

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

FRANCIS H MACCALL
MARCH 30, 2004
APRIL 14, 2004

ZMA 2003-011 Rio East Commercial Area Amendment
SP 2003-058 Rio East Commercial Park (Veterinary Office/Hospital)

Applicant's Proposal: The applicant is proposing to build a veterinary office and hospital within the Rio East Office Park, at the corner of Rio East Court and Rio Road East. The proffers of ZMA-1996-004 need to be amended to allow the Special Use Permit. (Attachment A)

Petitioner: Rio East Land Trust, Charles Rotgin Jr. & Donald J Wagner Trustees.

Petition: The petition is for approval to amend the proffers of ZMA-1996-004 to allow for the addition of the use of veterinary office and hospital to the proffers, and for approval of a special use permit for that use, in accordance with Section 25A.2.2 of the Zoning Ordinance to allow the uses by special permit of the C-1, CO, & HC zoning districts. (Attachments A) The properties, described as Tax Map 61 Parcels 124A & 124B is 5.608 acres, and are zoned PDMC, Planned Development Mixed Commercial. The properties are located on located on Rio East Court, approximately .1 mile from the intersection Rio Road East [Route # 631] and Old Brook Road, in the Rio Magisterial District. The Comprehensive Plan designates this property as Office Service in Neighborhood 2. (Attachments B & C)

Character of the Area: The property is located on Rio Road, east of both Albemarle Square Shopping Center and Fashion Square Mall. The Rio East Office Park is approximately 80% complete with the majority of uses being medical/professional offices along with a wireless provider's retail sales office. The residential subdivision known as Raintree and a commercial office building are to the east. A bank, a self-storage facility, and Putt Putt are to the west. Also, to the south across Rio Road is the recently approved Glenwood Station residential/commercial development.

RECOMMENDATION: Staff has reviewed the proposal for conformity with the Comprehensive Plan and the Zoning Ordinance and recommends approval of the zoning map amendment with proffers, and the special use permit with conditions.

Planning and Zoning History: The history of the parcel is as follows:

1996: ZMA-1996-004 – Rezoned Parcel 124A, 12B and 124C from both R-10 and CO to PD-MC.

The original properties consisted of three (3) parcels. The parcels have been subdivided and now consist of five (5) parcels and six (6) commercial condominium units.

Multiple site plans have been approved. They were in 1996, 1999, and 2001.

Comprehensive Plan and The Neighborhood Model: Requests for zoning map amendments and special use permits in the Development Areas are assessed for conformity with the Neighborhood Model and the Land Use Plan. The Land Use Plan shows this area as Office Service. The addition of a veterinary office and hospital to this development would not be a departure from the current land use and character of the area. The Land Use Plan does not have any other specific recommendations for this area.

The ways in which the proposed project meets the twelve principles for development in accordance with the Neighborhood Model are provided below:

Pedestrian Orientation – There will be a sidewalk leading from the building to the sidewalks along Rio East Court that leads out to Rio Road.

Neighborhood Friendly Streets and Paths – Not applicable.

Interconnected Streets and Transportation Networks – The entrance to the site will be shared with the adjacent parcel.

Parks and Open Space – Not applicable.

Neighborhood Centers – Not applicable.

Buildings and Spaces of Human Scale – The structure will fit architecturally with the other buildings that have been approved for this site. The existing buildings right now would be considered to be of a human scale.

Relegated Parking – The building is being proposed to front along Rio East Court and Rio Road. This will relegate the parking from both roads.

Mixture of Uses – The proposed use is a little different than just the medical/professional offices that are currently in the development now.

Mixture of Housing Types and Affordability – Not applicable.

Redevelopment Rather than Abandonment – Not applicable.

Site Planning that Respects Terrain – Not applicable.

Clear Boundaries with the Rural Areas – Not applicable.

Engineering Analysis: The County's Engineering staff has reviewed this request for engineering issues related to health, safety, and welfare requirements. The Engineering staff is recommending approval with final engineering comments being addressed with the site plan.

STAFF COMMENT:

Section 31.2.4.1 of the Zoning Ordinance below requires that special use permits be assessed as follows:

Will the use be of substantial detriment to adjacent property?

