ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Proposal: SP202000010 Airport Animal Clinic & SE202000002 Airport Animal Clinic	**Staff:** Mariah Gleason, Senior Planner
Planning Commission Public Hearing: September 1, 2020	**Board of Supervisors Hearing:** October 21, 2020
Owner: ADI Properties LLC	**Applicant:** Daniel C. Hyer, Line-Grade; Andrew Baldwin, Core Real Estate
Acreage: 0.74 acres	**Special Use Permit for:** Request for a veterinary office and hospital under Zoning Ordinance 18-24.2.2.4
TMP: 046B40000001A2 **Location:** 1758 Worth Park, Charlottesville VA, 22911	**By-right use:** HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)
Magisterial District: Rivanna	**Conditions:** Yes **EC:** Yes
Proposal: Request for a veterinary clinic that is proposed to occupy an existing building on a 0.74 acre parcel. This proposal requires a Special Exception (SE202000002) to §18-5.1.11(b) to allow the proposed veterinary clinic to be located within 200 feet of a residential property line.	**Requested # of Dwelling Units:** None
DA: X **RA:**	**Comp. Plan Designation:** Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in the Places29 Master Plan.
Character of Property: The subject property is a corner lot with an existing 8,300 square foot building. Parking on the parcel is relegated to the side and between neighboring buildings.	**Use of Surrounding Properties:** Neighboring properties are zoned for commercial and residential uses. Surrounding businesses include Forest Lakes Dental, Stifel Financial Advisors, Atlantic Union Bank, and several restaurants (Timberwood Grill, McDonald's, and Subway). Abutting the property to the southeast is the Gateway Village townhouse development.
Factors Favorable: 1. No adverse impacts are expected to nearby or adjacent properties. 2. The proposed veterinary use is consistent with the character of commercial/retail uses in this area. 3. The proposed use conforms with the Comprehensive Plan and meets the relevant supplemental regulations of the Zoning Ordinance.	**Factors Unfavorable:** None Identified
RECOMMENDATIONS: **Special Use Permit:** Staff recommends approval of SP202000010, Airport Animal Clinic, with conditions. **Special Exception:** Staff recommends approval of special exception, SE202000002, to allow the veterinary building to be located less than 200 feet from a residential property line.	

STAFF PERSON: Mariah Gleason, Senior Planner
PLANNING COMMISSION: September 1, 2020
BOARD OF SUPERVISORS: October 21, 2020

PETITION:

PROJECT: SP202000010 Airport Animal Clinic
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL: 046B40000001A2
LOCATION: 1758 Worth Park, Charlottesville VA, 22911
PROPOSAL: Special Use Permit request for a veterinary clinic. The veterinary will occupy an existing building on a 0.74 acre parcel.
PETITION: A veterinary office and hospital under Section 24.2.2.4 of the zoning ordinance. No dwelling units proposed. An associated request for a Special Exception (SE202000002) to relieve the applicant of the requirements of §18-5.1.11(b) and allow the proposed veterinary clinic to be located within 200 feet of a residential property line.
ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)
OVERLAY DISTRICT(S): AIA – Airport Impact Area Overlay, EC – Entrance Corridor, Managed Steep Slopes
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in the Places29 Master Plan.

CHARACTER OF SURROUNDING AREA:

Located within a cluster of individual commercial buildings, the subject property is generally located between Holly Memorial Gardens, Hollymead Town Center, the Food Lion shopping center, and the Gateway Village townhouse development. Within its immediate proximity, the property is surrounded by parcels that are similarly zoned Highway Commercial. Businesses on these parcels include Forest Lakes Dental, Stifel Financial Advisors, McDonald's, Atlantic Union Bank and Timberwood Grill. These properties are generally oriented towards Rt 29/Seminole Trail and Hollymead Town Center. The subject property is set back one block from Rt 29/Seminole Trail. To the southeast, the property abuts the Gateway Village townhouse development which is zoned R15 Residential. The Forest Lake Community is located on the other side of Gateway Village and is zoned R4 Residential. This neighborhood is primarily comprised of single-family residential developments and neighborhood-oriented amenities.

PLANNING AND ZONING HISTORY:

- SDP199600049 Worth Park – Preliminary Site Plan
    - Two waivers (1) To grade within the 20 foot buffer abutting Gateway Village and (2) To allow shared parking were approved by the Planning Commission on July 23, 1996.
- SDP199600099 Worth Park – Final Site Plan
    - The site was developed in accordance with the final approved site plan, which approved the development of three buildings on a single parcel.
    - LOR #1 (2000) approved the relocation of the handicapped access ramp to the building that the proposed use will be utilizing.
    - LOR #2 (2001) approved the addition of a single parking space, 11 feet x 18 feet in size, next to the dumpster pad location.
- Subdivision Plat (DB 1568 PG 426)
    - In 1996, the County approved a subdivision of the property that placed each building on its own parcel.

