

**COUNTY OF ALBEMARLE  
STAFF REPORT SUMMARY**

<b>Project Name:</b> ZMA201700008 Charlottesville-Albemarle SPCA	<b>Staff:</b> J.T. Newberry, Elaine Echols
<b>Planning Commission Public Hearing:</b> April 24, 2018	<b>Board of Supervisors Public Hearing:</b> TBD
<b>Owner:</b> Albemarle Society for the Prevention of Cruelty to Animals, Inc.	<b>Applicant:</b> Ellie Ray, Milestone Partners
<b>Acreage for ZMA:</b> 2.53 acres	<b>Rezoning:</b> 2.53 acres from R6 Residential to C1 Commercial
<b>TMP:</b> 04500-00-00-08800 <b>Magisterial District:</b> Rio	<b>By-right use:</b> TMP 45-88 – residential (6 du/acre)
<b>Schools:</b> Agnor Hurt Elementary, Burley Middle, Albemarle High School	<b>Proffers:</b> No
<b>Proposal:</b> Request for rezone property to C1 commercial to match zoning of adjacent SPCA property	<b>Requested # of Dwelling Units:</b> None
<b>DA (Development Area):</b> Neighborhood 1, Places29 Master Plan, Rio CAC area	<b>Comp. Plan Designation:</b> TMP 04500-00-00-08800: Urban Density Residential
<b>Character of Property:</b> Vacant, wooded	<b>Use of Surrounding Properties:</b> Child care center, (soon to be) former VDOT equipment storage, vacant land, offices, and other businesses.
<b>Factors Favorable:</b> <ul style="list-style-type: none"> <li>The C1 zoning district will enable the applicant to request a special use permit for an animal shelter.</li> <li>If the property is combined with the adjoining SPCA parcel, a single larger C1 parcel will be created rather than a parcel with split-zoning.</li> </ul>	<b>Factors Unfavorable:</b> <ul style="list-style-type: none"> <li>Without a commitment to limit uses to those available in residential districts, the request will not be in conformity with the Comprehensive Plan.</li> <li>Without a commitment to limit uses to those available in residential districts, any commercial use allowed in the C1 district would be possible on the property.</li> </ul>
<b>RECOMMENDATION:</b> Staff cannot recommend approval of the rezoning without a commitment to limit uses on this parcel to achieve conformity with the Comprehensive Plan.	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS**

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

**ZMA201700008: Charlottesville-Albemarle SPCA (CASPCA) Renovation and Expansion**

**PETITION**

PROJECT: ZMA201700008 Charlottesville-Albemarle SPCA Renovation and Expansion

MAGISTERIAL DISTRICT: Rio

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

LOCATION: Approximately 500 feet northwest of the intersection of Berkmar Drive and Woodbrook Drive

PROPOSAL: Rezone to match zoning of adjacent parcel containing the CASPCA facility

PETITION: Rezone 2.53 acres from R6 Residential zoning district, which allows residential uses at a density of 6 units per acre to C-1 Commercial, which allows retail sales and service and residential by special use permit (up to 15 units/ acre).

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

PROFFERS: NO

COMPREHENSIVE PLAN: Urban Density Residential in Neighborhood 1, Places29 Master Plan, Rio CAC area.

**CHARACTER OF THE AREA**

The property is surrounded by various commercial and office uses including the SPCA, along with a few residential and vacant properties. 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 property.

**SPECIFICS OF THE PROPOSAL**

The CASPCA has requested a rezoning of a 2.53 acre parcel it owns southwest of the existing SPCA from R6 Residential to C1 Commercial. No proffers are proposed. If the property is rezoned, the applicant wishes to expand the SPCA operation onto the 2.53 acre parcel in conjunction with SP201700022.

**APPLICANT'S JUSTIFICATION FOR THE REQUEST**

A growing Albemarle and Charlottesville population increases the demands for animal shelter services. The CASPCA provides animal shelter services for the community and requires larger facilities to better serve the community's needs. The applicant has requested a rezoning without proffers in order create a single C1 zoned parcel that is unencumbered by commitments. The applicant believes that all design commitments for the use can be handled through the special use permit process.

**PLANNING AND ZONING HISTORY**

Staff found no planning or zoning history on Tax Map 45, Parcel 88.

**BACKGROUND**

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 proposed 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

- An expansion could be supported provided that protection of the adjacent residential area is maintained.

The staff report for that meeting is included as Attachment 2. Minutes from the Commission meeting are provided as Attachment 3.

### **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, but staff has received comments from the public which are provided as attachments at the end of the report.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan designates this parcel for Urban Density Residential in the PL29 Master Plan – South. The Urban Density Residential designation allows for institutional uses as secondary uses with a maximum building footprint of 20,000 square feet. No commitment to a use or form of development is proposed with this rezoning. A special use permit has been requested for an animal shelter on this property which is analyzed in the staff report for SP2017000022. Conformity with the Neighborhood Model is assessed with the special use permit analysis.

### **ANALYSIS OF ZMA REQUEST**

#### ***Relationship between the application and the purpose and intent of the requested zoning district***

The R6 Residential zoning district is intended to provide for compact, medium-density residential development, a variety of housing types; and incentives for clustering of development and provision of locational, environmental and developmental amenities. Public uses and residential uses at 6 units per acre are allowed by-right. Nonresidential uses allowed by special use permit include community centers; clubs and lodges that are civic, fraternal, and patriotic; fire and rescue squad stations; swim, golf, tennis or similar athletic facilities; child care facilities; assisted living facilities; hospitals, historical centers, and religious assembly. The R6 zoning district does not allow animal shelters by right or special use. For that reason, the applicant has asked for C1 zoning on the parcel which allows animal shelters by SP.

