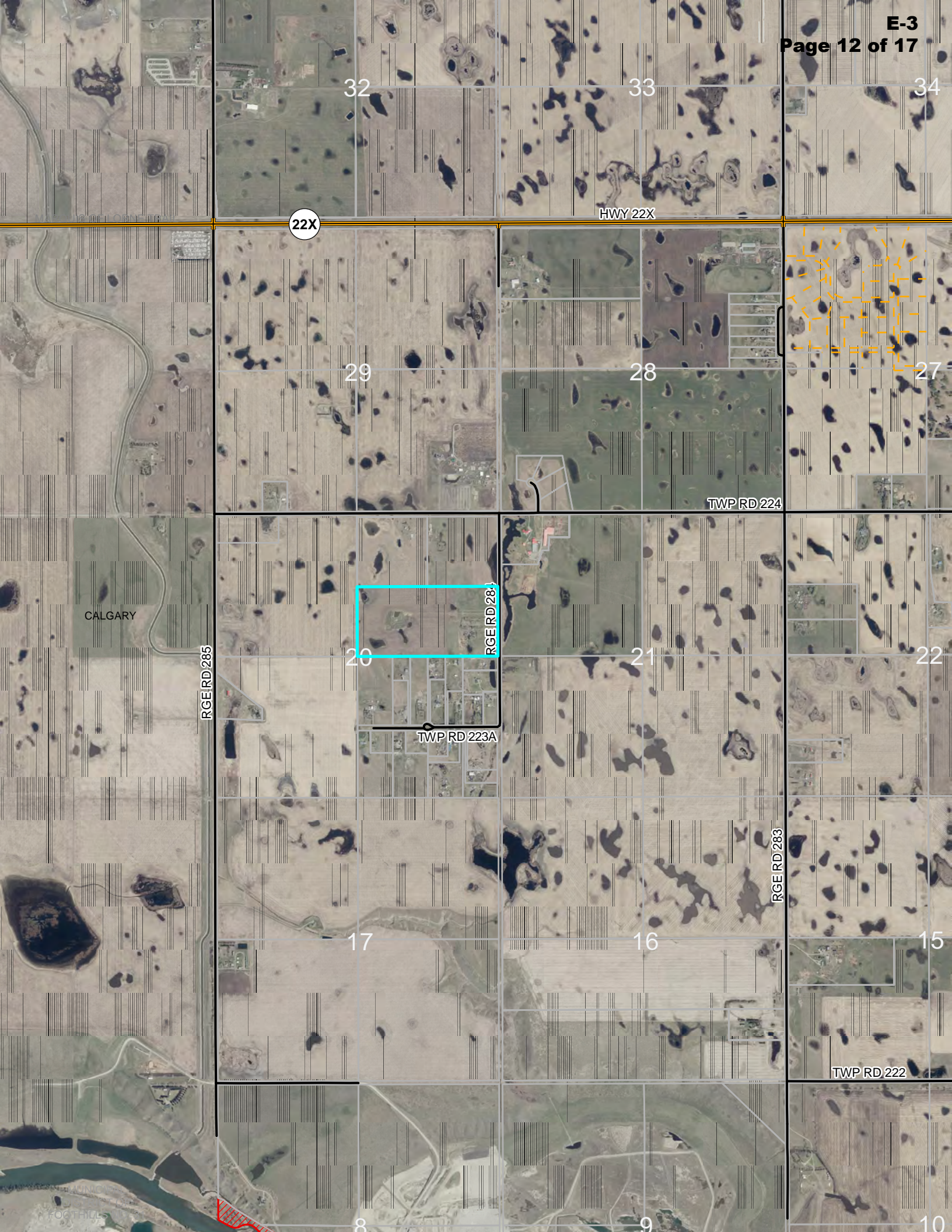
TWP RD 224

POE RD 224

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TWP RD
223A

TWP RD 223A



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HWY 22X

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TWP RD 224

CALGARY

RGE RD 285

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RGE RD 281

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TWP RD 223A

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RGE RD 283

TWP RD 222

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FOOTHILLS



ROCKY VIEW COUNTY

DEVELOPMENT PERMIT APPLICATION

FOR OFFICE USE ONLY

APPLICATION NO.

20202671

ROLL NO.

