

**Albemarle County Planning Commission
Final Minutes Work Session and Regular Meeting
February 13, 2024**

The Albemarle County Planning Commission held a public hearing on Tuesday, February 13, 2024, at 4:00 p.m.

Members attending were: Fred Missel; Luis Carrazana; Corey Clayborne; Julian Bivins; Karen Firehock; Nathan Moore; Lonnie Murray.

Other officials present were: Michael Barnes, Director of Planning; Andy Herrick, County Attorney's Office; Tori Kanellopoulos; Kevin McDermott; David Benish; Tonya Swartzendruber; Jessica Hersh-Ballering; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Mr. Missel established a quorum.

**Public Hearing
SP202300011 & SP202300013 Service Dogs of VA**

Syd Shoaf, Senior Planner, said that he would be presenting staff's recommendations for Special Use Permits SP 2023-11 and SP 2023-13 regarding Service Dogs of Virginia. He said that these were two special use permit requests: one was for a commercial kennel, and the other was for a private school on a 38.8-acre parcel in the rural areas. He said that the subject property was situated northeast of the City of Charlottesville, east of Stony Point. He said that it was located on the south side of Turkey Sag Road, east of Stony Point Road, also known as State Route 20.

Mr. Shoaf said that the tax map parcel was 48-61D, and the entire parcel was approximately 38.8 acres. He said that it was zoned Rural Areas and was undeveloped, with no subdivision history and all five of its original development rights preserved. He said that it was designated as Rural Area 1 of the Albemarle Comprehensive Plan. He said that the surrounding properties were all zoned Rural Areas. He said that the two properties to the southeast were maintained by the Service Dogs of Virginia executive director. He said that the parcel to the south and west was a tree farm with no residences on the property, and across Turkey Sag Road to the north was a single-family residence.

Mr. Shoaf said that the site was wooded with a mixture of mature, deciduous, and evergreen trees that varied from 20 feet to 60 feet in height. He said that the site was also hilly and contained critical slopes areas throughout the site. He said that the southern and southwestern portion of the site was designated as a mountain protection area, which was shown as purple on the map. He said that lastly, there was a stream with a water protection ordinance buffer located along the frontage of the site on Turkey Sag Road. He said that for this application, the applicant was requesting two special use permits. He said that the first was a private school dedicated to training service dogs and their recipients, and the second was a dog kennel required to house the dogs in training.

Mr. Shoaf said that on the slide was a screenshot of the concept plan that was provided as an attachment in the staff report. He said that the applicant was limiting the clearing of existing vegetation and land disturbance to the construction of the driveway, parking lots, stormwater management facilities, and building pads, as shown in the lower and upper site building envelopes. He said that none of the development would disturb critical slopes or mountain protection areas. He said that the remainder of the 38.8-acre lot would maintain its wooded nature. He said that the proposed lower site was approximately 1.3 acres and would contain the training and administrative building, parking, the client dorm, which would house four clients at a time, and the puppy center, which would be used to house new litters for eight weeks at a time.

Mr. Shoaf said that the proposed upper site was 2.1 acres and would contain the caretaker residence, a kennel to house up to 20 dogs at a time, a small pool, a training facility, and a parking area. He said that in

summary, the applicant was proposing the development of six buildings on the site. He said that all buildings would remain screened by the existing vegetation outside of the proposed clearing and land disturbance areas. He said that the proposed buildings met the required rural area setbacks in the ordinance. He said that the supplemental regulations for a commercial kennel required buildings to be at least 200 feet from any lot if they were soundproofed.

Mr. Shoaf said that the closest kennel building was the puppy center, which was located in the lower site and was soundproofed and 200 feet away from the closest lot line. He said that the kennel on the upper site was located 500 feet away from any lot lines. He said that lastly, the applicant had provided that all buildings on the site would be soundproofed, regardless of whether they were kennels or not. He said that the special use permit application was reviewed under the factors for consideration as outlined in the zoning ordinance. He said that staff believed that the proposed special use permit would not be detrimental to adjacent parcels, would not change the character of the nearby area, would continue to be in harmony with the rural area zoning district, and was consistent with the comprehensive plan.

Mr. Shoaf said that on the current slide were the conditions drafted by staff. He said that the first factor for approval was that the plan should be in general accord with the conceptual plan provided by Collins Engineering. He said that this included the location of building envelopes, location of parking structures and facilities within the building envelopes, location of the entrance and access road. He said that it also included maximum height structures not exceeding 24 feet in height, perimeter fencing to be installed prior to commencement of use, and lastly, all kennel buildings must be soundproofed.

Mr. Shoaf said that in summary, staff found one factor favorable, which was that it was consistent with the review criteria for special use permits contained in the zoning ordinance. He said that there was one factor that was unfavorable: the proposed access was in the stream buffer. He said that however, there were no other means of access to the site, and disturbance was limited to the minimum necessary. He said that staff recommended approval with the conditions as recommended in the staff report.

Mr. Bivins said that he had a question regarding the special-use permit for the kennels. He said that there were two separate kennels, one for puppies and one for adult dogs, located in different areas. He asked if they were considering both of these kennels under the same special use permit.

Mr. Shoaf said that was correct.

Mr. Bivins thanked Mr. Shoaf for the clarification. He said that his second question was about the property. He asked if it was possible to keep cattle or have horses there.

Mr. Shoaf said that the property was zoned for rural areas; therefore, it was permitted to engage in all activities allowed in rural areas. He said that as a result, agricultural and forestry uses were permissible.