During the September 5, 2017 work session on this property, staff pointed out that an animal shelter has many characteristics of a public use and other institutional facilities that could be allowed in R6 zoning. For this reason, the Planning Commission was amenable to supporting a rezoning to a commercial district even though the Land Use Plan recommends an urban density residential use.

The C1 Commercial zoning district is intended to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. Properties zoned C1 along Berkmar Drive do not necessarily reflect a central business district concentration. However, the C1 district is the least intensive commercial district which allows for animal shelters by SP.

Animal shelters are often found in rural areas, on the outskirts of towns and cities, or in industrial areas due to a significant outdoor noise component. In most localities, having an animal shelter in a C1 commercial district would be unusual. However, the Charlottesville-Albemarle SPCA is different than most other animal shelters. At its current location, the facility is completely surrounded by wooded areas, has almost all animals indoors rather than in outside runs, and produces relatively little outside noise. It has characteristics of many public uses that might be located in a residential district but it is not classified as a public use by the Zoning regulations.

The existing CASCPA facility is located on a C1 parcel which is one of the reasons the requested rezoning for the adjacent parcel is C1. Because there were no restrictions on the existing CASCPA facility, the applicant has asked for no restrictions on the adjoining parcel. As mentioned earlier, the original ZMA was granted in part because of adjacency to the proposed Western Bypass. Since that time, the Western Bypass has been removed from all plans and is no longer anticipated. Adjoining parcels zoned R6 residential are expected to develop residentially.

While staff appreciates the applicants desire to have the same unencumbered zoning on the two properties (which are planned to be combined into a single lot in the future), there is no guarantee that the SPCA will continue to be the owner of the property and operate at this location. Because any C1 use would be permitted, the property could be sold and developed commercially. If the property were designated in the PL29 Master Plan for a commercial or mixed use, staff might be more inclined to support an unfettered commercial zoning. The fact that the property is designated for residential use creates the situation where a use change should come as close to conformity as possible to the Comprehensive Plan recommendations. A restricted zoning would ensure that a commercial use could be reevaluated if the SPCA decided to vacate its current location.

***Anticipated impact on public facilities and services***

Streets: An unfettered rezoning to a commercial district could result in uses that have an impact on the public streets. Development of the property residentially could also have impacts and the extent of either site of impacts is unknown.

Fire and Rescue: No known impacts to fire and rescue services are anticipated with a rezoning to C1.

Utilities: No known problems with water and sewer service exist for this property.

***Anticipated impact on natural, cultural and historic resources***

Natural resources on the site are limited to wooded areas and an intermittent stream. This stream is mostly a gully during dry periods and is piped on the adjoining downstream property. In the Development Areas, recommendations to preserve wooded areas are generally limited to stream buffers, preserving special tree species or important habitat, and buffer zones next to residential districts or the Rural Areas. In this situation, only the buffer zone requirement applies.

For the special use permit, the applicant has provided the note, "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." Staff does not believe commitments to preserve wooded areas and the intermittent stream are essential and if the property is rezoned commercially and not used for an animal shelter. The required 20' buffer zone between all

commercial and residential districts should be sufficient for any by-right use in the C1 district. Expectations for plantings along the exterior boundaries of the site are stated in the recommended conditions for the special use permit.

***Anticipated impact on nearby and surrounding properties***

With an unfettered commercial zoning, it is difficult to know how adjoining residentially zoned properties might be affected in the future. However, the 20' buffer zone around the property and screening of objectionable features should help to mitigate any impacts.

***Public need and justification for the change***

The applicant's narrative regarding the need and justification for the change is provided as Attachment 4. The SPCA offers animal shelter services for the community and operates as the County's animal impoundment. The SPCA is at full capacity for its animal shelter and needs to expand to better serve the community. The C1 zoning district is the least intensive zoning district that offers a special use permit option for an animal shelter. If it were not for the special use permit request for the animal shelter, though, staff would not see any justification for the change in zoning district.

**PROFFERS**

No proffers are made with this rezoning, which is somewhat unusual in the County. Because the Comprehensive Plan recommends residential use of this property, staff believes it appropriate for the owner to restrict use of the property to an animal shelter and all other uses allowed in the R6 zoning district.

**SUMMARY FOR REZONING REQUEST**

Staff has identified the following factors, which are favorable to this rezoning request:

- The C1 zoning district will enable the applicant to request a special use permit for an animal shelter.
- If the property is combined with the adjoining SPCA parcel, a single larger C1 parcel will be created rather than a parcel with split-zoning.

Staff has identified the following factors which are unfavorable to this request:

- Without a commitment to limit uses to those available in residential districts, the request will not be in conformity with the Comprehensive Plan.
- Without a commitment to limit uses to those available in residential districts, any commercial use allowed in the C1 district would be possible on the property.

**RECOMMENDATION**

Staff cannot recommend approval of the rezoning without a commitment to limit uses on this parcel so that it is in conformity with the Comprehensive Plan.

**ATTACHMENTS**

- Attachment 1: [Location Map](#)  
Attachment 2: [Staff Report for CCP201800002](#)  
Attachment 3: [Minutes of PC Meeting Sept. 5, 2017](#)  
Attachment 4: [Applicant's Narrative](#)  
Attachment 5: [Comments from the public](#)