

Albemarle County Planning Commission
April 24, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, April 24, 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; Pam Riley, Vice Chair; Julian Bivins, Daphne Spain; Bruce Dotson, Jennie More and Bill Palmer, UVA representative. Karen Firehock was absent.

Other officials present were J.T. Newberry, Senior Planner; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Rebecca Ragsdale, Senior Planner; 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.

Public Hearings

ZMA-2017-00008 Charlottesville-Albemarle SPCA Renovation and Expansion (Sign #95)

MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL(S): 04500-00-00-08800 LOCATION: Approximately 500 feet northwest of the intersection of Berkmar Drive and Woodbrook Drive PROPOSAL: Rezone to match zoning of adjacent parcel containing the CASPCA facility PETITION: Rezone 2.53 acres from R6 Residential zoning district, which allows residential uses at a density of 6 units per acre to C-1 Commercial, which allows retail sales and service and residential by special use permit (up to 15 units/ acre). OVERLAY DISTRICT(S): AIRPORT IMPACT AREA, STEEP SLOPES – MANAGED PROFFERS: NO COMPREHENSIVE PLAN: Urban Density Residential in Neighborhood 1, Places29 Master Plan, Rio CAC area. (JT Newberry)

SP-2017-00022 Charlottesville-Albemarle SPCA Renovation and Expansion (Sign #95)

MAGISTERIAL DISTRICT: Rio TAX MAP/PARCEL(S): 04500-00-00-08600, 04500-00-00-08800 LOCATION: 3355 Berkmar Drive, approximately 500 feet northwest of the intersection of Berkmar Drive and Woodbrook Drive PROPOSAL: Construct several additions to the existing CASPCA facility totaling approximately 12,500 square feet, expand and relocate outdoor area for exercise, and provide additional parking and a stormwater facility. Request includes the ability to expand the use and additional structures including a training facility without a limit on square footage on TMP 04500-00-00-08800. PETITION: Expand existing animal shelter permitted under Section 22.2.2.13 of the zoning ordinance on a total of 8.9 acres. No dwelling units proposed. OVERLAY DISTRICT(S): AIRPORT IMPACT AREA, STEEP SLOPES – MANAGED ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre) and R-6 Residential - 6 units/acre. COMPREHENSIVE PLAN: Office R&D Flex Light Industrial and Urban Density Residential in Neighborhood 1, Places29 Master Plan, Rio CAC area. (JT Newberry)

Mr. Keller noted that staff will speak to both ZMA-2017-00008 and SP-2017-00022 Charlottesville-Albemarle SPCA Renovation and Expansion and we will break that into two public hearings.

Mr. Newberry said before he gets started he wanted to point out that it has come to my attention that the cover sheet for the special use permit staff report has the wrong magisterial district listed. He said it notes the Scottsville District as the magisterial district but it is in fact the Rio District and the good news is that the legal ads for both applications reflect the correct magisterial district.

Mr. Newberry said as you noted Mr. Chair he will be going through both the rezoning proposal and the special use permit proposal tonight. He would like to start by going over just a broad overview of both applications, then we will go into the rezoning application a little more closely and then the special use permit. In the PowerPoint presentation, he said the pictures on the title slide would be the pets that he has adopted from the SPCA. He noted the slide shows the existing site plan. He pointed out Berkmar Drive; the driveway that curves around to the existing facility; the outdoor exercise areas around the existing facility on the north side; trails that curl around and an exercise area in the south corner of the property.

Mr. Newberry said the next slide shows the proposed plan for both the rezoning and special permit. He said highlighted in yellow are the proposed physical improvements associated with the special use permit request. That would include the parking area at the front of the site as well as additions at the front, rear and sides of the buildings. The parking area on the south side would also be expanded. He noted shown in blue on the projector that area shows the developable area being considered under the rezoning. There are some notes at the bottom of the plan sheet that he wanted to highlight. These are rather important notes that demonstrate the applicant does not have a firm plan for what that area could include but they are noting that a training facility could be possible as well as accessory structures. The other important note is that the plan is for existing vegetation to remain and satisfy buffer requirements. He said there would be supplemental landscaping wherever needed.