Mr. Murray said that there had been situations where there were crossings of the stream buffer and crossings of the stream. He asked about the design standards that they had for those crossings.

Mr. Shoaf said that for the special use permit, all internal and external partners received it for review from a higher-level perspective. He said that the Engineering and the Virginia Department of Transportation raised no objections. He said that if approved, the permit would be subject to both a site plan and a water protection ordinance plan. He said that at this stage, Engineering and the Virginia Department of Transportation would closely examine the impacts on the driveway and entrance.

Mr. Missel asked if the applicant had a presentation.

Peggy Law said that she was the Executive Director at Service Dogs of Virginia. She said that their property was located next door on Turkey Sag Road. She thanked them for the opportunity to share some information about their organization. She said that she would like to spend a few minutes discussing their work in case they were not familiar with them. She said that their organization trained dogs for people with disabilities in five primary areas. She said that physical assistance dogs provided extra hands for individuals in wheelchairs, performing tasks such as opening doors and picking up items that have been dropped.

Ms. Law said that their second program focused on autism, assisting both children and young adults. She said that for children, these dogs interrupted repetitive behaviors, kept them safer, and reduced anxiety, and for young adults, they facilitated transitions to new phases of life. She said that a third program they offered was medical alert dogs for people with type 1 diabetes who had no control over their blood sugar levels. She also said that they trained dogs for individuals suffering from mast cell activation syndrome, which was a condition without a diagnostic test available. She explained that the difference between these two conditions lay in their diagnostic process. She said that for blood sugar monitoring, one could prick their finger to determine their blood sugar levels.

Ms. Law said that their method allowed clients to know their blood sugar levels, although for other two conditions, there was no way to know. She said that the dog served as an incredible early warning system that could help prevent crises from occurring for both mast cell activation and adrenal insufficiency conditions. She said that they trained dogs for various purposes, including post-traumatic stress disorder (PTSD) in veterans and facility dogs for professional counselors in clinical settings. She said that some people living nearby expressed their appreciation for their work but preferred they conduct it elsewhere.

Ms. Law said that she would maintain that this particular property was suitable for their intended purposes. She said that the terrain was steep and not conducive to farming. She said that currently, the land was entirely wooded, which raised concerns about clearing it for large animals due to potential erosion issues caused by its steepness. She said that the area was quite messy at present. She said that the property was chosen due to its 500-foot setback and 39 acres, which allowed for 500-foot setbacks from all directions. She said that to address neighbors' concerns and minimize disturbance to the topography, they decided to build the building on piers instead of foundations. She said that their architect would discuss this further in a few minutes.

Ms. Law said that regarding traffic, their staff consisted of five people, so even if they could accommodate the required number of homes, there would be fewer than if there were five separate homes. She said that she envisioned the organization growing; however, she understood that people were concerned about barking. She said that she lived in a rural neighborhood as well and empathized with their concerns. She said that they did not want to hear barking dogs either. She said that these were their dogs, familiar with their routine and what they were doing, making them comfortable in their surroundings.

Ms. Law said that they required a new and dedicated space because they were currently limited in the number of dogs, they could place annually due to their lack of a kennel. She said that consequently, they depended on volunteers who could take dogs home at night. She said that this arrangement made their operations very challenging. She said that in a typical week, they also had people who housed their dogs during the week; however, they may be unavailable due to vacations or other reasons. She said that they were currently seeking a place to accommodate dogs for the night. She said that last week, her administrative assistant had to find homes for six dogs due to these challenges.

Ms. Law said that it was indeed a cumbersome way of doing business. She said that they did not currently have sufficient space to raise a litter of puppies. She said that they would resort to begging, borrowing, and stealing to gain access to people's homes. She said that last year, they were in Region Ten. She said that purpose-bred and methodically enriched puppies had a higher success rate, which allowed them to utilize their donors' funds and their time more efficiently.

Ms. Law said that they needed to develop their puppy center further. She said that at present, they had one room, which was large enough for most of their needs; however, it was insufficient for simultaneous interviews with clients or dog training sessions. She said that they must use this one room for multiple purposes due to their limited space. She said that developing an outdoor area for clients and their dogs would also foster stronger bonds during training sessions. She said that in summary, she appreciated their support and emphasized the need for a dedicated space to enhance their efficiency, productivity, and ability to help more people.

Scott Collins said that he was a civil engineer working on the site. He said that he would attempt to leave a few minutes for the architect to present their ideas. He said that he would be brief in his remarks. He said that both Ms. Law and Mr. Shoaf had provided excellent information. He said that he would like to emphasize a few points. He said that first, regarding soundproofing, the ordinance required 500 feet of

soundproofing or soundproofing of buildings. He said that they were implementing both measures, and he believed that this was a significant contribution proposed by them.

Mr. Collins said that concerning stormwater and runoff, they all knew that water drained from the mountain to the road. He said that there was a stream by the road. He said that they would address localized stormwater quality issues, while for quantity, they would likely explore solutions that attenuated the flow coming off the mountain to help alleviate some of the drainage issues along Turkey Sag Road. He said that as for their entrance, they would not cross the stream for their access point. He said that the stream crossed the road, so they proposed their entrance on the other side of the road where they did not have to cross the stream.

Mr. Collins said that they could place it lower down but would cross the stream, so they would put it at the entrance where they did not have to cross the stream, which eliminated stream crossing. He said that they were slightly within the buffer zone, but that was where the road was located. He said that they proposed perimeter buffers of 200 feet wooded areas around the site and 75 feet along the main corridor. He said that at this point, he passed the presentation over to Eric Ross, who would discuss the architecture since it was quite impressive.

