



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Proposal: SP202200027 Wakefield Kennel	Staff: Kevin McCollum, Senior Planner
Planning Commission Public Hearing: January 24, 2023	Board of Supervisors Hearing: To be scheduled
Owner: BND Family Limited Partnership	Applicant: Barry Dofflemeyer, contact for BND Family Partnership, and Kendra Moon, Line and Grade Civil Engineering
Acreage: 4.63 acres	Special Use Permit: Section 18-10.2.2 Commercial Kennel
TMP: 03100-00-00-047A0 Location: 790 Wakefield Farm	By-right use: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: White Hall	Conditions: Yes EC: No
Proposal: A request for replacement of an existing commercial kennel with a new expanded facility and associated parking. The proposed kennel is approximately 11,650 sf with 6,240 sf outdoor runs and capacity for approximately 100 kennels. Associated with this request are two special exception applications, one for a reduction in the required setbacks from residential properties (SE202200057), and one for a reduction in the required amount of parking for the proposed kennel (SE202200056).	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) in Rural Area 1 in the Comprehensive Plan.
DA (Development Area): N/A	Requested # of Dwelling Units: 0
Character of Property: The site is 4.63 acres and is home to an existing commercial kennel that has been in existence since the 1950s. The kennel has an 8,000-sf building with associated parking and 10,500 sf of outdoor runs for the animals. A large portion of the site is wooded.	Use of Surrounding Properties: A large majority of the surrounding properties are single family residences with some nearby agricultural uses.
Positive Aspects: 1. The proposed use is consistent with the Comprehensive Plan 2. The proposal provides a needed service for people who live and work in the area. 3. No detrimental impacts to adjoining properties are anticipated.	Concerns: 1. None.
Recommendation: Staff recommends approval of SP202200027 Wakefield Kennel with conditions.	

STAFF PERSON: Kevin McCollum, Senior Planner
PLANNING COMMISSION: January 24, 2023
BOARD OF SUPERVISORS: To be scheduled

PETITION:

PROJECT: SP202200027, SE202200056, and SE202200057 Wakefield Kennel

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 03100-00-00-047A0

LOCATION: 790 Wakefield Farm

PROPOSAL: Special use permit amendment for an existing commercial kennel.

PETITION: A request for a special use permit amendment under Section 18-10.2.2 for a new commercial kennel facility and associated parking on a 4.63 acre parcel. The proposed kennel is approximately 11,650 sf with 6,240 sf outdoor runs and has capacity for approximately 100 kennels. The proposal includes a request to operate the existing kennel until the completion of the new facility. Associated with this request are two special exception applications, one for a reduction in the required setbacks from residential properties, and one for a reduction in the required amount of parking for the proposed kennel.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

ENTRANCE CORRIDOR: No

OVERLAY DISTRICT: AIA Airport Impact Area

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) in Rural Area 1 in the Comprehensive Plan.

CHARACTER OF SURROUNDING AREA:

The subject property is located at 790 Wakefield Farm. The site is 4.63 acres and is home to an existing commercial kennel that has been in existence since the 1950s. The kennel has an 8,000-sf building with associated parking and 10,500-sf of outdoor runs for the animals. A large portion of the site is wooded (Attachment 1 – Existing Conditions and Context Map).

A majority of the surrounding properties are residential with single family residential uses on lots ranging from 0.5 – 2.0 acres in size. Nearby neighborhoods include Earlysville Forest, Earlysville Heights, and Village Woods. There is a large farm/agricultural property to the east along Wakefield Farm road.

PLANNING AND ZONING HISTORY:

Wakefield Kennel has been in operation since the mid-1950s. It obtained a special use permit in July of 1976 and was expanded at that time. The facility has operated since 1976 until present day without any additional significant change.

