




STAFF REPORT COVER SHEET

May 12, 2021

Address:	124 Park Street SE Suite 100	Case Number:	PF-08-21-CUP
Public Meeting Date:	5/12/2021	Applicant:	Sergio Sur of Princeton Design PLLC, on behalf of Veterinary Surgical Centers Rehabilitation, LLC
Board/Commission:	Planning Commission	Owners:	Odos-Parko, LLC
Existing Zoning:	C-1 Local Commercial	Existing Land Use:	Commercial
Deadline for Action:	June 6, 2021 (90 days from submission on March 8, 2021)		
Brief Summary of Request:	Recommendation to Board of Zoning Appeals for conditional use permit per Sections 18-74.E and 18-210.P for an animal hospital.		
Site Improvements:	No new site improvements are proposed, two existing pet waste disposal stations are located near driveway entrance on Park Street, SE.		
Size of Property:	38,929 square feet/0.8937 acres		
Public Notice Requirements:	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 May 5, 2021 and May 12, 2021. BZA meeting scheduled for May 19, 2021.	
	Posting of the property at least ten days prior to the BZA public hearing	Sign posted along Park Street, SE on April 30, 2021 with dates of Planning Commission and Board of Zoning Appeals meetings and hearings.	
	Written notice by registered or certified mail of hearing to property owners of subject site and property owners/agents/occupants abutting and immediately across from subject site at least 5 days prior to public hearing	On May 5, 2021, 44 certified letters were sent to adjacent, abutting and immediately across the street property owners/agents/occupants and certified letters were sent to subject property owners, applicant and agents.	

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	Written notice by certified mail provided as a courtesy to County Executive/Designee at least 10 days prior to hearing/meeting for conditional use permits.	On April 30, 2021, a certified letter was sent to Fairfax County Department of Planning & Development.
Brief Analysis		
PROPERTY HISTORY		
The subject site is approximately 0.8937 acres, located along Park Street SE. A two-story brick commercial building, built in 1987, currently occupies the site.		
COMPATIBILITY WITH THE COMPREHENSIVE PLAN		
The proposed use is consistent with the mixed-use category on the Future Land Use Plan in the Town’s Comprehensive Plan 2015 Update.		
COMPATIBILITY WITH THE ZONING ORDINANCE		
The proposed use is compatible with the Zoning Ordinance with the approval of a conditional use permit, per § 18-74.E and § 18-210.P of the Town Code.		
Attachments:	Application <input checked="" type="checkbox"/> Approved Site Plan - May 1986 <input checked="" type="checkbox"/> Floor Plans A1.1 – A1.3 <input checked="" type="checkbox"/> Applicant Authorization Form <input checked="" type="checkbox"/> Owner Authorization Letter <input checked="" type="checkbox"/> Project Narrative <input checked="" type="checkbox"/> Parking Requirement Calculations <input checked="" type="checkbox"/> Exhibits <input checked="" type="checkbox"/> Tenant Letters <input checked="" type="checkbox"/> Approved 2013 BZA Order <input checked="" type="checkbox"/> 2013 CUP Site Plan <input checked="" type="checkbox"/>	
Author: Frank Simeck, CZA, Zoning Administrator		

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ITEM NO. 1:

Recommendation by the Planning Commission to the Board of Zoning Appeals for conditional use permits for an animal hospital use, located at 124 Park Street, SE Suite 100, in the C-1 Local Commercial zoning district. Application filed by Sergio Sur of Princeton Design PLLC, on behalf of Veterinary Surgical Centers Rehabilitation, LLC.

Introductory Comments & Background:

The subject site is approximately 0.8937 acres, includes a two-story, brick masonry commercial building. The building, built in 1987, consists of 16,794 square feet of gross floor area and includes three levels and seven (7) separate tenant spaces. The applicant is proposing to occupy the first floor tenant space, addressed as 124 Park Street, SE Suite 100, which consists of 4,860 square feet of gross floor area. The building fronts Park Street, SE.