Eric Ross said that they had proposed two building sites for the project. He said that to maintain the vernacular, aquarian nature of the surrounding community, they had broken the buildings into smaller residential structures. He said that they planned to float the buildings on piers above the existing topography. He said that this approach ensured that if there was a need for reversing the development in the future, they would not disturb the natural condition of the ecosystem at the site. He said that there were five key points included. He said that they would be preserving as much of the existing vegetation as possible, creating residential scale buildings in the woods, screening the buildings from the road, screening the buildings from neighbors, and utilizing floating structures on piers above the existing topography.

Mr. Ross said that they proposed off-site construction wherever possible to minimize activity and thus retain as much of the vegetation and waste produced on site. He said that utilizing vernacular materials such as metal roofs, siding, locally sourced timber frame, and light wood framing, elevated above the ground on piers, would help these structures blend into the landscape. He said that the intention was that once the development was complete, the buildings would grow into their surroundings, be discreetly integrated, and enhance the visual impact of the development rather than clearing the site for a single large building.

Mr. Missel said that he was curious if expanding and growing was part of this plan, as the first speaker mentioned the possibility of looking for expansion and growth.

Mr. Ross said that the facilities plan would accommodate the growth of the staff by adding more people to help in the future.

Mr. Missel asked for the reason for the shape of the cleared areas. He said that he was curious if they were defined or determined due to grading or some other reason. He said that he found it hard to believe that they were random, as they appeared to be intentionally designed.

Mr. Collins said that the upper campus and lower campus areas had been designed to avoid disturbing critical slopes on the site. He said that an access road connected these two areas, which were predominantly flat, minimizing land disturbance associated with campus-style buildings. He said that by placing buildings on piers, further land disturbance was reduced. He said that the proposed use did not require extensive land clearing, unlike single-family lots or houses. He said that parking was associated with this use but that the focus was on selecting flat areas for minimal land disturbance.

Mr. Missel opened the public hearing for public comment.

Robert Nells said that he resided at 4545 Turkey Sag Road. He said that one of the points made by Ms. Law was that the current way of conducting business was cumbersome. He said that upon examining the photograph displayed, it became evident that there was a lack of nearby businesses. He said that there was not a cluster of seven buildings, with the smallest being 3,000 square feet and some reaching up to 15,000 square feet. He said that Ms. Law also mentioned that many neighbors, including himself, greatly

appreciated the work being done; however, they did not want it in this specific location due to concerns regarding its compatibility with the surrounding environment's nature, tenor, and harmony.

Mr. Nells said that although he appreciated coming from a construction background and a family that built things, the time and effort and the obvious expense that went into the preparation of this event were evident. He said that however, upon observing the surroundings, it did not seem like it belonged there. He said that he spoke to a real estate agent friend of his and conducted some research in Albemarle County and Orange County. He said that he discovered numerous properties that were readily available within the approximate price range and size that could have been equally considered. He said that the process was different in this case.

Mr. Nells said that the property was purchased first, and then provisions were sought to obtain a special use permit. He said that no one approached him about it, despite his having lived there for over two years. He said that he moved there from southern California specifically to escape businesses in and around suburban-type neighborhoods where he previously lived. He said that less than two and a half years later, he found that this would not be the case.

Mr. Nells said that this disturbed the harmony of the area. He said that considering the number of parking spaces available, which was 30, and the recent proposal to expand it for possibly ten employees or more, he believed that this expansion should occur in another area that would be less impacted by it. He said that the road was already quite narrow and not entirely paved throughout its length.

Jeff Emerson said that there was no doubt that this organization had a significant positive impact on society in general, and he believed that their work was remarkable. He said that he was a dog lover and had four of them. He said that he could not emphasize enough the impact that dogs had on his life. He said that he was fond of the organization but that the question at hand was not whether the total benefit was substantial but whether the incremental benefit of having this at this location outweighed the incremental cost of having it at this location.

Mr. Emerson said that the incremental cost of having it at this location was significant for him since they lived adjacent on the other side of the valley. He said that if one resided there, they understood that the valley was so quiet that they could hear a pin drop. He said that if one dog barked and then another, he heard it. He said that he knew they discussed soundproofing and everything in theory sounded great; however, there was no way that one could put this scale of operation up on that hill without it being loud and disturbing the peacefulness of the area. He said that he was assured that the project would have this outcome.

Mr. Emerson said that some might argue that it would not, but he believed that it would. He asked about the incremental benefit of the project. He said that he did not see it. He said that if they visited the property, they would see that it involved putting over 50,000 square feet on the side of a forested mountain. He said that engineers might claim that it was easy to do, but they should examine the property first. He said that the construction of this project appeared excessive, making Jefferson's actions at Monticello seem modest in comparison.

Mr. Emerson said that the resources allocated for this endeavor, particularly for acquiring the land, could have been better utilized by finding a more practical location. He said that while he was supportive of the organization and its objectives, he found this specific project to be illogical in terms of its impact on the community, stakeholders, and resource allocation. He said that he strongly recommended visiting the site to assess its suitability if they remained unconvinced.

Lisa Beitz, Executive Director of Region Ten Community Services Board, said that she would like to introduce Maggie, a facility service dog placed with them through Service Dogs of Virginia. She said that Maggie could not be present that night but had been with them since August 2023. She said that Maggie had served over 225 children and adults in their programs and had been involved in more than 12 of their programs. She said that Maggie had responded to two critical incident events in the community and had supported over 200 staff members. She said that Maggie's presence had improved both effectiveness and satisfaction outcomes for the people they served when she was involved in services. She said that they had also improved staff morale.