Mr. Newberry said to sum up that broad view staff is not recommending approval of the rezoning as proposed without a commitment to limit uses to those available in residential districts. However, we are recommending approval of the special use permit and associated special exceptions with conditions. He said next he would jump into the rezoning analysis and this attachment is actually found in the special use permit report but it shows the existing facility on properties zoned C-1 and then it also labels parcel 88 to the south, which is currently zoned R-6. Other parts of the area that you may be familiar with are Lowe's at the intersection of Woodbrook and Berkmar and then Agnor Hurt Elementary School also not far away.

Mr. Newberry said the next rezoning map has a little bit of additional detail – the highlighted parcels reflect prior rezonings where many of them have had proffered out uses. He said it was just to show that as consistent with other rezonings in this area we would be

recommending that there be limits on the proposed uses. Next, is the Comprehensive Plan map that shows in purple the Office R&D Flex Light Industrial; orange is Urban Density Residential; the pink is Urban Mixed Use and the red is Commercial Mixed Use.

Staff found two favorable and unfavorable factors for the rezoning.

Favorable Factors

1. The C-1 zoning district will enable the applicant to request a special use permit for an animal shelter.
2. If the property is combined with the adjoining SPCA parcel, a single larger C-1 parcel will be created rather than a parcel with split-zoning (R-6 and C-1).

Unfavorable Factors

1. Without a commitment to limit uses to those available in residential districts, the request will not be in conformity with the Comprehensive Plan.
2. Without a commitment to limit uses to those available in residential districts, any commercial use allowed in the C-1 district would be possible on the property.

Mr. Newberry said without a commitment to limiting it to those uses available in residential districts staff does not find that it could be consistent with the Comprehensive Plan. He said so that asks the question then what are the uses that we would recommend to be excluded and so on the next two slides he has the by-right and by special use permit uses that we would recommend to be excluded. He noted that some of these things have probably greater compatibility or less compatibility with the residential area but these are ones that staff think should be excluded. He noted here are the special use permit uses that fall into that category. So again, staff cannot recommend approval of the rezoning at this time and next is the recommended motion slide.

Mr. Newberry noted that he would like to continue on just to get through the special use permit analysis and then ask for any questions that you might have. Again, staff is recommending approval of the special use permit with conditions. Staff found four favorable and no unfavorable factors to this request. He said the SPCA has operated at this site without any complaints for over 15 years. They obviously provide a very valuable function to the community. Most of the activity would occur indoors and they are enhancing the required buffer by 10' from 20' to 30' around the adjoining parcel. The recommended conditions of approval reflect a lot of the same conditions that were approved with the amendment in 2007. Included in this list are some essential elements that were not present in the prior approval. It included things like the location of the parking areas and the buffer zone he mentioned. Another condition that was modified slightly related to fencing from the approval from 2007 would be shown in condition #6. The approval in 2007 was focused on the fencing immediately adjacent to Berkmar Drive understanding that there is additional fencing that

would be needed should parcel 88 be rezoned and utilized and staff just wanted to include that additional area under that condition.

Mr. Newberry said there are some special exception conditions staff recommends to not restrict the use beyond anything that had been requested but clarify the extent to which we are approving it. He said that the parcels 2 and 3 are needed to note the difference between the 20' and 30' buffer. Condition #4 is similar to what you recently saw with Willow River Vet Service. He said this is just a way that the applicant submitted information about the construction materials and construction type that would impact noise and this is just a way to ensure that happens with the building permit review. So with those conditions, staff is recommending approval as noted on the slide. He said he would take any questions.

Mr. Keller invited questions for staff.

Ms. Spain said since we had the work session and then you met with the applicants in a pre-application session why were the conditions not worked out in either of those situations in your unfavorable factors. She asked has the applicant expressed a preference not to go by those conditions.

Mr. Newberry replied that he would like to let the applicant talk a little bit more about their thinking behind that; but yes it is something that we have talked about and he thinks they will definitely address that he would assume with their presentation. He noted it is something that we have broached.

