



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: SP202200025 & SE202200051 Ivy Proper Vet; SP202200024 Water Consumption; SP202200031 Catering	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: November 29, 2022	Board of Supervisors Hearing: To be scheduled
Owner: Ivy Proper LLC	Applicant: Ivy Proper LLC
Acreage: 0.87 acres	Special Use Permit for: Section 22.2.2.5 Veterinary office, Section 22.2.2.11(a)- Not served by public water, involving water consumption exceeding 400 gallons per site acre per day, and Section 22.2.2.16(c) restaurant not served by public water
TMP: 058A2000002000 Location: 4290 Ivy Road	Zoning/by-right use: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
Magisterial District: Samuel Miller	Conditions: Yes EC: Yes
School Districts: Murray (Elementary), Henley (Middle), Western Albemarle- (High)	
Proposal: <u>SP202200025</u> -Proposed 2,500-3,000 square foot veterinary office within a new 6,500 square foot, multi-tenant building under construction; includes a special exception request to waive the requirements of Sec. 5.1.11(b) to allow the proposed location of the veterinary building to be within 200 feet of a residential property line. <u>SP202200024</u> -Proposed use of up to 875 gallons per day. <u>SP202200031</u> - Catering kitchen (restaurant) limited to no more than 2,000 square feet and no on-site dining or carry out.	Requested # of Dwelling Units: N/A
DA: RA: X	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
Character of Property: A 6,500 square foot commercial building is under construction on the property along with 36 parking spaces.	Use of Surrounding Properties: Properties to the south and east are zoned C1 Commercial and are developed commercially with a garden center, office building, and nearby auto repair. To the north, is

	property zoned VR Village Residential where the St. Paul's Ivy church is located. Immediately to the west, separated by the railroad tracks, are properties zoned VR and developed residentially. Just beyond the residential area are additional commercial uses.
Positive Aspects: <ol style="list-style-type: none"> 1. Character of the area will not be changed by the proposed uses. 2. Granting the special use permits will allow additional uses within an approved development that is consistent with the existing C1-Commercial zoning district. 3. The proposed water consumption will not adversely affect surrounding uses. 4. Study indicates that there is sufficient supply of groundwater in this area to support the proposed use. 	Concerns: <p>No concerns have been identified.</p>
RECOMMENDATION: Staff recommends approval of SP202200025 & SE202200051 Ivy Proper Vet; SP202200024 Water Consumption; SP202200031 Catering subject to conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
November 16, 2022
To be scheduled

PETITIONS

PROJECT: SP202200025 & SE202200051 Ivy Proper Vet

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 058A2000002000

LOCATION: An 0.87 acre parcel at the intersection of Route 250/Ivy Rd and Ivy Depot Lane, between the railroad and 4282 Ivy Rd., across Ivy Road from the Ivy Post Office.

PROPOSAL: Request for a 2,500-3,000 square foot veterinary office within a new 6,500 square foot, multi-tenant building under construction.

PETITION: Veterinary offices-Section 22.2.2.5 of the zoning ordinance, including a special exception request (SE202200051) to waive the requirements of Sec. 5.1.11(b) to allow the proposed location of the veterinary building to be within 200 feet of a residential property line. No dwelling units proposed.

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT: Entrance corridor

PROFFERS: No

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

PROJECT: SP202200024 Ivy Proper Water Consumption and SP202200031 Catering

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 058A2000002000

LOCATION: A 0.87 acre parcel at the intersection of Route 250/Ivy Rd and Ivy Depot Lane, between the railroad and 4282 Ivy Rd., across Ivy Road from the Ivy Post Office.

PROPOSAL: Request to consume up to 875 gallons of water per day for uses within a 6,500 square foot multi-tenant mixed commercial building, including proposed veterinary office, office, and potential retail or catering uses. The potential catering (restaurant) would be limited to no more than 2,000 square feet and there would be no on-site dining (SP202200031). By-right, 348 gallons per day may be consumed.

PETITION: Section 22.2.2.11(a)- Not served by public water, involving water consumption exceeding 400 gallons per site acre per day and Section 22.2.2.16(c) restaurant not served by public water.

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT: Entrance corridor

PROFFERS: No

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

CHARACTER OF SURROUNDING AREA

Currently, a 6,500 square foot commercial building is under construction on the property. Surrounding properties to the south and east are zoned C1 Commercial and are developed commercially with a garden center, office building, and nearby auto repair. To the north, is property zoned VR Village Residential where the St. Paul's Ivy church is located. Immediately to the west, separated by the railroad tracks, are properties zoned VR and developed residentially. Just beyond the residential area are additional commercial uses. (Attachment 1-Location Map)

PLANNING AND ZONING HISTORY

This property and others in the immediate area were previously within the former Ivy Village (formerly a Development Area), as designated by previous Comprehensive Plans. Ivy was removed as a Village in the 1989 Comprehensive Plan update, as the area was considered mostly built-out and is within a water supply watershed. (Attachment 2-Zoning Map)

SDP202100001- A final site plan was approved to allow a 6,500 square foot general office building with 36 parking spaces. (Attachment 3) This included a note on the site plan regarding ordinance limits on water consumption, which is 348 gallons per day without special use permit

approval. Water consumption would be verified during the Zoning Clearance process for individual tenants. A critical slopes waiver (SE202100002) was approved in association with the site plan. A building permit (B202200465NC) was issued on August 29, 2022 and the building is currently under construction.

