



COUNTY OF ALBEMARLE PLANNING STAFF REPORT SUMMARY

Project Name: SP201700030 Willow River Veterinary Services	Staff: JT Newberry, Senior Planner
Planning Commission Public Hearing: March 6, 2018	Board of Supervisors Public Hearing: TBA
Owner: Hillcrest LLC represented by Denise LaCour	Applicant: Dr. Brad DiCarlo, DVM
Acreage: 5.99 acres	Special Use Permit: Section 25.2.2.5
TMP: 07700-00-00-04700 Location: 32 Mill Creek Drive	Existing Zoning and By-right use: PD-SC Planned Development Shopping Center; shopping centers, retail sales and service uses; residential by special use permit (15 units/acre).
Magisterial District: Scottsville	Conditions: Yes
RA (Rural Areas): No	Requested # of Dwelling Units: N/A
Proposal: Utilize up to 2,900 square feet within the Southside Shopping Center to operate a full service companion animal hospital. No outdoor activity is proposed.	Comprehensive Plan Designation: Community Mixed Use in Neighborhood 4 of the Southern and Western Neighborhoods Master Plan.
Character of Property: Existing shopping center	Use of Surrounding Properties: Mix of uses: commercial/retail, residential, and institutional (church, schools)
Factors Favorable: 1. This special use permit is in conformity with the Comprehensive Plan and meets the relevant supplementary regulations of the Zoning Ordinance. 2. This special use permit is for a small portion of a larger commercial retail center/shopping center and there are no adverse impacts expected on nearby or adjacent parcels.	Factors Unfavorable: None found.
RECOMMENDATION: Staff recommends approval of this special use permit with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

JT Newberry
March 6, 2018
TBA

PETITION:

PROJECT: SP201700030 Willow River Veterinary Services

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 07700-00-00-04700

LOCATION: 32 Mill Creek Drive

PROPOSAL: Utilize up to 2,900 square feet within the Southside Shopping Center to operate a full service companion animal hospital. No outdoor activity is proposed.

PETITION: Permit a veterinary office and hospital under Section 25.2.2.5 of the Zoning Ordinance on a 5.99 acre parcel. No dwelling units proposed.

ZONING: PD-SC Planned Development Shopping Center; shopping centers, retail sales and service uses; residential by special use permit (15 units/acre).

OVERLAY DISTRICT(S): Entrance Corridor (EC), Airport Impact Area (AIA), Steep Slopes (Managed)

COMPREHENSIVE PLAN: Community Mixed Use: residential (up to 34 units/acre), community scale retail, service and office uses, places of worship, schools, public and institutional uses in Neighborhood 4 of the Southern and Western Neighborhoods Master Plan.

CHARACTER OF THE AREA:

The proposed use would be located in the northwest corner of the existing Southside Shopping Center, which is located on the east side of Avon Street Extended and the north side of Mill Creek Drive (see Attachment A). Calvary Baptist Church is located immediately adjacent to the shopping center to the north. Single-family attached residential units known as Mill Creek Village are located across Avon Street Extended to the west. The bulk of the shopping center building and parking lie to the east and south of the proposed vet location. An approximately 10,000 square foot Goodwill Store and Donation Center was constructed in the southwest corner of the shopping center in 2015. Finally, there is vacant county-owned land located to the east of the shopping center site.

PLANNING AND ZONING HISTORY:

The area now developed with Southside Shopping Center is the result of 11.6 acres being rezoned from R-1 to PD-SC with proffers in 1995 under ZMA199500021. The proffers prohibited a list of certain uses such as “automobile and truck repair shop” or “modular building sales” (but that list does not prohibit “veterinary office and hospital”). The shopping center parcel was developed in accordance with the final site plan SDP199800053, which was last amended in 2008 to accommodate changes to the rear of the Food Lion portion of the building. A special use permit was approved in 2001 to permit outdoor sales and display of seasonal items at the Food Lion (SP200100026).

DETAILS OF THE PROPOSAL:

The applicant is proposing to establish an approximately 2900 square foot veterinary office and hospital within the existing Southside Shopping Center known as Willow River Veterinary Services (WRVS). The applicant’s written description of the proposal describes the proposed use and types of care offered (see Attachment B). No overnight boarding of animals is proposed. No expansion of the building is proposed.

COMMUNITY MEETING:

The applicants met the community meeting requirement by presenting at the 5th and Avon Community Advisory Committee meeting held on December 21, 2017. No members of the public

attended the meeting to inquire about this request. No additional concerns were identified at the meeting.

STAFF COMMENT:

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.

This veterinary clinic will be located in an existing shopping center. Based on the conceptual plan shown in Attachment C and the written description of the proposal, staff does not anticipate any negative impacts to adjacent properties or adjacent uses within the shopping center. No overnight boarding or new outdoor improvements for animals are proposed. Staff has not identified any traffic or noise impacts beyond what is typically generated by commercial retail activities found within shopping centers.

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

The proposed use is conducted indoors and therefore is not expected to change the character of the zoning district or the character of the area.

