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[00:00:00] I mean, I remember it with the connection through, and I'll speak to that later. But the main change that's gone over the different iterations is that connection through from Birkmar to Woodburn. Yeah, that's correct. There is a connection between, I have it right here.

[00:00:15] This was the first proposal that came before the PC in June 2024. There's the interparcel connection, the internal travelway connection on the right side here where my cursor is. And there's just a greater impervious area and less green space, and the applicant requested a deferral from the PC to make revisions to the plan.

[00:00:37] And this is the new one that they've provided, which removed that internal travel away connection and then added enhanced green space areas to the plan. Got it. Well, my kid's got me as a joke at my last birthday, super memory boost.

[00:00:54] I guess I actually have to start taking it. It's not a joke. Would you share it with me? Supervisor Proulx? can you um help me understand so i normally like to make a point every time one of these comes before us of the fact that we are um that our zoning map is under zoned based on what we're saying in our own comprehensive plan we want but here of course we're saying in the comprehensive plan that this is an office and commercial area um and it also looks like none of the surrounding areas are zoned for office light industrial or commercial use so is there something i'm

[00:01:30] missing, as someone who's not as intimately familiar with a neighborhood, why we have none of the surrounding uses? Speak on the specifics. The plan designates R&D industrial area use that's allowed. Staff would like to speak. Comprehensive plan. We're creating the master

[00:02:07] plans, which I'm saying, you know, our instructor planning. Yeah, I mean, the underlying master

[00:02:36] plan is looking for commercial taking. It's much more area between wood, but that's what

[00:03:04] you're looking at, you know, on something we have identified.

[00:04:04] I was industrial from reading it.

[00:04:49] From my opinion, I've used about that.

[00:05:22] That from their respective.

[00:05:45] And now the development.

[00:06:13] There are parcels and there will be no way.

[00:07:02] This in Woodbrook apartment, this, this proposal for this, for this lower street there.

[00:08:04] And I think the interconnections and I think it's more important.

[00:09:04] Zigzag back up.

[00:09:20] I mentioned the number of.

[00:09:34] Did I miss county transportation?

[00:10:09] They wanted something else.

[00:10:26] Clear on this. This was the pre-based and less impervious.

[00:11:18] ...for the applicant.

[00:11:36] We'll read the rules with... ...conducted through a timer,

[00:12:03] ...recorded and public... ...Kelsey Schlein on the project,

[00:12:32] as well as WIC units on the...

[00:12:55] ...actually, so far. So that's what I shared with you this evening.

[00:13:40] ...Road is the device designation. We didn't have...

[00:14:10] ...Woodburn really had... ...over all the iterations about development patterns.

[00:14:46] These designations came... But all of that property was inside of Burkmar, is continuing to do construction of Burkmar Drive.

[00:15:27] But Burkmar is currently under construction, a piece with a residential right here. And then Burkmar Flats is kind of nestled right in between those. So we kind of have this 3.6-acre plus a little two-acre next-door pocket of land that's designated currently in the comp plan as FlexLite Industrial.

[00:15:52] But it really kind of makes sense to lay out as residential given development patterns in recent years. I will also note in, I can come back to these, but in the future, in the AC44 plan that is currently

under review, this property is designated as urban density residential.

[00:16:11] And so that designation has been reviewed in this area throughout this kind of AC44 process. And so we are directly consistent with what it looks like where we're moving to for a designation on this property.

[00:16:28] I'm going to kind of hop through these and talk specifically about the connections because I think that's most of the questions that came up from the board. And so I definitely want to ensure that I have time to address those. So I'm going to start with Swede Street.

[00:16:43] The Swede Street connection is, I'll just pop back here a little bit so we have an overview. In the Berkmar Overlook, this is Swede Street. So it stubs out directly to our property. So that's a public road, stubs out directly to our property. The ideal scenario is that we pull from that public road and continue interparcel connectivity.

[00:17:06] We take advantage of the public road system. However, that road, how it was constructed, what I'm calling out here is the profile of the road and the profile of an RWSA water main that runs along the shared property boundary.

[00:17:23] So that's a Rybana Water Sue Authority main, large pipe coming directly from the reservoir. And that water pipe elevation, if we were to continue Swede Street, which is shown here in purple, so this is the existing Swede Street, the purple dots are showing how we would continue that profile to construct that public road would actually be below the waterline. So this blue dot is showing the waterline. So we looked at that. We had many conversations with VDAT. We had many conversations with the county, many conversations with RWSA. That wasn't going to work. So that was not an

[00:18:01] option for interconnectivity for us. A few other items that I wanted to bring up. With our prior concept. So that connected, that had a full inter-parcel connection from Woodburn to Berkmar. What I'm calling out here is our kind of required slopes in these areas to meet parking requirements. So when we're coming in off of either Woodburn or Berkmar, we have to establish a landing with less than 4% slopes to establish a commercial entrance that's compliant

[00:18:40] with VDOT regulations. So we can't immediately start ramping the road up. From the lowest point to the highest point on the site, I think we have a 42-foot grade drop. Yeah, so from entrance to entrance is 36. From the lowest point here to the highest point here, I think we're at 42.

[00:18:58] So we're dealing with quite a significant grade. To get from one road to the other and to establish the required parking, there was a significant amount of grading involved with this concept. and so we're basically having to flatten out all these areas to establish our parking lots less than five percent slope so this during our conversation with the planning commission back in June um you know they really tasked us we talked about the inter-parcel connectivity but then they really tasked us with just coming up with a better design respecting terrain uh having more uh green

[00:19:33] space and so that's the what you see before you tonight and this is another helpful cross-section that kind of shows the proposed design compared to the previous. And what we're looking at here with the orange hatch is the amount of cut that was required to establish each development.

[00:19:54] So you can see in the previous concept, we had a significant amount of earthwork that we were taking on, which, you know, in the Piedmont region, sometimes you have to take on a significant amount

of earthwork on many sites. But this was exclusively so that we could establish a full interparcel connection.

[00:20:14] We were having to do that much earthwork. And so by just splitting up that connection, keeping the portion of the site that is accessed from Woodburn high, and keeping the portion of the site that's accessed from Birkmar low, we were able to significantly reduce our amount of grading on the property and increase our green space.

[00:20:33] I will also note that in our proffer statement, we have committed to a 20% increase in recreational area over the requirement. And so that's a proffer condition of this development. Typically, we'd be looking at 5% of the area, so we increase that by 20%.

[00:20:53] I think it increases the requirement by about 2,000 to 3,000 square feet, So, which would be typically for county zoning regulations and the size of an additional required top lot, something like that. So, trying to demonstrate a commitment to really kind of making this site much more livable.

[00:21:13] That is, still have a minute left, but I think I covered, honestly, mostly what I wanted, was hoping to with the interconnectivity. And so, if you have any questions, I'm available, and thank you for the opportunity. Thank you, and we'll go through our order. So, Supervisor Galloway? So, understood that the road or the street isn't connected any longer, but what, is there pedestrian access from the neighboring?

[00:21:34] Like, Sweet Street, all that was a by-right, right? That was, they did that by-right. Yep, that was RSEC's by-right. Yeah, I have a slide here that's a little helpful that I skipped through at the beginning. So, this is, we have, I think one huge amenity that is coming online here is the addition, the construction of additional 1.1 mile of shared use path for Burkmar that is going to start construction next spring and should be completed, I believe, sometime in 2027.

