



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Proposal: SP202000015 Animal Wellness Center & SE202000022 Animal Wellness Center	Staff: Andy Reitelbach, Senior Planner
Planning Commission Public Hearing: December 15, 2020	Board of Supervisors Hearing: To be determined
Owner: 1100 Crozet Avenue LLC c/o Gwendolyn H. Smith	Applicant: Animal Wellness Center, Inc.
Acreage: 3.4 acres	Special Use Permit for: Request to amend existing special use permit SP200800009 for a vet office and animal clinic under Section 20B.2(E)17 of the Zoning Ordinance
TMP: 056A2-01-00-00700 Location: 1100 Crozet Avenue, Crozet, VA 22932	Zoning/by-right use: DCD Downtown Crozet District – commercial, office, service, mixed with residential (up to 36 units/acre); light industrial uses and single-family detached dwellings by special use permit.
Magisterial District: White Hall	Conditions: Yes EC: Yes
School Districts: Western Albemarle High, Henley Middle, Brownsville Elementary	
Proposal: Request to amend SP200800009 to permit an expansion of an existing veterinary clinic to allow for additional parking, for expansion of the existing building, for the construction of an additional building, and for the option to provide overnight animal boarding services. Special exception to 5.1.11(b) of the Zoning Ordinance for the setback of buildings to be closer than 200 feet to a residential lot line.	Requested # of Dwelling Units: No dwelling units proposed.
DA: X (Crozet) RA:	Comp. Plan Designation: Downtown – mixed commercial, employment, office uses, residential (36 units per acre maximum); and Greenspace – public parks, open space, environmental features; in the Community of Crozet Master Plan area.
Character of Property: Existing building that houses an operating animal clinic, with parking in the front of the building and animal exercise behind the building, on 3.4 acres. Creek with WPO buffer and floodplain in the rear of the property.	Use of Surrounding Properties: Mix of uses in downtown Crozet, including office, residential, and undeveloped parcels. County-owned parcel with stormwater management facilities directly to the south. Residential across the street to the east.
Factors Favorable: <ol style="list-style-type: none"> 1. The proposed use is consistent with the Crozet Master Plan. 2. The proposed use is located within the Development Areas and is consistent with the uses identified for areas designated as Downtown Crozet. 3. No adverse impacts are expected to nearby or adjacent properties. 	Factors Unfavorable: No unfavorable factors identified.

RECOMMENDATIONS:

Special Use Permit: Staff recommends approval of SP202000015, Animal Wellness Center, with conditions.

Special Exception: Staff recommends approval of special exception, SE202000022, with conditions, to allow the veterinary clinic and associated uses to be located less than 200 feet from a residential property line.

STAFF CONTACT: Andy Reitelbach, Senior Planner
PLANNING COMMISSION: December 15, 2020
BOARD OF SUPERVISORS: TBD

PETITION

PROJECT: SP202000015 Animal Wellness Center

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 056A2010000700

LOCATION: 1100 Crozet Avenue, Crozet, VA 22932

PROPOSAL: Request to amend existing special use permit SP200800009 to permit an expansion of an existing veterinary clinic to allow for additional parking, for expansion of the existing building, for the construction of an additional building, and for the option to provide overnight animal boarding services.

PETITION: Special Use Permit request for a veterinary office and animal hospital in accordance with Section 20B.2.E.17 of the Zoning Ordinance on a 3.4-acre parcel. No dwelling units proposed. Associated requests for a special exception to 5.1.11(b) of the Zoning Ordinance for the setback of buildings to be closer than 200 feet to a residential lot line and for a special exception to 20B.3(J) of the Zoning Ordinance for alternative locations of parking areas and parking area setbacks in the Downtown Crozet District.

ZONING: DCD Downtown Crozet District – commercial, office, service, mixed with residential (up to 36 units/acre); light industrial uses and single-family detached dwellings by special use permit.

OVERLAY DISTRICT(S): EC – Entrance Corridor; FH – Flood Hazard Overlay District.

COMPREHENSIVE PLAN: Downtown – mixed commercial, employment, office uses, residential (36 units per acre maximum); and Greenspace – public parks, open space, environmental features; in the Community of Crozet Master Plan area.

