

**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> Work Session to provide guidance on future ZMA and SP for planned Charlottesville-Albemarle SPCA Expansion	<b>Staff:</b> J.T. Newberry, Senior Planner; Elaine K. Echols, FAICP
<b>Planning Commission Pre-Application Worksession:</b> September 5, 2017	<b>Board of Supervisors Public Hearing:</b> N/A
<b>Owners:</b> The Albemarle Society for the Prevention of Cruelty to Animals, Inc.	<b>Applicant:</b> Ellie Ray, Milestone Partners
<b>Acreage:</b> 8.88	<b>Potentially Rezone from:</b> R-6 Residential to C-1 Commercial
<b>TMPs:</b> 04500-00-00-08600 and 04500-00-00-08800 <b>Location:</b> 3355 Berkmar Drive	<b>Existing uses:</b> Parcel 86: Animal shelter, veterinary hospital and associated offices permitted by special use permit (approved in 2000, amended in 2008). Parcel 88: vacant.
<b>Proposal:</b> Amend the existing special use permit and rezone Parcel 88 to permit the renovation and expansion of the CASPCA	<b>Requested # of Dwelling Units:</b> N/A
<b>Magisterial District:</b> Rio	<b>DA (Development Area):</b> Places29
<b>Character of Property:</b> Parcel 86 is developed with the existing CASPCA facility and Parcel 88 is vacant and forested	<b>Use of Surrounding Properties:</b> Offices, construction storage yard, multi-family and single family residences
<b>RECOMMENDATION:</b> Staff recommends that the Commission review the request and provide input on the application process, as well as guidance for a future rezoning request, especially with respect to proffers, waivers and site design.	

**STAFF PERSON:**

**J.T. NEWBERRY, SENIOR PLANNER  
ELAINE K. ECHOLS, FAICP  
SEPTEMBER 5, 2017**

**PLANNING COMMISSION:**

**CCP201700002: CHARLOTTESVILLE-ALBEMARLE SPCA (PRE-APPLICATION WORK SESSION)**

### **REQUEST AND PURPOSE OF THE WORK SESSION**

Ellie Ray is requesting preliminary comments on behalf of the applicant, the Charlottesville-Albemarle Society for the Prevention of Cruelty to Animals (CASPCA), to determine the next step in the application process. The applicant has plans to renovate and expand the existing animal shelter. The majority of the planned improvements occur on land where the existing facility is already permitted by special use permit and is currently zoned C-1 Commercial. However, a portion of the planned expansion lies on land that is both zoned and designated for residential uses (R-6 Residential and Urban Density Residential, respectively). The purpose of this discussion is to identify the necessary application process to move forward with the planned improvements. The discussion may also identify any “non-starters” for the desired expansion and provide initial guidance to assist the applicant with a future rezoning submittal.

### **DESCRIPTION**

PROJECT: CCP201700002 Charlottesville-Albemarle SPCA

MAGISTERIAL DISTRICT: Rio

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

LOCATION: 3355 Berkmar Drive

PROPOSAL: Request early input from the Commission on potential SP amendment and ZMA to permit the renovation and expansion of the CASPCA.

PETITION: Potentially request an amendment to SP200700044 and a rezoning of 2.53 acres on Parcel 88 from the R-6 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; residential by special use permit (15 units/ acre).

COMPREHENSIVE PLAN: Properties are located in the Places29 Development Area. Master Plan shows uses for Parcel 86 as Office/R&D/Flex/Light Industrial (no maximum density); supporting commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, and packaging. Residential is a secondary use in this designation. Parcel 88 is shown as Urban Density Residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses.

### **CHARACTER OF THE AREA**

An aerial image of the area shows the existing CASPCA facility is set back relatively far from Berkmar Drive compared to the other surrounding offices and commercial uses (Attachment A). Other nearby uses include a print shop, technology company and medical spa. A large, dense wooded buffer lies between the subject area and the residences to the west, which are accessed off Woodburn Road. Higher traffic commercial uses lie to the south and east, including a UVA Community Credit Union, Lowes, Chik-fil-a and Rio Hill Shopping Center.

### **SPECIFICS OF THE PROPOSAL**

The CASPCA is pursuing a renovation and expansion project in five phases (Attachment B). The first four phases focus on the existing facility, whereas the last phase involves the construction of a separate “training center” that would support the functions of the main facility. Other planned improvements include expansions of the parking areas and a stormwater treatment facility (Attachment C).

## **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 then-existing 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, as well as the 20-foot buffer requirement between residential and commercial zoning districts.