Ms. Spain asked staff to put up the slide showing the uses not acceptable.

Mr. Newberry noted there were two slides – this slide is the by-right uses.

Ms. Spain asked why would eating establishments be excluded if we are trying for mixed uses. She said the whole point is to change it to C-1 rather than R-6, but since there are residential areas around there.

Mr. Newberry said the anticipated impacts that are possibly generated by an eating establishment in our experience has been incompatible with a dense residential district without some careful planning. It would include the parking, drive through windows, hours of operation and lighting. Those are things that if a future eating establishment wanted to come back and rezone the parcel to allow that use staff would have another opportunity to identify the impacts and cater the recommendation to approving a use like that.

Mr. Dotson asked Mr. Newberry to explain factor 2 further on the unfavorable factors.

Mr. Newberry replied sure, so if parcel 88 – the 2.53 acres south of the existing facility rezoning is approved without any limitation on uses the combined acreage of both the existing facility and the proposed parcel would represent a pretty significant area for

unfettered C-1 uses which include all of the things listed on the slides which without any limitation at all gives staff pause about whether or not it would be appropriate to a residential area.

Mr. Dotson replied that he shared that concern going back again to factor 2 without a commitment to limit uses to those available in residential districts sounds like this would be an allowed use in a residential district – but that is not the case correct. He said the Zoning Administrator has found that this would not be allowable in R-6.

Mr. Newberry replied yes, and so the applicant would then limit everything except for an animal hospital or a vet use.

Mr. Keller opened the public hearing both the ZMA and the SP but they were going and members of the staff and the board are present to answer questions. He said he wanted to read a brief statement on the SPCA to highlight the organization's value to the community because he thinks it is important in the context of the services that they provide hereto address them separately. He invited the applicant to address the Commission.

Mr. L. J. Lopez, with Milestone Partners, said we were several months ago to talk about the CCP request and since then we have worked with staff to work on the plan that is here before you both in the ZMA and the SP with exceptions. He said their project team.

“The Charlottesville-Albemarle SPCA founded in 1914 a non-profit open admission animal shelter whose purpose is finding permanent adoptive homes for animals in addition to functioning as a non-profit organization the SPCA performs an important community function by providing pound services to the City of Charlottesville and Albemarle County for ceased, stray, homeless, abandoned or unwanted animals. The organization also serves the community by offering lost and found services, low cost spray neuter vaccinations, micro-chipping as well as educational opportunities, youth camps, pet therapy and dog obedience. The SPCA provides employment for an average of 60 people and serves over 2,700 shelter animals a year more than 4,500 spray neuter surgeries were performed in 2016 and 2,900 of which were for owned pets within our community. The SPCA continues to serve at the forefront of no-kill communities in this country helping thousands of animals each year receive the care they need to find homes or remain with their families. Thank you for indulging me on that.

Mr. Lopez said regarding the ZMA and Ms. Spain to your question on why since the CCP we had not worked out the issues on limiting uses and it really comes down for us to the philosophical question of contiguous parcel, common ownership and a single tax/map parcel with split zoning designation when the current parcel has no limited uses. It is C-1; it is an animal shelter use and it will be common ownership with access to Berkmar Drive and in the Berkmar Corridor would it not be appropriate in some future condition or

reiteration for those uses to be consistent and available. He noted financial institutions and a building/supply store are found right across the street. He said while we are amendable to conditions and limiting perhaps some uses and he thinks initially it was auto centric and as we furthered the discussion, it came to limiting all uses specific only on the southern parcel shaded in blue on the screen all uses with the exception of the animal shelter use. He said we are open to some limitation of uses but a carte blanche limitation felt inappropriate given the contiguous nature unified parcel for ease in administration over the long term and in addition he thinks the Comprehensive Plan is up for perhaps small area plan rethinking in the near future for the Rio Corridor. While that Comprehensive Plan and the lens by which staff has to evaluate the application suggested at the time it was created that was the appropriate use that may be re-thought with Berkmar Drive and the bridge and the development that has happened on 29 and currently. Therefore, there may be a disconnect in the Comprehensive Plan and what its update may hold in our future to what this application is ahead of that update. Therefore, again, he was not opposed to some limitation of uses but we felt that as strongly as limiting to only the animal shelter use was inappropriate.