DETAILS OF THE PROPOSAL:

The applicant represents Dr. Hay's Airport Animal Clinic, an existing veterinary clinic that is currently located at the intersection of Rt 29/Seminole Trail and Airport Road, approximately 2,400 feet north of the subject property. The applicant plans to relocate and has submitted a special use permit request to allow a veterinary use on the subject property, TMP 46B4-1A2 (Attachment 2). This property is zoned Highway Commercial and allows veterinary uses by special use permit in accordance with Section 24.2.2.4 of the Zoning Ordinance.

The property is 0.74 acres in size and contains an existing 8,300 square foot building, which was constructed in the late 1990s. The proposed veterinary use plans to occupy approximately 3,000 square feet of the building. The remaining area is expected to be occupied by other commercial/retail or office tenants. As stated in the Project Narrative, the applicant anticipates that one or more of their current tenant neighbors will relocate with the veterinary clinic to this site.

The proposed onsite location of the veterinary use requires a special exception due to the proximity of adjacent residential properties, located approximately 125 feet away. In accordance with the supplemental regulations to which veterinary uses are subject, §18-5.1.11, veterinary structures are not permitted closer than 200 feet to a residential property line.

COMMUNITY MEETING:

In light of COVID-19, community input on this project was solicited through several means including phone, email, and a virtual community meeting held via Zoom. Project information was posted on PublicInput.com and provided an opportunity for community members to comment on the project before, during, and in the week following the virtual community meeting. The community meeting was recorded and posted on Albemarle County's YouTube account for members of the public to view afterwards.

The virtual community meeting was held on Monday, July 20, 2020 at 5:30pm. Over 120 surrounding property owners and current tenants/residents were invited via mailed letters by the applicant to participate in the meeting. The meeting was attended by the representative Planning Commissioner, Corey Clayborne, and a media representative. No community members or residential/commercial tenants attended the virtual community meeting. After the meeting, the County received one comment via email from a resident of Gateway Village (the townhouse development abutting the proposed veterinary location) which voiced support for the project (Attachment 5).

No concerns were raised or identified by community members regarding the proposed veterinary use in this location.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Special Use Permits are evaluated under reasonable standards, based on zoning principles which includes the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions and those conditions must be reasonably related and roughly proportional to the impacts.

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.***

   The proposed veterinary use will occupy less than 40% of the available tenant space within an existing building. Based on the Project Narrative and Illustrative Site Plan Exhibits submitted by the applicant (Attachments 2 and 3), staff does not anticipate any negative impacts to adjacent properties or uses within this area. No overnight boarding or new outdoor improvements for animals are proposed. Staff has not identified any traffic or noise impacts beyond what is already permitted on this parcel to be generated by the addition of the proposed use.

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.***

   The building on this parcel was developed in the late 1990s and the applicant is not proposing any exterior changes to the site. Also, the proposed use will be conducted indoors and will maintain hours of operation that are similar to other commercial uses nearby. Therefore, the proposed veterinary use is not expected to change the character of the adjacent parcels or surrounding area.

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

   The intent and purpose of the Highway Commercial (HC) zoning district in the Albemarle County Code primarily informs the orientation of new developments, but specifies that this district is meant to support commercial activities. As no exterior changes to the site are proposed, staff finds the proposed use to be consistent with the purpose and intent for this district to provide commercial services.

   …with the uses permitted by right in the district,
   With the conditions recommended by staff, as well as the applicant's intention to make no exterior changes to the site, this use is not anticipated to negatively impact any by-right uses on adjacent and nearby properties.

   …with the regulations provided in Section 5 as applicable,
   The proposal demonstrates compliance with the applicable supplemental regulations contained in Section 5.1.11 of the County Code, except for those required by subsection (b), from which the applicant is requesting a special exception.

   SECTION 5.1.11 - COMMERCIAL KENNEL, VETERINARY SERVICE, OFFICE OR HOSPITAL, ANIMAL HOSPITAL, ANIMAL SHELTER.

   b. **For soundproofed 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;**

      Section 5.1.11(b) requires that soundproofed structures for this use are located at least 200 feet from a residential or agricultural lot line. The intent of this requirement is to protect surrounding properties from noise that may be generated by this use.

The location of the proposed veterinary use is approximately 125 feet from what the Zoning Map designates a residential property line. However, the nearest residential *structure* lies approximately 195 feet from the intended veterinary clinic location.

