




# STAFF REPORT COVER SHEET

July 17, 2019

<b>Addresses:</b>	414 Maple Avenue East	<b>Case Number:</b>	PF-26-19-CUP
<b>Public Meeting Date:</b>	7/17/2019	<b>Applicant:</b>	Banfield Pet Hospital
<b>Board/Commission:</b>	Board of Zoning Appeals	<b>Owners:</b>	Hareff, LLC
<b>Existing Zoning:</b>	C-1	<b>Existing Land Use:</b>	Commercial
<b>Deadline for Action:</b>	August 29, 2019 (90 days from submission)		
<b>Brief Summary of Request:</b>	Consideration of a conditional use permit for an animal hospital.		
<b>Site Improvements:</b>	Improvements include work on the façade of the tenant space and installation of a four-foot tall chain link fence and waste pick-up bag station.		
<b>Size of Property:</b>	32,755 square feet/0.75 acres		
<b>Public Notice Requirements:</b>	Advertisement for two successive weeks of meeting in a newspaper having paid general circulation in the Town prior to Board of Zoning Appeals meeting	To be published in Washington Times on July 3, 2019 and July 10, 2019. BZA meeting July 17, 2019.	
<b>Brief Analysis</b>			
<b>PROPERTY HISTORY</b> The subject property currently consists of a 1-story, commercial building. The building was built in 1967 and consists of two separate tenant spaces. The one tenant space (412 Maple Avenue East) is occupied by Leslie's Pool Supplies and the other tenant space (414 Maple Avenue East) is currently unoccupied. It was last occupied by Sandy Spring Bank.			
<b>COMPATIBILITY WITH THE COMPREHENSIVE PLAN</b> The Comprehensive Plan 2015 Update calls for a strong central business district and a decrease in the number of vacancies.			
<b>COMPATIBILITY WITH THE ZONING ORDINANCE</b> The proposed use is compatible with the Zoning Ordinance with the approval of a conditional use permit, per Section <a href="#">18-74</a> and Section <a href="#">18-210.P</a> for an animal hospital.			
<b>Attachments:</b>	CUP Application & Statement <input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Proposed Improvements <input checked="" type="checkbox"/> Adjacent Neighbor <input checked="" type="checkbox"/> Property Owner Letter <input checked="" type="checkbox"/> PC Memo <input checked="" type="checkbox"/>		
Author: Michael D'Orazio, AICP / Francis Simeck, CZA			

ITEM NO. 5:

Consideration of a conditional use permit for an animal hospital, located at 414 Maple Avenue East, in the C-1 Local Commercial zoning district. Application filed by Aaron Vorasane of Colliers Architecture, on behalf of Banfield Pet Hospital.

***Introductory Comments & Background:***

The subject site includes a one-story, masonry commercial building. The building, built in 1967, consists of 5,400 square feet of net floor area and includes two (2) separate tenant spaces. The subject tenant space, addressed 414 Maple Avenue East, consists of 2,600 square feet of net floor area. The building fronts Maple Avenue East.

The lot is zoned C-1 Local Commercial. It is surrounded by a mix of office and commercial uses. Commercial and retail businesses are located to the south, east and west and are zoned C-1 Local Commercial. Office buildings are located to the north and are zoned T Transitional.

To its immediate north, the property abuts Wolf Trap Creek. A portion of the building and parking lot are also located within the floodplain and 50- and 100-foot Resource Protection Area (RPA).

***Current Proposal:***

The applicant is proposing an animal hospital in the 414 Maple Avenue East tenant space. Services proposed include full-service veterinarian care, surgery, a pharmacy, and retail pet supply sales. The proposed animal hospital will include improvements to the building façade (which will require approval from the Board of Architectural Review), installation of a 4-foot tall chain link fence to help prevent trash and debris from entering the creek, and installation of a waste pick-up bag station on the grassy area to the side of the building. The applicant is also proposing locating trash and recycling receptacles towards the rear of the building.

Banfield Pet Hospital is proposing to operate seven days a week, between 7:00 am and 7:00 pm. An average of twenty-five pets will be scheduled for appointments each day. During peak hours, there will be six to eight staff members and four to seven clients in the tenant space.

The hospital will primarily service the surrounding community. All activities will occur inside the facility. No outdoor area for dogs/pets, such as dog runs, are proposed. Additionally, the hospital will not provide overnight or long-term boarding of animals. To mitigate any noise from the hospital during operating hours, the applicant will be installing insulated demising walls between the two tenant spaces.

Per Section [18-130](#), twenty-seven (27) parking spaces are required for the entire commercial building (including both tenant spaces, which are parked at 1 space per 200 square feet). There are thirty-two (32) spaces provided on-site.

***Required Commission/Board approvals:***

The Board of Zoning Appeals is tasked with approving or denying a conditional use permit per Section [18-74](#) and Section [18-210.P](#) for an animal hospital.

Relevant Regulations:

**Town Code**

Sec. 18-209. - Use permit subject to certain conditions.

The board of zoning appeals may issue a use permit for any of the uses enumerated in section 18-210 in response to an application therefor, provided the use for which the permit is sought:

- (1) Will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
- (2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- (3) Will be in accord with the purposes of the Town's master plan.

In granting any use permit, the board of zoning appeals may impose such conditions as it may deem in the public interest, including limiting the duration of a permit, and as will ensure that the use will conform to the foregoing requirements and that it will continue to do so, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with. The board may revoke a use permit if the board determines that there has not been compliance with the terms and conditions of the permit. No permit may be revoked except after notice and hearing as provided by Code of Virginia, § 15.2-2204.

Sec. 18-210.P

Animal hospitals not providing boarding facilities other than for hospitalization to provide medical and/or surgical care for the patient are likewise subject to procurement of a use permit. However, animal hospitals providing boarding facilities not directly associated with immediate medical and/or surgical care for the patient are not permitted.

**Virginia State Code**

§ 15.2-2309. Powers and duties of boards of zoning appeals.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

***Staff Analysis:***

The animal hospital use is a permitted conditional use as long as there are no “boarding facilities not directly associated with immediate medical and/or surgical care for the patient.” Boarding of animals is permitted “to provide medical and/or surgical care for the patient.” As mentioned previously, Banfield Pet Hospital will not be providing overnight or long-term boarding of animals.

Staff believes that the applicant is proposing appropriate mitigation strategies for any potential impacts from the business. The installation of the chain link fence along the rear property line will further mitigate impacts to the abutting creek.

***Planning Commission Recommendation:***

The Planning Commission made a recommendation at its regular meeting on June 12, 2019 on a 6-0 vote to approve the conditional use permit for the establishment of an animal hospital. The Commission included a motion to recommend that the applicant install a noise attenuation wall. The applicant is planning on installing noise dampening walls along the shared wall with the other tenant, as indicated on the attached floor plans included with the application.

A memo from the Planning Commisison Vice-Chair, Stephen Kenney, who acted in the Chair’s place at the meeting, is provided with this application.