[00:22:08] So as far as connectivities to properties next door, we have, so we have a sidewalk along the front. We're building a sidewalk along Woodburn. We have a bus stop nearby. And then this shared use path is going to come online and ultimately i think i have a better image here 2.7 miles of shared use path you can bike all the way up to hollymead which is amazing so but between the sweet street somebody lives on sweet street wants to go to somebody who lives in this one do they have to go down to burkmar and walk over to the entrance so yeah that's i you know i think

[00:22:43] ultimately that might end up becoming um what i like to call a tactical urbanism path um And unfortunately, because of the grade change, we have to put stairs there. We had back and forth with VDOT several times asking if we could put stairs in the right-of-way, and they will not permit stairs to go in the right-of-way there.

[00:23:04] So there will be, there's not a formal connection, but I am sure that... Human behavior will take over? Yes. Yeah, that's good. Those are my questions. Supervisor Pruitt.

[00:23:21] I actually have no questions. Thank you. Supervisor McKeel. I have no questions, and I thank you for the great explanation on the slopes and the grading. Thanks. Supervisor Malek. Thank you. Thank you, Kelsey. So the green space that's coming in, if my math is any good at all, looks like about a 12-foot grade across that area, which is fairly steep, I guess.

[00:23:46] What is one supposed to do? I mean, it's not the play space because of the slope. I assume it's just a walk through or climb up the stairs. That's where the stairs are that you're indicating. You'll have to go over there. I was talking about, so Ned, Supervisor Galloway, I was talking about the stairs through Swede Street.

[00:24:04] That's over there. Sorry. Is there a, so to get from the, on the north side of the property, on the right-hand side, to get across through that woody, the green, new green space where the road used to go, is there going to be a path or a sidewalk, or is that too steep to walk up as well?

[00:24:22] And that's why the road couldn't go there anymore. No. I mean, I think there's, now that it's kind of becoming a green space, I think there's many like creative ways that we can establish, you know, gathering space by, you know, kind of terracing a few retaining walls, places for people to sit, nice plantings.

[00:24:41] We could also, so there is, you know, a connection. We kind of have this conceptually shown through here, but we could definitely incorporate on, you know, in the areas where it's steeper, kind of have some kind of steps into the hillside. But yeah, I think we can establish more, I mean, usable space is different to different people, right?

[00:25:04] And so I think there's many creative ways that we can come up with a nice inviting space for residents to enjoy. Great, thank you. Thank you, Supervisor Pisto-Kirtman.

[00:25:19] Yeah, I have no questions. Thank you very much for your presentation. Thank you. Thank you. I have a couple of questions, just want to make sure I understand. So there is a walkway though between the Burkmar to the Woodburn sections and it's ADA accessible between the two or is it involved stairs through um so through through the site from Woodburn to Burkmar that's we likely I don't know if it'll be entirely ADA accessible with less than a five

[00:25:51] percent slope in every area this and but I mean it's usable yes and and maybe um I don't know just if you have anything to offer on that of like the just the requirements because we won't we won't kick in ADA on this particular site I should say sure I'm Justin Shimp and the engineer I have I worked on the grading for this so I can answer your question there it won't be an ADA route there's a couple paths you'll see the sidewalk that wraps around the edge here that connects this sidewalk. You can come over and connect to the road. Well, there's a path in

[00:26:27] between the buildings. There's actually a grade step in there, so there would be steps in that direction. For ADA, we have accessible parking spaces on each level, so if you are disabled, you would use a parking space on your own level to get to your own unit with an accessible route, but not necessarily an accessible route between the Burkmar side and the Woodburn side.

[00:26:49] And if someone wanted to use public transit, if they live on the Burkmar side, they just go down Burkmar Road and up, and there's the transit stop. If somebody lived on the Woodburn side, how would they get there? You would come down to the site.

[00:27:04] If I lived here, I would walk to this sidewalk, down and down, then up the sidewalk here. So either way, they're accessing it from the Burkmar side. Correct. They can walk through the site on foot through a couple routes down to the Burkmar side. And just logistically, how do you plan to manage the parking on this?

[00:27:22] will they be assigned places or is a possibility that someone might live in one part but decide to park in the other part because of where they work where they need to be that's a good question i don't know if we've gotten quite that far we tend to the county parking ordinance tends to require enough parking there's always empty spaces so there's not necessarily like a parking restriction because of the availability space you could park either side it may be on this that you might say as you say you know assign them because it's more convenient for someone to park on one side or the other but that's what we work out you know during the final planning phases okay i mean part

[00:28:01] of that reason why i ask also is that you you have the burkmar has the two lower sections of units and the parking is right in front of those and then there's parking on both sides of both sides of the upper units, and then there's this parking lot that extends over by the dog park area.

[00:28:22] I guess that's for the lower units as well. It's intended if obviously it doesn't reach the upper units. Right. In grade, there's a basement walk down between this parking lot here and this area here. So somewhat, yes, these folks who live here might park over here and kind of walk around the park up to their unit, or they may park up here and come down the steps and around their unit.

[00:28:47] So there's some logistical things we need to tackle as to the logical place for folks to park. But generally speaking, yes, these units here plus some of these are thought to park from this parking lot, but there would be available parking from the upper parking lot to go down the stairs to these units on this side.

[00:29:05] I appreciate the challenges. And when you're through, I have one other question. Okay, additional question. Yeah. And it's really not a question. It's just a comment. So I realize that this is not written in stone.

[00:29:22] It's a schematic. And as a retired nurse and a dog lover, I just do not like dog parks. I'm just saying that I would think about that because if I had that unit right there or the one next door to it, I would think twice.

[00:29:41] I think that space, in my opinion, and I know there are lots of people who love dog parks, but in my opinion, it could be better used than a dog park. Just saying. Fair enough. The beauty of this location is the county is investing heavily in the shared use path, for example.

[00:29:57] And if you owe a dog, you can stroll up the Holleymead Town Center on the shared use path safely. So I imagine people will use those sort of amenities more than they would the community amenities because the county has done such a good job of planning and executing those things. The McKeel theory is that there's a better use for that particular property than a dog park.

[00:30:15] So noted. Terraced gardens, that sounds good. Exactly. And the stormwater management facility is above ground. Correct. is a traditional open stormwater management pond but as i read the planning commission minutes it's not necessarily a wet pond correct there was a question about what the nature would be exactly and essentially to have a true wet pond you need a certain amount of area draining to it so it holds water and so this kind is probably will look basically like a grass bowl most of the time it may have some landscaping within it but effectively as a grass bowl it fills up it drains

[00:30:50] down and uh but there's it doesn't have standing water in it thank you yes so speaking of the wet pond potential i'm very fond of our bioswale out here which drains everything beyond botos all through here and takes care of all of that something with attractive plantings might really be a great asset

to the property as opposed to just a bowl with grass in it so i don't know if that's something that's in your potential of further development or not because that's a pretty

[00:31:26] big area to just and would that be fenced off as well that whole storm water thing or is it just part of the walking area it may have some sort of little fence to keep folks out of certain parts depends on that there's some technical details to how deep it's not a very large pond in a sense it's a large green area but to your point that was the planning commission sort of um also a pond that was better because it gave opportunity to landscape it and it could be you might not plant trees the very bottom of it but in the entire slope between the parking lot in that there could be ornamental landscaping of any type for folks to enjoy or just to be there for you know the birds

[00:32:01] and bees and other creatures that benefit from that good thank you thank you um you have five minutes for rebuttal if anything else further we have no further comment thank you very much for your time thank you um and if there are no other questions i will close the public hearing and the matters back before the board when no one signed up um and uh unless there's additional comments Supervisor Galloway, I'll turn to you if you want to make a comment or you want to make a motion.