Described in greater detail in the Project Narrative and Special Exception Request (Attachments 2 and 6), the applicant intends to renovate the interior of the proposed veterinary space using sound attenuating construction materials and techniques, including "de-coupling" the exterior and interior walls to disrupt and diminish sound waves. By incorporating these upfits, the applicant expects the proposed veterinary use will be able to comply with the 55 decibel noise limit established by this subsection. Thus, the applicant is not requesting an exception from this requirement in its entirety; only a modification to allow the proposed veterinary use to be located within 200 feet of a residential property line.

Also to note, landscaped elements of the Gateway Village development will also help buffer nearby residents from sounds that may be generated by this use. Townhouse units within this development are separated from the subject property by a landscaped open space that is approximately 40 feet in width. Landscaped elements within this area include berm earthworks and a mixture of mature, dense, primarily evergreen trees.

Therefore, based on the applicant's intent to incorporate sound attenuating measures within the building and the existing vegetative buffer separating the proposed use from residential structures, staff supports the special exception request to allow the proposed use to be located less than 200 feet from a residential lot line.

Additional regulations contained in Section 5.1.11 require:

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 six 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 subsection is not applicable. Animals associated with the proposed veterinary use will be confined to a soundproofed, air-conditioned building.

c. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.

Based on the Project Narrative provided by the applicant, the proposed veterinary use will not offer overnight boarding services or outdoor exercise areas or runs.

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: Separate building entrance and exit to avoid animal conflicts; Area for outside exercise to be exclusive from access by the public by fencing or other means.

The proposed veterinary use will have dedicated entrance for the veterinary clinic. Floor plan exhibits provided by the applicant are provided in Attachment 4.

Staff finds the proposal can meet all the supplemental regulations in Section 5.1.11 with a special exception to subsection (b).

…and with the public health, safety, and general welfare.
Based on information provided by the applicant, in coordination with the conditions recommended by staff, staff finds that the proposed use will not be a detriment to public health, safety, or general welfare.

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

The subject parcel, TMP46B4-1A2, is designated "Urban Density Residential" by the Places29 Master Plan. The Master Plan uses this land use designation to identify areas around activity "Centers" where dense multifamily housing is desired (6.01-34 units per acres). As such, primary uses in this land use category refer to residential uses, while secondary uses include commercial, retail, and office uses that support neighborhoods, live/work units, open space, and institutional uses. These secondary uses are mainly envisioned within Center areas, however, the Master Plan acknowledges that there are benefits to allowing these uses to be located outside of designated Center areas, provided they are compatible with surrounding uses.

The proposed veterinary use falls within the secondary uses described by the Master Plan. Staff finds that the veterinary use is compatible and supportive of adjacent and nearby residential uses as it provides local, walkable care options for pets and small animals. As this area continues to develop, the proposed use will continue to be supportive of the Master Plan's vision to provide residential-oriented commercial services that are proximate to residential uses.

SUMMARY:

Staff finds the following factors favorable to this request:
1. No adverse impacts are expected on nearby or adjacent properties.
2. The proposed veterinary use is consistent with the character of commercial/retail uses in this area.
3. The proposed use conforms with the Comprehensive Plan and meets the relevant supplemental regulations of the Zoning Ordinance.

Staff did not identify any unfavorable factors to this application.

RECOMMENDED ACTION for SP202000010:

Staff recommends approval of special use permit application SP202000010 with the following conditions:

CONDITIONS:

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the exhibit titled "Airport Road Animal Clinic Relocation, SUP Exhibit," prepared by Line + Grade Civil Engineering, dated May 7, 2020. To be in general accord with the exhibit, development must reflect the following essential major elements:
    - Location of the existing building
    - Location of the parking areas

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

2. Any enlargement or expansion of the existing building for the purposes of the veterinary use, other than minor changes needed for renovations and soundproofing, will require an amendment to this Special Use Permit (SP202000010).
3. The hours of operation for the veterinary use may not begin earlier than 7:00 a.m. and may not end later than 8:00 p.m.
4. No outdoor exercise areas or runs.
5. No overnight boarding use, other than for those animals under medical care, may take place at the veterinary clinic.

SPECIAL EXCEPTION – LOCATION OF VETERINARY BUILDING

The applicant is requesting a special exception to modify the requirements of Section 5.1.11(b) of the zoning ordinance to allow the veterinary building to be located within 200 feet of a residential lot line (Attachment 6). Staff analysis of this request is included above in "*3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter…with the regulations provided in Section 5 as applicable*".

RECOMMENDED ACTION

Based on the analysis contained herein, staff recommends approval of the special exception request.

ATTACHMENTS

Attachment 1 – Vicinity Map
Attachment 2 – Project Narrative, dated July 6 and 7, 2020
Attachment 3 – Illustrative Site Plan Exhibits, dated May 7, 2020
Attachment 4 – Illustrative Floor Plan Exhibits, last dated February 5, 2020
Attachment 5 – Community Comments submitted via email
Attachment 6 – Special Exception Request, dated July 6, 2020