



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202300011 and SP202300013 Service Dogs of Virginia	Staff: Syd Shoaf, Senior Planner
Planning Commission Hearing: February 13, 2024	Board of Supervisors Public Hearing: To be scheduled
Owner: Service Dogs of Virginia Inc	Applicant: Peggy Law, contact for Service Dogs of Virginia, and Scott Collins, Collins Engineering
Acreage: 38.8 acres	Special Use Permit: Section 18-10.2.2 (5) for a private school and Section 18-10.2.2 (17) for a commercial kennel
TMP: 04800-00-00-061D0 Location: An undeveloped parcel located on the south side of Turkey Sag Road (State Route 640), east of Stony Point Road (State Route 20).	By-right use: Rural Areas (RA). Allows agricultural, forestal, and fishery uses as well as residential uses (maximum density of 0.5 unit/acre in development lots). Up to six single family dwellings could be developed.
Magisterial District: Rivanna	Conditions: Yes EC: No
Proposal: A request for a private school dedicated to training service dogs and their recipients, and a request for a dog kennel needed to house the dogs. The proposed buildings on the site include a dorm, training and administrative buildings, a puppy center, and a caretaker residence.	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 2 in the Comprehensive Plan.
DA (Development Area): N/A	Requested # of Dwelling Units: 1
Character of Property: The site is 38.8 acres and is undeveloped. It is wooded and hilly with a stream along the frontage of the site, a Mountain Protection Area in the southern and southwestern portions of the site, as well as, Critical Slope areas throughout the site.	Use of Surrounding Properties: The surrounding properties are zoned Rural Areas. Two properties to the southeast are owned and maintained by the Service Dogs of Virginia's Executive Director. The parcel to the south and west is a tree farm with no residences on the property. Across Turkey Sag Road to the north is a single-family residence.
Factors Favorable: 1. Consistent with the review criteria for special use permits contained in the Zoning Ordinance.	Factors Unfavorable: 1. The proposed access is in the stream buffer. However, there are no other means of access to the site and disturbance is limited to the minimum necessary.
Recommendation: Staff recommends approval of SP202300011 and SP202300013 Service Dogs of Virginia with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Syd Shoaf, Senior Planner
February 13, 2024
To be scheduled

PETITION:

PROJECT: SP202300011 and SP202300013 Service Dogs of VA

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 04800-00-00-061D0

LOCATION: An approximately 38.8-acre parcel located on the south side of Turkey Sag Road (State Route 640), east of Stony Point Road (State Route 20).

PROPOSAL: Special use permit for a private school and a special use permit for a commercial kennel.

PETITION: A special use permit request under Section 18-10.2.2 (5) for a private school dedicated to training service dogs and their recipients, and another special use permit request under Section 18-10.2.2 (17) for a dog kennel needed to house the dogs in advanced training. The special use permit application plan proposes an upper building and parking area that is approximately 2.1 acres and a lower building and parking area that is approximately 1.3 acres.

ENTRANCE CORRIDOR: No

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

OVERLAY DISTRICT: None

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 2 in the Comprehensive Plan.

CHARACTER OF THE AREA

The subject property is located on the southside of Turkey Sag Road (State Route 640), east of Stony Point Road (State Route 20). The site is an undeveloped 38.8-acre parcel that is wooded with a mixture of mature deciduous and evergreen trees that vary from 20 feet to 60 feet in height. The site is hilly and contains Critical Slopes areas and the southern and southwestern portions of the site are designated as a Mountain Protection Area. Additionally, a stream is located along the frontage of the site (Attachment 1 – Existing Conditions Map).

The surrounding properties are zoned Rural Areas. Two properties to the southeast are owned and maintained by the Service Dogs of Virginia's Executive Director. The parcel to the south and west is a tree farm with no residences on the property. Across Turkey Sag Road to the north is a single-family residence.

PLANNING AND ZONING HISTORY

The 38.8-acre property was created by Instrument #196599960642 on September 23, 1964. This property does not have any subdivision history and has all five of its original development rights. By-right, the property could be developed with up to six single family dwellings. The property has Critical Slopes areas and a Mountain Protection Area that are undisturbed. Along the frontage of the property there is a stream that is subject to the Water Protection Ordinance. According to Federal Emergency Management Agency (FEMA) maps, the stream is not associated with a floodplain.

DETAILS OF THE PROPOSAL

The applicant has requested two special use permits for this site. The first is a request for a private school dedicated to training service dogs and their recipients, and the second is a request for a dog kennel needed to house the dogs in training. The applicant has provided a detailed project narrative and conceptual plan (Attachment 3 – Applicant Materials and Attachment 4 – Concept Plan).

The Concept Plan proposes two building envelope areas for structures (Lower Site and Upper Site) and parking totaling approximately 3.4 acres, with an access road between the two to avoid critical slopes. An Illustrative Plan is provided to show anticipated programing in the building envelopes.

Lower Site

- 1.3 acres
- Training and Administrative Building
- Puppy Center Kennel – only used to house new litters for 8 weeks at a time
- Client Dorm to house up to 4 clients at a time
- Parking

Upper Site

- 2.1 acres
- Caretaker Residence
- Kennel to house up to 20 dogs at a time
- Small pool
- Training Facility
- Parking

COMMUNITY MEETING

The required community meeting for the proposal was held at Stony Point Elementary School on Thursday, October 26, 2023, at 6 pm. The applicant shared details and answered questions regarding the proposal to members of the public who were present. Approximately 15 members of the public were present. There were concerns regarding traffic, environmental, lighting, noise, and disturbance impacts. Notes from the community meeting are included as Attachment 5 – Community Meeting Notes.

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.