Ms. Beitz said that these accomplishments were made possible through the skills and abilities that Maggie learned during her first two years of life with Service Dogs of Virginia. She said that Maggie was not just a pet or a fur-faced friend for comfort; she brought a sophisticated set of skills that improved outcomes, decreased intense feelings and emotions, de-escalated trauma, and problematic behaviors. She said that she achieved this through being present, through deep pressure therapy, and other components that occurred during training. She said that Maggie was exceptional, and if someone thought that was impressive, they would be correct. She said that this was due to the training that took place at Service Dogs of Virginia.

Ms. Beitz said that Ms. Law confirmed they utilized their facilities for eight weeks. She said that these facilities were adjacent to their Old Lynchburg Road campus. She said that the use of these facilities did not disrupt parking, programs, or the surrounding community, nor did it cause any noise disruption. She said that Service Dogs of Virginia was not merely an organization that raised, trained, and placed service animals; rather, they enhanced the health and well-being of their community through these processes. She said that she thought that having them in Albemarle County, integrated into everyday life, visible and present, and contributing to their community, only benefited both individuals and their community as a whole.

Jessica Neil said that she was from Barboursville, and she was grateful for the opportunity to share a story about her son's journey with autism. She said that his journey had been marked by challenges and triumphs; however, one significant transformation in their lives had been their service dog, Forest. She said that Service Dogs of Virginia was the organization responsible for raising, training, and placing Forest with them in 2017.

Ms. Neil said that since Forest joined their family, her son's life had experienced significant changes. She said that his anxiety had reduced, managing his meltdowns had become easier, and his existing therapies had become much more effective. She said that her son's journey with autism and their family's support had become a bridge to greater independence and well-being for him. She said that Forest's impact extended beyond her son. She said that the partnership had a ripple effect throughout their entire family.

Ms. Neil said that her son's increased confidence and success enabled them to participate in normal activities such as trick-or-treating, visits to museums, athletic events, travel in an airplane and RV, and most importantly, an incredible family trip to Disney World in 2019. She said that all of those things would never have been thought to be possible for them without Forest's support. She said that they had personally witnessed the life-changing services provided by Service Dogs of Virginia for individuals with autism, significantly enhancing their quality of life and empowering them to navigate the world with confidence and dignity.

Ms. Neil said that consequently, she requested that they consider supporting Service Dogs of Virginia, enabling them to continue making a tangible difference in the lives of families like hers who desperately relied on their services. She said that as they discussed expanded opportunities to provide more dogs, she emphasized that families like hers had their lives transformed by these service animals. She said that each additional dog trained and placed by Peggy throughout the Commonwealth had a profound impact.

Gavin Sherwood said that he resided in Shipman, in Nelson County. He said that he had been associated with Service Dogs of Virginia for approximately six years. He said that he served on the Board of an organization that had been able to donate to Service Dogs regularly. He said that on a more personal level, he also worked with an organization at Wintergreen Resort that provided ski instruction to individuals with disabilities.

Mr. Sherwood said that he had witnessed the impact of the work that they did, whether through service dogs or another organization that served similar purposes, as their students came from various locations. He said that the remarkable transformation of a five-year-old who had never experienced this before but remained calm, composed, and collected due to having that animal by their side was truly amazing. He said that he kindly requested that the Planning Commission consider allowing them to find a home in Albemarle.

Polly Tarbell said that she was an Albemarle County resident and served on the Board of Directors for Service Dogs of Virginia. She said that for nine years, she had volunteered by hosting service dogs in advanced training in her home. She said that this involved taking them to school daily and bringing them back home. She said that she could attest that these dogs did not bark after a full day of training, and neighborhood concerns regarding barking should not be an issue. She said that she was aware that this organization had transformed numerous lives in various ways despite having less-than-ideal infrastructure.

Ms. Tarbell said that at present, their Executive Director, Peggy Law, had been taking home approximately four or five dogs at night, although not today. She said that they could not continue this practice as it would be challenging for a succeeding Executive Director to adopt this routine. She said that they aimed to establish a facility similar to successful guide dog schools and other service dog organizations across the country. She said that these facilities provided housing for dogs in advanced training, ensuring they remained quiet and well-rested due to their breeding for service work. She said that they would greatly appreciate their support in implementing this project.

Megan Weeks said that she was a Charlottesville resident and a veteran of the United States Navy. She said that in 2016, she was diagnosed with post-traumatic stress disorder after experiencing a challenging period in her life. She said that during this time, she struggled with profound loneliness, emptiness, and despair. She said that the debilitating flashbacks and overwhelming anxiety made it nearly impossible for her to step outside. She said that she was desperate for help and, following the recommendation from a psychiatrist, she reached out to SDV. She said that in 2019, her life changed when she was paired with her PTSD service dog, Moby. She said that she was there to support SDV and ask the Commission to support their building plans.

Ms. Weeks said that SDV specifically trained Moby to perform tasks that help mitigate her post-traumatic stress disorder symptoms. She said that Moby wakes her up from nightmares, alerts her when an anxiety attack is about to come, performs deep pressure therapy, and reminds her to take her medication. She said that she still experienced symptoms of PTSD but, with Moby's assistance, she could now live a more fulfilling, independent life. She said that without Moby and Service Dogs of Virginia, she would not be conversing with them today. She said that she would have taken her life if there was no dedicated training facility for veterans receiving PTSD service dogs.