SP202000005- A special use permit request for a proposed 2,500-3,000 square foot veterinary office within a proposed 6,500 square foot building. This special use permit request was withdrawn.

DETAILS OF THE PROPOSAL

The proposal includes several special use permits and a special exception to allow:

SP202200025 & SE202200051- A 2,500- 3,000 square foot veterinary office located within a 6,500 square foot, multi-tenant structure on the property. Anticipated potential hours of operation are from 7:00 am to 7:00 pm seven days per week. The office has no outdoor holding areas and will not include overnight boarding unless an animal is under medical care. Associated with the veterinary office special use permit request is a special exception to modify Section 5.1.11 to reduce the required setback of a veterinary office to a residential lot line. (Attachment 4-Applicant Narrative for Veterinary Office)

SP202200024 Water Consumption and SP202200031 Catering- The applicant is requesting to increase the water consumption from the daily by-right limit of 400 gallons per site acre per day, which is 348 gallons a day, to a maximum of up to 875 gallons per day. This is to allow flexibility in the tenant mix for the new building. Future tenants may include a limited catering operation of no more than 2,000 square feet. Catering is considered a restaurant use and according to the ordinance, requires a special use permit if not served by public water. Detailed water analysis has been provided by the applicant. (Attachment 5-Applicant Narrative for Water Consumption and Attachment 6-Narrative for Catering)

COMMUNITY MEETING

In association with SP202000005, a virtual community meeting was held on June 4, 2020 regarding the request for a veterinary office. Many comments received were regarding the site plan under review for the by-right commercial building and not specific to the veterinary use. Given the limited technical scope of the review for additional water consumption and limited scale of the proposed catering use within a commercial building already under construction, a community meeting was not held for those special use permits. Staff has not received any comments or concerns to-date about the current proposal. Comments received during the community meeting for the veterinary use are below.

Traffic. This was the most frequent concern raised by community members. Many noted existing challenges entering and existing Route 250/Ivy Road and how congestion could be exacerbated with the added traffic generated by the development of this site. Similarly, community members voiced concerns around safety, including a tendency for many drivers to speed along this thoroughfare, the obstruction to site distance created by the railroad overpass, and a general desire for traffic improvements in this segment of Route 250.

Water Quality. Questions and concerns regarding water quality were generally around how the development would handle runoff and sewage. Some community members noted particular concern for the continued health of Little Ivy Creek which is approximately 325 feet away and downhill from the subject property.

Scale and Aesthetic. Community members expressed concern regarding the size of the proposed building, which would be larger than buildings on surrounding parcels, and a

general desire for the development to be harmonious with existing developments nearby and the context of the area. Additional comments from the public included concerns for the grading of the steep slopes associated with the elevated railroad and the minimal setback of the building from the road.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

The comments below are based on staff's analysis of the application including information submitted by the applicant. The information submitted by the applicant contains detailed information. Staff will not restate all of the submitted information in this staff report and refers the reader to attachments for detailed information.

No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

The immediate surrounding properties are commercially developed. Nearby residential properties are located across an active railroad. Staff opinion is that a veterinary use will not have any determinantal impacts on adjacent property.

Based on the information in the Tier III report and the characteristics of the immediate area, Staff's opinion is that there would be no substantial detriment to adjacent properties with the approval of additional water consumption up to 875 gallons per day or a catering use.

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 site will be developed in accord with an approved site plan. No changes to the site are proposed to accommodate the veterinary use, water consumption, or catering kitchen. The veterinary use and catering will be consistent with other commercial activities occurring in the nearby area.

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

Staff finds that the proposed uses are in harmony with the purpose and intent of this chapter. Section 18-22 of the Zoning Ordinance outlines the intent of the C-1 Commercial zoning district: "C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan."

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

The proposed uses will not affect the by right use of this or any adjacent properties. The proposed uses are consistent with uses permitted in the C-1 zoning district. Given that this site is not served by public water, other C-1 uses (such as retail and commercial) would also require a special use permit, if consuming more than 400 gallons per acre per day.

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

There are no applicable regulations in Section 5 related to water consumption or specific to catering. Staff has reviewed the regulations of [Section 5.1.11](#) which apply to veterinary services.

- 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.

- 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 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.

The closest residence is over 300 feet from the proposed structure separated by 16 feet of elevation and 80 feet of railroad right of way, both of which will mitigate noise. The veterinary use will comply with the 55 decibel noise limit established by this subsection.

