

**COUNTY OF ALBEMARLE
STAFF REPORT SUMMARY**

Project Name: SP201700022 Charlottesville-Albemarle SPCA	Staff: J.T. Newberry, Elaine Echols
Planning Commission Public Hearing: April 24, 2018	Board of Supervisors Public Hearing: TBD
Owner: Albemarle Society for the Prevention of Cruelty to Animals, Inc.	Applicant: Ellie Ray, Milestone Partners
Acreage: 8.9 acres	Special use permit for animal shelter under Section 22.2.2(13) of the zoning ordinance
TMPs: 04500-00-00-08600, 04500-00-00-08800	By-right use: TMP 45-86 – all C1 commercial uses TMP 45-88 – residential uses at 6 du/acre or 9 du/acre with density bonuses
Schools: Agnor Hurt Elementary School Burley Middle School Albemarle High School	Magisterial District: Scottsville
Proposal: Request to expand the existing SPCA on the existing and adjacent parcel.	Requested # of Dwelling Units: None
DA (Development Area): Neighborhood 1, Places29 Master Plan, Rio CAC area	Comp. Plan Designation: TMP 04500-00-00-08800: Urban Density Residential TMP 04500-00-00-08600: Office R&D Flex Light Industrial
Character of Property: TMP 04500-00-00-08800 – vacant, wooded	Use of Surrounding Properties: Child care center, (soon to be) former VDOT equipment storage, vacant land, offices, and other businesses.
Factors Favorable: 1. The enlarged facility will help the CASPCA contribute to provide a valuable function to the community. 2. The CASPCA has operated successfully at its current location for over 15 years with no complaints. 3. Most activities of the use occur inside enclosed buildings. 3. A 30-foot vegetated buffer zone is provided between the use and the residential district adjoining to the south and west of the parcel.	Factors Unfavorable: There are no unfavorable factors.
RECOMMENDATION: Staff recommends approval with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS

J.T. Newberry, Elaine Echols
April 24, 2018
TBD

SP201700022: Charlottesville-Albemarle SPCA (CASPCA) Renovation and Expansion

PETITION

PROJECT: SP201700022 Charlottesville-Albemarle SPCA Renovation and Expansion

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 04500-00-00-08600, 04500-00-00-08800

LOCATION: 3355 Berkmar Drive, approximately 500 feet northwest of the intersection of Berkmar Drive and Woodbrook Drive

PROPOSAL: Construct several additions to the existing CASPCA facility totaling approximately 12,500 square feet, expand and relocate outdoor area for exercise, and provide additional parking and a stormwater facility. Request includes the ability to expand the use and additional structures including a training facility without a limit on square footage on TMP 04500-00-00-08800.

PETITION: Expand existing animal shelter permitted under Section 22.2.2.13 of the zoning ordinance on a total of 8.9 acres. No dwelling units proposed.

OVERLAY DISTRICT(S): AIRPORT IMPACT AREA, STEEP SLOPES – MANAGED

ZONING: C-1 Commercial – retail sales and service; residential by special use permit (15 units/acre) and R-6 Residential - 6 units/acre.

COMPREHENSIVE PLAN: Office R&D Flex Light Industrial and Urban Density Residential in Neighborhood 1, Places29 Master Plan, Rio CAC area.

CHARACTER OF THE AREA

The SPCA facility is surrounded by various commercial and office uses, along with a few residential and vacant properties. The SPCA has been in operation for 15 years in its current facility. Several properties adjacent to the SPCA were purchased by the State for the Western Bypass. The State is in the process of selling those properties. Attachment 1 shows the location of the properties.

SPECIFICS OF THE PROPOSAL

Concurrent with this request, the applicant has asked for rezoning of the 2.53 acre parcel southwest of the existing CASPCA facility from R6 Residential to C1 Commercial (ZMA20170008). If the property is rezoned, the applicant wishes to expand the SPCA operation onto the 2.53 acre parcel. The proposed expansion includes several additions, including a room for cats, a new parking area, larger areas for walking trails and fenced areas for off-leash activities.