02320004

RENEWAL OF

FEES PAID

156.25

DATE OF RECEIPT

Sept 9/20

APPLICANT/OWNER

Applicant Name: Warren Flemmings

Email:

Business/Organization Name (if applicable): Paul Butler

Mailing Address:

Postal Code:

Telephone (Primary):

Alternative:

Landowner Name(s) per title (if not the Applicant): MITCH FRECKO

Business/Organization Name (if applicable): MELO Development

Mailing Address:

Postal Code:

Telephone (Primary):

Email:

LEGAL LAND DESCRIPTION - Subject site

All/part of: NE ¼ Section: 20 Township: 22 Range: 28 West of: 4 Meridian Division: 4

All parts of Lot(s)/Unit(s): Block: Plan: Parcel Size (ac/ha): 80ac

Municipal Address: 223169 Rge Rd 284 Land Use District: A-GEN

APPLICATION FOR - List use and scope of work

Kennel - re-assessment of conditions
PRDP 2020 0089Variance Rationale included: ☐ YES ☐ NO ☐ N/ADP Checklist Included: ☐ YES ☐ NO

SITE INFORMATION

- a. Oil or gas wells present on or within 100 metres of the subject property(s) ☐ YES ☐ NO
- b. Parcel within 1.5 kilometres of a sour gas facility (well, pipeline or plant) ☐ YES ☐ NO
- c. Abandoned oil or gas well or pipeline present on the property ☐ YES ☐ NO
(Well Map Viewer: <http://extmapviewer.aer.ca/AERAbandonedWells/Index.html>)
- d. Subject site has direct access to a developed Municipal Road (accessible public roadway) ☐ YES ☐ NO

AUTHORIZATION

I, WARREN FLEMMINGS (Full name in Block Capitals), hereby certify (initial below):

That I am the registered owner OR ☒ That I am authorized to act on the owner's behalf.☒ That the information given on this form and related documents, is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application.☒ That I provide consent to the public release and disclosure of all information, including supporting documentation, submitted/contained within this application as part of the review process. I acknowledge that the information is collected in accordance with s.33(c) of the Freedom of Information and Protection of Privacy Act.☒ Right of Entry: I authorize/acknowledge that Rocky View County may enter the above parcel(s) of land for purposes of investigation and enforcement related to this application in accordance with Section 542 of the Municipal Government Act.

Applicant Signature

Landowner Signature

Date

Date



ROCKY VIEW COUNTY

KENNEL

INFORMATION SHEET

FOR OFFICE USE ONLY	
APPLICATION NO.	
ROLL NO.	
DISTRICT	

ANIMAL DETAILS	LOCATION
Number and type of animals: 50 Dogs	Located within: <input type="checkbox"/> Dwelling OR <input type="checkbox"/> Accessory Building <input type="checkbox"/> Existing Building OR <input type="checkbox"/> New Building
Breed (if breeding):	
Size of animals (small, medium etc.): Small to Large	
Are the animals 3 months of age or more: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
BUSINESS OPERATIONS (if applicable)	
Name of kennel (if applicable): Paw Butler Inc.	
Type of kennel (i.e. boarding, breeding, training, etc.): Off Leash Group Play, Boarding, Field Rental, Boarding	
Detail number of play areas/runs and their location(s): 5 Play areas, surrounding the house on the property	
Days of operation: 7	Hours of operation: 7am to 7pm (mon - fri) 9am to 7pm (sat, sun, stat days)
Total number of employees (including residents/applicant):	Part-time: 2 Full-time: 9
Number of non-resident employees:	Part-time: 2 Full-time: 7
Number of vehicle trips for pick-up/drop-off of animals (per day): 15 pick up 15 drop off	
Number of parking stalls on site: 15+	
Location of client and business vehicle parking on site: Client Parking by Quonset/Field Rentals Staff Parking off driveway	
ADDITIONAL INFORMATION:	
Describe how the kennel building(s) are soundproofed: Brand New Roofing installed and sound dampening insulation in exterior wall	
Describe method of solid waste disposal: For humans we have an outhouse that is serviced weekly and 2 working washrooms connected to a newly installed septic system and septic field	
For dogs, we have staff on site who picks up waste throughout the day. It is disposed in a rented dump bin which is emptied frequently	
Describe method water waste disposal: Septic System on site	
SCREENING AND SIGNAGE	
Specify material/height of any screening provided on site: 5 ft privacy screening	
Kennel signage proposed on site? <input checked="" type="checkbox"/> YES - attach Signage - Information Sheet and documents <input type="checkbox"/> NO	
ADDITIONAL SITE PLAN REQUIREMENTS	
<input type="checkbox"/> Indicate location of kennel, building dimensions, and setbacks from property lines <input type="checkbox"/> Indicate location and dimensions of proposed runs/play areas <input type="checkbox"/> Indicate parking area with number of stalls accommodated <input type="checkbox"/> Indicate type of existing/proposed screening/fencing/soundproofing (landscaping, berms) around site/play areas <input type="checkbox"/> Identify location for any proposed signage on or off-site	