[00:32:36] I'd like to make just a couple comments that I didn't want to bring up as questions, but just based on some comments that I've heard. I think this track along Berkmar, especially on that side, to your point about losing commercial, I think part of the reason it never turned to commercial is because of the slopes and the severe grading that would have to happen to bigger buildings.

[00:32:55] There's plenty of office retail space along Berkmar, across Berkmar, through the whole Rio District that's sitting on empty and could be utilized. so i'm not worried about losing individual office space i think we have plenty of that kind of inventory and that's what's been a struggle to get to be filled county-wide let alone in one particular district but the other thing that's kind of exciting about this track and this turning residential one of the first places finally i feel like in the rio district that you can actually go home walk to a grocery store without having to sprint across 10 lanes to get there and we'd

[00:33:31] And there's a school. Oh, my goodness, a student could walk to school in the Rio District. That doesn't get to happen unless you live in the Woodbrook neighborhood, frankly. So this is finally becoming this tract of land where there are shops, there are places to go to eat.

[00:33:47] You could go to Chandler's Bakery. You could get to the library, and you could all do it without your car. And it's always interesting to me when, like, we got rid of some car connections here. We just got rid of some car connections here, and we should have celebrated that because now the folks that live up on that top section, if you know the area and you have to go out to Woodburn, turn left, fight turning left on Rio, turning left on Birkmar, get down to Kroger, and then do all that back, you might decide to just walk to Kroger.

[00:34:20] And that's doing what in our bigger picture is trying to get rid of some of the usage of cars, right? So the connectivity, you know, I'm thrilled that the connection is not there from Birkmar to Woodburn because of human behavior that was talked about for the walking path. People would have figured out that there was a cut through there.

[00:34:38] They would go up to Woodburn and be able to take a right on Rio West. And that's just what humans do. They figure that stuff out. And I'd hate to be having that type of stuff cutting through this little

apartment neighborhood because that's then the email that we start to get after this is up and that all starts to happen.

[00:34:56] Look, you've got all this big cut through there. So I know we like interconnectivity and we like connections, but in this particular tract, I think focusing on the pedestrian stuff, we've actually got walking infrastructure, we've got transit there, we've got all the shops. We're actually creating a neighborhood that we would like to function in the vision that we've said that we've wanted, and I'm happy about that for this whole stretch.

[00:35:18] You know, the only other, I guess, thing that I would say, I know some folks were concerned about the additional traffic, But, I mean, it splits that traffic piece to two different areas. I thought it was interesting whoever said, was that you, Jim?

[00:35:34] So, well, I guess it depends on it. If I have to head north, maybe I want to park down in the Birkmar side if I live up there. And if I work in town, I might want to park on the Woodburn side and get creative. But it looks like it could support that kind of parking. But we need the units. We need a couple of affordable units that are going to come out of this.

[00:35:52] So I'm happy to support it in my district. Supervisor Prude, any comments? I'm supportive. I think it's thoughtfully designed, and I appreciate the thought that's gone into some of the compromises for the design. And I agree. I'm quite jealous of the amount of pedestrian accessibility you've got over here.

[00:36:13] Supervisor McKeel. I'm supportive, and I don't have any more comments. I'm fine. Thank you. Supervisor Mel. I'm all set as well. Thank you very much. Supervisor LaPizzo Cricket. I'm very supportive. Thank you. Thank you. I am also supportive. Again, I feel that this is an appropriate place for residential because of the walkability, and that's a discussion for the future for where there's walkability and where there isn't.

[00:36:37] So look to Supervisor. And if I might just correct the motion that's shown, it would be to adopt the ordinance attached to the staff report rather than a resolution. Thank you. And I withheld opening up my dog park comments. We could talk about that all the time. We'll talk about dog parks.

[00:36:53] I move that the board adopt the ordinance attached to the staff report as attachment E. Second. We have a motion from Supervisor Galloway, a second from Supervisor McKeel. Without objection, the clerk will call the roll. Ms. Mallett? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye.

[00:37:09] Mr. Andrews? Yes. Mr. Galloway? Yes. Ms. Lapisto-Kirtley? Aye. Okay. Thank you, board. Thank you. Mr. Schoaf, you are still on. As we go to our second public hearing, SP 2024-4, the K-9 Hotel, and you'll also be presenting on a special exception 2024-4 relating to the same facility.

[00:37:36] Thank you. Well, thank you for staying for my last presentation. I'm Sid Schoff. I'm a senior planner with the planning division for Albemarle County's Community Development Department. Tonight I'll be giving staff's presentation for special use permit SP 2024-4 and special exception se 2024-4 the canine hotel this is a special use permit request to allow a commercial kennel on a rural area zone parcel and the special exception is a request to vary the setback requirement for a commercial kennel the subject property is approximately five acres and

[00:38:10] located at 3225 gilbert station road which is near stony point it is zoned rural areas and the comprehensive plan designates it as rural area the site contains an existing single family residence where

the applicant lives. The site is accessed through a 30-foot access easement, which is a gravel driveway through two other properties. In areas where it's steep, the driveway is paved.

[00:38:33] There are also areas of critical slopes, which are shown as orange, and a portion of the water protection ordinance buffer, which is shown as purple on the map. The adjacent properties are all zoned rural areas and are all undeveloped according to the county's GIS map. Beyond the adjacent properties, there are properties with single-family residences, where the closest one is approximately 700 feet away. There are two applications before you this evening. The first is SB 2024-4. This is a request for a new commercial kennel with a capacity up to 12 dogs. And the special exception is a request to reduce the required setbacks from residential

[00:39:08] and rural properties under section 18-5.111. I'm going to go ahead and discuss the special use permit first. This is the applicant's conceptual plan if the special use permit and special exception were to be approved by the board. The applicant's proposing for the kennel building to be approximately 75 feet away from the closest property line with the proposed outdoor run area approximately 92 feet from the closest property line. The applicant indicated that the kennel will be soundproofed and a sound dampening fence will be provided around the proposed outdoor run area. The existing single-family residence would remain on site where the applicant continues to reside. Further details of the proposal will be provided by the

[00:39:48] applicant. There's a lot of text on the screen. I'm going to go through it and give you the high level points of it. These are the supplementary regulations that the applicant must meet prior to a site plan, building permit, and zoning clearance being approved by the county. The first is for animals that 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, which doesn't apply to the proposal before you. The second part requires an external solid fence for non-soundproof confinements. This is proposed by the applicant. The second, B, is for soundproof

[00:40:25] confinements. No structure shall be closer than 200 feet to any property line. The applicant's provided special exception to reduce the setback from 200 feet to 75 feet, which I'll discuss further later. Additionally, this requires for all confinements, sound measured at the nearest property line shall not exceed 55 decibels. The applicant will need to meet this requirement.

[00:40:46] Third is that the animals must be in an enclosed building from 10 p.m. to 6 a.m. The applicants indicated in their narrative that this will be met. Lastly, D, this requirement does not apply since this proposal is in the rural areas. These are the factors and findings that the special use permit application was reviewed under.

[00:41:05] Staff believes the proposal will not be detrimental to adjacent parcels, will not change the character of the nearby area, will continue to be in harmony with the rural area zoning district, and is consistent with the comprehensive plan. We've drafted six conditions for this application. The first is for the development to be in general accord with the conceptual plan.

[00:41:24] There are two essential elements, which includes the location of the proposed building and the location of the proposed parking area. The second condition is for the max height to be at one story. The third condition is the maximum number of dog kennels as requested by the applicant, so 12. The fourth and fifth conditions are to limit the size of the proposed kennel building and the outdoor run area.