Specific requests include:

Phase 1 — Dog Kennel and Outdoor Atrium Renovation

Phase 2 — Cat Facility Veterinary Clinic Addition, Sitework, Parking, Salliport / Intake and Kennel Additions

Phase 3 — Main Building Interior Renovation

Phase 4 — Entry and New Canopy Façade Addition

Phase 5 — Training Center/support building, outside fenced exercise areas and trails

Attachment 2 contains the proposed development plan. An area is shown on the plan that would allow for the use to expand and additional structures and potentially parking to be provided without a limit on square footage on TMP 04500-00-00-08800.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

Attachment 3 provides the applicant's narrative regarding the request. A growing Albemarle and Charlottesville population increases the demands for animal shelter services. The CASCPA provides animal shelter services for the community and needs larger facilities to better serve the community's needs for unwanted animals.

PLANNING AND ZONING HISTORY

ZMA200000005 and SP200000022 Albemarle SPCA (New Shelter)

These applications rezoned 5.88 acres from R-6 to C-1 and permitted a new animal shelter, veterinary hospital, and associated offices. At the time, VDOT was acquiring right-of-way for the proposed Western Bypass through the previously owned SPCA property.

SDP200000060 and SDP200100100 Albemarle SPCA (New Shelter)

The preliminary and final site plans for the construction of a new SPCA site adjacent to the SPCA facility that pre-dated the 1980 Zoning Ordinance.

SP200700044 Charlottesville-Albemarle SPCA

Amendment to the existing special use permit to allow outside fenced areas for dogs with specific hours of operation. This approval also included waivers from supplemental regulations for Animal Shelters and Veterinary Hospitals in Section 5.1.11(a), as well as the 20-foot buffer requirement between residential and commercial zoning districts. Attachment 3 contains the existing special use permit conditions.

CCP201700002 Charlottesville-Albemarle SPCA

On September 5, 2017, the Planning Commission held a pre-application work session to determine whether an expansion request on property shown for residential use required a Comprehensive Plan amendment (CPA). The Commission said that a CPA was not necessary because

- The use reflected characteristics of other uses allowed by special use permit in residential districts
- The amount of intrusion into the R6 parcel was minimal
- Restrictions on the use could be proffered such that the parcel did not become commercial

The Commission also agreed that

- A new parking area could be placed between the existing parking area closest to the building and Berkmar Dr., rather than relegate that parking area, because screening could be provided.
- An expansion could be supported provided that protection of the adjacent residential area is maintained.

The staff report and Planning Commission minutes for this meeting are provided in the ZMA201700008 Staff Report.

COMMUNITY MEETING

The applicants met the community meeting requirement by presenting at the Places29-Rio CAC meeting on October 26, 2017. No members of the public attended the meeting to inquire about this request. No additional concerns were identified at the meeting.

ANALYSIS OF SP REQUEST

All special use permit requests are analyzed in accordance with Section 31.2.4.1 of the Zoning Ordinance and may be issued upon a finding by the Board of Supervisors that:

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

The SPCA facility has been in operation at this location for the past 15 years and has not proven detrimental to adjacent lots. However, vacant residentially zoned properties previously held by the state may be developed in the future and these properties must be protected from any negative impacts associated with the animal shelter activities.

Along the northern side of the parcel, a 20' buffer zone has been provided for screening. Along the southern and western parts of the parcel included for expansion, a 30' buffer zone is provided. A note on the plan states, "At the perimeter of the site, existing vegetation is intended to remain and satisfy buffer requirements. If needed, supplemental landscaping will be provided. Supplemental landscaping will include evergreen trees, such as Eastern red cedar and American holly." A fence will be provided within the buffer so that dogs running in the southwest part of the parcel remain on the SPCA property. Due to the fact that almost all activities are conducted within an enclosed building, no substantial detriment is anticipated.

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

During its history at this location, the animal shelter has operated without changing the character of the area or the zoning district. Sufficient space is available on the parcel for the parking and building expansions. With most of the activities indoors, no change to the characteristic of the C1 district is expected.