The Board of Zoning Appeals approved a Conditional Use Permit (CUP) for an animal hospital use on March 22, 2013 for the use of the lower level unit. In April 2013, Veterinary Surgical Centers Rehabilitation, LLC, (VSC) leased Unit B-100 (Lower Level) of the subject site, consisting of 4,860 gross square feet of tenant space. This space currently provides neurology, surgery, radiology, rehabilitation, and other specialized veterinary services in this unit. The approved CUP shall remain in effect and no modifications for the existing CUP, and services provided in unit B-100 shall remain as existing.

The lot is zoned C-1 Local Commercial. A mix of commercial uses to the north, south, east and west surrounds the subject property. There is also a residential use, Vienna Villager Apartment complex located to the south along Locust Street, SE and split zoned C-1 and Transitional property located across the street on the southwestern side of Park Street, SE. To the immediate south of the property is the Park Street roundabout traffic circle located at the intersection of Park Street, SE and Locust Street, SE.

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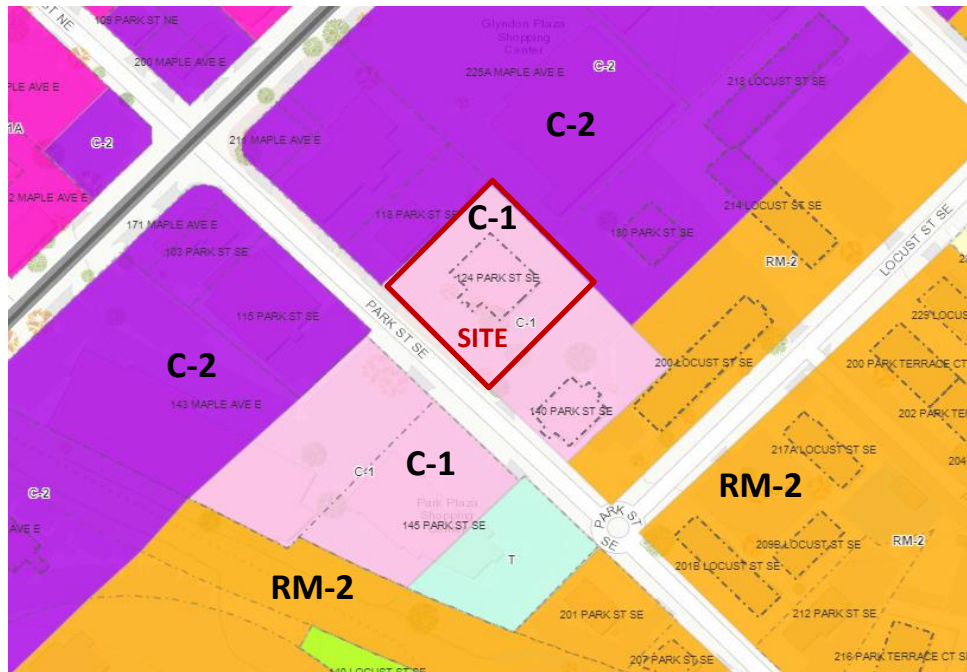


Figure 1 – Zoning Map with highlighted site location.

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Current Proposal:

The applicant Veterinary Surgical Centers Rehabilitation, LLC, (VSC) is proposing to expand their animal hospital facility to occupy the entire first floor tenant space of Suite 100 of the Park Professional building located at 124 Park Street, SE. VSC currently occupies the basement level Suite B-100 of this three level building. VCS, is proposing to operate suite 100 Monday through Saturday, 7:00 am - 6:00 pm and will be closed on Sundays. During peak times, there will be a maximum of twelve (12) employees in the hospital.

VSC will provide neurology treatment and a new imaging center in support of the expansion of their specialized neurology practice in Suite 100. The proposed space will include an entry waiting room, reception area, several exam rooms, operating rooms, treatment areas, doctor offices, restrooms, and break rooms for clients and support staff.

There will be no overnight or long-term boarding of animals, other than a few animals, which may require additional post-operative IV fluid care. There is no proposed change to the exterior site, no new exterior runs or exercise yards all activities of VSC will occur inside the building. The site currently provides two (2) existing exterior "pet waste disposal stations" located on the front right side entrance of the property.