Staff has not identified any detriment to adjacent property from the veterinary office and hospital use. The required soundproofing will address any noise impacts. The closest residential property is across the five (5) lanes of Rio Road. The applicant is requesting a waiver of the required distance that should be maintained between the use and residentially zoned property.

Will the character of the zoning district change with this use?

The character of the zoning district will not change with this use.

Will the use be in harmony with the purpose and intent of the zoning ordinance?

The proposed use will incorporate into the existing PD-MC zoning of the Rio East Office Park a little more of a mix of uses than what currently exists, thus is in harmony of purpose and intent of the PD-MC zoning.

Will the use be in harmony with the uses permitted by right in the district?

The proposed use will not restrict the by right uses in the district.

Will the use comply with the additional regulations provided in Section 5.0 of this ordinance?

There are additional regulations provided in Section 5.1.11 that must be complied with. The applicant is requesting a waiver of Section 5.1.11(b) to reduce the distance of the soundproofed building from residentially zoned property from two hundred (200) feet to hundred forty five (145) feet.

Will the public health, safety and general welfare of the community be protected if the use is approved?

The public health, safety, and general welfare of the community is protected through the special use permit process which assures that uses approved by special use permit are appropriate in the location requested.

Waiver of Section 5.1.11(b):

Section 5.1.11(b) of the Zoning Ordinance requires that a soundproofed building shall be located no closer than two hundred (200) feet to any agricultural or residential lot line. Pursuant to Section 5.1(a) the Planning Commission "may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare; or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in section 4.0 or any district regulation. In granting such modification

or waiver, the commission may impose such conditions as it deems necessary to protect the public health, safety, or welfare."

The applicant has requested a modification of the two hundred (200) foot setback to allow the building for the veterinary office and hospital, to be one hundred forty five (145) feet away from the residential property that is across Rio Road. That property is zoned R-15. This property was recently approved for a special use permit to allow for commercial uses on the property. The plan for that special use permit showed commercial use along Rio Road. Staff also did a sound meter reading and found that the existing noise along Rio Road already exceeds the fifty five (55) decibels required by Section 5.1.11(b). So, the affect the use will have on that property is minimal to none. Staff recommends approval of the modification of the two hundred (200) foot distance. (Attachment D)

SUMMARY:

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

1. Parking is relegated and the plan is providing pedestrian access to the existing sidewalk network.

Staff has not identified factors that are unfavorable to this request:

RECOMMENDED ACTION

ZMA:

Staff recommends the approval of the ZMA with the attached proffers. (Attachment E)