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

Chapter 18 of the County Code sets forth the reasons for zoning, provides the zoning regulations, and provides processes for change. The proposed use appears to be consistent with the purpose and intent of Chapter 18.

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

Uses permitted by right in a Commercial district include retail sales and service uses. As a result of the size of the property, vegetation on the property, location of the use near the edge of the Development Area, and the mostly indoor nature of the shelter, the use is viewed to be in harmony with the other by-right uses in the district

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

Section 5.1.11 Commercial Kennel, Veterinary Service, Office or Hospital, Animal Hospital, Animal Shelter lists several regulations some of which apply to the SPCA facility. The applicant has requested waivers to these sections which are analyzed later in the report.

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

Staff believes that the current facility fulfills a community need by providing a home and adoption services for dogs, cats, and other animals. The current proposal for an expanded facility including moving fenced outside exercise areas will only improve the service provided by the SPCA by contributing to improved health and well-being of the animals and providing an opportunity for potential adopters to interact with dogs before adoption takes place.

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

The Comprehensive Plan has two different land use designations for this property. The existing facility is on property designated as Office/R&D/Flex/LI. The area for expansion to the southwest includes land designated for Urban Density Residential use. Primary uses in this designation are residential *only* (multifamily and single-family) and the Places29 Master Plan recommends gross density of 6.01-34 units/acre. Nevertheless, uses like the SPCA, which blend elements of institutional, service, and public use categories, may be considered as a secondary use in this designation, particularly when proposed at an appropriate scale.

This request has also been evaluated for conformity with the Neighborhood Model which is provided below:

Pedestrian Orientation	A sidewalk that is adjacent to Berkmar Drive extends through and past this parcel. Although the Places29 Master Plan calls for landscaping strips between the sidewalk and Berkmar Drive with bike lanes on both sides of the road, no changes to Berkmar are anticipated with the expansion of the SPCA use. Future road widening projects may be able to include an improved pedestrian arrangement. This principle is met.
Mixture of Uses	The existing SPCA will help create a mixed use area when the surrounding residentially zoned property is developed. This principle is met.
Neighborhood Centers	The closest neighborhood center is the Rio Hills Shopping Center located within ¼ mile, diagonally across Berkmar Drive from the parcel under review for rezoning. This principle is met.
Mixture of Housing Types and Affordability	No residential use is proposed. This principle is not applicable.
Interconnected Streets and Transportation Networks	No interconnections to adjoining properties are proposed. The applicant has offered right-of way for future dedication along the Berkmar Drive frontage as shown on the concept plan. Staff has determined that no interconnections are warranted at this time. This principle is not applicable.
Multi-modal Transportation Opportunities	The Places 29 Master Plan and other referenced planning documents recommend transit stops which include shelters, benches, and stop information. The existing stop located on Berkmar along the site frontage likely doesn't warrant a shelter but a bench and concrete pad could increase the attractiveness of transit service that would serve the SPCA facility. The applicant has indicated a willingness to provide amenities for a transit stop but does not wish to proffer them.

	This principle could be met with a commitment by the applicant to provide a shelter or bench at the transit stop. However, the applicant does not wish to be tied to such a commitment as it would prefer to use as much of its funds to provide the animal shelter service to the community. Staff does not believe the provision of a shelter or bench is essential to this application.
Parks, Recreational Amenities, and Open Space	Portions of the property are intended to remain wooded and a 30' buffer zone is shown on the plan. A fence is proposed around the exterior of the parcel and it will include the 30' buffer zone. Dog walking trails will be provided in this area. This principle is met.
Buildings and Space of Human Scale	Due to the distance of additions to the facility from Berkmar Drive, this principle is not applicable.
Relegated Parking	This principle is not met; however, the Planning Commission previously indicated that meeting the principle was not essential due to the expected preservation or provision of screening adjacent to Berkmar Drive.
Redevelopment	This principle is not applicable.
Respecting Terrain and Careful Grading and Re-grading of Terrain	A 44-foot grade change exists from the highest part of the property to the lowest part of the property which creates challenges for building additions and parking areas. Managed slopes are designated in several places on the site. The applicant has shown expected grading on submitted plans. Most areas to be regraded are shown at 3:1 slopes which is preferable to 2:1 slopes. Due to the location of an intermittent stream and a proposed parking lot and a new driveway near the existing stormwater facility, the applicant has been unable to create 3:1 slopes everywhere on the site. Retaining walls are shown at a maximum of 6' in height. This principle is not met; however, topographic challenges of the site make it difficult to provide for parking and building areas without small areas of 2:1 slope.
Clear Boundaries with the Rural Area	This principle is not applicable.

