

**Albemarle County Planning Commission**  
**March 6, 2018**

The Albemarle County Planning Commission held a public hearing on Tuesday, March 6, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Daphne Spain; Pam Riley, Vice-Chair, Bruce Dotson and Bill Palmer, UVA representative. Commissioners absent were Karen Firehock and Jennie More.

Other officials present were Cameron Langille, Senior Planner; J.T. Newberry, Senior Planner; David Benish, Chief of Planning; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

**Call to Order and Establish Quorum**

Mr. Keller, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

The meeting moved to the next agenda item.

**SP-2017-00030 Willow River Veterinary Services**

PROJECT: SP201700030

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 07700-00-00-04700

LOCATION: 32 Mill Creek Drive

PROPOSAL: Utilize up to 2,900 square feet within the Southside Shopping Center to operate a full service companion animal hospital. No outdoor activity is proposed.

PETITION: Permit a veterinary office and hospital under Section 25.2.2.5 of the Zoning Ordinance on a 5.99 acre parcel. No dwelling units proposed.

OVERLAY DISTRICT(S): Entrance Corridor (EC), Airport Impact Area (AIA), Steep Slopes (Managed)

ZONING: PD-SC Planned Development Shopping Center – shopping centers, retail sales and service uses; residential by special use permit (15 units/acre).

COMPREHENSIVE PLAN: Community Mixed Use – residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses in Neighborhood 4 of the Southern and Western Neighborhoods Master Plan.

(JT Newberry)

Mr. Newberry summarized the staff report in a PowerPoint presentation. This is for an approximately 2,900 square foot veterinary office and hospital within the existing Southside Shopping Center down Avon Street Extended. Attachment C has the

applicant's concept plan which focuses on this edge of the shopping center. Attachment C shows a different entry and exit points, one at the front and one at the rear of this space of the shopping center. The next slide shows the Comprehensive Plan for the area: the shopping center is designated for Community Mixed Use, the residential area across the street, Mill Creek Village, is designated for Neighborhood Density Residential; adjacent on the other side is an institutional designation – the county owns parcel 48 immediately adjacent to the Food Lion and then Urban Density Residential is on the other side of Calvary Baptist Church.

The next slide shows the zoning map. Mr. Newberry noted an error in the staff report that the zoning for the shopping center is Planned Development-Shopping Center (PD-SC), the Calvary Baptist Church is zoned R-1 and the Mill Creek Village is zoned PUD. Part of the staff report analyzed the special exception requests, which talked about being within 200' of any residential lot line. He incorrectly associated that with the PUD across the street, Mill Creek Village, but it is actually Calvary Baptist Church. So the staff report notes that the entrance would be about 150' or so away from the nearest residential lot line; and it is actually closer to 50' with Calvary Baptist Church being zoned R-1. Mr. Newberry noted that does not change staff's analysis or recommendation on the special exception request but he did want to bring that to the Planning Commission's attention and that will be a part of staff's transmittal to the Board of Supervisors.

Staff found two favorable factors for this request.

1. This special use permit is in conformity with the Comprehensive Plan and relevant supplementary regulations of the Zoning Ordinance.
2. This special use permit is for a small portion of a larger commercial retail center/shopping center and there are no adverse impacts expected on nearby or adjacent parcels.

Staff did not identify any unfavorable factors to this application.

**RECOMMENDED ACTION:**

Staff recommends approval of the special exception request subject to the following condition:

1. Prior to the issuance of a building permit, the applicant shall submit information to the satisfaction of the County Engineer and the Zoning Administrator (or their designees) that demonstrate the sound attenuation qualities of the construction materials used in the renovation of the clinic can reasonably meet the fifty-five (55) decibel sound limit in Section 5.1.11(b).

Staff recommends approval of the special use permit request subject to the following conditions:

1. Development and use of the veterinary service shall be in general accord with the concept plan titled "Willow River Veterinary Services (Mill Creek)" and marked "received" on December 18, 2017, by the Department of Community Development.