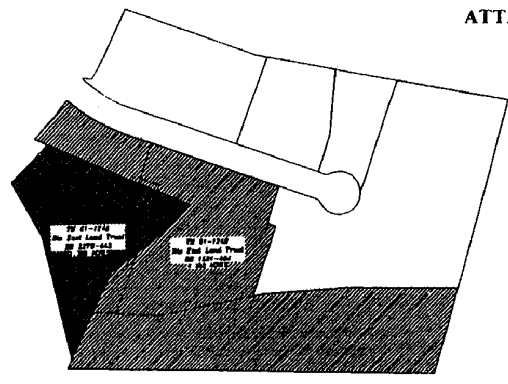
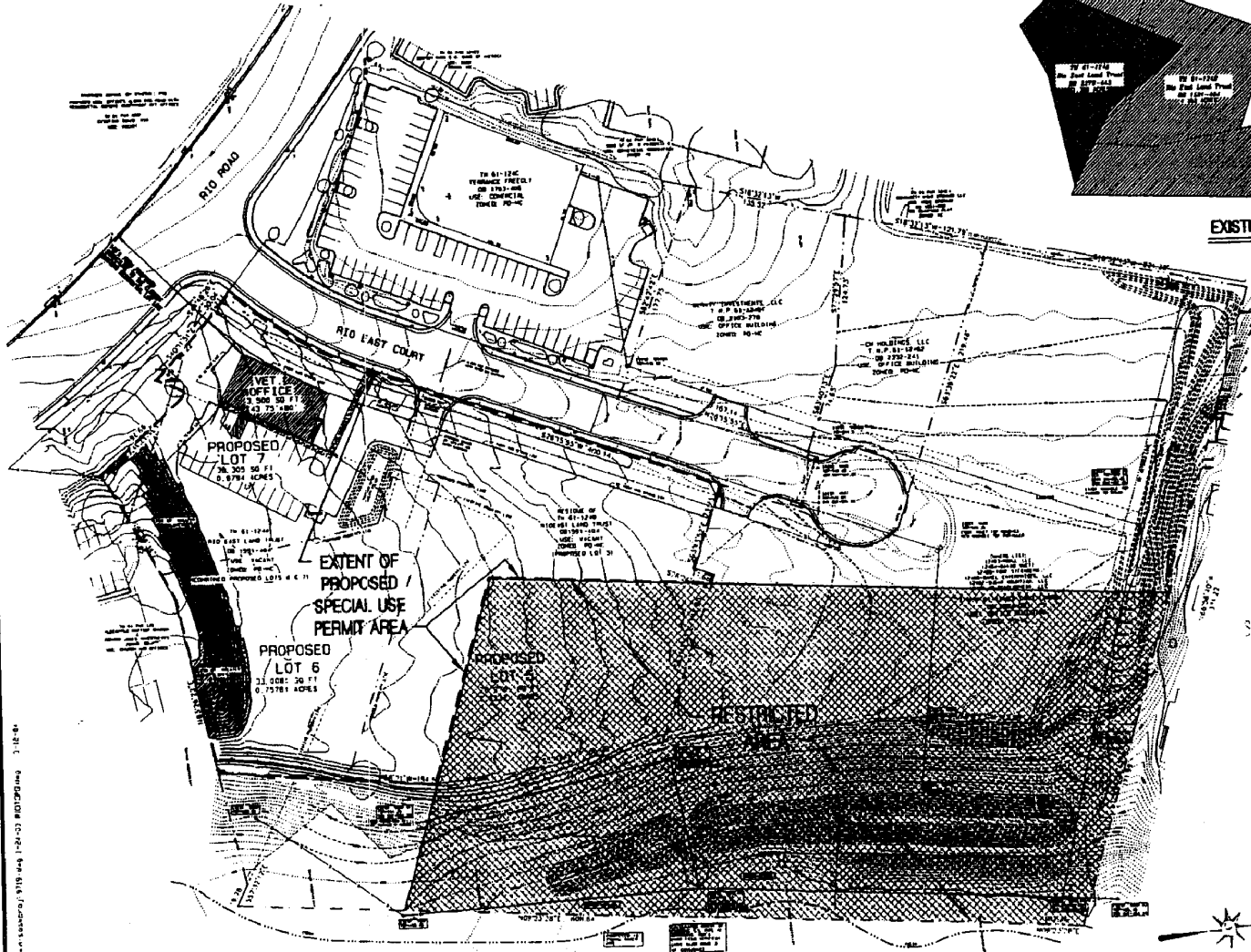
Special Use Permit:

Staff recommends approval of the request with the following conditions of approval:

1. A site plan shall be submitted for approval that shall be in general accord with the sketch plan prepare by Keeney & Co, Architects dated 3/12/04.
2. Any enlargement or expansion of the veterinary office and hospital use will require an amendment to this Special Use Permit (SP-2003-058).
3. No overnight boarding use other than for those animals under medical care shall take place at the veterinary hospital.

ATTACHMENTS:

- A – Sketch Plan Reduction
- B – Detail Map
- C – Location Map
- D – Applicants modification request
- E – Proffers dated 4/14/04



EXISTING LOTS 124A & LOT 124B
SCALE: NONE

UNAPPROVED COPY!
SCALE: 1" = 40'

METES AND BOUNDS NOTE

- METES, BOUNDS AND CORNERS TO THIS SKETCH PLAN IS PROPOSED AND FOR INFORMATION AND SALES USE ONLY.
- NEIGHBORING LOTS SHOULD BE SURVEYED BY A CERTIFIED LICENSED SURVEYOR FOR ANY LEGAL USE.

NOTE

- ANY OVERLAP OR GAPS IN THIS SKETCH PLAN SHALL BE CORRECTED BY THE SURVEYOR BEFORE ANY PERMITS ARE APPLIED FOR AND SHALL BE DONE WITHIN THE 30 DAY PERIOD.
- THERE ARE NO UNLAWFUL EXISTING AREAS.