Ms. Weeks said that she earnestly requested the support of the Albemarle County Planning Commission for Service Dogs of Virginia's proposal to build a dedicated training facility. She said that she volunteered with SDV and was aware of the issues raised related to the dogs barking. She said that she invited them to visit the dogs because they did not bark excessively. She said that she could assure them that when they played, they might bark occasionally but would not be a nuisance. She said that Ms. Law spoke truthfully and would not disrupt the harmony of the streets of Turkey Sag. She said that she therefore requested their support for Service Dogs of Virginia.

Dr. Robert Haxter said that he was a licensed clinical psychologist. He said that he had been fortunate enough to be affiliated with this group for six years. He said that to provide some perspective, they had heard about easements, maintaining woods, and soundproofing. He said that for the past six years, they had been operating out of strip malls, which demonstrated their ability to manage neighbors and close proximity situations. He said that in the six years that he had been working with them, he had not heard complaints regarding their business practices or the professionalism and training of their dogs. He said that he worked with Service Dogs of Virginia primarily through two of their programs.

Dr. Haxter said that in the past, people might have thought that service dogs were simply trained for their roles. He said that he would like to emphasize that extensive processes took place in the placement decisions made for these dogs. He said that as an evaluator and selector of candidates for service dogs for autism spectrum disorder or PTSD, he wanted to draw attention to the fact that training was not the sole focus. He said that there was a considerable process that involved evaluating and selecting suitable candidates.

Dr. Haxter said that finding individuals who were neither too impaired nor too independent for a service dog was crucial. He said that the placements made by these professionals required significant effort, time, and planning. He said that he was fortunate enough to have a facility dog, often referred to as his therapy dog.

He said that he primarily worked with adolescent boys, who, as many may know, could be emotionally congested. He said that there was nothing more valuable than his facility dog, who did phenomenal work in terms of giving them a sense of comfort and confidence in being able to express themselves in a safe environment.

Dr. Haxter said that this organization was truly run by a small and dedicated group of ladies who really did not ask for much more than the opportunity to show the community what these dogs could do. He said that this was not a business; this was a non-profit organization whose mission was to give. He said that in the six years that he had been affiliated with them, he had seen nothing but giving to the community. He said that the work that they did was phenomenal. He said that this was an organization that would give back to them if they granted them their permit.

Waldo Jaquith said that he lived in the Rivanna Magisterial District, next door to Ms. Law, the Executive Director of Service Dogs of Virginia. He said that he lived there with his family, and their residence was clearly marked on the map. He said that he was there to suggest that certain restrictions be added to the special use permit. He said that he understood that many of their neighbors had additional concerns regarding potential future uses of this property. He said that if a special use permit was granted for Service Dogs of Virginia to operate a kennel on this parcel, then anyone should be allowed to operate a kennel on this parcel in the future.

Mr. Jaquith said that, however, future kennel operators may not be as considerate neighbors as Service Dogs of Virginia had been. He said that Ms. Law had been operating service dogs on that property for 20 years. He said that during this time, they had not experienced any issues so far while residing on Turkey Sag Road. He said that he proposed the following limitations for the special use permit, without understanding what restrictions would be appropriate for imposition from the Commission. He said that all of these limitations were taken directly from Service Dogs of Virginia's proposal, and none of his suggestions here would limit their stated plans.

Mr. Jaquith said that kennel use could not be provided on a fee-for-service basis, education could not be provided on a fee-for-service basis, and lodging could not be provided on a fee-for-service basis. He said that no more than 20 dogs may be housed on site at one time, no more than 10 staff members and volunteers may work on site at one time, no more than 5 people, including 4 guests and 1 caretaker, may be lodged on site at one time.

Mr. Jaquith said that lodging services may not be provided to guests for more than a total of 50 days per calendar year, lodging services may only be provided from Monday through Friday, the hours of operation for everyone but the caretaker would be restricted from 7:00 a.m. to 7:00 p.m., Monday through Friday. He said that buildings must be removed if Service Dogs of Virginia terminated use of the property and transferred ownership of it. He said that he recognized that the last proposal was quite exceptional in its detail, which was what Service Dogs of Virginia intended to do. He said that their efforts in constructing buildings optimized for removal was indeed remarkable and impressive. He said that all of these limitations he suggested here were commitments that Service Dogs of Virginia had agreed to uphold in their application.

Mr. Jaquith said that, however, he proposed that there were some limitations that could be more liberal. He said that he would suggest that they allow Service Dogs of Virginia to operate precisely as they intended to but ensure that no future organizational leadership could engage in activities beyond those proposed without receiving an additional special use permit. He said that furthermore, the future owner of the property should not use it for purposes other than those planned by Service Dogs of Virginia. He said that specifically, the small-scale, not-for-profit training of Service Dogs was vastly different from running a kennel or running a school.

Marty Silverman said that he was a resident of the White Hall District and a volunteer for SDV. He said that he believed that SDV was an exceptional organization, which held the highest level of accreditation. He said that it was an internationally accredited agency that was the only one in the state to train medical alert dogs. He said that this was not just a hobby or a typical service dog agency; it was a unique organization run by someone truly remarkable. He said that the proposal aimed to demonstrate that SDV was committed not only to the people they served but also to their community.

Mr. Silverman said that he wanted to emphasize that. He said that he had experienced during his five years as a volunteer with service dog agencies that the dogs rarely bark due to their extensive training. He said that he had raised four dogs: two from puppyhood and two as adolescents. He said that it was truly remarkable. He said that he understood that neighbors may be concerned; however, he could only reassure them by stating that these dogs do not bark. He said that he would invite everyone to visit service dogs and witness the calm atmosphere in their offices, where a dozen dogs would be present without causing disturbance.