[00:41:45] And lastly, the sixth condition is for a sound dampening fence, which is already required by the supplementary regulations. In sum, staff has found that this is consistent with the review criteria for special use permits contained in the zoning ordinance. Staff has no concerns. Staff recommends approval with the conditions as recommended in the staff report.

[00:42:05] And I'm going to transition and start discussing the special exception. So the special exception was submitted by the applicant to reduce the setbacks from residential rural properties. The section of the ordinance lists the supplementary regulations for specific uses, which includes additional requirements for the commercial kennel.

[00:42:21] That's that long PowerPoint slide with all the text on it. The applicant's proposing to vary just the requirements of Section 18-5.111B, which requires for soundproof confinements, no such structure shall be located closer than 200 feet to any agricultural or residential lot line.

[00:42:38] The applicant's requesting for the 200-foot requirement to be reduced to 75 feet from the closest property line. The closest residences are approximately 700 feet away from the proposed kennel. Staff recommends approval without conditions as recommended in the staff report, and I'm happy to answer any questions about both the special use permit and the special exception.

[00:42:58] Thank you. We'll go through our order. Supervisor Callaway. So the soundproofing that they're doing sounds like it goes beyond what is required, but that's specifically because of the setback change, or is it just the applicant as being a good neighbor? Yes, so they're not required to provide soundproof structures.

[00:43:19] If they provided a structure that isn't soundproof, it would need to be 500 feet away from the closest lot line. The applicant, in this case, is soundproofing the building, and so the bullet B here applies, and so it needs to be 200 feet away per our ordinance.

[00:43:37] And so they have that special exception to reduce it to 75 feet. But that's what's triggering them doing all the soundproofing? Yes. All right. And I forget, I remember doing the last time we did something with a kennel. but what's the difference between the just the basic noise ordinance i mean these it sounds like there's a stricter requirement on kennels than if i just got a neighbor that lets their dog bark yeah i can have zoning staff come up and speak on that which is what i think it's uninterrupted it's you have to if a dog barks for 30 minutes and it doesn't stop for five then you're in violation of

[00:44:13] the noise ordinance i believe is that the same in the rural areas the development area i think it is the second round i think we made and this is more curiosity probably than anything but it just seems like we bring in kennels they got dogs dogs bark and then you got somebody that owns 12 dogs dogs bark but no requirement on them welcome mr savoda bart savoda deputy director of community development so there's a couple noise regs there's the nuisance noise regs which are in the county code which deal with the barking dogs and the the 30 consecutive minutes those kinds of things

[00:44:52] There's the performance standards for these supplemental regs, which is 55 decibels. I believe daytime in the rural area is 65. This matches evening, and they would have to meet evening regs the whole time. Private dogs are subject to the 30-minute.

[00:45:14] And so I did have a brief conversation with one of our officers that's here tonight. And generally speaking, and those of you that have been around for a while know that by the time we get out there to investigate the dog barking, it's usually our response time depending on what we have going on.

[00:45:35] It's somewhere around 20, 30 minutes. By that time, normally the dog has stopped barking. So that's generally what we run into when it comes to those regs. I don't know if that satisfies the curiosity or not. Got it. I think it does. Okay. I'm always wondering, because my two dogs, I can't handle them barking more than two minutes, and I get up and go.

[00:45:57] And then the noise ordinance is me yelling at the dogs. Sid, so the 12 kennels, it sounds like the applicant requested that, and I'll probably ask the same question to them, but is there some magic number about 12, or that's just what they asked for? They can answer that question, but I believe it's a spacing issue on their property.

[00:46:15] Got it. All right, that's all I have. Thank you. Supervisor Pruitt. I have no questions. Thank you. Supervisor McKeel. Yeah, I don't think I have any questions right now. Thank you. Supervisor Malek. Thank you. I will wait for the applicant. Supervisor Lupisto Kirkley.

[00:46:32] No questions at this time. Thank you. And I have no questions as well. She's going to look. So we'll open the public hearing. We have sign-ups. We must have a sign-up. And the applicant as well. So I will turn to Vice Chair McKeel to read the rules.

[00:46:50] All right. And Claudette, I'm assuming no one online. We may not even have an online at this point, but okay. All right. During the public hearings, the board will acknowledge speakers addressing the item listed for public hearing.

[00:47:10] Speakers are limited to one appearance of three minutes per public hearing item. Applicants are limited to a 10-minute presentation of their proposal and are allowed a five-minute rebuttal at the close of the public hearing. Timekeeping is conducted through a timer and light system at the podium. The green light will go on when you begin speaking, which begins your allotted time.

[00:47:29] The yellow light indicates you have one minute to finish speaking. The red light indicates your time has expired and you will be asked to end your comments. In order to give all speakers equal treatment and courtesy, the board requests that speakers adhere to the following guidelines. When addressing the board, state your name and if you live in Alomar County, your magisterial district.

[00:47:49] Address comments directly to the board as a whole. Any written statements or other supporting material may be given to the clerk. If representing a group or organization, you may ask others present to raise their hand in recognition. Speakers may not share any unused time with another speaker.

[00:48:05] Back and forth debate is not permitted. Do not speak from your seat or out of turn. And all comments are live streamed, recorded, and published on the Elmore County website. Thank you. And first we will hear from the applicants, Cody and Nikki Markham. Welcome.

[00:48:24] Good evening, everyone. My name is Nikki Markham, and this is my husband. We just hear voices here. My name is Nikki Markham, and this is my husband, Cody Markham, and we live at 3225 Gilbert Station Road on our five acres.

[00:48:49] I was born and raised in Stony Point and have lived here for 35 years. Cody has been part of the community for 17. In 2008, we built our home here, and we are now fortunate enough to raise our three young children in our wonderful community. Right after high school, Cody and I worked for local Stony Point businesses.

[00:49:06] Later, we started and operated our own fencing and landscape company, Markham Services. Unfortunately, due to Cody's ongoing health issues, we've had to gradually shut that business down and it is no longer safe for him to operate and drive machinery. Starting this small-scale dog boarding business would allow us to work from home on our own property and allow us to support our family.

[00:49:27] It would also provide a much-needed service to Stony Point and surrounding areas as Emerald County continues to grow every day. Our proposed project is small in size and is similar to others that have already been approved and are successfully operating in the county. A concern that was raised that our business would negatively impact royal residents.

[00:49:46] However, many long-standing Stony Point residents, whether they are here tonight or have submitted letters of support, stand with us and support this business. Our closest neighbors and every surrounding property that touches us support the project as well. The properties directly adjacent to ours are undeveloped farmland, and our building will be no larger than a standard garage or workshop.

[00:50:08] If this business were to fail, it could easily be repurposed for storage, a barn, or a small-scale agricultural use. We've submitted a detailed narrative for you to review, but here's a quick overview. The Planning Commission recommended we enlarge the building to avoid space limitations.

[00:50:26] We have followed that suggestion and increased the building size to 1,200 square feet. This will allow for a bigger, dedicated office and drop-off area and an indoor dog play area, which will be helpful during implacant weather conditions. The one-story building will house 12 dog kennels and be fully enclosed.

[00:50:45] Dogs will not have their own access to the outdoors. The kennels will have anti-fight partition panels on each side of them, which will help block view of neighboring dogs. They will only be outside in the dog run while under our supervision. The outdoor dog run will be surrounded by a 7-foot privacy fence with green giant evergreens and other shrubbery planted inside and outside the fence for visual looks and noise buffers.