To be in general accord with this concept plan, the proposed use shall reflect the following major elements essential to the design of the site:

- Location of more than one entrance and exit for animals visiting the clinic
  - No outdoor exercise areas or runs
2. The hours of operation for the clinic shall not begin earlier than 7:00 a.m. and shall not end later than 8:00 p.m., each day, Monday through Saturday. There shall be no hours of operation on Sunday.
  3. No overnight boarding use, other than for those animals under medical care shall take place at the veterinary clinic.

Mr. Newberry noted that in red on the slide he outlined some clarifications that are not present in the staff report and with help from the County Attorney's Office staff felt like this clarified some ambiguity that may be read into the existing conditions. He said we also added a third one just to make it clear that there is no requests for overnight boarding in any commercial way. This exact condition has worked well with a previous veterinary clinic that allows some flexibility for animals that are under medical care that may need overnight boarding.

The condition for the special exception relates to the construction materials that will be used to renovate the area within Southside Shopping Center. Mr. Newberry said he has been working closely with the applicant and they have been working with their contractors to use some new materials and different construction methods to make sure that they will be meeting this portion of the supplemental regulations.

The next slide has staff's recommended actions. Staff recommends approval with the conditions of the special use permit request and the special exception. Therefore, with that he offered to answer any questions.

Mr. Keller invited questions for staff. Hearing none, Mr. Keller opened the public hearing and invited the applicant to come forward.

Dr. Brad DiCarlo, DVM, said he was going to be starting Willow River Veterinary Services and did not have anything further to present. He said he would entertain any questions or concerns.

Mr. Keller invited questions for the applicant.

Mr. Bivins said he was pleased to see the piece about overnights for dogs who have life-saving surgery because that was one piece he was very concerned about that what happens if you have a client whose animal is at this point and you could not send it home or to one of the emergency vets to overnight. So he is feeling a bit better about that.

Dr. DiCarlo said it certainly is important to clarify it because there are situations that arise where we are working with elderly and handicap and they are unable to arrange

transport in the afternoon ambulance services are not available for our pets. Therefore, there are situations if we have to make contingencies if people cannot come by at close of business, then generally it is the vet who must attend. He said we would come back and check at the middle of the night several times to make sure if an animal is critical. We are also lucky that in the area we have two emergency hospitals that have arisen in the last eight years so we always try to have overnight situations observed by veterinarians and licensed medical practitioners. It is never the ideal situation to have them in the hospital, but to clarify that seemed important. He said we are also working with obtaining a lease that was agreeable with the lease agent, and that was important to them as well.

Mr. Keller invited public comment. Hearing none, he invited the applicant to come back up and invited any follow-up with the owner.

Mr. Spain said she was impressed with the green glue idea because she did not know that such a product existed and wondered if some of the apartment buildings around here should not be using this. She asked if this was a relatively a new product.

Dr. DiCarlo said that he would have to defer because he has been using Martin Horn as the architectural firm that has been helping with that. He said he was a small animal veterinary practitioner and so he certainly has a limited understanding of how to use materials. But, as far as he has been made aware there are specific architectural materials that are developed for sound encapsulation purposes and the idea between sound proofing in general is to create an air space but then also have baffling material such that you create sound traps so that things cannot escape into the environment. He said if you have a solid surface and sound hits one side it will be transmitted to the other and he believed that is where the green glue is involved. He said it is essentially a porous foam material, as he understands it.

Mr. Keller thanked Dr. DiCarlo.

Mr. Newberry pointed out their web site has some great videos if anyone wants to see the application-taking place and hear more.

Mr. Keller closed the public hearing to bring the matter back for discussion and action.

Ms. Riley pointed out at the community meeting there were no real concerns expressed which was stated in the staff report and she thinks there was general enthusiasm for having a service of this type available.

Mr. Keller invited questions. Hearing none, Mr. Keller asked if there was a motion.

Ms. Riley moved to recommend approval of SP-2017-00030 Willow River Veterinary Services Mill Creek and the associated special exceptions subject to the conditions recommended by staff.

Mr. Bivins second the motion.

The motion was approved by a vote of 5:0:2 (More, Firehock absent).

Mr. Keller said SP-2017-00030 Willow River Veterinary Services Mill Creek will move forward to the Board of Supervisors with a recommendation for approval for a final decision.

The meeting moved to the next item on the agenda.