Special Exception Requests

The Board of Supervisors may grant special exceptions to certain parts of the Zoning regulations as provided under Section 33.9. The applicant has submitted two special exception requests and Attachment 5 includes the applicant's request and justification:

1. Special exception from Section 21.7, which prohibits disturbance of a 20-foot area between commercial and residential districts, and Section 4.20, which requires a 50-foot minimum side and rear setback for structures.
2. Special exception from both subsections (a) and (b) of Section 5.1.11 of the Zoning Ordinance, which state:

5.1.11 COMMERCIAL KENNEL, VETERINARY SERVICE, OFFICE OR HOSPITAL, ANIMAL HOSPITAL, ANIMAL SHELTER

Each commercial kennel, veterinary service, office or hospital, animal hospital and animal shelter shall be subject to the following:

- a. Except where animals are confined in soundproofed, air-conditioned buildings, no structure or area occupied by animals shall be closer than five hundred (500) feet to any agricultural or residential lot line. For non-soundproofed animal confinements, an external solid fence not less than six (6) feet in height shall be located within fifty (50) feet of the animal confinement and shall be composed of concrete block, brick, or other material approved by the zoning administrator;
- 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;

Waiver/Special Exception Request History

During the review of the last special use permit amendment (SP200700044), staff recommended approval of two similar waiver requests (which are now called “special exception” requests). These waivers granted relief from Section 5.1.11(a), as well as a 20-foot setback requirement between commercial and residential uses. Relief from Section 5.1.11(a) permitted fencing that was not solid, and relief from the 20-setback requirement permitted the installation of fencing and landscaping closer to a neighboring property line. Staff found several reasons to support both waivers; primarily, they related to the safety of the animals and visitors to the CASPCA facility, but they also included factors such as the cost to comply and the unique characteristics of the property.

Current Special Exception Requests

The first request seeks to again be excepted from the requirement to maintain a 20-foot buffer zone, as well as an exception from the requirement that any structure to be located at least 50 feet away from a side or rear property line that abuts a residential district. The applicant notes in their justification that this exception is needed not only for the proposed additions at the side and rear of the existing facility, but also for a small portion of the existing CASPCA facility itself. Staff also acknowledges that the outdoor exercise areas along the side of the existing facility technically meet the definition of a “structure” and should be considered as part of this request.

The second request seeks to be excepted from all of the requirements contained within Section 5.1.11(a) and (b). To comply with these supplementary regulations, the applicant would otherwise need to provide fencing on the site that was concrete block or brick, provide a sound study from the nearest residential property line, and make significant reductions to the existing facility to comply with the 200 foot separation requirement.

Analysis of the Special Exception Requests

Staff believes the most significant potential impacts resulting from these exception requests relate to sight and sound. On the existing CASPCA site (Parcel 86), the encroachment of the proposed additions and associated improvements brings development of a commercially-zoned site and its associated noise closer to a residential district. On Parcel 88, the specific form of development is undetermined, but the applicant has committed to an enlarged buffer zone that will not contain any structures.

As mentioned earlier, the CASPCA has responsibly operated at this site over a long period of time. In fact, the Zoning Division has not received any complaints regarding the CASPCA in the past 15 years. Additionally, the architect has provided specific information about the

construction standards for the proposed additions and their expected sound attenuation. The proposed building materials have successfully addressed noise in other similar applications.

Staff believes adhering to the proposed construction standards and materials, along with the commitment to maintain a 20-foot vegetated buffer zone (on Parcel 86) or 30-foot vegetated buffer zone (on Parcel 88) will appropriately address the expected impacts to adjoining property. To be clear, staff believes it is appropriate to install perimeter fencing and landscaping within these buffer zones as necessary to enhance existing screening and meet the requirements of Section 32.7.9.

