



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201600019 Planned Parenthood	Staff: Megan Yaniglos, Principal Planner
Planning Commission Public Hearing: November 22, 2016	Board of Supervisors Hearing: TBD
Owner(s): Planned Parenthood South Atlantic	Applicant(s): Michael Gallahue
Acreage: 0.68 acres	Rezone from: Not applicable Special Use Permit for: Professional offices under Section 17.2.2(11) of the Zoning Ordinance.
TMP: 061000000013A0 Location: 2964 Hydraulic Road (Attachment A)	By-right use: R-10- Residential- 10 units/acre
Magisterial District: Rio	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: not applicable	DA - X RA -
Proposal: Revise condition one (1) to impact a 15 foot buffer to allow a walkway and enhanced landscaping from previously approved special use permit (SP2000-035). (Attachment F)	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 Neighborhood 1 of Places29 Master Plan.
Character of Property: The property contains an existing professional office building with parking and landscaping.	Use of Surrounding Properties: Single Family Attached Residential
Factors Favorable: 1. No significant impacts would be created by the enhanced landscaping.	Factors Unfavorable: None identified
Recommendation: Based on findings presented in the staff report, staff recommends approval with revised conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Megan Yaniglos, Principal Planner
November 22, 2016
TBD

PETITION:

PROJECT: SP201600019 Planned Parenthood South Atlantic

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061000000013A0

LOCATION: 2964 Hydraulic Road

PROPOSAL: Revise condition one (1) to impact a 15 foot buffer to allow a walkway and enhanced landscaping from previously approved special use permit (SP2000-035).

PETITION: Professional offices under Section 17.2.2(11) of the Zoning Ordinance.

ZONING: R-10- Residential- 10 units/acre; professional offices by special use permit

OVERLAYS: Entrance Corridor, Managed Steep Slopes, Airport Impact Area

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01 – 34 units/ acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 1 of Places29 Master Plan.

CHARACTER OF THE AREA:

The office building housing Planned Parenthood is located on the east side of Hydraulic Road between Roslyn Ridge Road and Earlysville Road. Hydraulic Road serves as the Development Area boundary at this location with the east side of the boundary heavily developed and the west side sparsely developed. The property contains an existing professional office building with parking and landscaping. No residential uses are within the building. The adjacent properties are single family attached/townhouses.

PLANNING AND ZONING HISTORY:

SP1998-038- Approved special use permit for professional offices;

SP2000-035- Approved special use permit for a two story mixed use building with professional office and residential use.

DETAILS OF THE PROPOSAL:

The applicant wants to remove and replace dead and dying vegetation, enhance the existing landscaping, and replace the deteriorating fence along the eastern property line (Townwood) as well remove three (3) parking spaces to create a courtyard. With the removal of the parking spaces, the plan still meets the requirement for parking for this use.

Specifically, the applicant is proposing to remove eleven (11) existing trees, most of which are either dead or covered in ivy (English and poison) and need to be removed due to safety concerns (Attachment B). The applicant has provided an arborist report for trees in this area in Attachment D. Additionally, the fence along the property line with the Townwood development is in need of replacement. The fence located within Garden Court, along the Garden Court property line, will remain. The proposal includes replacement of landscaping with new trees, shrubs, and native vegetation (Attachment B).

This request and approval is necessary due to a condition approved with SP2000-035 (Attachment F) which reads:

1. *An undisturbed buffer strip of minimum fifteen (15) feet in width shall be maintained along both abutting property lines, with landscaping and screening to be approved with the site plan in accordance with Section 32.7.9. To the extent feasible, the existing vegetation shall be retained on the site. The buffer strip abutting Garden Court shall be undisturbed with existing trees within the buffer preserved and incorporated into the landscape plan. A six-foot-high opaque fence shall be place between the parking lot and the Townwood units.*

This condition precludes the owner from creating more robust landscaping and screening, including removal of vegetation that may be dead, dying, or diseased. Since the enhanced landscaping and replacement of the fence requires disturbance of the buffer, an amendment to the special use permit is necessary.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

In evaluating whether a use will be a detriment to adjacent properties, the intensity of the use and other impacts are evaluated. Comments and concerns of neighboring properties are also considered.

A community meeting was held on August 18th, 2015. There were approximately 8 attendees, all residents of either Townwood or Garden Court. Issues raised at the meeting included concerns regarding the type of trees being replanted along the Townwood property line, the location of the courtyard, and removal of the existing trees along Garden Court.

After the community meeting, the applicant revised the plan to adjust the courtyard further away from Garden Court, and replaced the large shade trees that were of concern to the Townwood residents with smaller shade trees. However, there is still concern from a Garden Court resident regarding the courtyard as well as the removal of the large trees in the buffer that currently provide shade and screening (Attachment C). These trees are ones identified in an arborist report indicating they should be removed due to risk to the property and its surroundings (Attachment D).

While an adjoining owner has a preference that trees remain on the Planned Parenthood property because of its shading and screening effects, there is potential for property damage if the trees are not removed. The applicant is proposing additional trees that will replace the existing ones along with other vegetation that will provide additional screening. Staff does not believe that the enhancement and replacement of the landscaping in the buffer will be a substantial detriment to adjacent lots.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

The proposed disturbance to the buffer for landscaping will not change the character of the

district.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.