Mr. Lopez said speaking to the SP the SP conditions that staff has recommended consistent with the current SP clarification of those for the current parcel and expanded onto the southern parcel and also an expansion on the buffer again because it is residential uses we felt were appropriate and consistent and had no issue with. So relatively to the SP the conditions that staff has recommended the applicant take not exception to those. He said we are here to answer any questions.

Mr. Keller invited public comment. Hearing none, Mr. Keller invited the applicant to come forward for questions.

Mr. Dotson said an historical question when the initial meetings were had with staff the hope he believe was to have a zoning administrator determination that R-6 would allow this use. He asked is that correct.

Mr. Lopez replied that he believed that was the case, and it was found to be not consistent with the proposed training facility in the R-6 district and so therefore it led us to the C-1 rezoning to make consistent with the adjacent parcel.

Mr. Newberry said Mr. Dotson, we like you desperately wanted to call this a private school, a school of special instruction, a public use and that we really feel like we did everything we could to wish hope and try to make that a possibility. He said Mr. Blair may want to add some background on the public use since we looked into case law about the limitations there and working with the zoning administrator as much as we could to find something but ultimately came up short.

Mr. Dotson said my point is that the goal of the applicant was to be able to have the expanded facility; the goal was not to have C-1 zoning.

Mr. Newberry said he thinks that was the focus of our work session.

Ms. Riley asked him to explain more fully what you are open to in terms of limitations of uses and she did not know if it was useful to have those by-right put up but in follow up to what Mr. Dotson has said she said we all are assuming that it is the intent of the SPCA to expand their facility and their current uses. Therefore, she was interested in knowing what are some of the other limitations of uses that you think should be removed from this list.

Mr. Lopez replied this sole intent is expansion of the SPCA facility and currently we will be starting a renovation on the internal kennels at the facility. Therefore, that is an ongoing activity for us and this is helping prepare for the next phase of the expansion of the facility and its service offerings. What we had talked about previously at a high level were the were the auto centric uses, those with drive through, those on the retail/auto service stations, auto truck repair shop and some of the more manufacturing industrial type uses that may exist within the C-1, but those that are evident and exist across the street felt inappropriate particularly given the fact that the existing current SPCA parcel is C-1 without restrict and doing a boundary line adjustment, which will be in process as an application to be submitted will have a single tax map/parcel with split designation and the administration of that has been proven over time and through experience to create complications and intricacies of future applications. So this was in an effort to minimize the complexity and complication to unify the parcel and make consistent across the current and the proposed southern parcel.

Ms. Spain said that she can understand that desire for consistency in the fact that you can't see reason why exclusions would be applied to the new parcel that have not been to the old parcel. Ms. Spain said my sense from the staff report is that the staff believe that the SPCA is feeling in good faith and this is all fine, but if the two parcels are combined and at some point in the future the SPCA decides to sell that whole parcel because there are less expensive accommodations somewhere else then all of these things would be of concern. Therefore, she thinks the point is it is not just about the SPCA it is about what will happen to the parcel in the future and that is the purpose of the request. She asked is there some way as Ms. Riley suggested bargain some of these or discuss and negotiate.

Mr. Lopez replied absolutely, as he said in the opening remarks we are open to some limitations, the Cart Blanche limitation of all with the exception of felt inappropriate. He said the limitation, again, is only on the southern parcel so there is a five acre parcel that is C-1 that would have no restriction on it so there is still in the scenario that you outlined there is still a five acre parcel that SPCA could relocate and there could be only of those C-1 uses available to it and a limited of series of uses on the adjacent contiguous common ownership parcel of 2.8 acres. So, again, we are open to limitation and he thinks the auto centric and light manufacturing uses above are in the realm of consideration and appropriate all with the exception of the animal shelter felt inappropriate to us but as our common goal to support the renovation and expansion of the SPCA's offerings in that

location if the will of the Commission is to limit it in its entirety we would give strong consideration to that as well.