## **COMMUNITY MEETING**

There has been no community meeting on this project in part because of staff's recommendation that a pre-application work session with the Commission could clarify the application process needed to submit their request. However, staff did provide a notification letter of the pre-application work session to abutting property owners. Staff also held a mandatory pre-application meeting with the applicants on August 28<sup>th</sup>, where the community meeting requirements for future legislative applications were discussed.

## **CONFORMITY WITH THE COMPREHENSIVE PLAN**

Conformity with the Comprehensive Plan within the Development Areas is assessed at several different levels, including recommendations of the Master Plan, the overall Comprehensive Plan, and the Neighborhood Model.

### **Places29 Master Plan – Land Use Plan**

The subject properties (outlined in magenta, below) have two different Comprehensive Plan designations; Parcel 86 (existing SPCA facility) is shown as Office/R&D/Flex/Light Industrial (in purple) and Parcel 88 is shown as Urban Density Residential (in orange).





These properties lie within the Berkmar Drive corridor. This particular section of the corridor is increasingly exhibiting a more commercial character. There have been several approved rezonings for adjacent properties that were amended from the R-6 district to a commercial district (C-1 or Highway Commercial), including ZMA199500025, ZMA199800026, and most recently ZMA201600009 (the Wood Von Storch rezoning). The location of these parcels are shown on the zoning map below, where the orange parcels are zoned R-6, the pink parcels are zoned C-1 and the red parcels are zoned HC:



One important distinction between these prior rezonings and the current proposal is the Comprehensive Plan designation. In each of the cases referenced above, the designation was “Transitional” or “Office/R&D/Flex/Light Industrial.” The purpose and intent of the Transitional designation was to provide spaces for “mixed office, limited commercial and/or residential as transition between residential and business uses” (p. 31 of the Land Use Plan, 1996-2016 Comprehensive Plan). The recommended primary uses included offices and neighborhood scale commercial (excluding gas stations).

In contrast, the existing designation for Parcel 88 is Urban Density Residential. The primary uses in this designation are residential *only* (multifamily and single-family) and recommend the most dense residential development permitted in the County at a 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 historical context will be important background for the first question posed to the Commission found later in the report.

### Development Areas Chapter in the Comprehensive Plan

The Comprehensive Plan speaks to the importance of compatibility with surrounding neighborhoods and uses when introducing infill and redevelopment. Specific language that is most relevant to this proposal is found under “Objective 6: Promote infill and redevelopment that is compatible with surrounding neighborhoods and uses.”