CHARACTER OF SURROUNDING AREA

The 3.4-acre property of the veterinary clinic is located on the west side of Crozet Avenue, at the southern end of the Downtown Crozet district, approximately 500 feet south of Jarmans Gap Road (see Attachment 1 – Location Map). There is an existing building on the property that currently houses the veterinary clinic – this building is set back from Crozet Avenue, with the driveway, parking, and landscaping in the front. The back portion of the property is largely undevelopable, with a County-owned drainage easement crossing the property behind the existing building. Powells Creek forms the rear property line, with a WPO stream buffer and an area of the Flood Hazard Overlay District surrounding the creek. The properties on the other side of the creek (to the west) are zoned R-2 residential and contain single-family houses (see Attachment 2 – Zoning Map). The parcels to the north of the subject property are zoned DCD (Downtown Crozet District) and contain a mix of residential and office uses. To the south of the subject property is a parcel owned by the County, zoned R-2, which is used for stormwater management facilities for Downtown Crozet. This property is unlikely to be developed in the future. To the east, across Crozet Avenue, are additional parcels zoned R-2 Residential and which contain single-family houses.

PLANNING AND ZONING HISTORY

The property is zoned DCD, Downtown Crozet District.

- **SP2008-00009** – The original special use permit for the Animal Wellness Center, approved by the Board of Supervisors on October 14, 2009, which permitted the veterinary clinic to be established in the existing building on the property, with conditions.

There have also been site plan amendments approved for this property related to the veterinary clinic, such as allowing a small expansion to the parking area. An easement plat was also recorded for this property for several easements, including the County's drainage easement that is located behind the existing building, crossing the property to provide drainage from downtown Crozet toward the County's stormwater management facilities located on the parcel to the south.

DETAILS OF THE PROPOSAL

The applicant has requested an amendment to the previously-approved special use permit (SP2008-00009) to permit an expansion of an existing veterinary clinic to allow for additional parking, for an expansion of the existing building, for the construction of an additional building, and for the option to provide overnight animal boarding services. (See Attachment 3 – Project Narrative.)

The veterinary clinic currently operates in an existing building set on the property far back from Crozet Avenue. Parking is located in front of and to the side of the building. To accommodate an increase in services, the applicant proposes several expansions of the facilities on the site. It is proposed that these expansions will be constructed in phases; however, the applicant is requesting an amendment to the special use permit to cover all expected phases at this time, so that another amendment is not needed in the future. (See Attachment 4 – Concept Plan.)

In the initial phase, the applicant proposes to expand the existing building by approximately 3,600 square feet and provide additional parking in front of the building, as well as some parking to the side of the building and along the driveway. The second phase would include a new building situated at the front of the parcel, along with additional parking to serve that building. The applicant has also requested that overnight boarding services for animals be permitted at the Animal Wellness Center – these services are currently not allowed by the existing special use permit.

A new parking lot is currently shown behind the existing building, within a drainage easement held by the County. The Facilities and Environmental Services (FES) department, which oversees this easement, has determined that an improvement of this nature will not be permitted within the County's easement. Prior to the public hearing with the Board of Supervisors, the applicant will need to remove this proposed parking area from the concept plan.

The Downtown Crozet zoning district requires a maximum front setback of 10 feet for new buildings, although the ordinance permits staff to grant an administrative waiver permitting a maximum front setback of 20 feet. There is another County drainage easement at the front of the parcel that prevents the applicant from meeting the 10-ft. maximum front setback. The applicant has proposed to dedicate right-of-way to VDOT (currently the front property line extends to the center of Crozet Avenue); however, the 10-ft. setback is still not able to be met with this dedication. Due to this circumstance, Planning and Zoning staff are willing to grant the administrative waiver allowing the maximum front setback for the new building to be 20 feet from the new front property line. The concept plan shows this 20-ft. setback line.

Crozet Avenue is an Entrance Corridor, and the applicant will need a Certificate of Appropriateness (COA) from the Architectural Review Board (ARB). The ARB will review the plans for both the initial building and parking lot expansion and for the construction of the new building in the later phase. Some landscaping is shown on the concept plan; however, the ARB may require additional landscaping or other improvements in order to grant a COA. Compliance

with the Entrance Corridor guidelines will be reviewed by the ARB at the site development stage if this special use permit is approved.

The applicant has also requested a Special Exception of the supplemental regulations for veterinary clinics that are found in Section 5 of the Zoning Ordinance. In accordance with the supplemental regulations to which veterinary uses are subject, §18-5.1.11(b), veterinary structures are not permitted closer than 200 feet to a residential property line. The proposed onsite location of the veterinary use requires a special exception due to the proximity of adjacent residentially-zoned properties, which are located to the east, south, and west of the subject property. (See Attachment 7 – Special Exception Request and Narrative.)

COMMUNITY MEETING

In light of COVID-19, community input on this project was solicited through a virtual community meeting held via Zoom, on Wednesday, September 9, 2020, in conjunction with a regularly scheduled meeting of the Crozet Community Advisory Committee. Project information was also posted on PublicInput.com, and an opportunity was provided for community members to comment on the project before, during, and in the week following the virtual community meeting.