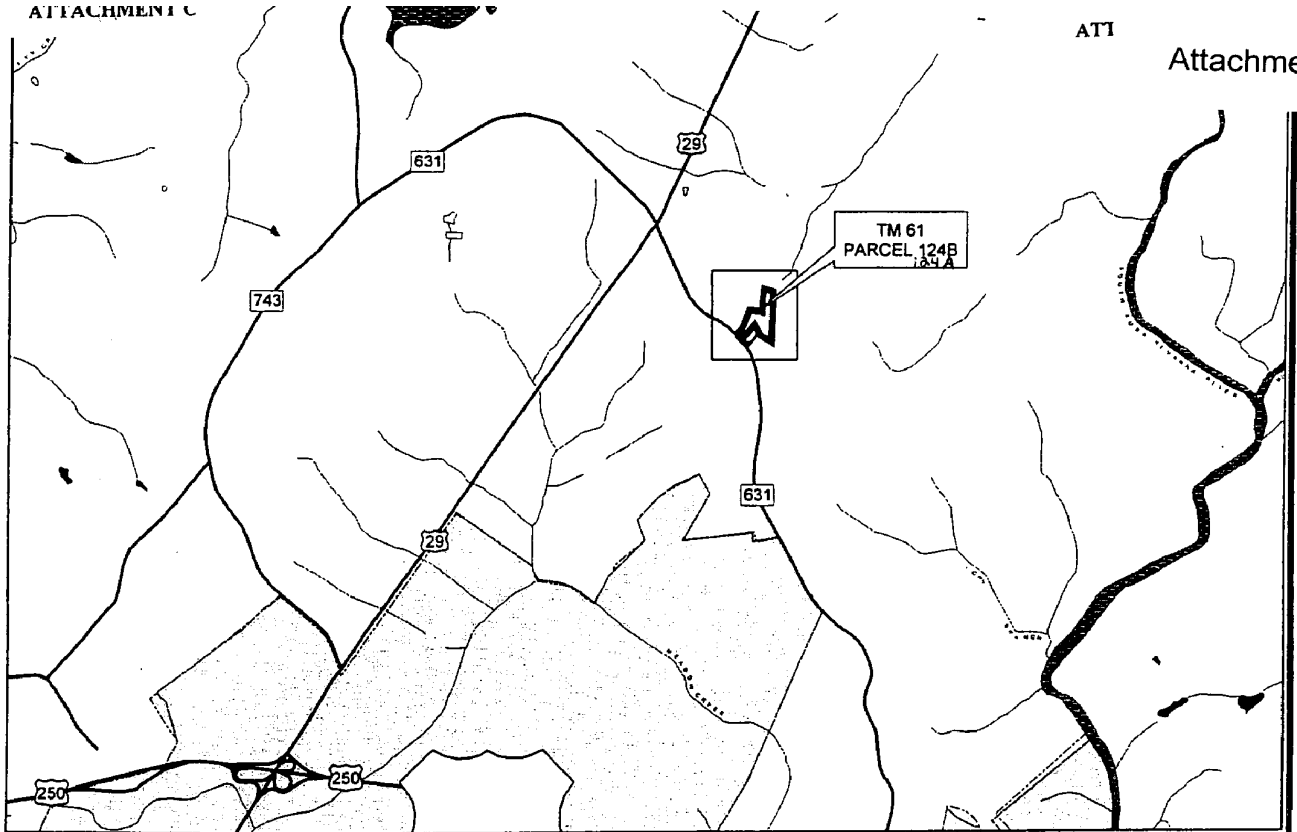
1 SKETCH PLAN
SCALE: 1" = 40'

DO NOT SCALE THIS DRAWING. ALL DIMENSIONS AND LOCATIONS SHALL BE DETERMINED BY THE SURVEYOR'S FIELD NOTES AND RECORD DRAWINGS. THIS SKETCH PLAN IS FOR INFORMATION AND SALES USE ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. ANY DISCREPANCY BETWEEN THIS SKETCH PLAN AND THE SURVEYOR'S FIELD NOTES AND RECORD DRAWINGS SHALL BE RESOLVED BY THE SURVEYOR. THE SURVEYOR'S FIELD NOTES AND RECORD DRAWINGS SHALL BE THE FINAL AUTHORITY. CONTRACT NO. 11-11-0001-001