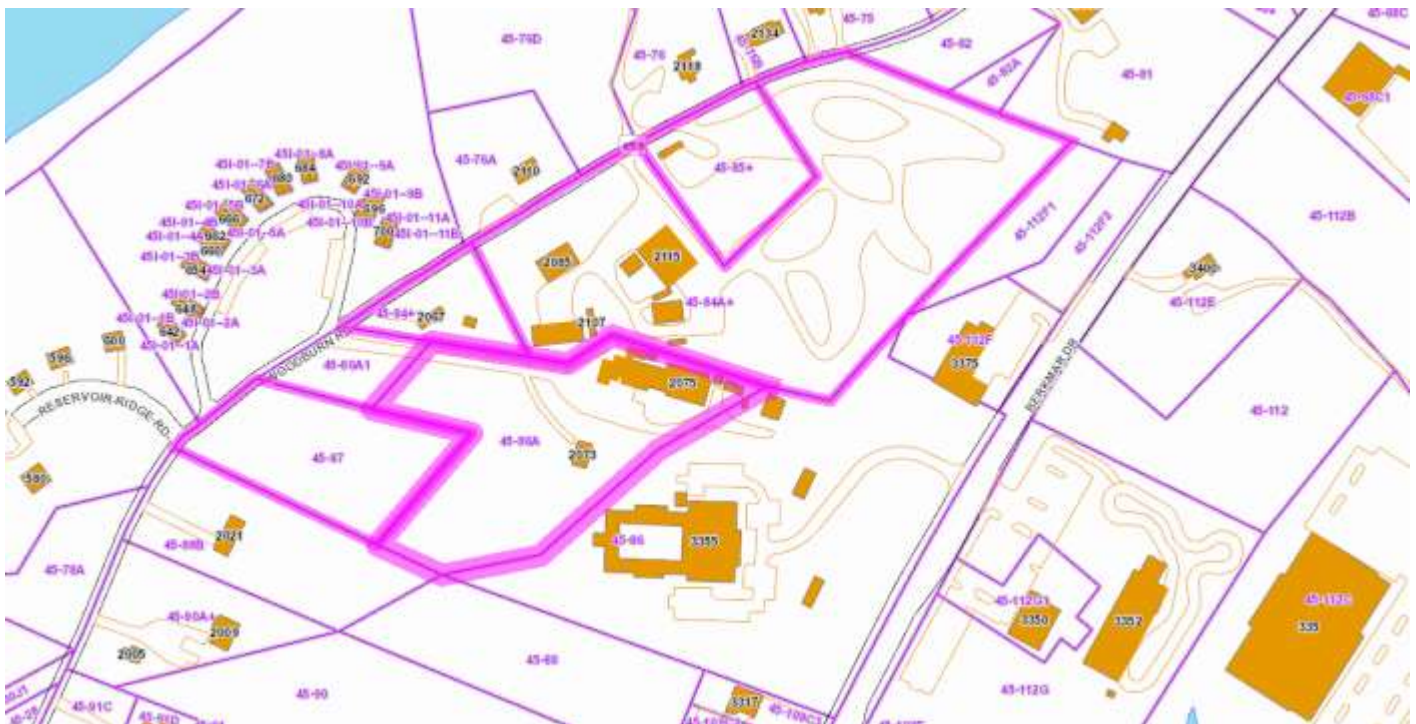


**Strategy 6c:** Continue to require screening, buffering, and, physical separation, where necessary, to promote compatibility of residential and non-residential uses.

The Zoning Ordinance requires screening between commercial or industrial districts and residential districts. Screening is also required between objectionable uses, such as parking lots, and single-family residential uses. Screening with trees and fences and buffering with landscaping can help to mitigate potential impacts between residential and nonresidential uses. Screening and buffering between low density and higher density residential uses can help provide privacy for both developments; however, deep buffers are not encouraged. Instead, site design that orients parking lots away from single-family backyards can be used to help avoid conflicts.

Current provisions of the Zoning Ordinance addressing the screening of objectionable features and dissimilar uses provide for additional protection. These features should be retained. Providing distance between potentially incompatible uses is also recommended, but only in cases where noise, vibrations, odors, and other activities generally associated with industrial uses would negatively impact residents. Deep buffers between uses that can be made compatible is not necessary and reduces the amount of Development Area land needed to accommodate growth.

For this project, compatibility with the surrounding area should be considered with a fresh look. Much of the analysis from the original 2000 rezoning anticipated that the proposed Route 29 Western Bypass would separate the SPCA site from the residential areas located to the west. Today, we not only know the Western Bypass is no longer going forward, but VDOT has also advised staff of its intent to bundle and sell several adjacent parcels as one offering to the public in a competitive sealed bid sale process (Attachment D). Collectively, these adjacent parcels total approximately 13 acres and will likely be attractive for residential development. The parcels outlined below in magenta show the maximum potential area to be included in the sealed bid sale process. This information will be important context for several of the questions posed to the Commission later in the report.



## Neighborhood Model

Objective 6 from the Development Areas chapter of the Comprehensive Plan also notes that all the Neighborhood Model Principles may not apply when considering infill and redevelopment. As a result, only selected principles are assessed below:

Pedestrian Orientation	<p>The existing facility is located relatively far from Berkmar Drive, which puts this parcel out of character with the surrounding area. Other adjacent development lies closer to street and their primary structures are visible from the road. The distance from the street and lack of visibility can create challenges for pedestrians, but Parcel 86 does have a sidewalk across its frontage, as well as an internal sidewalk to safely bring visitors to the front of the main building. The Places29 Master Plan calls for landscaping strips between the sidewalk and Berkmar Drive with bike lanes on both sides of the road.</p> <p>The proposed renovation and expansion would not alter the existing pedestrian improvements. The proposed development does not further detract from this principle being met.</p>
Buildings and Space of Human Scale	<p>The topography of the site includes several areas of steep slopes that makes human-scale building a challenge. The existing facility lies approximately 30 feet higher in elevation than Berkmar Drive. The site could more fully meet this principle and be more consistent with the character of the area by locating the proposed training center closer to the front of the property. A flat area currently used as a dog playground at the southeast corner of the site appears to be large enough to accommodate the proposed footprint of this structure.</p> <p>As proposed, the proposal does not further negatively impact this principle, but there may be opportunities for improvement.</p>
Relegated Parking	<p>The proposed plan would remove a significant area of trees to establish additional parking. This parking area would likely become the most visible area on the site. This principle is not met under this concept; however, it could be met if the proposed training center was moved close enough to the street to locate the expanded parking area on the side of the building.</p>

## DISCUSSION QUESTIONS

### Comprehensive Plan Amendment

With rezonings, the County should be looking for conformity with the Comprehensive Plan. It is generally advisable for owners seeking to rezone their property to consider first obtaining an amendment to the Comprehensive Plan if their rezoning proposal conflicts with the underlying designation. As such, the request to rezone property to a commercial district generally requires a commercial designation in the Comprehensive Plan. This case is unique, however, because the proposed use is not commercial in nature; it has elements of institutional, service, and public use categories.

