

**Albemarle County Planning Commission
March 30, 2004**

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, March 30, 2004 at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Rodney Thomas, Chairman, Calvin Morris, Marcia Joseph, Jo Higgins, William Rieley and Pete Craddock, Vice-Chairman. Absent from the meeting was Bill Edgerton.

Other officials present were Wayne Cilimberg, Director of Planning & Community Development, Francis MacCall, Planner, Yadira Amarante, Planner, Joan McDowell, Principal Planner and Greg Kamptner, Assistant County Attorney.

Call to Order and Establish Quorum:

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

Other Matters Not Listed on the Agenda from the Public:

Mr. Thomas invited comment from the public on other matters not listed on the agenda. There being none, the meeting proceeded.

Consent Agenda:

SDP-04-18 Service Master Office/Warehouse – Request for approval of a critical slopes waiver, which will allow the approval of a preliminary site plan for 5,400 square feet of warehouse and 2,000 square feet of supporting office space.

Mr. Thomas asked if any Commissioner would like to pull any item off the consent agenda. There being none, he asked for a motion.

Mr. Rieley moved for approval of the consent agenda as presented.

Ms. Higgins seconded the motion, which carried by a vote of (6:0). (Absent – Edgerton)

Mr. Thomas stated that the motion carried (6:0) for approval of consent agenda.

ZMA-2003-11 Rio East Commercial Area (Sign #10, 11) - Request to amend the proffers of ZMA-1996-004, to allow a veterinary hospital by special use permit. The property, described as Tax Map 61, Parcels 124A part of & 124B part of, contains approximately .8456 acres, and is zoned PDMC - Planned Development Mixed Commercial. The proposal is located on Rio East Ct (private), approximately .1 miles from the intersection of Rio East Ct and Rt. 631 (Rio Road East), in the Rio Magisterial District. The Comprehensive Plan designates this property as Office Service in Neighborhood 2. **DEFERRED FROM THE MARCH 2, 2004 PLANNING COMMISSION MEETING.**

SP-2003-58 Rio East Commercial Park (Veterinary Hospital) (Sign #35, 39) - Request for special use permit to allow a veterinary office and hospital in accordance with Section 25A.2.2.1 of the Zoning Ordinance which allows for uses by special use permit in the C-1, CO, and HC districts, which a veterinary office and hospital is one of those uses. . (Francis MacCall) **DEFERRED FROM THE MARCH 2, 2004 PLANNING COMMISSION MEETING.**

Mr. MacCall summarized the staff report. The applicant is requesting to amend the proffers of ZMA-1996-004, to allow the use of a veterinary hospital and office, which would then allow that use to be permitted by special use permit in that PD-MC zoning. Staff worked with the applicants on the proffers in order to get them done in a clean and concise form. The changes that have

been made to the original proffers are not that extensive. The proposed proffers are very much the same proffers that were approved in 1996, except the statement was added that the owner was agreeable to adopt the original proffers, which would remain in effect for those parcels that are not part of this particular application. The other changes were just the dates referring to the sketch plan that they had in front of them and letter d) under # 2, which was the use by special use permit of the veterinary hospital. Staff has reviewed this for compliance with the principles of the Neighborhood Model and the Zoning Ordinance. Staff recommends approval of the amendment to change the proffers, the approval of the special use permit with the conditions and the modification of the supplemental regulations discussed in the report.

Ms. Joseph asked for clarification on the modifications.

Mr. MacCall explained that Section 5.1.11(b) of the Zoning Ordinance requires that a soundproofed building shall be located no closer than two hundred (200) feet to any agricultural or residential lot line. There is a residential lot line in the R-15 directly across the street, which the Commission saw as Glenwood Station. In Glenwood Station's review, there was some commercial put in the front and the reduction would be from the 200 feet down to 145 feet as shown on the plan. The Zoning staff has taken done sound meter readings and found it was in excess of 55 decibels. Therefore, staff feels that the modification would be acceptable.

Ms. Higgins noted the odd shape of the parcel near the entrance and asked why the special use permit for the veterinary clinic was on both sides of the entrance.

Mr. MacCall noted that what was shown is area out of the restricted area, which pertains to #2 in the proffers. The rest of it #1, specifically refers to the restrictive area and that was just a redrawing of what was originally approved in the original proffers. He pointed out that it an approximate area of 575' by 275' area, which was the extent of this special use permit in regards to the amended proffers.

Ms. Higgins stated that the area defined as proposed special use permit area - when you deduct the restrictive area, it wraps around the cul-de-sac.

Mr. Rieley stated his assumption was that was for a different parcel.

Mr. MacCall stated that the existing layout of the remaining 5.6 acres was what they were changing in that area, which was specifically for this special use permit. That was the extent to what was outside of the restricted area. The original proffers still apply to all the others around the cul-de-sac.

Ms. Higgins stated that was proposed lot 6 and a portion of proposed lot 5 was excluded. Therefore, it was the remainder of lot 5.

Mr. MacCall stated that was correct, but that currently it was all 124A and 124B. Those are proposed and staff has not seen that proposed subdivision yet proposed.

Mr. Thomas asked if there were any more questions for staff. There being none, he opened the public hearing on the special use permit and zoning map amendment for applicant and public comment.

Jordon Juliano, with Rivanna Realty, stated that he would respond to any questions the Commission may have.

Mr. Thomas invited public comment. There being no public comment, the public hearing was closed and the matter brought back to the Commission for discussion and possible action.

Action on ZMA-03-11:

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Mr. Rieley moved for approval of ZMA-03-11 Rio East Commercial Area with the proffers as outlined on Attachment E of the staff report.

Mr. Thomas asked if there was any more discussion.

Ms. Higgins noted that on the proffer form it referred to a copy of something that was attached, which was a copy of the Zoning Ordinance as it exists today, but that it was not attached. She pointed out that would become a part of this action too and should be attached when this was sent forward.

Mr. MacCall apologized for that oversight and noted that it would be included as part of the packet when it was sent forward to the Board.

Ms. Higgins stated that the use of the property outside of the restricted area also refers to that and on the proffer amendments when you change them that she was not sure what was changed. She pointed out that she did not have a problem approving this because it seems very specific, but she did not think that it reads very specifically.

Mr. Morris seconded the motion, which carried by a vote of (6:0). (Edgerton – Absent - No)

Action on SP-2003-58:

Ms. Joseph moved for approval of SP-03-58 Rio East Commercial Park as outlined by staff and subject to the following conditions:

1. A site plan shall be submitted for approval that shall be in general accord with the sketch plan prepared by Keeney & Co, Architects dated 3/12/04.
2. Any enlargement or expansion of the veterinary office and hospital use will require an amendment to this Special Use Permit (SP-2003-058).
3. No overnight boarding use other than for those animals under medical care shall take place at the veterinary hospital.
4. Granted a waiver of Section 5.1.11(b) of the Zoning Ordinance, which requires that a soundproofed building shall be located no closer than two hundred (200) feet to any agricultural or residential lot line.

Ms. Higgins seconded the motion, which carried by a vote of (6:0). (Edgerton – Absent)

Mr. Thomas stated that the motion carries for both the zoning map amendment and the special use permit and will go to the Board of Supervisors on April 14.

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