DETAILS OF THE PROPOSAL:

The applicant has requested a special use permit for replacement of an existing commercial kennel facility with a new and expanded facility to be built adjacent to the existing facility. The existing facility will remain operational until the new facility is completed. The proposed kennel is approximately 11,650-sf with 6,240-sf of outdoor runs and has capacity for 100 kennels. The applicant has also submitted two special exception requests, one for a reduction in the required setbacks from residential properties, and one for a reduction in the required amount of parking for the proposed kennel. The applicant has provided a detailed project narrative (Attachment 2) and special exception requests (Attachment 3). The existing conditions plan, phasing plan, and concept plan (Attachment 4) provide an overview of the existing site layout, proposed site layout during construction, and proposed final site layout.

COMMUNITY MEETING:

The required community meeting for the proposal was held at Broadus Wood Elementary School on Monday, November 7th at 6:00pm. The applicant shared details and answered questions regarding the proposal to the members of the public who were present. Overall, the community had a few questions, but generally supported the proposal.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Special Use Permits are evaluated under reasonable standards, based on zoning principles which include the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions which must be reasonably related and roughly proportional to the impacts.

Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:

1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

The existing commercial kennel facility has been in existence since 1976 without significant objection or complaints from adjacent parcels or nearby neighbors. The proposed facility will have a slightly larger building with more kennels, but with a smaller area for outdoor runs. The applicant has provided sound dampening fencing to be installed to minimize any potential noise impacts. Given the increase in the number of kennels, there will also be a slight increase in the number of daily trips along Wakefield Farm Rd. However, VDOT has reviewed the proposal and has provided no objections. Overall, Staff believes the proposed commercial kennel will not be a substantial detriment to adjacent parcels.

2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The character of the district is not anticipated to change with the proposed replacement of the commercial kennel facility. The proposed facility will be adjacent to the existing facility, and while slightly larger in footprint, a smaller area of outdoor runs will be provided along with sound dampening fencing. Staff also believes the slight increase in traffic associated with 91 kennels in the existing facility to 100 kennels in the proposed facility will not create significant additional impacts on traffic in the area.

3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

The proposed commercial kennel is expected to continue to be in harmony with the area as the existing kennel is.

with the uses permitted by right in the district,

The proposed commercial kennel would not affect by-right uses in the district on this property or adjacent properties.

with the regulations provided in Section 5 as applicable,

The proposed commercial kennel will be subject to the regulations in Section 5.1.11 except for those it has requested to vary. Those applicable to commercial kennels are listed below.

Sec. 5.1.11 - Commercial kennel, veterinary service, office or hospital, animal hospital, animal shelter.

Each commercial kennel, veterinary service, office or hospital, animal hospital and animal shelter shall be subject to the following:

- a. Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than 500 feet to any agricultural or residential lot line. For non-soundproofed animal confinements, an external solid fence not less than six feet in height shall be located within 50 feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator;
- b. For soundproofed confinements, no such structure shall be located closer than 200 feet to any agricultural or residential lot line. For soundproofed and non-soundproofed confinements, sound measured at the nearest agricultural or residential property line shall not exceed 55 decibels;
- c. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
- d. In areas where such uses may be in proximity to other uses involving intensive activity such as shopping centers or other urban density locations, special attention is required to protect the public health and welfare. To these ends the commission and board may require among other things: Separate building entrance and exit to avoid animal conflicts; Area for outside exercise to be exclusive from access by the public by fencing or other means.

The Applicant will comply with all applicable supplemental regulations but has requested a special exception (Attachment 3) to Section 5.1.11(a) to reduce the 500-foot setback to any agricultural or residential lot line (SE202200057). In this case the proposed facility would be approximately 63 feet to the closest lot line. While the closest residential and agricultural lot lines are approximately 63, 73, 147, and 176 feet away, the closest residential structure is 280 feet away. Staff believes the reduction of the required setback will not have additional impacts on adjacent neighbors given the history and nature of the proposed use, existing vegetation and trees in the area, screening and landscaping that may be required during the site planning stage, and the inclusion of the sound dampening fencing to meet the decibel level limits of the ordinance for the facility. Staff supports the applicant's request for the setback reduction.

and with the public health, safety, and general welfare.