Mr. Silverman said that another concern was traffic, which he understood as someone who lived in the rural area. He said that to clarify, the proposal included the total build-out of the facility. He said that one neighbor expressed concern regarding additional people; however, this proposal encompassed the entire facility's development. He said that the organization would be a great neighbor, and he anticipated that some neighbors might even become volunteers for the agency.

Jan Oldenburg said that she was the Chair of the Board of Service Dogs of Virginia. She said that she resided in Midlothian but was committed to the organization and its work. She said that she would like to emphasize a few points regarding the organization and its activities. She said that as a non-profit organization, people did not pay for their dogs; they raised funds to provide the dogs free of charge. She said that they invested approximately two and a half years in training and maintained a continuing relationship with the clients they placed them with.

Ms. Oldenburg said that this commitment was long-term for all parties involved. She also said that she would like to mention that this parcel was the result of a thorough search process conducted by their team. She said that it met their needs well. She said that their team had put in a significant amount of effort to ensure that they maximized the use of the property and their resources in developing the property. She said that once again, they would consistently operate on a small scale; however, the expansion was crucial for them, not merely to maintain their mission but to improve and offer more alternatives.

Ms. Oldenburg said that the stories demonstrated that they provided not only one-on-one support but also had a positive impact on families and facilities they served. She said that their efforts had a multiplier effect in their community's overall improvement. She said that they possessed a strong Board, dedicated staff, committed community volunteers who invested extensive time in their agency, and a solid base of donors. She said that she urged them, on behalf of the Board of Service Dogs of Virginia, to endorse this proposal and support their ongoing work.

Beth Quatrara said that she was a volunteer with Service Dogs of Virginia and lived in the Montgomery Ridge neighborhood. She said that she stated this because she believed that being in a small neighborhood was important as they discussed the impact. She said that she respected the concern that these dogs may have in a neighborhood. She said that she had been a volunteer with Service Dogs for four years now, serving as a puppy raiser, a nights and weekends volunteer, and a respite caregiver. She said that she had had up to four dogs in her house at any given time.

Ms. Quatrara said that her neighbors had never complained; in fact, they often commented on how quiet the house was despite having four dogs. She said that she took the dogs for walks in the neighborhood. She said that her neighbors stopped to meet the dog, wanting to know their names and hear the story behind them, such as being trained as a diabetic alert dog. She said that this brought joy to her neighbors. She said that consequently, some of her neighbors became donors and supporters of these dogs, wanting to follow up on the dogs' progress and learn where they had gone.

Ms. Quatrara said that she believed that was the reality because Service Dogs train these dogs from the day they were born. She said that as Ms. Law stated, a litter was recently born, and with that litter, many volunteers and staff worked very carefully every single day to make sure these dogs would be calm and confident. She said that they introduced them to stressors, smells, and sounds that may startle other dogs, beginning on day one so that they were not barking at doorbells, trucks, or garbage cans.

Ms. Quatrara said that she would like to emphasize that she did not believe this would negatively impact the neighborhood due to the sounds these dogs may potentially make. She also said that she wanted to

emphasize the positive contribution Service Dogs make to their community by providing individuals with dogs that enabled them to actively participate and be members of this County and this state. She said that she hoped they would take all of this into account.

Mr. Missel asked if there were any other members of the public who wished to speak. Seeing none, he asked the Clerk if there were any speakers signed up online.

Ms. Shaffer said yes.

Greg Wissinger said that he resided in Midlothian. He said that he was the owner of the tree farm situated to the west and south of the proposed Service Dogs of Virginia location. He said that he personally had no issue with Service Dogs of Virginia. He said that he did not have concerns regarding the traffic, as it would be no more than a typical day of commuters to Peters Mountain. He said that he was concerned about the scale of construction. He said that the 50,000 square feet of space, comparable to the public land store on Fifth Street, seemed excessive to him. He said that he was uncertain about what a reasonable size would be; however, placing a target store near the southwest mountain historical area appeared excessive. He said that if within the limitations, they could scale back to a more reasonable square footage, he would have no objection.

Rami Steinruck said that she was living in Montgomery County and joining them from Virginia Tech. She said that she was a licensed clinical psychologist and a certified animal-assisted intervention specialist. She said that she had submitted her statements online but would now speak off the cuff for a moment. She said that she was partnered with a five-year-old Labrador named Josie who worked with her daily at the Cook Counseling Center at Virginia Tech. She said that together, they managed a full caseload of individual and group therapy sessions, in addition to providing outreach services to 35,000 students at Virginia Tech.

Ms. Steinruck said that she had heard Josie bark but that her cat was far louder than Josie was. She said that one of the things that had emerged was some of the uses for the space. She said that during today's discussions, people had considered what purposes the space would serve. She said that she wanted to mention that when Josie was placed with her approximately three years ago, she was fortunate because she had access to professional development funds from Virginia Tech that enabled her to be placed with Josie, so she was able to stay in a hotel for the week.

Ms. Steinruck said that if Service Dogs Virginia could provide accommodations at their facility for individuals being placed with their dogs, particularly during refresher training sessions or similar events, it would significantly improve the lives of people with disabilities who may not have the resources that she had in her professional role that Josie had been paired with her for. She said that she would like to add that she has submitted other prepared remarks for the Commission's review. She asked the Commission to please be aware that Service Dogs Virginia was a unique organization.