Therefore, based on the applicant's intent to incorporate sound attenuating measures within the building and the existing separation to residential structures, staff supports the special exception (SE202200051) request to allow the proposed use to be located less than 200 feet from a residential lot line.

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

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 a dedicated entrance for the veterinary clinic.

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

Based on this analysis and proposed conditions, staff believes there will be no harm to public health, safety, and general welfare in approving the proposed uses.

Traffic

The site plan (SDP2021000001) review process for the by-right commercial building included multiple studies with VDOT, including a turn lane warrant Analysis. Based on these studies and the resultant design modifications, VDOT approved SDP2021000001 on June 8, 2022 satisfied that traffic concerns related to the property were sufficiently addressed. There were no impacts identified or concerns specifically related to the veterinary office or catering use.

Water and Sewer

The property is located in the ACSA jurisdictional area for water only. The property is currently not connected to public water or sewer. The applicant has provided a detailed groundwater study and water analysis in Attachment 5 along with VDH approvals. The applicant has submitted information indicating adequate water supply is available. The applicant states water usage will not exceed 875 gallons per day. Staff proposes a condition capping water consumption at a maximum of 875 gallons per day. Based on information provided by VDH and DEQ (Department of Environmental Quality), there no longer appears to be significant water quality and contamination issues with the wells in this area. Based on the analysis of the available information and the characteristics of the area, it is staff's opinion that the increase in water consumption is not inconsistent with the public, health, safety, and general welfare.

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

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also, to allow residential uses at a density of up to 0.5 acres per dwelling unit. Under the Rural Areas Section of the Comprehensive Plan allowing an additional uses within the approved commercial building supports the following Guiding Principles:

Rural citizens supported by community meeting places, a basic level of services, and rural organizations and other cultural institutions at traditional rural scales, with opportunities to take part in community life and decisions.

Protect and enhance rural quality of life for present and future Rural Area residents.

Address the needs of existing rural residents without fostering growth and further suburbanization of the Rural Areas.

One of the Guiding Principles for the Rural Areas is "Water supply resources- Protect the quality and supply of surface water and groundwater resources." The study submitted indicates that there is sufficient supply of groundwater in this area to support the proposed use.

SUMMARY

Staff finds the following positive aspects to this request:

1. Character of the area will not be changed by the proposed uses.
2. Granting the special use permits will allow additional uses within an approved development that is consistent with the existing C1-Commercial zoning district.
3. The proposed water consumption will not adversely affect surrounding uses.
4. Study indicates that there is sufficient supply of groundwater in this area to support the proposed use.

Staff has no concerns regarding the proposed special use permits or special exception request.

RECOMMENDED ACTION

Based on the findings contained in this staff report, and with the conditions proposed below staff recommends approval with the following conditions.

SP202200025-Veterinary Office

1. Development and use of the veterinary office shall be in general accord with the concept plan titled "Ivy Proper Final Site Plan" prepared by Timmons Engineering and last revised March 24, 2022. 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:
 - a. Location of building and parking
 - b. No outdoor exercise areas or runs.
2. The hours of operation for the clinic must not begin earlier than 7:00 a.m. and must end later than 8:00 p.m., each day, Monday through Saturday. There shall be no hours of operation on Sunday.
3. No overnight boarding use, other than for those animals under medical care, shall take place at the veterinary clinic.

SE202200051-Special Exception to § 18- 5.1.11(b)

1. Prior to the issuance of a zoning clearance, 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 County Code § 18- 5.1.11(b).

SP202200024-Water Consumption

1. The applicant must install a meter on the well head to monitor water consumption. Results of daily water consumption monitoring must be made available within forty-eight (48) hours of a request by the Zoning Administrator.
2. Water consumption must be restricted to 875 gallons per day.

SP202200031- Catering kitchen (restaurant)

1. The gross floor area for catering must be limited to 2,000 square feet.
2. On-site dining and customer pick up of food is prohibited.

MOTIONS:

Special Use Permit SP202200025-Veterinary Office

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

I move to recommend approval of SP202200025-Veterinary Office 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 SP202200025-Veterinary Office. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

Special Use Permit SP202200024-Water Consumption

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

I move to recommend approval of SP202200024-Water Consumption 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 SP202200024-Water Consumption. Should a commissioner motion to recommend denial, state the reason(s) for recommending denial.

Special Use Permit SP202200031- Catering kitchen (restaurant)

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

I move to recommend approval of SP202200031 Catering kitchen (restaurant) 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 SP202200031. Should a commissioner motion to recommend denial, state the reason(s) for recommending denial.

ATTACHMENTS

1. Location Map
2. Zoning Map
3. Concept Plan-SDP202100001 Approved Site Plan
4. Applicant Narrative for Veterinary Office Request
5. Applicant Narrative for Water Consumption Request
6. Applicant Narrative for Catering Request