There are two proposed building envelopes (Lower Site and Upper Site on Attachment 4 – Concept Plan) to minimize impacts to the critical resources of the property and to adjacent parcels, with increased setbacks, buffers, and preservation of existing vegetation. The Lower Site is located about 100 feet away from the closest adjacent parcel. In between the lower site and the closest adjacent parcel is Turkey Sag Road (State Route 640), a stream buffer and a 75-foot minimum setback and undisturbed existing vegetation buffer. At its closest point, the Upper Site is located about 375 feet from the closest adjacent parcel.

The applicant has proposed that the entire property be fenced in to prevent dogs from straying onto adjacent parcels. Additionally, the applicant has proposed that all buildings on the site will be soundproofed to minimize potential noise impacts.

The current average annual daily traffic (AADT) volume on Turkey Sag Road is approximately 180 vehicles per day. The applicant indicates there are not any projected traffic counts in the Institute of Transportation (ITE) manual for dog kennels or training facilities for service dogs. The applicant indicates the expected traffic for this proposal would be about 20-30 trips per day based on the anticipated number of employees, volunteers, and students. Both the Virginia Department of Transportation and Albemarle County Transportation Planning had no objections to the proposed special use permit. There will be an increase in traffic since this will be a new use, however, the estimated traffic impacts provided by the applicant will not create a significant impact on traffic in the area.

The location of the building envelopes, the proposed mitigation efforts from the applicant and the minimal traffic impacts are not expected to result in 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 proposed Concept Plan limits clearing of existing vegetation and land disturbance to the construction of the gravel driveway, parking lots, stormwater management facilities and building pads as shown in the Lower Site and Upper Site building envelopes. The remainder of the 38.8-acre lot will maintain its wooded nature, which consists of a mixture of deciduous and evergreen trees. The building envelopes will be buffered and screened from Turkey Sag and neighboring properties. No building will be located closer than 200' to any lot line.

Proposed buildings on the site will be designed to limit visual impacts to adjacent properties. In Attachment 3 – Applicant Materials, the applicant has provided a site section illustration which shows the locations of disturbance with the existing terrain and vegetation. Additionally, the applicant has provided example building designs which show how the proposed buildings will integrate with the existing land and vegetation. Buildings will be no more than 24' tall.

Staff believes that the proposed uses will not change the character of adjacent parcels or the nearby area.

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

The proposed commercial kennel and private school is expected to be in harmony with the area.

with the uses permitted by right in the district,

The proposed kennel and private school would not affect the 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 listed below.

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 in Section 5.1.11. The applicant is proposing for the kennel building to be located 500 feet away from all residential and agricultural lot lines in the Upper Site. The proposed puppy center will be located in the Lower Site, 200 feet away from all residential and agricultural lot lines. Although it is not required since the kennel and puppy center would meet the required setbacks, the applicant is proposing for all buildings on the site to be soundproofed.

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

The public health, safety, and general welfare of the community are protected throughout the special use permit process, which assures that the proposed use is appropriate in the location requested. Zoning, Engineering, Building Inspections, Transportation Planning, the Virginia Department of Transportation (VDOT), Albemarle County Fire Rescue and the Virginia Department of Health (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 approved.

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 04800-00-00-061D0, 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.

The proposed school and kennel do not actively support agricultural or forestall. However, the defined extent of development on the site will limit the area of land disturbance to only a portion of the site (approximately 3.6 acres), less than what would be disturbed if the property was developed for residential uses.

The following specific objective of the Comprehensive Plan is relevant to this site:

- Chapter 7 Rural Areas, Objective 2: Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.

This site includes an existing stream buffer along the frontage of the property adjacent to Turkey Sag Road, critical slopes areas within the parcel, as well as Mountain Protection Areas in the southern and southwestern section of the parcel. The site is undeveloped and wooded consisting of a mixture of mature deciduous and evergreen trees. The Concept Plan limits building envelopes to roughly 3.4 acres, and the remainder of the site will be undisturbed except for the entrance and access road. Additionally, none of the development will impact the Critical Slopes or Mountain Protection Areas. For access to the parcel, the applicant has proposed an entrance onto Turkey Sag Road in the stream buffer, as there is no other alternative to access the property and disturbance is limited to the minimum necessary for the entrance. There is no objection from Engineering given minimal impacts are expected and there will be no other disturbance to the stream buffer. Staff believes these impacts are less than what would be expected if the property developed residentially.

Overall, the applicant's proposal is consistent with the Comprehensive Plan.

SUMMARY

Staff has identified the following factor favorable to this request:

1. Consistent with the review criteria for special use permits contained in the Zoning Ordinance.

Staff has identified the following factor which is unfavorable to this request:

1. The proposed access is in the stream buffer. However, there are no other means of access to the site and disturbance is limited to the minimum necessary.

RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends approval of the special use permit applications with conditions consistent with those drafted below:

1. Development of the use must be in general accord with the conceptual plan titled "Service Dogs of Virginia Special Use Permit Application Plan" drawn by Collins 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 building envelopes;
 - b. Location of parking, structures, and facilities within building envelopes;
 - c. Location of entrance and access road;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 maximum height of structures must not exceed 24 feet in height.
3. Perimeter fencing must be installed prior to commencement of the use.
4. All kennel buildings must be sound-proofed.

POSSIBLE PLANNING COMMISSION MOTIONS:

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

Move to recommend approval of SP202300011 and SP202300013 Service Dogs of Virginia 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 SP202300011 and SP202300013 Service Dogs of Virginia.
Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

ATTACHMENTS:

- Attachment 1 – Existing Conditions Map
- Attachment 2 – Zoning Map
- Attachment 3 – Applicant Narrative
- Attachment 4 – Conceptual Plan
- Attachment 5 – Community Meeting Notes
- Attachment 6 – Public Comments received via Email