Ms. Steinruck said that as mentioned previously, they were caring, loving, and professional in their approach. She said that they not only cared deeply about their clients but also ensured that the dogs they placed and trained would work effectively in their respective environments. She said that Josie demonstrated her expertise in her role, and she was honored and valued for her contributions. She said that she appreciated the Commission's consideration of this matter and the potential impact it would have on these remarkable dogs' abilities.

Lee Silver said that he lived on Turkey Sag Road. He said that he had been listening to everyone discuss the greatness of the organization but that this was not what they were here to address. He said that this was a special use permit, and there was nothing special about what the organization was proposing. He said that although it may be non-profit, it was a commercial operation. He said that they did not sign up for a commercial operation when they all moved out to the country. He said that there was no reason to have this built on this particular lot. He said that there was a Board member who mentioned that it was an exhaustive search.

Mr. Silver said that he found it hard to believe that after an exhaustive search, the only reasonable place for a kennel was right next door to the executive director. He said that he would state that the gentleman who owned the tree farm informed him that they approached him about buying his property for this kennel.

He said that this reinforced the rationale for obtaining a special use permit in this idyllic neighborhood because it was close to the executive director's house, providing convenience for the organization. He said that 12 speakers attested to the organization's greatness. He said that no one was disputing this, not even the homeowners. He said that no one was arguing against dogs regarding their service provision.

Mr. Silver said that they were arguing about the residents' rights to maintain their peace, their quiet, their idyllic atmosphere that they created and that was given to them as part of their property purchases. He said that they did not require this organization or facility in this specific location. He said that he believed that the gentleman who initially suggested hiring a real estate agent and searching for alternative properties meant that there were other commercial properties available, some of which he might even contribute to helping them buy or operate in. He said that they did not need to be situated on the side of this mountain. He said that he respectfully requested that they deny their application.

Mr. Missel asked if the applicant would like to respond to the comments that had been raised.

Mr. Ross said that he wanted to address one point, which was that the square footage mentioned in the application were the maximum requested. He said that to clarify, they were not proposing to build 50,000 square feet of buildings. He said that the buildings depicted in the plan encompassed approximately 15,000 to 20,000 square feet, as currently designed. He said that it would not be the size of a Target.

Ms. Law said that she appreciated that some of her neighbors believed that she purchased the parcel next door for her own convenience. She said that to clarify, she asked Mr. Wissinger about his parcel because she was determined to find a suitable place for her needs. She said that she knew that the parcel next to her was vacant and that Mr. Wissinger had no development on his land. She said that she contacted numerous property owners who had empty spaces to inquire if they would be interested in selling to her. She said that her persistence in finding a suitable location led her to this location that she knew of due to her location next door. She said that she would be retiring in a few years, so acquiring this property would not benefit her in any way.

Mr. Missel closed the public hearing and returned the matter to the Commission for discussion.

Ms. Firehock said that she would like to clarify that they were either approving or not approving a use that runs with the land, which did not apply to this particular organization. She said that if they were to approve it as a kennel, someone else could potentially operate a kennel there in the future. She said that to ensure clarity, although their dogs were well-behaved, they could not assume that all future dogs would behave similarly. She said that she would inquire whether their counsel could suggest limiting the use of lodging and adding conditions that would apply to future kennel users. She asked if, for instance, under certain conditions, one could stipulate that lodging was exclusively for clients of Service Dogs of Virginia.

Mr. Herrick said that the special use permit would run with the land, which meant that owner-specific provisions would likely not be enabled. In other words, it would not be possible to create a special use permit specific to a particular owner. He said that for instance, the County would not be able to stipulate that this special use permit would expire upon transfer of the property. He said that enabling authority for imposing a condition that allowed only clients of Service Dogs of Virginia to be housed there was not entirely clear.

Ms. Firehock said that in the past, they considered implementing restrictions such as limiting the number of dogs, restricting operating hours, and determining whether people could stay at the location during weekends. She wondered whether this might be problematic because it could be the only time someone is available to visit the location is during their weekend.

Mr. Herrick said that the conditions should be tailored so that they could run with the land and not be specific to any particular owner.

Mr. Carrazana said that limiting the number of dogs might be appropriate for this small operation in a very specific niche they serve. He said that as a kennel needed to operate within certain volume levels, this could potentially help avoid potential issues.

Mr. Clayborne said that he agreed with the Commissioners' comments thus far. He said that he would like to emphasize that there were rules, regulations, buffers, and setbacks in place for a reason. He said that he did not want to give the impression that people could do whatever they wanted with their land without considering these protections. He said that any use could be applied to land that was appropriately zoned or required a special use permit. He said that he believed they were working within great parameters they already had there.

Mr. Murray said that given that this establishment served as both a kennel and lodging, he would like to know if it was plausible that someone might suggest, after this current situation concluded, that they would like to utilize the premises solely for lodging purposes.

Mr. Herrick said that this was not "lodging" as defined in the zoning ordinance. He said that instead, it was a special use permit for a private school and a commercial kennel. He said that these were two types of uses permitted under the zoning ordinance. He said that although the term "lodging" may be colloquially used for housing dogs, under the zoning ordinance, housing dogs was considered a commercial kennel.

Mr. Murray asked if someone were to propose a private school, then it would apply.

Mr. Herrick said that if the special use permit were granted, it would include authorization to have a private school, subject to the conditions included in the special use permit.