[00:51:10] One side of the proposed fence already has 18-foot tall green giants growing. Dogs will be kept indoors between 10 p.m. and 6 a.m., and the building's close proximity to our home allows us to respond quickly to any issues that may arise. There will be no grooming or doggy daycare services, just overnight boarding.

[00:51:31] Construction will not require disturbing existing trees or vegetation, and we are well outside of the water protection ordinance. Additionally, all dog waste will be bagged and removed by a professional local dog waste removal company. Yes, those really do exist.

[00:51:50] Existing mature vegetation, including dense evergreens like pine, cedar, and green giants, and mature oak trees already buffer our property, further reducing any potential sound from the outdoor area. The green giants, which are already planted along one side of the proposed privacy fence, are fast-growing evergreens known for their screening abilities.

[00:52:10] They will grow to great heights and provide dark green foliage year-round, and we will continue to add more screening. I didn't bring some of this information up at the January meeting, but would now like to do so as I feel like I need to stand up for ourselves and family.

[00:52:25] i'd like to address some misinformation that has been circulated the blakenships ham and king family which are all part of the same family have stated they hate to pit neighbor against neighbor yet sent a letter containing false claims to hundreds of residents within a 10 mile radius of our property i would like to clarify a few of those points tonight in case anyone here is in attendance because of the letter we are concerned that some people may have based their opinions off of this false information. Claim number one, our site is surrounded by a residential community.

[00:52:59] We are zoned royal and our property is surrounded by farmland. Claim two, our business would negatively impact property values. There is no evidence in this. In fact, property values in our area continue to rise every year. Claim three, this business belongs in a light industrial area.

[00:53:18] We are caring for animals, something very much aligned with royal living. Our building would not be constructed to look like a commercial building and could be repurposed for agricultural use. Noise will be an issue. The letter they sent out failed to mention any soundproofing efforts, privacy fence, and landscaping buffers that we spoke about in our proposal and narrative.

[00:53:42] The Blakenships went as far to hire a sound engineer to speculate about potential noise our kennel may generate and how our building needs to be constructed and operated. I would like to state again, we are only asking to board 12 dogs. Who's to say we will always be fully booked? Not all dogs will be outside all at once while out on their breaks. During our first public meeting at Stony Point Elementary and the January Planning Commission meeting, it was noted that there is no limit to how many dogs a person could personally have or hunting dogs a person can have

[00:54:21] on their property. Hypothetically, we could personally have far more dogs and hunting dogs on our property than the 12 we are proposing for our business. We're committed to running this responsibly and professionally. Our proposal has been thoroughly reviewed and researched and approved by the county staff and the Planning Commission. We've complied with all recommendations and we respectfully ask that you allow us to exercise our property rights to build a small, meaningful business that will support our family, the community, and contribute to county tax revenues. Thank you for your time and consideration. Thank you. Thank you. And

[00:55:00] If you remain, the board will go through their order for questions, if they have any, starting with Supervisor Galloway. Well, I think he answered the question about the number, which I was going to ask. I think I'm good right now. Okay. Supervisor Pruitt. I don't believe I have any questions for the applicant.

[00:55:16] Thank you. Supervisor McKeel. Just a question about the fence. And I have a fence around my yard because I have had dogs in the past as well. So you talk about a sound dampening fence. Is it just a fence, or is there something special like buff or anything that you're putting on the fence, or it's just the fence itself?

[00:55:37] It's just a wooden seven-foot-tall privacy fence, and then we'll be planting shrubbery on the inside and outside. Okay, I was just curious as to what it was. And I think that's all I have right now. Thank you. Thank you. Supervisor Malek?

[00:55:54] Most of mine were answered by your very detailed presentation, and I will have some more comments later. Thank you. Thank you. Supervisor Lupita Curdley? I just had one point of clarification

you mentioned about the 12 dogs. Could they all be out there at the same time, or are you limiting that on their breaks?

[00:56:13] Yeah, I don't plan on, if I'm fully booked with 12 dogs, I don't plan on taking all 12 out at once for a break. It'll just be a few at a time. All right, a few out at a time. Right, you're not limiting it to one like I... No, I'm not taking out one at a time, depending on what dogs are there or how many, like around three or four dogs at a time.

[00:56:31] How they get along and everything. Yeah, correct. Okay, good, good. All right, that's all the questions that I have. Question. And I have no questions either, so we will now open up for public comment, and Vice Chair McKeel will call the speakers up.

[00:56:47] Thank you. You'll have a chance to rebut afterwards. All right. Our first speaker is Addison Barnhart. Welcome. Taking care of the podium there, yeah.

[00:57:08] And you will need to adjust the microphone. There you go. Good evening. My name is Addison Barnhart. I'm the attorney for Belinda and Chip Blankenship of the Rivanna Magisterial District. My clients are out of town, so they asked me to come speak in their place.

[00:57:27] The Blankenships live 0.4 miles away from the applicants on Gilbert Station Road. Let me be clear here at the outset that my clients are not against the applicants themselves. They're not against the applicant's right to have a business on their property, And they're not against that business being a commercial kennel.

[00:57:45] What they are against and what I'm speaking about right now is being against the outdoor run that's going to be at the kennel to allow dogs outside, which will then have dog barking outside. That is what they're against.

[00:58:01] After the Planning Commission meeting, my clients hired sound engineers to model the noise impact of dogs barking outside of the applicant's property. The noise assessment, the first page is up there. It's also in your materials. And I hope that you'll give this serious consideration. It is unbiased, and it's clear in its conclusions that, one, no matter how perfectly run the kennel is, outdoor dog barking will violate the county noise ordinance at the boundaries of the property.

[00:58:27] The property appears just to be too small to allow an outdoor run. Number two, outdoor dog barking will increase the ambient noises above legal levels in the community. And number three, the noise assessment describes how the indoor space should be soundproof to make it compliant with the noise ordinance.

[00:58:43] There used to be a condition 7 that I didn't see here that said that the indoor space had to be soundproofed, and it's not there anymore. I think it should be there. We should also know how it's soundproofed, what materials will be used, and some sort of measurement or standard for assessing whether it is actually soundproofed or not.

[00:59:02] If you read the emails from the community, it's a divisive issue. We have 10 people wrote in emails, including the applicants, that are in favor of this project, But we also had seven people, including my clients, who wrote in against this project. This is about everybody in the area.

[00:59:19] Not everyone, but close to all the owners in the area. And everyone who's against approval are all consistent in being against dogs barking outside at the kennel. Kennel dog barking is not a familiar

sound of the country. It is not natural.

[00:59:36] It's not agricultural. You can just open the door for a groomer or a kennel, and all of a sudden you'll hear the sound immediately. know what I mean. The noise assessment says that a fence will not be sufficient to mitigate outdoor dog barking. So the kennel has to be indoors on this property. And indoor kennels are common in our area. The applicant's business can still work as an indoor kennel. My clients ask the board to send this issue back to the Planning Commission to give the applicants more time to work with the county and their neighbors on how to reduce the impact on others. Or they hope that you deny the

[01:00:10] outdoor run portion of this application. Thank you. Thank you. All right, the next speaker is Donna McDaniel. Welcome. Please adjust the microphone. Thank you. Good evening. I'm Donna McDaniel, a resident of Stony Point for 37 years. I also have a home-based business for 35. Stony Point has at least 20 home-based business, and this makes us a very strong community. We rely on each

[01:00:45] other to make a solid living to care for ourselves and each other. This is exactly what Cody and Nikki are trying to accomplish. They just want to provide a healthy safe life for their children. I've known Nikki since she was born. She is a second generation to Stony Point and her family has very strong ties and roots in our community. The business Cody and Nikki is needed in Stony point and would be used by a lot of families a majority of support their endeavor for the future having a local kennel would be a great addition to stony point i'm confident our elmar county

[01:01:23] board will vote in the best that supports for a majority of our stony point families and our community please vote yes to support for cody and nikki markham and the canine motel thank you thank you next speaker is emily white welcome hi my name is emily white I live at 1713 Profit Road, so I'm in the Rivanna District, and it's my privilege to speak to you all tonight in support of the Canine Hotel.

