



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP201800022 Dogtopia	<b>Staff:</b> Mariah Gleason, Planner
<b>Planning Commission Public Hearing:</b> March 5, 2019	<b>Board of Supervisors Hearing:</b> TBD
<b>Owner:</b> Mark Green (Rivanna Plaza SPE LLC)	<b>Applicant:</b> Valerie Long and Anne Yost (Williams Mullen); John Houston IV (Nikki's Furry Friends, LLC)
<b>Acreage:</b> 3.32 acres	<b>Special Use Permit for:</b> Request to use an existing, commercial building as an indoor kennel as permitted in Section 24.2.2(10), in accordance with supplemental regulations outlined in Section 5.1.11 of the Zoning Ordinance.
<b>TMP:</b> 04500000010900 <b>Location:</b> 315 Rivanna Plaza Dr, Ste 120 Charlottesville, VA 22901	<b>By-right use:</b> HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)
<b>Magisterial District:</b> Rio	<b>Conditions:</b> Yes <b>EC:</b> Yes
<b>Proposal:</b> To use a portion of an existing strip commercial building as an indoor kennel, which will offer daycare, grooming, and boarding services. Dogtopia is also proposing to build an outdoor play space in an existing lawn area directly beside the tenant space they will occupy.	<b>Requested # of Dwelling Units:</b> 0
<b>DA:</b> X <b>RA:</b>	<b>Comp. Plan Designation:</b> Commercial Mixed Use which allows commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses in Neighborhood 1 of the Places29 Development Area.
<b>Character of Property:</b> The shopping center Dogtopia will reside within is already fully developed. Other tenants of the shopping center include Anytime Fitness, Dunkin' Donuts, Lee's Nails, Mariner Financial, and Pho 3 Pho. The business will occupy ~6.5K sf of the total 32K sf development on the property.	<b>Use of Surrounding Properties:</b> The property is surrounded by other commercially-zoned properties. Businesses on these properties include Kegler's Bowling Alley, Lowes Home Improvement, and Schewels Furniture Company. There are no residential areas adjacent to this property. The nearest residential area is located across Route 29 and almost a fourth of a mile away.
<b>Factors Favorable:</b> 1. This business will expand and diversify the portfolio of commercial services offered in this Highway Commercial area. 2. No detrimental impacts to adjoining properties are anticipated.	<b>Factors Unfavorable:</b> 1. None identified
<b>RECOMMENDATION:</b> <b>Special Use Permit:</b> Staff recommends approval of SP201800022, Dogtopia, with conditions.	

**STAFF PERSON:** Mariah Gleason, Planner  
**PLANNING COMMISSION:** March 5, 2019  
**BOARD OF SUPERVISORS:** TBD

**SP201800022: Dogtopia**

**PETITION:**

PROJECT: SP201800022 Dogtopia

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 04500000010900

LOCATION: 315 Rivanna Plaza Dr, Ste 120, Charlottesville, VA 22901

PROPOSAL: Use an existing, commercial building space as an indoor kennel.

PETITION: Indoor commercial kennels are permitted by special use permit in the Highway Commercial (HC) zone under Section 24.2.2(10) of the zoning ordinance. This development would be located in a portion of an existing strip commercial building on 3.32 acres of land. No dwelling units proposed.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICTS: EC Entrance Corridor – Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; AIA Airport Impact Area – Overlay to minimize adverse impacts to both the airport and the surrounding land; Managed Steep Slopes

COMPREHENSIVE PLAN: Commercial Mixed Use which allows commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses in Neighborhood 1 of the Places29 Development Area.

**CHARACTER OF SURROUNDING AREA:**

The property Dogtopia proposes to reside within is a fully-developed inward-facing shopping center accessed from Seminole Trail/Route 29 southbound (Attachment A). Functioning as a commercial center for over a decade, the strip commercial buildings in the shopping center are currently tenanted by a mix of commercial and service-oriented businesses including Anytime Fitness, Dunkin' Donuts, Lee's Nails, Mariner Financial, and Pho 3 Pho. Parcels surrounding the property are also zoned for commercial uses. Surrounding businesses include Kegler's Bowling Alley to the west, Lowes Home Improvement Center to the south, and Schewels Furniture Company to the north. There are no residential areas adjacent to this property. The nearest residential property is separated from the subject property by Route 29 and another highway commercial development.

**PLANNING AND ZONING HISTORY:**

A series of rezonings, due to changing property configurations, led to the current zoning of the property as Highway Commercial.