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

The PD-SC zoning district is intended for large-scale commercial areas with a broad range of commercial uses under a unified planned approach. PD-SC districts should be established on major highways in the urban area and communities in the comprehensive plan. The district allows for veterinary offices and hospitals by special use permit if sited appropriately. The veterinary use is viewed as a use supportive to Albemarle County residents and is in harmony with the purpose and intent of the zoning district.

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

By-right uses in the PD-SC district are commercial and service establishments permitted by right in the C-1, Commercial Office (CO) and Highway Commercial (HC) districts. When sited appropriately, veterinary offices and hospitals are viewed as "in harmony" with the permitted uses of this district. Staff believes this veterinary use is sited appropriately.

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

The applicants have worked diligently with staff to ensure their proposal will comply with the applicable supplemental regulations, however, they are requesting a special exception to meet a portion of the standard required under subsection (b) of Section 5.1.11:

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 two hundred (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 fifty-five (55) decibels;

Section 5.1.11(b) requires that soundproofed structures for this use be located no closer than 200 feet from a residential or agricultural lot line. Although the *structures* for the residences across Avon Street Extended are over 200 feet away, the closest residential lot line is approximately 150 feet from the entrance of the proposed vet. As a result, the applicant has requested a special exception to the minimum distance requirement found in subsection (b), and has outlined a plan to ensure the proposal meets the sound attenuation requirement.

Appendix A of the written description provided by the applicant includes information about the sound attenuating qualities of the construction materials planned for the renovation of this space. The applicants have indicated they will use the necessary construction standard suggested by the manufacturer to achieve the level of sound attenuation required by this section. With this mitigation, staff supports the special exception request to allow the proposed use to be located less than 200 feet from the nearest residential lot line.

Additionally, subsections (c) and (d) outline the required hours for keeping animals indoors overnight, the desire for separate entrance and exits for animals visiting the clinic, and the fencing requirements for outdoor exercise areas:

- c. In all cases, animals shall be confined in an enclosed building from 10:00 p.m. to 6:00 a.m.
- 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 applicants have met these requirements by showing separate entry and exit points on their conceptual plan, and by noting that there will be no overnight boarding or outdoor exercise areas.

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

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

The public health, safety, and general welfare of the community is protected through the special use permit process which assures that uses approved by special use permit are appropriate in the location requested. The existing infrastructure for transportation, water, and sewer is sufficient for the proposed use at this location.

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

Southside Shopping Center is recommended for Community Mixed Use in Neighborhood 4 of the Southern and Western Neighborhoods Master Plan. This land use designation supports community scale retail, service and office uses, places of worship, schools, public and institutional uses. A veterinary clinic is consistent with the recommendations of the Comprehensive Plan.

This proposal has not been fully assessed for conformity with the Neighborhood Model Principles because this is an existing developed site and building, and no additions or expansion are proposed. However, the location of this use in an existing neighborhood center is consistent with Neighborhood Model Principles and in particular better supports the pedestrian walkability principle.

SUMMARY:

Staff identified the following favorable factors to this request:

1. This special use permit is in conformity with the Comprehensive Plan and relevant supplementary regulations of the Zoning Ordinance.
2. This special use permit is for a small portion of a larger commercial retail center/shopping center and there are no adverse impacts expected on nearby or adjacent parcels.

Staff did not identify any unfavorable factors to this application.

RECOMMENDED ACTION:

Staff recommends approval of the special exception request subject to the following condition:

1. Prior to the issuance of a building permit, the applicant shall submit information to the satisfaction of the County Engineer and the Zoning Administrator (or their designees) that demonstrate the sound attenuation qualities of the construction materials used in the renovation of the clinic can reasonably meet the fifty-five (55) decibel sound limit in Section 5.1.11(b).

Staff recommends approval of the special use permit request subject to the following conditions:

1. Development and use of the veterinary service shall be in general accord with the concept plan titled "Willow River Veterinary Services (Mill Creek)" and marked "received" on December 18, 2017, by the Department of Community Development. To be in general accord with this concept plan, the proposed use shall reflect the following major elements essential to the design of the site:
 - Location of more than one entrance and exit for animals visiting the clinic
 - No outdoor exercise areas or runs
2. The hours of operation for the clinic shall not begin earlier than 7:00 a.m. and shall not end later than 8:00 p.m., each day, Monday through Saturday.

PLANNING COMMISSION MOTION:

A. Should a Planning Commissioner **choose to recommend approval of** this special exception request and special use permit:

Move to recommend approval of SP2017-00030 Willow River Veterinary Services (Mill Creek) and the associated special exception subject to the conditions recommended by staff.

B. Should a Planning Commissioner **choose to recommend denial of** this special exception request and special use permit:

Move to recommend denial of SP2017-0003 Willow River Veterinary Services (Mill Creek) and the associated special exception. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS

Attachment A – [Area Map](#)

Attachment B – [Applicant's Description of Proposal](#)

Attachment C – [Concept Plan](#)