Ms. More said when we met in September the discussion was about if this was a use allowed if the zoning administrator could answer that question so we know the answer to that now. But, she thinks we also were talking about do we need a comp plan amendment and from reading back in the minutes and staff outlined this nicely in the report there were some reasons why we did not feel that was necessary and one of those was restrictions on the use could be proffered such that the parcel did not become commercial. She said she understands what he was saying about the desire to keep that consistency when you have the contiguous property. She said staff pointed that out as a favorable factor even though it is to me a little bit of a contradiction because it is an unfavorable but it is a favorable factor. She said when you talk about small area plans and changes that might happen, maybe that would become a use that is appropriate at some point, and you have proffered away these things and asked staff what that process would look like to back track and restriction could be redone.

Mr. Newberry replied that he would have to confirm with Mr. Blair, but he would say that if a future Comprehensive Plan designated that area for an appropriate C-1 zoning then he thinks it would be incumbent upon the owner to request that the proffers be removed. He said that is the only process that legislatively the governing body does not have the authority to remove proffers.

Mr. Blair agreed and noted that it would be a zoning map amendment (ZMA) to modify or remove certain proffers.

Ms. More said if that was a path we went down and if the future unfolded they did want to relocate and did want to have those proffers removed there is a process for that.

Mr. Lopez said that was understood and he knows that process is available but as you indicate not always the most enjoyable and we would like to avoid it. He said also from a timing standpoint whatever the future circumstances may hold that becomes yet another process to pursue. Again, looking at the current conditions and the factors to consider C-1 exists the facilities there, it is five acres, you have an adjacent contiguous land lock 2 acres, and consistency in my mind is key and uniformity. So that was the main driving force behind and we understood that staff's limitations on the lens by which they made the recommendation and the factors at which they look at to consider were limited and he thinks share an open minded perspective to what we use quite frequently let's just agree to disagree given the factors and the perspectives that we each had. So we wanted to raise it to the Planning Commission and just see what the will of the Commission was and how you felt about that going forward and again he thinks the auto centrix which was the initial discussion and conversation at the CCP if he was recalling correctly on limitations of uses and then that has extended to beyond the auto centric limitations of uses there may be some middle ground.

Mr. Keller invited other questions.

Mr. Bivins asked the applicant to tell me if we walk through the phases what is going to be done on parcel 86 and what will be done on the two-acre parcel.

Mr. Lopez replied that the large parcel to the north, parcel 86, would encompass phases 1 through 4 of the renovation plan. He said the renovation and expansion plan dates back to 2014 when the SPCA embarked upon a master planning exercise in envisioning its future – what will we become when we grow up and so what you see here encompasses all of those. He said phase 1 is the dog kennel and outdoor atrium renovation; phase 2 is a cat facility, veterinary clinic, additions, and site work, parking the Sally Port intake and kennel additions. Those exist in the south addition showing the veterinary clinic, the cat facility and parking to support that. That is the primary large massive expanse of the facility. Once we relocate the veterinary clinic that exists in the facility today. He said phase 3 would be the main building interior renovation. He said phase 4 is the entry, new canopy and façade addition. He said that is the face-lift and once we are all said and done it gets a new front door. He said phase 5, which was referenced in what Mr. Dotson had identified as in the R-6 District could we find a way for a private school, education facility or some way not to undertake this process and limit it to special use permit the exceptions and proceed forward. He said we could not get there so here we are. He said phase 5 is a training center, a support building, inclusive of outside fenced exercise areas and trails. So what we have on the existing parcel are outside fenced exercise areas, trails, those are training and exercise would expand outside of the buffer areas that we have already designated. He said in addition, there would be a training facility building and that is to be determined size and square footage but would occupy educational classes and dog obedience training, etc. within that space not housing animals.

Mr. Lopez said that while he knows one could never say that it is going to take this long but do you have any idea when the SPCA might even get to phase 5.