No concerns were raised by community members about the proposal during the community meeting. However, additional comments were provided by community members via email in the weeks after the community meeting. These comments included both support and opposition to the project. (These emails are included in this staff report as Attachment 6 – Community Member Correspondence.) Concerns that were raised include the transformation of the residential setting of the area, in relation to such factors as the placement of buildings on the site, architectural styles, and landscaping.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Special Use Permits are evaluated under reasonable standards, based on zoning principles, which include 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) of the Zoning Ordinance states that the Planning 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.*

There is no expected detriment to adjoining properties from the proposed expansion of the existing veterinary clinic. This same use has operated on this parcel for over 10 years, and there have been no zoning complaints during this time. The subject parcel is located in the the DCD, which permits a wide mix of uses, from office to retail and residential. The proposed expansion will allow for a greater density of commercial space to be situated within Downtown Crozet.

Overnight boarding services are proposed with the new expansion; however, the animals will need to be housed in an enclosed building and follow noise regulations. In addition, see below for more analysis of the applicant's request for a special exception from one of the supplementary regulations for animal clinics.

VDOT and the County's Transportation Planner have reviewed this proposal and do not expect significant traffic impacts from the proposed expansion. VDOT has indicated that a

full left-turn analysis will need to be submitted for review at the site development stage, to determine whether left turn-lanes will need to be constructed as a part of the expansion.

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 character of the nearby area is not expected to be changed with this proposal. The property is located within the DCD, which permits a wide mix of uses and promotes a greater density of development than is found in other zoning districts. The proposed new building will be located near Crozet Avenue, as required by the DCD. Although some concern has been expressed by the proximity of the proposed building to Crozet Avenue, if a by-right use were to construct a new building on this parcel, then its building would also have to be at the front of the property, by Crozet Avenue, as required by the DCD regulations. The location of the building is subject to the regulations of the zoning district and is not regulated by this special use permit request. Only the use of a veterinary clinic is regulated by the SP. In addition, as this property is located in an Entrance Corridor (EC), it will be subject to the increased scrutiny provided by the ARB at the site development stage, ensuring that the architecture and landscaping proposed on the site provide appropriate screening and are in harmony with the EC guidelines.

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

The DCD zoning district was established to facilitate traditional downtown development. To this end, the DCD provides for flexibility and variety of development for retail, service, and civic uses with light industrial and residential uses as secondary uses. The regulations of the DCD are intended to promote a development form and character that is different from typical suburban development allowed by conventional zoning, and are also intended to: (i) promote the economic and social vitality and diversity of downtown Crozet; (ii) implement the Crozet master plan for the downtown area of Crozet so that it may serve as the commercial hub of Crozet and its environs; (iii) provide a greater mix of uses in downtown Crozet, including increased employment; (iv) facilitate infill and redevelopment; (v) increase the utility of the land; (vi) retain the uniquely diverse character of Crozet; and (vii) promote a pedestrian-friendly environment.

The proposed expansion of the vet use at this location is consistent with this district in that it provides increased employment and utility of the land in a manner that contributes to the mix of uses in Downtown by facilitating infill development.

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

It is not anticipated that the expansion of the veterinary clinic will negatively affect any uses permitted by right in the district. The DCD permits a wide variety of uses to promote a more urban atmosphere for downtown Crozet. By-right uses could use the existing and proposed buildings on the site if redevelopment occurred in the future.

...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 Zoning Ordinance, except for those required by subsection (b), from which the applicant is requesting a special exception (see Attachment 7).

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 less than 200 feet from what the Zoning Map designates as residential property lines. However, the nearest residential *structures* in a residential district lie more than 200 feet from the intended veterinary clinic buildings, and these structures are located across Crozet Avenue to the east. For the residential districts to the south and west of the subject parcel, the County-owned stormwater management parcel and Powells Creek, with its WPO buffer and floodplain, provide significant buffers from any residential uses.

Sound attenuation strategies in the construction and expansion of the vet clinic buildings will still be required to ensure that the noise limit complies with the 55-decibel outlined in the Section 5.1.11(b) of the Zoning Ordinance. This requirement has been included as a condition of the special exception.

In addition, the landscaping required by the Zoning Ordinance and the ARB will also help to buffer nearby residents from sounds that may be generated by this use.

Therefore, based on the applicant's intent to incorporate sound attenuating measures within the buildings and the existing and proposed vegetative buffers 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.**

The applicant has indicated that this requirement will be met. No outdoor housing is proposed.

- 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. No other uses are proposed for this site at this time.

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.

In addition to VDOT as previously mentioned, ACSA, RWSA, and Albemarle County Fire-Rescue have also reviewed this proposal and have indicated no objections to the applicant's requests.