***Question for the Commission:* Should the proposed use on Parcel 88 require a comprehensive plan amendment? If so, what will be the most important elements of the CPA review?**

*Staff does not believe a Comprehensive Plan Amendment would be beneficial in this case for several reasons. First, the scope and scale of the proposal is limited. Parcel 88 is 2.53 acres and the proposed development only slightly extends beyond the limits of the Office/R&D/Flex/Light Industrial designation. Using the concept provided by the applicant, staff conservatively estimates the extent of the encroachment into the Urban Density Residential designation would be less than 50 feet (see Attachment E).*

*Secondly, it is possible for zoning conditions to limit areas for improvements (such as buildings). As a result, it may be possible to retain the opportunity for some of the rezoned area to be used for residential development in the future.*

*Thirdly, there are aspects of the proposed use that are very similar to other uses allowed in residential areas, such as institutional uses and areas of assembly. Staff believes that vegetative screening and buffering could appropriately mitigate impacts to adjoining residential areas for the proposed use, just as it does with these similar types of uses.*

*In sum, the proposed expansion onto Parcel 88 is limited and provides additional opportunity for a well-planned transition between the emerging character of the Berkmar Drive corridor and the potential for dense residential development nearby.*

### **Voluntary Limitations on the Proposed Rezoning**

As mentioned earlier, the 2000 rezoning of Parcel 86 from R-6 to C-1 to permit the existing SPCA facility anticipated the construction of the Western Bypass. Importantly, Parcel 86 was also designated for “Transition” under the existing Comprehensive Plan. As a result, staff analysis at the time did not identify any concerns with a C-1 zoning that permitted all of the available uses in the district.

**Question for the Commission: Is a request to rezone Parcel 88 without any proffered use limitations consistent with the Comprehensive Plan? If not, are there specific uses that could cause significant concern in a rezoning request?**

*Staff believes a C-1 district that limits some of the most potentially objectionable uses will result in a request that is more consistent with the Comprehensive Plan. This type of request would be consistent with the other approved rezoning requests adjacent to the subject area referenced earlier in the report. Specifically, by-right uses related to automobiles (auto repair, service stations, and drive-through windows), retail, restaurants, construction storage yards and waste areas should be carefully reviewed for potential conflicts with a nearby residential area.*

### **Waivers**

Consistently, the CASPCA has been granted waivers from regulations aimed at reducing impacts to adjacent properties, such as increased setbacks and undisturbed buffers.

**Question: Does the Commission believe similar waivers (now called “special exceptions”) are appropriate as the SPCA use moves closer to residentially designated areas?**

*Staff believes that special exceptions will likely be needed to use Parcel 88 as proposed, but that they can be appropriately conditioned wherever necessary to mitigate impacts. Staff encourages the applicant to save existing buffers and screening as much as possible.*

### **Neighborhood Model Principles**

The Comprehensive Plan expects that development within the Development Areas will incorporate Neighborhood Model Principles wherever possible. Building and Spaces of a

Human Scale and Relegated Parking are not provided with this plan. The major concern is where the proposed layout replaces a significant wooded area with an expanded parking area. The proposed expansion would be closer to Berkmar Drive and would be quite visible.

Based on meetings with the applicants, the site has been diligently studied over time and the proposed layout is the result of balancing many goals: safety of the animals, support for the CASPCA's operational model, and cost. The applicant has said that modifications to the proposed layout would undermine other important priorities.

***Question: If the location of the "training center" and expanded parking area cannot be modified, then does the Commission have input or suggestions on how the site can best achieve a development consistent with Neighborhood Model Principles?***

*Staff believes the site would conform to the Neighborhood Model Principles more fully if the training center was moved closer to Berkmar Drive and the expanded parking area was related to the existing facility. If that is not an option, then staff believes it will be very important to screen the expanded parking area as much as possible.*

### **RECOMMENDATION**

Staff recommends that the Commission review the request and provide input on the application process, as well as guidance for a future rezoning request, especially with respect to proffers, waivers and site design.

### **ATTACHMENTS**

**ATTACHMENT A:** [Aerial Map](#)  
**ATTACHMENT B:** [Applicant's Request](#)  
**ATTACHMENT C:** [Concept for Discussion](#)  
**ATTACHMENT D:** [Notice Letter from VDOT](#)  
**ATTACHMENT E:** [Side-by-side Comparison of Comprehensive Plan and Applicant Concept](#)