Mr. Lopez replied that the SPCA every day gets closer and closer to it. If he was to target the date he knows he would be wrong today.

Mr. Bivins said we are just looking into the future, and Mr. Lopez replied looking into the future they want it to happen sooner than later. He said it is an inevitability that it will happen and phases 1 through 4 are ongoing. He said we have started phase 1 in a linear fashion we will move through the phases 2 through 4 and he is going to have to look to the executive director and see if she can voice a time frame for the training facility.

Angie Gunter, Executor Director of the SPCA, said that for phase 5, the training facility that one is so important to me because she believes the future of animal sheltering is behavior. She said the more and more we become no kill the more animals we see that have behavior concerns that could be shyness. Ms. Gunter said she would love to be able to

offer to our adopters to bring their dogs back to have ongoing training so we can keep animals in their homes. She does not have a specific time frame since money is always a factor as well, but that is very important to us.

Mr. Keller thanked Ms. Gunter and asked if there were any further questions for the applicant. He invited the applicant back for rebuttal.

Mr. Lopez thanked the Commission for their time and said as you deliberate if you have additional questions that we are here to answer them. He thanked the Commission for your consideration and we hope we can leave tonight with a recommendation for approval.

Mr. Dotson said that he had a comment to which the applicant could respond if chosen to respond. He said you indicated that you were concerned about what you labeled a cart blanche limitation and he thinks you have heard perhaps from every commissioner concern about cart blanche no limitation so we have kind of defined the poles. He said the difficulty for me tonight is where are we in between those two poles. He said we have not been brought a list of acceptable uses so how can we act without giving Carte Blanche no limitation. He said that was a statement and a question.

Mr. Lopez said he would ask in return is a position of the auto centrix uses that we previously had talked about and are there those in addition to that the members of the Planning Commission feel strongly about and maybe that is a starting point of auto centrix plus the light manufacturing, laboratory and manufacturing uses that are identified there. He asked is that the middle ground in addition to other number of others that we are happy to discuss and entertain.

Mr. Dotson said a question to staff he asked what is on the next slide.

Mr. Newberry replied that the next slide has the special use permit uses that are recommended to be excluded. He said these two slides comprise all the C-1 uses both by right and by special use permit that staff has recommended to be excluded. He said asked if he could cross out the auto service station.

Mr. Keller said that he did not know that this is the appropriate way to do this and he thinks they need to close the public hearing and come back for discussion. He said this is not a negotiating point.

Mr. Dotson noted that it would have been very helpful if we had a proposal put before us tonight, and Mr. Keller agreed.

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

Ms. More said she had a question for staff for the parcels that are on Berkmar Drive, 109C3

and 109C2 what are the current uses there.

Mr. Newberry replied when looking at the two adjacent ones, one is an office and one a printing company. He said Print Source would be parcel C2 and parcel C3 is some kind of office use.

Mr. Keller said his inclination was to follow Mr. Dotson on this one. He thinks that if the applicants had come in with a specific list that we could evaluate but not hearing that my inclination is to follow the staff recommendations on both of these issues.

Mr. Dotson said procedural question for the county attorney if the Commission were to disapprove the rezoning with some commentary perhaps attached to it would it go on to the Board of Supervisors or does that end it and close the file.

Mr. Blair replied no, it would be a recommendation of denial to the Board of Supervisors but it would still proceed to the Board with a recommendation the Commission might have.

Mr. Keller said if we continue with the digital cross out and came up with a subset of things that would be appropriate then we could make that recommendation in our motion to the Board of Supervisors.

Mr. Blair replied sure.

Ms. Riley said just to continue that line of thinking or action we might not be able to come up with a conclusive of everything we want to eliminate but we could maybe make the recommendation to the Board of Supervisors about those that we felt sure about. She said some of the concern she has here is the process does not seem appropriate to me to be doing this negotiation process at this stage. Therefore, she was hoping that we could maybe have a different process suggested by somebody up here or the staff.