- ZMA1985-017
- ZMA1988-006
- ZMA1995-007

SDP2008-090 Rivanna Plaza – Final site plan

LOR #1 (2013) – Approved the substitution of a fence for a safety railing element depicted on the final site plan

**DETAILS OF THE PROPOSAL:**

Dogtopia is seeking approval for a special use permit to expand the commercial uses on this parcel to include a commercial kennel (Attachments B and C).

The proposed kennel will occupy a portion of an existing building within a fully-developed, strip-commercial shopping center. Like Dogtopia's existing establishments in Richmond, this facility will offer

daycare, grooming, and boarding services and be built in such a way that limits noise concerns. Dogtopia also proposes to build a small outdoor play space in an existing lawn area located adjacent to their building space.

### **COMMUNITY MEETING**

The applicants conducted the required community meeting with the Places29-Rio Community Advisory Committee meeting on January 24, 2019. The following questions and concerns were raised by Committee members and members of the community:

- Signage and Lighting – Several attendees mentioned existing issues related to the signage and lighting of AMF Kegler's Lanes and hoped that Dogtopia would not have similar issues.
  - The applicant assured attendees that the signage and lighting of the new business would comply with existing County ordinances and the recommendations of the Architectural Review Board. Also, the signage will adhere to the signage package guidelines of the shopping center it will reside within.
- Noise – Concern for noise created by potential alarms and barking was also noted.
  - The applicant stated they would be using a silent alarm for the facility's security.
  - The applicant assured attendees that, based on their experience with existing businesses in Richmond, the dogs do not typically make a lot of noise when playing outside. They have not received noise complaints at their other locations, which are located in more urban settings and near major roadways.
  - Per their business model, a majority of play takes place inside.
  - In addition, Dogtopia plans to heavily insulate the interior building space to dampen potential noise.
- Drainage – When addressing concerns over grading and drainage, it was noted that a grading plan will be part of the LOR to ensure compliance with regulations.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:**

***Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40 (B):***

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

In evaluating whether the proposed special use would be a detriment to adjacent properties, the type and intensity of new use were considered, as well as comments and concerns of neighboring properties.

The special use proposed does not change the primary use of this shopping center as a commercial service area. However, the nature of the animal-related services does present some unique factors. Dogtopia proposes to use state-of-the-art equipment, facilities, and programs to reduce odors and noise levels, and employ health practices to decrease injury and illness. The building space Dogtopia hopes to occupy is also located at the end of one of the strip-commercial buildings, having its own, dedicated entrance and parking available directly in front of the building space. It is expected that this configuration will expedite drop off and pick up activities and have very little impact on nearby businesses or patrons of those businesses.

Staff internally acknowledge issues regarding the amount of parking that may be needed to support the proposed use. In the approved 2008 site plan for the Rivanna Plaza Shopping Center, the space Dogtopia hopes to occupy was allocated seven (7) parking space (as calculated from a ratio of 5.5 spaces / 1000 gross square feet of retail area). However, in the submittal materials, Dogtopia anticipates up to twelve (12) parking spaces will be needed. While this is a larger demand than anticipated, it is acknowledged that this shopping center may be underparked and patrons of

Dogtopia would likely only be using additional, available parking spaces during peak drop off / pick up hours. Therefore, Staff offers the following condition to ensure no substantial detriment is created by parking issues:

- A parking study shall be provided by the applicant, subject to approval by the Zoning Administrator, to confirm that there are a sufficient number of spaces on site and to ensure there are no parking conflicts with other shopping center tenants when more than the seven allotted parking spaces are needed, prior to the approval of the site plan amendment.

This property is visible from Seminole Trail/Route 29 entrance corridor (north- and southbound directions). Thus, the new outdoor play space and impacts to the existing building exterior were considered by the Architectural Review Board during their meetings on January 7, 2019 and February 16, 2019. As a result of those meetings, the ARB recommended the following conditions be attached to the approval of the special use permit:

- The fence shall not conceal any part of the triple window on the southeast corner of the building or either of the 2 easterly brick piers.
- The fence material and detailing are subject to ARB review. An 8-foot-tall fence shall have only bottom and top rails (no intermediate rails). The fence color shall be coordinated with the existing building colors and is subject to ARB approval.
- Landscaping shall be provided on the east and south sides of the fence to the satisfaction of the ARB.
- No tinted or reflective films or similar materials shall be applied to windows visible from the Entrance Corridor. Window glass visible from the Entrance Corridor shall remain transparent.

Assuming adherence to these recommended conditions, Staff finds no substantial detriment to the adjacent property or other tenants of the development.

**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.***

Dogtopia's proposed location is in an existing development that has been used as commercial space since it's development. All of the parcels surrounding this property are also zoned for commercial uses, thus no change to the existing character of the adjacent parcels or nearby area is expected.

