

**RESOLUTION TO APPROVE
SP 2018-22 DOGTOPIA**

WHEREAS, the Applicant submitted an application for a special use permit to allow an indoor kennel use in an existing strip commercial building on Tax Map Parcel 04500-00-00-10900, as well as an outdoor play space in an existing lawn area directly beside the tenant space the kennel will occupy, and the application is identified as SP201800022 Dogtopia ("SP 2018-22"); and

WHEREAS, on March 5, 2019, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2018-22 with staff-recommended conditions at the Planning Commission meeting;

WHEREAS, on May 1, 2019, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2018-22.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2018-22 and all of its attachments, the information presented at the public hearing, any written comments received, and the factors relevant to a special use permit in Albemarle County Code §§ 18-24.2.2(10) and 18-33.40, the Albemarle County Board of Supervisors hereby approves SP 2018-22, subject to the applicable performance standards for kennels in Albemarle County Code § 18-5.1.11, and the conditions attached hereto.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

| | <u>Aye</u> | <u>Nay</u> |
|--------------|------------|------------|
| Mr. Dill | _____ | _____ |
| Mr. Gallaway | _____ | _____ |
| Ms. Mallek | _____ | _____ |
| Ms. McKeel | _____ | _____ |
| Ms. Palmer | _____ | _____ |
| Mr. Randolph | _____ | _____ |

SP-2018-22 Dogtopia
Special Use Permit Conditions

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. Following the installation of all proposed noise mitigation improvements but prior to the final zoning inspection, the applicant must perform a noise test in accord with County Code § 18-4.18 and submit a report to confirm (to the County Engineer’s satisfaction) that the proposed use will not exceed a 65-decibel maximum, as measured from the interior of the nearest tenant space.
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 Architectural Review Board (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.