

**Albemarle County Planning Commission
FINAL Minutes September 1, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, September 1, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Rick Randolph; Daniel Bailey; Jennie More; Corey Clayborne; and Luis Carrazana, UVA representative.

Members absent: None.

Other officials present were Mariah Gleason; Andrew Knuppel; Rachel Falkenstein; Vivian Groeschel; Andy Herrick, County Attorney; Charles Rapp, Planning Director; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the regular electronic meeting to order at 6:15 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(8), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said there were no Commissioners attending from the County Office Building, and that the Commissioners electronically present that evening were: Mr. Bivins, Mr. Randolph, Mr. Keller, Mr. Bailey, Ms. Firehock, Ms. Riley, Mr. Clayborne, and Mr. Carrazana.

Mr. Bivins said the public could access and participate in this electronic meeting by following the links available at www.albemarle.org/community/county-calendar, or by calling 877-853-5257.

Consent Agenda

Ms. Riley moved to approve the consent agenda.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Public Hearing

SP202000010 Airport Animal Clinic

Ms. Mariah Gleason, Senior Planner, said she would be presenting a request for the special use permit and the associated Special Exception SE2020000002.

Ms. Gleason said the subject property is located in the Hollymead area and is a corner parcel at the intersection of Worth Crossing and Fortune Park Road. She said it was developed in the late 1990s. She said the property is set back one block from Route 29/Seminole Trail across from the Hollymead Town Center and is surrounded on three sides by similarly zoned commercial buildings that are generally oriented to Route 29.

Ms. Gleason said the subject property shares a parking lot with Stifel Investment Services and Forest Lakes Dental. She said other surrounding businesses include Timberwood Grill, Atlantic

Union Bank, McDonalds, Subway, and Dairy Queen. She said properties southeast of the property are zoned for residential uses and include the adjacent Gateway Village townhouse development and the Forest Lakes neighborhood further on.

Ms. Gleason said this proposal was driven by the relocation of an existing local veterinary clinic located just up the road, at the intersection of Route 29 and Airport Road. She said that as illustrated in the applicant's materials, the proposed veterinary use will occupy approximately 3,000 square feet of the 8,300-square-foot building. She said the remaining building space will be occupied by other commercial/retail office tenants.

Ms. Gleason said the proposed location of the veterinary use requires a special exception due to its proximity to residential properties, which are located approximately 125 feet away. She said in accordance with the supplemental regulations to which veterinary uses are subject, veterinary structures are not permitted closer than 200 feet from a residential property line.

Ms. Gleason said no major concerns with the proposed use in this location were identified by staff or surrounding neighbors during the review of this proposal and, as such, she would keep the presentation short, although she could discuss any of the topics or information provided in the staff report if the Commission so desired.

Ms. Gleason said in the review of the proposal, staff found the following factors favorable. She said no adverse impacts are expected to nearby or adjacent properties. She said the proposed veterinary use is consistent with the character of commercial properties in this area. She said the proposed use conforms with the Comprehensive Plan and meets the relevant supplemental regulations of the Zoning Ordinance.

Ms. Gleason said no unfavorable factors were identified and, as such, staff recommended the following conditions. She presented those conditions to the Commission, noting that they largely worked to solidify aspects of the applicant's proposal that led to the favorable findings by staff and were similar to those that the County has applied to other veterinary uses in the past.

Ms. Gleason said the applicant submitted a special exception request (SP2020000002). She said subsection b of the Supplemental Regulations, to which veterinary uses are subject, require two things: that veterinary uses be located no closer than 200 feet from a residential property line, and that sound generated by this use does not exceed 55 decibels at the property line. She said the applicant has requested a modification to the first part, to allow the veterinary use to be located within 200 feet of a residential property line. She said if approved, the proposed use would still be subject to the sound-related requirements of the subsection.

Ms. Gleason said staff recommended approval of the special exception for the following reasons. She said soundproofing will be incorporated into the building's renovations, and the applicant has indicated that renovations to the building will include sound-attenuating construction materials and techniques, including decoupling the exterior and interior walls to disrupt and diminish sound waves. She said the Gateway Village townhouse development includes a 40-foot landscaped open space that will separate and buffer residential units from the proposed use, and that landscaped elements in the area include bermed earthworks and a mixture of mature, dense, primarily evergreen trees.

Ms. Gleason said that while the proposed use is approximately 125 feet from what the zoning map designates to be the residential property line, the nearest residential structure is approximately 195 feet from the intended veterinary clinic location.

Ms. Gleason concluded the staff presentation, noting she had possible motion language to be used and offering to answer any questions from the Commission.

Mr. Keller said for the public record and discussion, although it was in the staff report, he would like Ms. Gleason to address the aspect of outside animals with this facility.