Section 33.9 does not require the Board of Supervisors to consider any specific set of criteria when considering these requests, but does allow conditions to address any possible impacts of a special exception. As a result, staff recommends approval of both special exception requests, subject to the following conditions:

1. The installation of perimeter fencing and landscaping to enhance screening shall be the only disturbance permitted within the buffer zones.
2. On Parcel 86, no proposed building addition or new structure shall encroach closer than 40 feet to a side or rear property line, except that any fenced outdoor exercise area shall be at least 20 feet from any residential lot line.
3. On Parcel 88, no proposed structures shall encroach closer than 50 feet to a side or rear property line, except that any fenced outdoor exercise area shall be at least 30 feet from any residential lot line.
4. 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).

SUMMARY:

Staff has identified the following factors favorable to this application:

1. The enlarged facility will help the CASPCA contribute to provide a valuable function to the community.
2. The CASPCA has operated successfully at its current location for over 15 years with no complaints.
3. Most activities of the use occur inside enclosed buildings.
3. A 30-foot vegetated buffer zone is provided between the use and the residential district adjoining to the south and west of the parcel.

Staff has identified no factors unfavorable to this application.

RECOMMENDED ACTION:

Staff recommends approval of SP201700022 with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled "Charlottesville Albemarle SPCA Rezoning/Special Use Permit Application" prepared by Timmons Groups and dated December 18, 2017, last updated April 5, 2018, (hereafter "Conceptual Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, the proposed development and use shall reflect the following major elements essential to the design of the site:
 - location of buildings and structures (not including fenced outdoor exercise areas)
 - location of parking areas

- no parking lots, driveways, or permanent structures within 30 feet of the property lines adjoining parcels zoned residentially
- dedication of right-of-way along Berkmar Drive
- landscaping and screening at the perimeter of the site as noted on the plan
- a 30' buffer zone on TMP 04500000008800

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

2. Additional buildings, structures, fencing, and parking may occur in the area shown for SPCA expansion in accordance with the Conceptual Plan.
3. Fundraising activities and other special events shall not occur unless a zoning clearance has been issued by the Department of Community Development;
4. Animals may be walked and/or exercised outside only between the hours of 8:00 a.m. and 7:00 p.m. While animals are outside, they must be supervised and be either on a leash if outside the fenced area or contained within a fenced area if not on a leash;
5. Support facilities located on TMP 45-88 must be shown on an approved site plan and fenced to the satisfaction of the Zoning Administrator;
6. Fencing, other than for outdoor exercise areas, shall be of the same or a similar material identified on the plan entitled "Charlottesville/Albemarle S.P.C.A. ZMA-2000-005, SP-2000-022, revised November 6, 2007."

Final wording of the proposed conditions may change after review by the County Attorney.

Staff recommends approval of special exceptions to the requirements of Section 21.7, Section 4.20, and Section 5.1.11(a) and (b), subject to conditions. Because staff is recommending approval of these special exceptions and approval is granted by the Board of Supervisors, the Commission need not take any action on them. However, if the Commission wishes to comment on the special exceptions, those comments will be provided to the Board of Supervisors.

ACTIONS BY THE PLANNING COMMISSION ON THE SP PLANNING COMMISSION MOTION – SP201700022 CASPCA

- A. Should a Planning Commissioner choose to recommend approval of this special use permit:
Move to recommend approval of SP201700022 CASPCA with conditions identified in the staff report.
- B. Should a Planning Commissioner choose to recommend denial of this special use permit:
Move to recommend denial of SP201700022 CASPCA with reasons for denial. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS

- Attachment 1: [Location Map](#)
Attachment 2: [CASPCA Proposed Development Plan dated April 5, 2018](#)
Attachment 3: [CASPCA Narrative](#)
Attachment 4: [SP200700044 Special Use Permit Conditions](#)
Attachment 5: [Request for Special Exceptions](#)