Applicant Signature

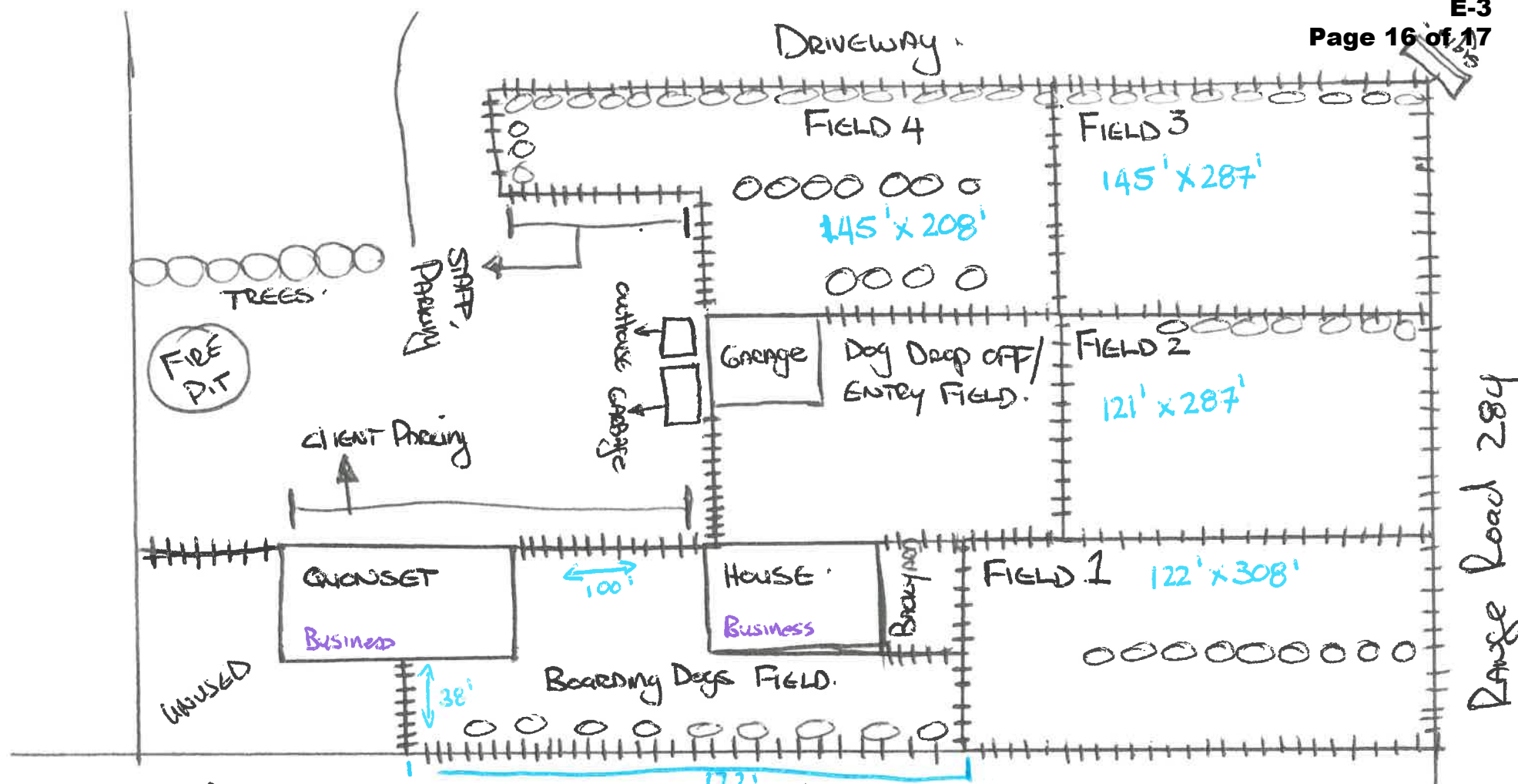
Date

PAW BUTLER' main operation is to ~~provide~~ have one of our employees pick up clients dogs, using one of our mini VANS, in Calgary Bring them out to the property so that they can run and socialize with other dogs for approx 1.5 - 4.5 hours (depending on service option selected), ... this operation runs from 10AM - 3pm Monday through Fri

We also offer day care, where clients drop off their own dogs, and the operating hours for that is 7am - 6pm Mon - Fri

The fields can also be rented by our clients to run their own dogs and that operating hours are Mon - Fri 4pm - 9pm and SAT + Sun 9am - 9pm.

The final use for the property is MICRO BOARDING where we will board a maximum of 8 dogs overnight ... these dogs will spend most of their time outside and will sleep in the quonset. The property is fully fenced.



All FIELDS 1-4 Approx 1 Acre each.

||||| (Fence + GATES)

oooo (TREES)