KEENEY & CO. ARCHITECTS
ARCHITECTS
1000 W. CENTRAL AVENUE, SUITE 100
CHARLOTTE, NC 28202
TEL: 704.375.1234
FAX: 704.375.1235
www.keeneycoco.com

RIO EAST COMMERCIAL AREA
GREAT EASTERN MANAGEMENT COMPANY
1000 W. CENTRAL AVENUE, SUITE 100
CHARLOTTE, NC 28202
TEL: 704.375.1234
FAX: 704.375.1235
www.great-eastern.com

DATE REVISION	BY	DATE
1	KLD	3/13/07
PROJECT NO.	9911-V	

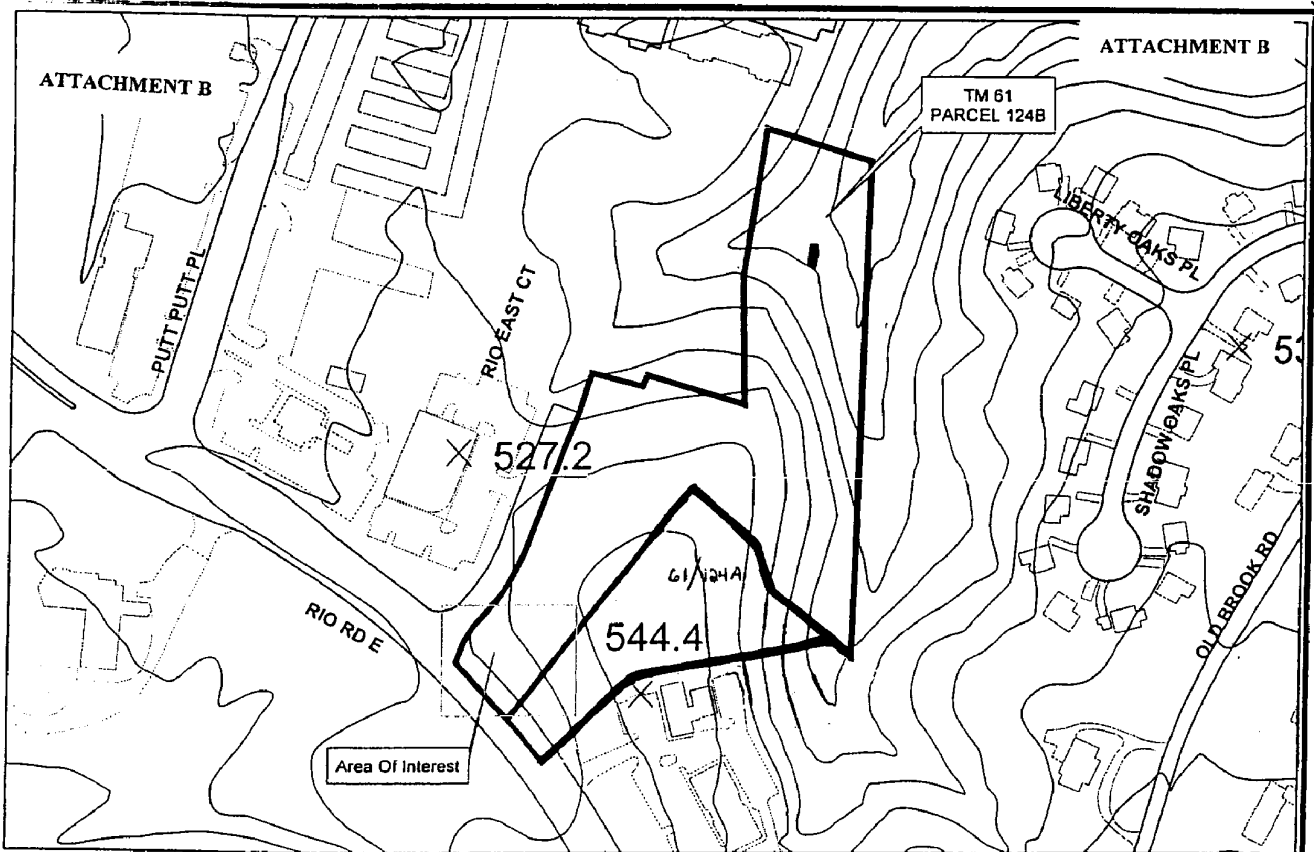
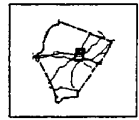
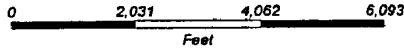


Z/M 2003-011
SP 2003-058

RIO EAST COMMERCIAL-VETERINARY HOSPITAL

Prepared by Albemarle County
Office of Geographic Data Services(GDS).
Map created July 2003.