The public health, safety, and general welfare of the community are protected through the special use permit process, which assures that the proposed use is appropriate in the location requested. Engineering, Building Inspections, VDOT, Fire-Rescue, RWSA, and VDH have all reviewed this application and have provided no objections.

If the special use permit is approved, the use cannot commence without the appropriate site development plans, building permits, and zoning clearances. These processes will ensure that all state and county regulations, special use permit conditions, and all necessary building and fire inspections have been passed before the new kennel can commence use.

The proposal also includes a special exception (SE202200056) to the parking requirements (Attachment 3) as authorized by County Code § 18-4.12.2 and § 18-33.9. Per County Code § 18-4.12.6 of the Zoning Ordinance, 51 parking spaces are required for the new commercial kennel while only 20 are provided. Staff agrees that 51 parking spaces is an unreasonable amount of parking for a 100-kennel facility. The existing facility has 91

kennels and only 12 parking spaces. The Applicant has indicated the existing facility has operated without any issues with adequate parking. Staff believes the Applicant has provided a sufficient analysis for the proposed 20 parking spaces. The proposed parking will provide the applicant with additional parking for the expansion of the facility, while minimizing the environmental impact by providing less impervious surface than what would be required with 51 parking spaces. Staff supports this special exception request for a reduction in parking.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject properties for this proposal, TMP 31-47A, for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also to allow residential uses at a density of up to 0.5 acres per dwelling unit.

Review of the proposal against specific objectives (obj.) in Comprehensive Plan found the following:

- Obj. 5: Recognize and support crossroads communities, which serve as rural-scale community meeting places and provide opportunities for residents to take part in community life.

While not specifically being in an identified crossroads community as outlined in the Comprehensive Plan, the proposed use contributes to providing a crossroads community-like area providing services for the existing community in the area. The proposed kennel will provide a needed service to the area at an appropriate scale.

In addition, Staff believes the proposal meets the intent of the Rural Areas to preserve and protect forests and natural resources by preserving 2.1 acres of the site that will remain forested.

SUMMARY:

Positive Aspects:

1. The proposed use is consistent with the Comprehensive Plan
2. The proposal provides a needed service option for people who live and work in the area.
3. No detrimental impacts to adjoining properties are anticipated.

Staff has no concerns with this request.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of the special use permit application SP202200027 Wakefield Kennel with the following conditions:

1. Development of the use must be in general accord with the conceptual plan titled "Wakefield Kennel Diagrammatic Site Layout" drawn by Line and Grade Civil Engineering. To be in general accord with the Conceptual Plan, development must reflect the following major elements essential to the design of the development:
 - a. Location of buildings;
 - b. Location of parking areas;
 - c. Location of outdoor runs; and
 - d. Location of sound-dampening fence

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The number of kennels may not exceed one hundred (100) dog kennels.
3. The outdoor runs must be surrounded by a sound-dampening fence as shown on the concept plan and described in greater detail in the application narrative.

POSSIBLE PLANNING COMMISSION MOTIONS

Special Use Permit

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

Move to recommend approval of SP202200027 Wakefield Kennel with conditions as stated in the staff report.

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

Move to recommend denial of SP202200027 Wakefield Kennel. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

Special Exceptions

The Planning Commission is not required to make a recommendation on these Special Exceptions:

1. SE202200056 Wakefield Kennel Parking Reduction Special Exception
2. SE202200057 Wakefield Kennel Setback Special Exception

However, if the Planning Commission chooses to provide comments on the special exceptions, staff will include those in the Transmittal Summary to the Board of Supervisors.

ATTACHMENTS

Attachment 1 – Existing Conditions and Context Map

Attachment 2 – Special Use Permit Narrative

Attachment 3 – Special Exception Narratives

Attachment 4 – Existing Conditions, Phasing, and Conceptual Plans