[01:01:58] Supervisor Galloway asked early on, are these applicants proposing all this soundproofing because it's a regulation or because they're good neighbors? Not mutually exclusive. They're going to do everything that they can to make this business profitable for their family's success, but also so it's agreeable and have minimal impact on their neighbors.

[01:02:20] You know from their presentation that Cody and Nikki live on site. They're not asking their neighbors to endure any more than they themselves will live right next to and raise their children next to. They're established members of the community. They're Albemarle County School graduates.

[01:02:38] Their kids are in Albemarle County Schools. Cody's a volunteer firefighter or formerly was a volunteer firefighter. They're dedicated to their community. In addition, Albemarle County has rules, regulations, and processes as we're participating in right now to make sure everyone has the opportunity to speak about this proposed use and to learn and follow guidelines that make sure it is a thriving community that is respectful of everyone's needs.

[01:03:06] Should they open this kennel, make it rich, and move away, who's to say the next person is going to need to run the kennel? But if they do, the county staff has done a diligent job making sure there's checks and balances so this business, a standalone permit and business, are respectful, whether they're operating it or someone else is operating it.

[01:03:29] There is a great need for dog boarding. It would be a wonderful addition to this community. Folks would love not to go into Charlottesville or into other counties to have this support, and we hope that

you also see the benefit to the community and approve this permitting.

[01:03:45] Thanks so much. Thank you. Next speaker, Scott Cunningham. Welcome, Mr. Cunningham. We're going to adjust that microphone a lot today.

[01:04:03] That's right. Good evening. Thank you very much for your time. I'm Scott Cunningham. I live at 448 Stoning Point Road, about a half mile away from the applicants. It's a great area. I love listening to the miniature donkeys from our neighbors a half mile away, about 14 or 18, making lots of noise.

[01:04:23] You hear the cows and the mating. And the weaning, and you hear the foxes, and you hear all the nature noises, but you never hear them in the middle of the day when they did the test on this report. Most interesting, most of the animals are active around the evening or dusk or dawn. So I find that the report, the sound study, to be somewhat biased, and I just want to make sure that I pass that along because it's important.

[01:04:48] They did the time of day was an interesting time to decide to do the study. The modeling using prior data from other dogs and other projects is interesting. I find some of the actual components of the study to be suspect in the use of their modeling.

[01:05:07] So I just hope that you guys had a chance to really read through that subjectively, and I'm sure you did. But I've spent a lot of time and a lot of gray hair going through reports and writing reports. And so I thought I'd share that with you. And I'm in full support of Cody and Nikki and the whole family.

[01:05:26] So thank you very much. Have a nice evening. Thank you. Thank you. The next speaker is Brianna Rae Hundley. Brianna Rae Hundley. Welcome.

[01:05:42] And you're going to need to pull up. Please adjust the microphone. Hi, my name is Bree Hundley. I am in the Ravana District. I live at 3781 Ashley Way Road in Barbersville. It's approximately two miles from the Markhams residence. I'm coming before you today in support of the K-9 Hotel that is proposed by Nikki and Cody Markham.

[01:06:04] I've come to know the Markham family over the past three years since our daughters were in the same kindergarten first and now second grade class together. I have also got to learn how deep their roots are to the community and how well they are respected by our other neighbors who also have very deep and multi-generational roots in the Stony Point District.

[01:06:27] Based on my personal experience, I feel confident that they would conduct their canine hotel business in a manner that befits the small rural community that we have. I know that there are some here tonight that have expressed concern over sound.

[01:06:43] I grew up in Spotsylvania County in a very small neighborhood in which one of our neighbors ran a dog kennel. I did not even know that until a few weeks ago, and I lived there for many years growing up. And my parents just told me that. So I can say from personal experience that dog kennels are negligible in the amount of sound that they produce for neighbors outside of a normal dog barking. I also say that having been a dog owner myself, not all dogs bark incessantly. Some dogs

[01:07:18] bark more than others. And I also feel that Cody and Nikki would address if they were to house a dog that did incessantly bark, that they would have respect for the neighbors and address that appropriately. I would also like to say that there is a great need for more canine boarding establishments

that are rural-based and community-run. There's not many options in our area, especially ones that provide great green outdoor spaces, like the ones that in the city do not.

[01:07:46] And as a dog owner, that's important when I look for where I would like to put my furry daughter. so thank you for your time and that's it thank you and the last speaker is david norford welcome you're going to have to take that mic and move it up too my name is dave norford i live in stony

[01:08:22] point and i've lived in stony point i won't say how long but longer than donna so uh my wife and i own the property that borders the markums on one side and we leased the wilson property on the other side as part of our farm operation. I've known the Markhams since they were kids. I know them to be responsible, hardworking people. I know they've identified a need for the service they want to provide in the county, and my wife and I support it 100%. Thank you. Thank you.

[01:08:56] With that, the applicant is welcome to come back for five minutes to rebut anything that they may have heard, but they need to rebut. I just want to touch a little bit on the sound testing. I know Scott Cunningham brought that up, but how accurate is their report about a small family-run business

[01:09:34] like ours, but any other royal property with animals passed their test? It was stated that the test was based on measurements from a previous project through the company, and the terrain was just cut grass our terrain on the property that they did the testing on which they did not ask us to come on our property to do this testing um our terrain is woods we are not just cut grass so that's just something i would like to point out as well um also i think it was brought up that

[01:10:11] seven letters were sent in opposing our business um i think three or four of those are all from the same family they have different last names that live on the blake and ships farm so i just want to point that out as well thank you thank you uh any additional questions before you go so you'll have to answer is there any questions supervisor galloway i didn't think to ask this the first time around but it's based on i'll give a little context um so i don't want to put you on

[01:10:47] the spot but when we've approved daycare centers and a few other dog kennels we've often asked the number you're asking for is that enough especially if you wanted to think of maybe future expansion that's not in your mind because as a way it's written it comes right back to us if you go to a 13th dog now you might not be thinking to build the space bigger and accommodate and all of that but if you were to grow you'd have to come back and go through this whole process which is right probably learned is tedious and has some expense associated to it so um you know i am comfortable because we've done it before for both daycare and i think one other kennel that was out

[01:11:26] in the rural area where we would allow for a different number not that it's obligated to be there but if the business explodes and it does well all the requirements stay the same but you have the capacity to grow without having to go through a whole process again so i'm giving you that context that now i'm saying you arrived at 12 you're designing your run your building and everything for 12 right um are you comfortable to go that's it that's all we need no we could definitely fit more kennels especially being able to expand to the 1200 um square foot of the

[01:12:01] building so we are definitely open to being able to house more than 12 dogs we could double it with the size but i mean so so my next question would be as it stands though is the business plan just to work with 12 or if you if you had up to whatever 14 18 some other number would you immediately go to that number i'm just trying to figure out what the magic number of 12 we picked 12 because we thought it

was one not asking for too much um we were not trying to make neighbors upset with i mean we certainly don't want 100 dogs in our yard but we're trying not to make neighbors upset we're trying to be respectful if we are allowed more dogs we would certainly