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

The subject parcel is designated "Downtown Crozet" and "Greenspace" in the Crozet Master Plan (see map below). "Downtown" (which is red in the map below) recommends mixed commercial, employment, and office uses, as well as residential with 36 units per acre maximum. "Greenspace" (which is green in the map below) recommends public parks, open space, and environmental features. The proposed use of a vet clinic is consistent with these recommendations. The buildings and parking are within the Downtown-designated area and provide additional employment opportunities to downtown Crozet, while continuing to add to the mix of commercial uses in the area. The Greenspace-designated area is composed of the floodplain and WPO stream buffer around Powells Creek at the rear of the property. The applicant is proposing no new construction in this area. Only the outdoor animal exercise area would be located in the vicinity of these features, which does not conflict with their recommended uses as open space and preservation of environmental features. See Attachment 5 for the proposal's consistency with the Neighborhood Model Principles.



RECOMMENDED REVISIONS

There are several revisions recommended by staff to the concept plan to clarify the plan and ensure there are minimal impacts, which should be completed prior to the public hearing with the Board of Supervisors:

1. The proposed parking area that is shown on the concept to be on top of the County of Albemarle public drainage easement located behind the existing vet clinic building must be removed. The Facilities and Environmental Services department has stated that they will not permit the construction of a parking area within the boundaries of the County's drainage easement. In addition, note #4 needs to be removed from sheet 6 of the concept plan.
2. Revise note #1 on sheet 6 to also include that any new buildings must meet the maximum 20-ft. front building setback that is permitted by administrative waiver.

SUMMARY

Staff finds the following factors favorable to this request:

1. The proposed use is consistent with the Crozet Master Plan.
2. The proposed use is located within the Development Areas and is consistent with the uses identified for areas designated as Downtown Crozet.
3. No adverse impacts are expected to nearby or adjacent properties.

Staff did not identify any unfavorable factors to this request.

RECOMMENDED ACTION for SP202000015

Based on the findings described in this staff report and factors identified as favorable, **staff recommends approval of special use permit application SP202000015, Animal Wellness Center, with the following conditions:**

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, "Special Use Permit SP2020-00015, An Amendment to SP2008-009, Concept Plan, Animal Wellness Center, 56A2-01-00-7," prepared by Shimp Engineering, P.C., dated July 20, 2020, last revised October 19, 2020. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - Location of the existing building and its proposed additions
 - Location of the proposed new building in the "future phase/development"
 - Location of the parking areas
 - Location of the outdoor animal exercise areaMinor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. Only the walking of animals is permitted in the outdoor animal exercise area as designated on the concept plan. This area must be separated from access by the public and limited to the area behind the building as shown on the concept plan. Outdoor exercise areas are not permitted elsewhere on the property.
3. Final site plan approval is subject to approval of the landscape plan (submitted with the site plan) by the Architectural Review Board (ARB). Landscaping shown on the plan may be required to be in excess of the minimum requirements of the ARB

guidelines and/or the Zoning Ordinance to mitigate visual impacts of the proposed use.

SPECIAL EXCEPTION SE2020-00022 – LOCATION OF VETERINARY CLINIC

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. 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 for SE202000022

Based on the analysis contained herein, staff recommends approval of the special exception request SE2020-00022, to allow the veterinary clinic to be located less than 200 feet from a residential property line, with the following condition:

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the concept plan entitled, “Special Use Permit SP2020-00015, An Amendment to SP2008-009, Concept Plan, Animal Wellness Center, 56A2-01-00-7,” prepared by Shimp Engineering, P.C., dated July 20, 2020, last revised October 19, 2020. To be in general accord with the exhibit, development must reflect the following essential major elements:
 - Location of the existing building and its proposed additions
 - Location of the proposed new building in the “future phase/development”
 - Location of the parking areas
 - Location of the outdoor animal exercise areaMinor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.
2. The buildings used for the veterinary clinic and overnight animal boarding uses must be air-conditioned and must be sound-proofed so that sound measured at the nearest agricultural or residential property line shall not exceed 55 decibels. Prior to the issuance of a building permit, the applicant must submit information to the satisfaction of the County Engineer and the Zoning Administrator (or their designees) that demonstrate that the sound attenuation qualities of the construction materials used in the renovation, expansion, and/or construction of the veterinary clinic and overnight animal boarding service buildings can reasonably meet the fifty-five (55) decibel sound limit in County Code §18-5.1.11(b).

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Zoning Map

Attachment 3 – Project Narrative, last revised October 19, 2020

Attachment 4 – Concept Plan, last revised December 7, 2020

Attachment 5 – Analysis of Neighborhood Model Principles

Attachment 6 – Community Member Correspondence

Attachment 7 – Special Exception Request and Narrative, dated October 19, 2020