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

The proposed special use is in harmony with the purpose and intent of this district to offer a range of commercial services and uses.

***with the uses permitted by right in the district,***

The property and adjacent parcels are currently zoned for commercial uses. Expanding the uses allowed on this property to include a commercial kennel (with conditions) will not impact the ability of this district to continue to function as a commercial area.

***with the regulations provided in Section 5 as applicable,***

The special use proposal satisfies the supplementary regulations set forth in Section 5.1.11 of the Albemarle County Code, wherein:

- 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 6 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.*

- This provision is not applicable, as the property is not located within 500 feet of any agricultural or residential lot line.
- b. *For soundproofing 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.*
  - This provision is not applicable, as the property is not located within 200 feet of any agricultural or residential lot line.
- c. *In all cases, animals shall be confined in an enclosed building from 10:00pm to 6:00am.*
  - Animals will be in the enclosed building from 10:00pm to 6:00am. Weather permitting, typical outside playtime would be between 10:00am – 11:30am and 3:00pm – 4:00pm.
- 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: (1) Separate building entrance and exit to avoid animal conflicts, and (2) Area for outside exercise to be exclusive from access by the public by fencing or other means.*
  - Pet owners will drop off and pick up through the main entrance. Access to the outside area will only be available internally through one of the playrooms located on the side of the building.
  - The area for outside exercise will not be accessible to the public and will be surrounded by a tall fence and vegetated screening (as conditioned by the ARB).

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

Staff offer the following conditions to ensure the proposed use will not have any detrimental impact to public health, safety, or general welfare:

- Outdoor play hours shall be restricted to no earlier than 8am and no later than 7pm.
- The proposed landscaping within the stormwater drainage easement will be limited to shrubs and small trees (as listed in the County approved plant list). No medium or large tree(s) shall be planted within the easement.
- The applicant shall receive County Engineer approval for a report subject to Section 4.14.5, to confirm that the proposed use will stay below a 60-decibel maximum, prior to approval of the site plan amendment.

Note: Traffic and parking related impacts were previously discussed under factor 1 above.

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

The Comprehensive Plan designates this property as “Commercial Mixed Use” which allows commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses. Allowing this special use aligns with the community’s vision and serves to expand and diversify the portfolio of commercial services offered in this area.

**SUMMARY:**

**Staff finds the following factors favorable to this request:**

1. Dogtopia will expand and diversify the portfolio of commercial services offered in this Highway Commercial area.
2. No detrimental impacts to adjoining properties are anticipated.

**Staff finds the following factor(s) unfavorable to this request: None identified**

### **RECOMMENDED ACTION:**

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP201800022 with the following conditions** (below).

1. Development of the use shall be in general accord with the conceptual plan titled "Dogtopia" prepared by RJA Architect and Roudabush, Gale & Associates, with the latest revision date of 2/4/2019, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:

- Location of outdoor play area and fence

as shown on the plan.

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

2. Outdoor play hours shall be restricted to no earlier than 8am and no later than 7pm.
3. The proposed landscaping within the stormwater drainage easement will be limited to shrubs and small trees (as listed in the County approved plant list). No medium or large tree(s) shall be planted within the easement.
4. The applicant shall receive County Engineer approval for a report subject to Section 4.14.5, to confirm that the proposed use will stay below a 60-decibel maximum, prior to approval of the site plan amendment.
5. A parking study shall be provided by the applicant, subject to approval by the Zoning Administrator, to confirm that there are a sufficient number of spaces on site and to ensure there are no parking conflicts with other shopping center tenants when more than the seven allotted parking spaces are needed, prior to the approval of the site plan amendment.
6. The fence shall not conceal any part of the triple window on the southeast corner of the building or either of the 2 easterly brick piers.
7. The fence material and detailing are subject to ARB review. An 8-foot-tall fence shall have only bottom and top rails (no intermediate rails). The fence color shall be coordinated with the existing building colors and is subject to ARB approval.
8. Landscaping shall be provided on the east and south sides of the fence to the satisfaction of the ARB.
9. No tinted or reflective films or similar materials shall be applied to windows visible from the Entrance Corridor. Window glass visible from the Entrance Corridor shall remain transparent.

### **POSSIBLE PLANNING COMMISSION MOTION- SP201800004:**

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

**Move to recommend approval of SP201800022, Dogtopia, 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 SP201800022, Dogtopia.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

### **ATTACHMENTS**

**Attachment A** – Vicinity Map

**Attachment B** – Conceptual Plan, dated February 4, 2019

**Attachment C** – Applicant Justification for Special Use Permit