[01:12:40] increase the number of dogs right away i just i guess i raise it to the board because the sound requirements are the same it doesn't matter if you've got two dogs or 200 dogs you got to do the same thing relative to the noise mitigation um i just try to think of a business and that's not my it's not my place to tell you or right to change your app but it is our place to say to folks that if you have plans to expand beyond the number you're asking for you got to go through this whole process again and i think that's a i think that's appropriate or responsible of us to tell folks that so i'll stop i don't have any other questions beyond that one i think supervisor

[01:13:18] galloway is saying give us a number 20 up to okay up to 20. supervisor prude um are we just additional questions for the applicant at this time any additional questions no i appreciate the previous question thank you okay supervisor mcqueue i don't have any other questions thank you. Supervisor Malek? Thank you. And this is not, I'm just asking for extra information, not pertaining to the permit so much. When Wakefield came forward for their renovation within the last six months, they talked about rooms inside, as opposed to when my father had a boarding

[01:13:55] candle back in the 50s, there were little cubicles and each one had a run. So how is the interior of your 1200 square foot bar and garage building divided just with low partitions and sort of private spaces but everybody's in one area or i'm just curious yeah no um i think a picture should be attached with our narrative okay um there should be one in there but they are four by six kennels um though all six on well for 12 dogs we had six on each side of the wall um we have our

[01:14:30] office space and then we're looking to have the indoor play dog area as well okay and each each kennel on the back side does have a window so they can see could you repeat that they have to be able to see the squirrels and things outside that's very important window i'm teasing i know that would make them bark thank you that's all i have yes so i understand it and i've seen this before i'm near call paper where each kennel is separated by a wall so you don't see the other dog is that correct which really cuts down on the

[01:15:06] barking also because you don't see the other dog yes okay and um i appreciate the number you you all get throughout there and i do have one other question because i know it was uh cory claborne my planning commissioner who suggested the 1200 square feet he also mentioned to me that there is outdoor plumbing that your plumbing is on the outside of the building and yet there's your one on the inside do you am i making sense or has that already been changed i'm not exactly sure

[01:15:40] what you're referencing outside pipes outside plumbing he said the fixtures were pardon we do have a septic system so anything generated there will go into our septic system okay but i mean i'm talking about just maybe any kind of plumbing we will have a bathroom in the dog boarding okay so do you have room for now for a bathroom there yes that was in the original plan sent in to you okay but he said and i excuse me for saying this but he told me that there was the plumbing was on the outside of the building which would then be subject to freezing and such

[01:16:17] i'm not sure that was ever brought up okay well a spigot or something we all know well spigot you can put a sock over yeah yeah not the spigot but anyway so i don't know yeah i apologize i'm i'm really not sure what he would be okay speaking about on that that's all right okay well if you okay thank you if

you have it i would suggest that you can put it on the inside if you find out Yeah, our plumbing would be on the end side.

[01:16:50] I mean, I'm talking about just pipes, you know, not septic or anything, but just regular, you know, actual pipes. And we'll make sure we don't do that due to freezing and those issues. Yes, ma'am. Thank you. That's it. Thank you. And my only follow-up is I guess there's been some question about 12 kennels and is that 12 dogs.

[01:17:11] The application before us does say 12 kennels. Is it possible to put two dogs in a single kennel? I mean, our dogs used to put together a bit. Yeah, I would not be putting two dogs in a kennel. Even if they were from the same household?

[01:17:27] That's a possibility. If we know they get along well enough, then how else do you need to separate it? They'll do fine. Okay, okay. But definitely dogs that are not from, like, the same, you know what I mean. That would not be happening. No, I understand. But your intent is if we gave you permission for 20, then you would build additional runs within that 1,200 square foot space.

[01:17:51] Okay. Kennels. Kennels. Kennels, yes. Not runs. There are no other questions. Thank you. And at that, I will close the public hearing. Thank you. And the matter is back before the board for consideration.

[01:18:10] And we'll go through our order, starting with Supervisor Calloway. Yeah, thank you. I mean, I want to address a couple of, you know, often when you hear some of the concerns that are brought up on the not support side, I heard something in there about, you know, dog kennels should be in light industrial.

[01:18:26] And I have to state that that's not the highest and best use for light industrial ever. No. That there should be other things there. It seems to me, based on other kennels that we have approved, with all of the soundproofing, that the kennels are the best damn dog neighbors you could have because of the soundproofing and the additional regs that are on there.

[01:18:47] So, and I'm, you know, I get it. I guess some more dogs, you think more sound. But I think that, like our previous kennel person said, she did not like dogs barking either. So, you know, you tend to mitigate fast if you're the owner and you don't like dog barking.

[01:19:04] But at the end of the day, the noise ordinance does stand. So in addition to these regulations, there's a whole other ordinance, a whole other layer of regulation on top of here to keep the noise complaint in check. But I think this is an appropriate use in the rural area. It just seems to make sense to me, and I appreciate the fact that we have some folks doing a home business.

[01:19:23] And we speak a lot to why or how we want that to happen in the rural area, so I'll be happy to support the application. I would be in support if the motion's made of up to 20 kennels. And I see a question coming from... Yeah, I just want to ask a question to the county attorney.

[01:19:41] The ad that ran in the paper identified 12 dogs. So just to clarify, there was reference made to a code section regarding the potential need to re-advertise.

[01:19:57] Again, my reading of that state law is that that applies to zoning map amendments rather than to special use permits. At the same time, as Mr. Barnes points out, it was advertised for 12 kennels. That

was the way the ad ran in the paper. So it's just something to keep in mind as the board considers potential amendments to the special use permit.

[01:20:17] Well, as I broached this subject in the past, we've advertised up to certain numbers. Like I'm thinking specifically of daycares where then in the public hearing we increased the amount of students allowed. So this isn't any different than that, right? That's correct. And, again, my reading of the state code is that the need to re-advertise is only invoked in zoning map amendments rather than special use permits.

[01:20:40] I mean, you know, it might make some unhappy, but I'm comfortable with that. I just know how this goes, and I don't think if they were looking to do another 40 dogs, then that's a different animal. But up to eight. Was that a joke? I didn't realize it until I said it.

[01:20:56] But up to eight, to me, if you had to come back and do this process for eight more, this is an onerous process for that. I'd agree if it had to be up to 100 or 50 or some huge number. But I think for eight, it's, yeah, don't go through the whole process again because all of the mitigating factors for the complaints or the possible nuisance have to be the same.

[01:21:22] The mitigation factor doesn't change. Thank you. I've said kind of since I've joined this board over and over and over that I don't like us thinking of the rural area as a place crystallized in amber. The country is a real place where real folks live and real economic activity happens and I think the applicants have done a really good job of identifying a use that is consistent with the rural area, that is consistent with what their neighbors like to see and that meets an existing need out there. I would say personally, you know,

[01:21:59] I live less than a quarter of a mile from all things possible, a doggie daycare, and I do not hear them whatsoever from my doorstep. These things are, of course, subjective and influenced by a variety of things, but the notion that they might be bothering an owner half a mile away I find a little silly.

[01:22:23] Additionally, again, this is a rural area. There is mooing by right. The applicant could easily, I mean, it's what, five, seven acres, something like that. That's about, that can accommodate three heads of cattle. It could accommodate a lot of goats.

[01:22:40] That, not saying three heads of cattle would be happy there, but all of those things make noise. All those things make noise. I mean, a cow is between 50 and 90 decibels. That's about the same as a dog. I find the suggestion generally kind of frustrating.