Ms. More said she would prefer not to sit and go through and cross off but she thinks what Pam is saying if we recommend denial but have that pass on to the Board that maybe the applicant could come back with something that they feel comfortable with that maybe they look at that list harder or maybe that is up to the Board's decision and if they want to work with staff in between to come up with a list rather than us sitting here and doing that.

Mr. Gast-Bray said he just had one small consideration in that context not that he disagrees with that. He said one of the concerns he would have is that the way that we set this process up is to have the public interaction so if you imagine that part of the reason why the zoning was the way it was. He said it was predicated on Berkmar being a commercial strip and the commercial district was adjacent to that. He said this is behind that which is immediately adjacent to a residential neighborhood and so before we open

this up it would be appropriate to make sure that we could reach out to the neighborhood behind who is sort of being protected by the zoning that is extent to have that kind of ability to weigh in on that. He was just concerned with the shorter time frame that they would maybe not know and it might actually slow up the application of the applicant at this time if there are a lot of objections to some of the things that come without that public dialogue given the limitation at the time, it is not impossible obviously the Board of Supervisors is a public hearing and so that could be the venue to do that. However, sometimes as we all have seen if that is the only time, you get to see something it is often a stickier situation than in the normal process. Mr. Gast-Bray said that is just something to consider about the process alone.

Ms. More said she thinks there was a community meeting held and those that attended were presented with the request that there are no restrictions and so she thinks that the applicant may want to readdress that.

Mr. Keller said they had actually closed the public hearing but since it had been brought up he asked the applicant for input on that.

Mr. Lopez said in the spirit of the context of the discussion, listening to you and consulting with the board and staff if the will of the Commission is to limit the uses and proceed forward with the recommendation for approval with the shelter use only the applicant would be amendable and open to that. He said we could take off the negotiation as there is no proposal before you and we would leave for the future opportunity to come back and readdress with the ZMA application and discuss uses based on the Comprehensive Plan in the future and we are only talking about on the southern parcel shelter use going forward.

Mr. Keller thanked Mr. Lopez.

Mr. Blair asked if the Commission would like consider that perhaps you re-open the public hearing and just for the record have the applicant state that as part of the public record.

Mr. Keller invited the applicant to restate that for the record.

Mr. L.J. Lopez, with Milestone Partnership, thanked the Commission for the opportunity to let him address them again. He said for ease and convenience in moving forward in the discussion this evening we appreciate the time you have offered and the consideration you have given to it. He said without wanting to go into a negotiation here as this is not the correct forum for it we have two kind of polar positions given that the SPCA's sole objection is the training facility and the expansion of the shelter use on the southern parcel adjacent and contiguous to its current facility. He said we are open to limitation and restriction of all uses with the exception of the shelter use on the southern parcel.

Mr. Keller asked if there were any further questions. Hearing none, he closed the public hearing to bring the matter back before the Commission for discussion and action.

Mr. Dotson said that he was prepared to make a motion.

Mr. Keller invited motions and we are going to do this as two pieces.

Mr. Dotson moved to recommend approval of ZMA-2017-008 Charlottesville-Albemarle SPCA Renovation and Expansion to C-1 with the understanding that the applicant is proffering restriction of use to the expansion needs of the SPCA and recommending the conditions as outlined in the staff report.

Ms. More seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion was approved by a vote of 6:0. (Firehock absent)

Mr. Dotson moved to recommend approval of SP-2017-00022 Charlottesville-Albemarle SPCA Renovation and Expansion including the conditions as outlined by the staff in the staff report. Mr. Dotson noted they do not need to address the special exceptions in this case since that is a matter for the Board of Supervisors and he is not addressing those in the motion.

Ms. More seconded the motion.

Mr. Keller invited further discussion. Hearing none, he asked for a roll call.

The motion was approved by a vote of 6:0. (Firehock absent)

Mr. Keller said this moves forward to the Board of Supervisors with a recommendation for approval. He thanked the SPCA for their service to the community.

Mr. Newberry thanked the Planning Commission since this might be his last time before them since he was transitioning to the Economic Development Office.

Mr. Keller thanked Mr. Newberry for his good work and looks forward with continuing to work with him.