Ms. Gleason stated that this facility is not requesting any changes to be made to the structure as it is. She said they are not requesting to put in any outdoor runs or exercise areas for animals. She said there is some open and green space with the parcel, but that no structure or anything that would require a site plan would be erected. She said they will simply be occupying the building, and all of the functions of the veterinary use will happen inside the building as it exists today.

Mr. Bivins opened the public hearing and invited the applicant to speak.

Mr. Daniel Hyer introduced himself as the civil engineer assisting with the special use permit and special exception request. He said the project is a relocation of an existing veterinary clinic that currently exists at the corner of Airport Road and Route 29 (Dr. Hayes Airport Animal Clinic). He said the relocation of Dr. Hayes' practice would be to vacate that corner to make way for another pending project, which is the Sheetz on the corner of Route 29 and Airport Road.

Mr. Hyer said Dr. Hayes' practice has been in place for almost 20 years. He said because it is actually his own family's vet, he had great things to say about the practice in general. He said Dr. Hayes wants to stay close to the community he has been serving for some time, and this building was available. He said it would be a relocation of the practice and because it is purely veterinary care (without boarding or kenneling), it was simply about checkups for small animals. He said there is the potential that an animal under medical supervision may be required to stay overnight, but other than this case, there is no intended kenneling with this application.

Mr. Hyer said he would imagine Dr. Hayes serves many residents in the Hollymead area, so this relocation would allow his practice to continue to flourish in that area.

Mr. Hyer said this was a straightforward request and that no exterior improvements were proposed. He said Dr. Hayes would be bringing some of his tenants with him to this new facility, such as Molly Maids and perhaps one other tenant in the strip mall located on the corner of Route 29 and Airport Road.

Mr. Bivins asked if there were any public speakers. Finding there were none, he asked Commissioners if they had any questions for the applicant.

Mr. Randolph said he did not have a question, but that he wanted to compliment Mr. Hyer on the materials that were provided. He said they were very helpful in giving the Commissioners a very detailed sense of the proposed new location for the existing business.

Mr. Bivins said he had some questions about the facility. He said in the drawings submitted, he could only identify one exit. He asked if this were correct, adding that he would then have a question about sprinklers.

Mr. Hyer replied that there are multiple exits. He said the building itself actually functions more or less like a split level. He presented a drawing, explaining that there is one entrance near the ADA parking spaces, which is on the upper level of the split level. He said there is then the primary entrance to the veterinary clinic at the lower level. He said there are multiple points of entry and exit for the property. He said the building situates itself with the topography, so it is split level.

Mr. Hyer said as for the sprinklers, he could not speak specifically to that and did not know if it were sprinklered, or if the building typology would require it. He said he could look into this if it were required.

Mr. Bivins said the reason he asked is there was a situation where an animal-focused organization had a fire and could not get the animals out in time. He said he wouldn't want the owner to have to suffer that kind of consequence if that were to happen at the new location. He said he would leave this to Mr. Hyer and Ms. Gleason to explore, as he believed that fire protection would be of interest to people.

Mr. Hyer said this was a good point.

Mr. Bivins asked with having surgery on the second floor, how the animals would be moved up and down. He gave the example of bringing in a dog with a broken leg that would need to be set, and assuming he would have to come in through the main entrance. He asked how the dog would be brought up to the second floor.

Mr. Hyer said this was also a good question. He said the animals in this practice are smaller animals.

Mr. Bivins said he assumed they are companion animals.

Mr. Hyer said yes.

Mr. Bivins said he has a Saluki dog, for example, which is a sighthound weighing at 50 pounds. He asked Mr. Hyer to give some consideration to how animals will be moved between the floors.

Mr. Hyer said this was a good point, and that he believed the architecture was still subject to modification of the interior.

Mr. Bivins closed the public hearing and brought the matter back to the Commissioners.

Mr. Clayborne moved to recommend approval of SP202000010 Airport Animal Clinic for the reasons and with the conditions stated in the staff report.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Mr. Clayborne moved to recommend approval of Special Exception request SE202000002 to modify the permitted building location requirements of Section 5.1.11(b) to allow the proposed

veterinary use to be located within 200 feet of a residential property line for the reasons stated in the staff report.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Mr. Bivins informed the applicant that the proposal was being moved forward with the conditions set forth in the staff report. He said he hoped the applicant would take the items that were discussed into consideration.

Mr. Bivins asked for an update about the Sheetz being built.

Mr. Charles Rapp (Planning Director) said this was an item that hadn't gone to the Commission yet.

Mr. Hyer said the Sheetz project was before the ARB.

Adjournment

At 8:58 p.m., the Commission adjourned to September 15, 2020, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded and transcribed by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards)

Approved by Planning Commission
Date: 10/06/2020
Initials: CSS