Mr. Bivins said that he was reminded of the number of private schools that the Commission had enthusiastically approved. He said that he felt that they may be somewhat overemphasizing this particular case and attempting to apply conditions that they had not required in similar situations involving young boys playing sports at smaller schools. He said that he would like this piece to proceed without any of these additional conditions.

Mr. Moore said that he did not personally live in a rural area; however, he enjoyed them and had been considering the Planning Commission's proposals regarding the purposes of rural area parcels. He said that they emphasized agriculture and silviculture in these areas, focusing on creating items for people's use that benefited their lives in various ways, such as food or sustenance or companion animals. He said that there were numerous uses allowed by right in rural areas.

Mr. Moore said that this particular proposal was just an edge further, but he thought that allowing 20 quiet dogs instead of 20 roosters was not a big issue. He said that one thing he noticed was that idyllic, peaceful, unchanging properties were not listed among the by-right uses of rural areas. He said that the guidelines included decibel limits and other restrictions, and this was what defined by-right uses. He said that he believed this use was suitable for the proposed time and location.

Mr. Bivins said that Peters Mountain had been mentioned. He said that it was an installation that had some significance, which might be utilized if necessary. He said that Rivanna Station was situated on the opposite side of the road. He said that they could be pressed into use if unfavorable global conditions arose, so there could be increased traffic on that road, causing concern for everyone. He said that the dogs would not be a part of that issue.

Ms. Firehock said that she had another question regarding the conditions. She said that one of the aspects she liked about this proposal was that the use of footers to limit the amount of clearing and grading, which was something that came into her consideration. She said that she considered the impact of this use on this particular parcel. She said that she would like to know if, assuming that she liked the building construction and the lack of clearing from their narrative, it was possible to say that they were approving this kennel with this conceptual plan and this building structure. She said that considering that someone else could come in and build a kennel with extensive grading and different building designs in the future, she would ask if that was something they could take into account because the minimalist impact of the building design factored into her liking of this proposal.

Mr. Herrick said that the conditions currently drafted by staff primarily addressed the location of structures rather than whether they were situated off the ground or the type of construction. He said that the construction aspect would likely be addressed during the site planning stage. He said that if the Commission

were interested in dictating the type of construction, there would need to be a connection or nexus between the land use impact and the type of building construction. He said that for example, as they probably knew, there were already performance standards under the zoning ordinance that required soundproofing or certain distances. He said that these would be the types of conditions that the Planning Commission should be considering, aimed at limiting discernible impacts of the proposed use.

Ms. Firehock said that the building construction was not directly related to dogs, except for the soundproofing aspect; however, it represented a more intensive use of the site. She asked if therefore, the building construction should be considered as part of that evaluation.

Mr. Bivins said that he would offer an observation that if someone were to establish a horse farm there instead of using this construction, which was being built for the first time in their County, it would be interesting to see its impact. He said that currently, they could stable horses or house longhorn cattle there by right. He said that the facility to hold them would likely require clearing land for barns or stables. He said that he did not want them to impose additional burdens on an organization that could create different housing for other animals, potentially using more of the mountain than this construction appeared to use.

Mr. Clayborne said that he wanted to revisit some of the staff report in Section 5.1.11. He said that he believed it provided some solid guardrails in terms of time of use that was allowed, as well as decibels that are allowed and so forth. He said that he was in agreement that there should be no additional conditions. He said that he did not see the need for that after he had re-read that.

Mr. Herrick clarified that Section 5.1.11 is the default provisions of the zoning ordinance. He said that these provisions were not additional conditions of this particular special use permit. He said that they would be required of any commercial kennel approved under a special use permit in the Rural Areas.

Mr. Clayborne asked if that meant that essentially, if a future kennel were established there, one would need to apply the 5.1.11.

Mr. Herrick said that any commercial kennel receiving a special use permit in the Rural Areas was subject to Section 5.1.11.

Mr. Missel said that he would like to emphasize that this group was exceptionally outstanding in its mission to positively impact lives. He said that keeping that in mind, the Commission's role was to serve as an advisory body to the Board, and their purpose was to promote the orderly development of the County and its surroundings in accordance with state law and Albemarle County Code. He said that they made recommendations for approval, denial, or otherwise to the Board of Supervisors. He said that he believed everyone was aware of this role, but he would like to remind everyone of their charge.

Mr. Missel said that when he examined this situation personally and considering what many of his colleagues had said, he thought about the visual impact and the buffers that have been incorporated into this application. He said that one of the challenges for him was determining whether these factors would change his opinion. He said that although the visibility from the road in site section one appeared wide open and highly visible, which was not entirely accurate; it was actually just cut through. He said that he believed there was a substantial buffer that directly related to the special use permit condition of approval, which required that any development be in general accord with the concept plan.

Mr. Missel said that one of the factors Mr. Clayborne discussed was this parameter. He said that another aspect involved the limitations of clearing and improvements. He said that this was one of the considerations in his decision-making process. He said that another point was the comment regarding private schools they had seen and approved. He said that this was part of the context of Albemarle County that they must consider. He said that consequently, he was inclined to support the application as stated in the staff report.

Mr. Clayborne motioned to recommend approval of SP202300011 and SP202300013 for Service Dogs of Virginia, with the conditions recommended in the staff report. The motion was seconded by Mr. Bivins and passed unanimously (7-0).

Adjournment

At 8:17 p.m., the Commission adjourned to Tuesday, February 27, 2024, Albemarle County Planning Commission meeting, 4:00 p.m. in Lane Auditorium.



Michael Barnes, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 02/27/2024
Initials: CSS