Note: The map elements depicted are graphic representations and
are not to be construed or used as a legal description.

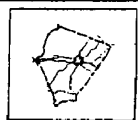
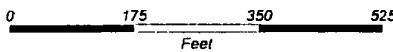


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Rivanna Realty and Investment Company

305-A BERKMAR DRIVE CHARLOTTESVILLE, VA 22901 434/974-7377 FAX: 434/974-1909

ATTACHMENT D

ATTACHMENT E

Original Proffer
Amended Proffer
(Amendment # 1.00)

PROFFER FORM

Albemarle County Planning Commission
401 McIntire Rd.
Charlottesville, VA 22902

3-9-04

Date: 04/14/2004

ZMA # 2003-011

Tax Map and Parcel Number(s) 61-124A and 61-124B

5.608 Acres to be rezoned from PDMC to PDMC

Dear Members of the Planning Commission,

This letter is to serve as a request for a one time modification of Section 5.1.11b of the County Code, calling for a separation of 200 feet between any soundproofed veterinary office/hospital and the nearest agricultural or residential lot line, as well as a noise limit of 55 decibels when measured at the nearest lot line.

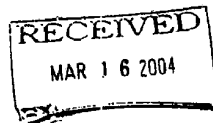
In the case of the SP-2003-58 and ZMA-2003-11, the proposed veterinary office/hospital would be located 145 +/- feet from the nearest lot line.

We believe that this request is warranted due to the fact that the closest residential lot line lies across Rio Rd., and to the fact that traffic along Rio Rd. already produces an average noise volume of 69 decibels (according to a sound meter test performed by John Jones on March 15, 2004) which exceeds the 55 decibel limit at the lot line in question. In addition, there is currently an SP application for offices on the property in question (presently zoned R-15), which if approved, would eliminate any residential lot lines from being with the 200 foot limit.

Thank you for your consideration in this matter.

Best regards,

Gordon Giuliano



ATTACHMENT D

Pursuant to Section 33.3 of the Albemarle County Zoning Ordinance, the owner, or its duly authorized agent, hereby voluntarily proffers the conditions listed below which shall be applied to the property, if rezoned. These conditions are proffered as a part of the requested rezoning and it is agreed that: (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning request.

The original proffers of ZMA 1996-004 still apply to all of the remaining parcels within the PD-MC, Planned Development Mixed Commercial zoning district. For the lands subject to this zoning map amendment, the original proffers are amended to state as follows:

1. Use of the property designated as the Restricted Area on the Sketch Plan hereto (hereinafter the "Restricted Area") shall include only:
 - a. All uses permitted under Section 23.2.1 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, shall be permitted by right.
 - b. Uses permitted under Section 23.2.2 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, shall be permitted only by special use permit.
2. Use of the property outside the Restricted Area shall include only:
 - a. All uses permitted under Section 23.2.1 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, shall be permitted by right.
 - b. Barber and beauty shops as permitted under Section 22.2.1.b2 and office and business machine sales and service as permitted under Section 24.2.1.29 of the Albemarle County Zoning Ordinance as those sections exist on April 14, 2004, copies of which are attached, shall be permitted by right provided such uses, when combined with those permitted under Section 23.2.1.6 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, do not occupy more than twenty (20) percent of the floor area of buildings on the site.
 - c. Uses permitted under Section 23.2.2 of the Albemarle County Zoning Ordinance as it exists on April 14, 2004, a copy of which is attached, shall be permitted only by special use permit.
 - d. Uses permitted under Section 24.2.2.4 of the Albemarle County Zoning Ordinance (Veterinary office and hospital) as it exists on April 14, 2004, a copy of which is attached, shall be permitted only by special use permit.

RIO EAST LAND TRUST
 Signature of All Owners D. J. Wagner Printed Names of All Owners D. J. WAGNER
 Trustee TRUSTEE Date 3-25-04

 Signature of Attorney-in-Fact Printed Name of Attorney-in-Fact

OR

ATTACHI

Attachment C