Noise control, will be mitigated by soundproof insulation encapsulated within interior walls, the inclusion of an acoustic drop ceiling grid and existing concrete slab separating the first and second floors creates a physical barrier against potential noise transmission of the daily operations within the space.

There is no proposed changes to the exterior site, no new signage or changes to the façade are proposed, the only additional signage will be located in the interior lobby of the building, which does not require approval by the Towns Board of Architectural Review (BAR).

Per off-street parking, [Section 18-130](#) of the Town Code, hospital use requires one parking space per 800 square feet of gross floor area of the building and commercial use requires one parking space for every 200 square feet of floor area. The approved 1986 site plans parking tabulation provided 60 parking spaces, which includes three handicap spaces and an additional loading space. The Board of Zoning Appeals approved a Conditional Use Permit (CUP) for an animal hospital use on March 22, 2013 for the use of the lower level unit, which provided a detailed parking tabulation for an approved 59 parking spaces. The current CUP application parking tabulation provides a total of 11,253 square feet of hospital use, requiring 1 space for every 800 square feet or 14 parking spaces, and 5541 square feet of commercial use, requiring 1 space for every 200 square feet or 28 parking spaces for a total on-site parking requirement of 42 spaces. The current CUP parking calculation meets the approved 1986 site plan parking tabulation of 60 required on-site parking spaces.

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Parking Calculations per 2021 CUP

Floor	Tenant	18-130 Section	Area (Sq. ft.)	(Sq. ft.) /parking space	Required Parking Spaces
2	Mult. Non-Operating Areas	Commercial	5,541	200	28
2	Mult. Operating Areas	Hospital	1,533	800	2
1	VSC	Hospital	4,860	800	6
B	VSC	Hospital	4,860	800	6
Total Required Parking Spaces + Plus 1 Loading Space =					43
Total On-site Parking Provided					60

Second Floor Parking Calculations per 2021 CUP

Suite #	Tenant	Operating Area	Non-Operating Area	Total Area
200	George Papastergiou, DDS, PLC, General Dentistry	1,272	850	2,122
201	Robert Mitchel III, CPA, PC, Mitco Asset	0	1,033	1,033
202	Vienna Hearing Center, Inc., Offices	0	1,110	1,110
203	Sree L. Gogineni, MD, Capital Area Internal Medicine, Inc.	261	693	954
205	Vacant	0	980	980
Common	Hallway	0	875	875
2nd Floor Totals		1,533	5,541	7,074

Note: Methods and calculations provided for tenants in Suite 200 and Suite 203 remain un-changed from approved 2013 BZA Order. The same tenants are still occupying each space.

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Required Commission/Board approvals:

The Planning Commission is tasked with making a recommendation to Board of Zoning Appeals for conditional use permits per Section [18-74.E](#) and Section [18-210.P](#) for an animal hospital.

Relevant Code Sections

Town Code

Sec. 18-74.E - Use permit required.

- E. Hospitals, sanitariums, clinics and animal hospitals complying with requirements of [section 18-210](#) (P).

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. - Use permits required.

A use permit is required for any of the following uses (see regulations for zone in which the use is proposed to be located):

- P. Hospitals, sanitariums and clinics which are an integral part of such hospitals and clinics providing treatment for mental or behavioral disorders as out-patient counseling or therapeutic facilities only; and provided that such clinics, if not an integral part of a hospital or sanitarium, are formally affiliated with such hospital or sanitarium or such other governmentally sponsored organization that provides counseling for mental or behavioral disorders.

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Notwithstanding any of the above, all clinics and facilities not an integral part of a hospital or sanitarium and treating contagious diseases, drug or alcohol addicts or abusers, sex offenders, felons, or persons suffering from psychosis, anti-social personality disorders or explosive personality disorders are not permitted, regardless of whether such facility operates an in-patient or out-patient facility, counseling or therapeutic facility or otherwise.

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

Sec. 15.2-2309. Power 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, Veterinary Surgical Centers Rehabilitation, LLC 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 applicant will reduce the off-street parking requirement with the proposed use; add noise attenuation measures to the building and utilize the existing pet waste disposal station located in the front entrance of the property will further mitigate impacts to the site.