[01:22:58] And I sometimes like to give advocacy tips when people contact me as a supervisor. And this will even include people who I disagree with, right? I've once had someone contact me because they want to ban rodeos, which I didn't think was actually a good policy.

[01:23:16] But I told them how they might want to go about, like, fighting for that at the local level. And so I offer some free advocacy advice. I don't know that it is particularly helpful in an individual resident dispute to commission a study and then hire a lawyer on behalf of yourself to come before this board.

[01:23:41] That, I cannot emphasize how weird the optics are with that. And so I would just offer that for the public. I don't know that that is an effective advocacy strategy. That's all. Supervisor McKeel.

[01:23:57] Yeah, this is the rural area, and having been a dog owner all my life, unfortunately my dog passed away, but I know how much we need dog kennels in this area. I mean, there really is a need, and I

am familiar with the kennel that I used to use that is literally right surrounded by a neighborhood, and we never hear any complaints in that area from about dog barking and we never and i believe if they were bothered we'd hear about it because we hear about a lot of complaints hear a lot of

[01:24:35] complaints anyway um i am supportive of this and i would be supportive of language up to 20 i think that was is the way we would say it would be up to 20 kennels yes but i but up to which would allow them the flexibility to determine how many they wanted within that number but i am supportive yes thank you thank you supervisor malik thank you very much i took in all this information comparing it to the 45 year old kennel in whitehall in earliesville where the closest house

[01:25:14] is 55 feet away i mean old it is it was there at the same time the houses were all being built and And the owner is in one of the houses, but it has dozens of others around it, and there are 200 in this neighborhood. And everyone has benefited from its presence, and it's had to go through several renovations over the years and come back.

[01:25:36] Thank you for saving that possibility, because they've come back four times for additions over those 45 years. And it's just really important to have this ability with a trustworthy operation where it's not just people advertising online and they throw your dog out in the yard and it gets lost because that is the worst-case scenario for any family to ever go through.

[01:26:01] So having a carefully planned and designed structure and outdoor pen is really important. And to me, there's a tremendous, I mean, I live deeply in the rural area and yet have two rabbit packs of beagles, you know, within a half mile in either direction.

[01:26:19] But the really burdensome one was a neighbor over the fence line to the west who had 75 dogs just in a pen about the size of this room, and they never saw a person. And they barked all the time because they needed contact and wanted their leader to come and pay them some attention.

[01:26:39] To me, that's why dogs bark, unless it's a large black bird going by my kitchen window, in which case both of mine are very offended that there's a large black bird in the backyard. So I am absolutely confident that with the rules that the county has adopted and the structures and the planning that's gone into this, that this will be a success and not hurt the neighbors.

[01:26:58] And when I was three in 1953, my father built a boarding kennel as part of his hospital right in your neighborhood. And they had little cubicles and outdoor runs, and somehow all those neighbors at Solomon Apartments never called.

[01:27:13] They're worried about it at all because they have lots of attention and good care. So I'm very much in support of this and would also support the up-to-20. Thank you. Thank you. Supervisor LaPeece-Hurley. I personally have to say for the folks from the Rybana District that showed up tonight, I must say that you brought me nearly to tears because i just really appreciate you uh your comments your heartfelt comments and i even i appreciate the the comments from the opposition because everyone should be heard and that's what

[01:27:48] we're all in favor of i am supportive of this proposal i'm also glad that uh we asked for the number and and supervisor galloway brought that up about you know how many would you need and i'll tell you why because we want to make sure that you're successful god forbid that you haven't limited to 12 and you're you're not successful because you need 13 14 15 so we want to make sure and i think all your

neighbors that are here tonight also want to make sure that you're successful uh when my late husband and i first moved here with our four dogs uh it was hard to find a place of real

[01:28:27] quality. And I think this is what you're going to be offering in the rural area. A place of real quality because for a lot of people, their dogs are their children. I'm one of them. And I just, I'm very supportive of this proposal for the Barkhams. And thank you all for coming out and I'm supportive of adding, going up to 20 also for the dog kennels.

[01:28:56] thank you thank you and i will add i guess i have a neighbor who runs a dog shelter or older dogs and they have 20 dogs and so that's a number that i'm more familiar with and i can be supportive of so i have no problem with this application but it is in the rhodana district so yes it's in my area do we have uh because we're adding screen change there we're adding to

[01:29:27] the motion so if the if the consensus of the board would be to allow up to 12 dog kennels the motion would be to move to adopt the resolution attached as attachment d with an amendment to condition three to allow the use not to exceed 20 dog kennels okay i move i move that the board adopt the resolution attached to the staff report as attachment d as amended to increase the number to

[01:30:04] 20 dogs. 20 kennels. As part of condition 3. As part of condition 3. Second. And we have a motion from Supervisor Lapisto-Kirtley. A second from Supervisor Malek. Without objection, the clerk will call the roll. Ms. Malek? Yes. Ms. McKeel? Yes. Mr. Pruitt? Aye. Mr. Andrews? Yes. Mr. Galloway? Yes.

[01:30:23] Ms. Lapisto-Kirtley? Aye. Thank you. There's one more motion for the special exception. Oh yeah, we have a special exception. So now board, we have to act on the special exception, which is just the 75 foot request. And that will require a separate motion that doesn't have a public hearing associated with it. But if there's any, I'll look to right and left. If there are no comments, then we'll look to supervise the piece to currently for a motion. Okay. I move that the board adopt the resolution attached to the staff report as attachment e involving special exception

[01:31:03] sc20240004 second motion from supervisor lapisto currently second from supervisor malik without objection if we call the roll ms malik yes ms mckeel yes mr pruit hi mr andrews yes mr galloway yes miss lapisto currently hi thank you thank you board this brings us to from the board committee reports and matters not listed on the agenda if you could please exit quietly we still have more work to do here but but not a lot i just want to say thank you to each one of you we really

[01:31:41] appreciate everything thank you of course good luck so board uh we'll go through our order supervisor galloway i do not have any other business this evening okay supervisor bruce i have no additional business thanks supervisor mckeo i have nothing else i'm fine supervisor Malik? Nothing for me, thank you. It's a home run, I have nothing. Oh, I have. Actually, no, I actually had some notes that I wanted to give about the SWAC meeting, but I'm going to save those and talk about them later. So I don't have anything otherwise. I'll look to our county executive

[01:32:20] to see if there's anything further. I did participate. I sent aboard the board an email to let you know that I was invited to participate in the TomTom Festival this morning. That's the first time that the county executive's office has ever been involved in that and that was a joint speaking engagement with the city manager, the president of the university, and myself talking about the future economic development opportunities, partnerships between the city and the county and the university. It lasted about 45 minutes. The city did tape the

[01:32:56] session, and they're going to send it over to the county, and we will forward that into the board's inbox if you have time to look at that session. It was facilitated by L.F. Payne, and I thought it was very well done, and I appreciated the questions and the remarks. The audience also seemed very well informed on a lot of the economic development, the biotech, the innovation corridor, and that kind of stuff going on in the city and the county and really good comments from the university.

[01:33:31] So that's why I really wish that you guys would take a look at that. I'm thrilled with the opportunity, too. Thank you. Thank you. I look forward to it. Yes, sir. Thank you. Thank you. Anything further? If not, then I will announce that we are adjourned to April 23rd, 2025, at 6 p.m. in Lane Auditorium.

[01:33:50] Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors homepage and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received. Thank you and good night. Thank you.



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