The proposed disturbance to the buffer for landscaping is in harmony with the purpose and intent of the Zoning Ordinance (Chapter 18 of the County Code) and includes the importance of improving public health, safety, providing for the convenience and welfare of citizens of Albemarle County, Virginia, provide residential areas with healthy surroundings for family life; and to facilitate the creation of a convenient, attractive and harmonious community. Screening, buffering, and landscaping help to provide healthy surroundings for family life and facilitate the creation of an attractive and harmonious community.

...with the uses permitted by right in the district

The proposed changes to landscaping are in harmony with the uses permitted by right in the district.

...with the regulations provided in section 5 as applicable.

Section 5.0 contains no additional regulations applicable to office uses or landscape buffers.

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

The public health, safety and general welfare of the community are protected through the special use permit process.

There are no health, safety or general welfare concerns. The removal of the trees that pose a risk of falling will promote public safety and general welfare, and the replacement of the landscaping removed will provide additional buffer and screening.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

The Places29 Master Plan designates this parcel as Urban Density Residential, however the professional office use was previously approved with SP2000-035 and included a condition for a buffer along the property lines. Additionally, Strategy 6c of the Comprehensive Plan states the following:

Strategy 6c: Continue to require screening, buffering, and, physical separation, where necessary, to promote compatibility of residential and non-residential uses.

The Zoning Ordinance requires screening between commercial or industrial districts and residential districts. Screening is also required between objectionable uses, such as parking lots, and single-family residential uses. Screening with trees and fences and buffering with landscaping can help to mitigate potential impacts between residential and nonresidential uses. Screening and buffering between low density and higher density residential uses can help provide privacy for both developments; however, deep buffers are not encouraged. Instead, site design that orients parking lots away from single-family backyards can be used to help avoid conflicts.

Current provisions of the Zoning Ordinance addressing the screening of objectionable features and dissimilar uses provide for additional protection. These features should be retained. Providing distance between potentially incompatible uses is also recommended, but only in cases where noise, vibrations, odors, and other activities generally associated with industrial uses would negatively impact residents. Deep buffers between uses that can be made compatible is not necessary and reduces the amount of Development Area land needed to accommodate growth.

The landscaping and buffering changes that are proposed help promote compatibility between the residential and non-residential uses and help provide privacy. Staff believes that the changes to landscaping and buffering meet the recommendations within the Comprehensive Plan.

SUMMARY:

Staff believes that the current condition prevents maintenance and restoration of landscaped areas and should be changed for health, safety, and welfare purposes as well as to improve the attractiveness of the area. As a result, that condition should be updated to allow future maintenance and the installation of enhanced landscaping while still maintaining a buffer along Townwood and Garden Court without the need for an amendment to the special use permit in the future. Staff recommends the condition be updated to the following:

1. A buffer strip of a minimum of fifteen (15) feet in width shall be maintained along the northeast (Townwood) and southwest (Garden Court) abutting property lines with landscaping and screening to be approved in accordance with Section 32.7.9. The agent may authorize the removal of vegetation within the buffer if deemed by the agent to pose a clearly demonstrable danger to buildings or other structures or otherwise a danger to public safety. A six-foot-high opaque fence shall be placed between the parking lot and the Townwood units.

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. No significant impacts would be created by the enhanced landscaping.

Factors unfavorable to this request include:

No unfavorable factors have been identified.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2016-019 Planned Parenthood with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled "Planned Parenthood" prepared by Nelson Byrd Woltz Landscape Architects and dated September 16, 2016 (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:
 - a. *location of buildings and structures*
 - b. *location of parking areas*
 - c. *location of buffer*

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

2. A buffer strip of a minimum of fifteen (15) feet in width shall be maintained along the northeast (Townwood) and southwest (Garden Court) abutting property lines with landscaping and screening to be approved in accordance with Section 32.7.9. The agent may authorize the removal of vegetation within the buffer if deemed by the agent to pose a clearly demonstrable danger to buildings or other structures or otherwise a danger to public safety. A six-foot-high opaque fence shall be placed between the parking lot and the Townwood units.
3. All outdoor lighting shall be arranged or shielded to reflect light away from adjoining residential districts and away from adjacent streets.
4. The building shall be no more than three stories in height and designed in keeping with character of the area, and consistent with the sketch plan named "Roslyn Ridge Offices" dated 7/11/00 that was approved with SP2000-035.
5. Building square footage shall be limited to 8,000 square feet.

Motions:

Special Use Permit

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

I move to recommend approval of SP201600019 Planned Parenthood Amendment with the conditions outlined in the staff report.

- B. Should the Planning Commission **choose to recommend denial** of this special use permit:

I move to recommend denial of SP201600019 Planned Parenthood Amendment.

Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

ATTACHMENTS

Attachment A- [Map](#)

Attachment B- [Concept Plan dated September 16, 2016](#)

Attachment C- [Adjacent owner letter](#)

Attachment D- [Arborist report](#)

Attachment E- [Photographs](#)

Attachment F- [SP2000-035 Approval Letter](#)