


# COUNTY OF YORK

## MEMORANDUM

**DATE:** June 28, 2021 (BOS Mtg. 7/20/21)  
**TO:** York County Board of Supervisors  
**FROM:** Neil A. Morgan, County Administrator   
**SUBJECT:** Application No. UP-967-21, Magruder/Tabb Animal Hospital

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 [category 2, number 7(a)] of the York County Zoning Ordinance, to establish a veterinary hospital without outside runs on a 3.2-acre parcel (GPIN V02d-3658-1409) located at 3525 Hampton Highway (Route 134). The property is zoned LB (Limited Business) and is designated High Density Residential in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: Virginia Tech Foundation Inc. (Applicant is contract purchaser.)
- Location: 3525 Hampton Highway
- Area: Approximately 3.2 acres
- Frontage: Approximately 150 feet on Hampton Highway (Route 134) and approximately 575 feet on Ascot Drive
- Utilities: Public water and sewer
- Topography: Relatively flat with a drainage ditch running along the western property line
- 2035 Land Use Map Designation: High Density Residential
- Zoning Classification: LB – Limited Business
- Existing Development: None
- Surrounding Development:

North: Yorkshire Downs common area with four-foot (4') trail, power lines, and a stormwater retention pond

East: Four single-family detached homes (across Ascot Drive)

South: Bethel Mobile Home Village (across Hampton Highway)

West: Langley Mobile Home Park and The Courts at Yorkshire Downs Apartments

- Proposed Development: Veterinary hospital without outside runs

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicant, Dr. Joseph Wallace, has been operating the Magruder-Tabb Animal Hospital nearby at 3440 Hampton Highway (Route 134) since 1989. He wishes to relocate to a larger hospital to be built on the subject parcel, which is vacant. The new building would allow him to add staff while continuing to offer complete medical and surgical services and limited boarding capacity. The clinic's current customer hours are 7:00 am to 6:00 pm Monday through Friday and 8:00 am to 12:00 pm on Saturdays; however, a small number of employees work onsite outside of these hours to care for boarded animals.
2. The applicant's sketch plan shows a 7,200-square foot building with parking along the proposed building's eastern side between the proposed building and Hampton Highway. The plan indicates the presence of forested wetlands on the north side of this "L" shaped 3.2-acre parcel, which are not proposed to be disturbed. Though the applicant is not proposing to have outside runs, the sketch plan shows a fenced exercise yard to the rear of the building on the north side of the site. The applicant has stated that any animals in the exercise yard would be supervised while outside, which is different from a run where the animal is released outside on its own. Therefore, any animals barking can be controlled or returned to the building. Additionally, the Zoning Ordinance requires that the building be "adequately soundproofed and constructed so that there will be no emission of odor or noise." This provision applies to any veterinary hospital located within two hundred feet (200') of a residential property line and the proposed use falls within this radius. The applicant will also be required to submit a waste management plan that "ensures sanitary handling of animal wastes and prevents contamination or pollution of adjacent lands or water bodies." This requirement is particularly important in this case because of the drainage ditch located along the western property line that appears to drain toward the retention pond to the north.
3. The subject parcel is zoned Limited Business (LB), which the Zoning Ordinance states is "intended to provide opportunities for commercial activities having a relatively low external impact, which can be acceptable in proximity to residential areas. The activities envisioned for this district should be of a type that generally occur only during daylight hours, have relatively low external impacts in terms of noise, light, and activity levels, and can be designed to ensure their compatibility with surrounding land uses." In keeping with the limited hours for LB zoning, a condition has been recommended that limits the hours of operation for customer visitation from 7:00 am to 6:00 pm, Monday through Saturday.
4. Neighboring land uses include an adjacent mobile home park to west, which is zoned LB. A single-family detached home and eleven mobile homes are located on the property. To the north, the subject parcel is zoned Planned Development (PD). The uses include a common area for Yorkshire Downs, a power line and a retention pond, and two apartment buildings and a maintenance shed on the Courts at Yorkshire Downs Apartments property. Across Ascot Drive to the east are four single-family detached

homes in the Yorkshire Downs Planned Development, all zoned PD. Hampton Highway is to the south of the property.

5. As stated above, the adjacent properties to the north and east and a portion to the west are all zoned PD. As such, the subject parcel will be required under Section 24.1-243(a)(1) to have a Type 25 (25') transitional buffer. Additionally, Route 134 is designated as a Greenbelt per Section 24.1-245(a)(4), which means that a thirty-five foot (35') undisturbed vegetative buffer will be required along the southern property frontage. Like the subject parcel, the adjacent mobile home park property to the west is zoned LB and therefore is a nonconforming use, which means that it was permitted at the time it was established but is no longer consistent with the current zoning. Currently, there is no buffer requirement between two LB-zoned properties; however, since the use is residential in nature, I have proposed a condition requiring additional screening and buffering from the proposed use. The condition proposes the installation of a Type 25 transitional buffer in addition to a six-foot (6') board-on-board privacy fence to be constructed along the parking lot area adjacent to the western property line.
6. The Comprehensive Plan identifies the 200'-wide Dominion Energy power line easement as a potential greenway/multi-use path corridor, and County staff is doing preliminary planning and design work to determine the feasibility of constructing such a facility, which could tie into the existing four-foot (4') trail in the Yorkshire Downs common area. In order to maintain the viability of such a project, I have proposed a condition to require a twenty-foot (20') easement along the Ascot Drive frontage for a future multi-use path extending to Hampton Highway, where it could connect to future bike or pedestrian facilities along this road.

The Regional Bikeway Map shows a proposed multi-use path along Hampton Highway that would run from Big Bethel Road to the Hampton city line. A condition has been included in the resolution for the property owner to grant an easement of twenty feet (20') in width along the property frontage beside Hampton Highway.

7. The proposed veterinary hospital would have a minimal traffic impact on Ascot Drive. According to the Institute of Transportation Engineers' (ITE) *Trip Generation* manual (10<sup>th</sup> Edition), an animal clinic of this size would be expected to generate an estimated 27 vehicle trips in the AM peak hour and an estimated 25 vehicle trips in the PM peak hour per day. The plan shows two entrances on Ascot Drive, which carries an estimated 1,000 to 1,200 vehicles per day, on average. The site would not have direct access to Hampton Highway.
8. The applicant's sketch plan shows forty-one parking spaces located along the eastern and southern frontages. Zoning Ordinance Section 24.1-606(b)(3) requires one parking space for every 350 square feet of floor area, excluding kennel space; plus one space per examining room. Though the number of exam rooms is unknown since the applicant did not provide a floor plan, approximately twenty to twenty-two parking spaces would be required based on the square footage of the proposed building.

**PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its June 9 meeting and, subsequent to conducting a public hearing at which the Yorkshire Downs Master Association President stated that he personally supports the application and that the Association Board of Directors has no objection, voted 6:0 (Mr. Peterman absent) to recommend approval.

**COUNTY ADMINISTRATOR RECOMMENDATION**

The Limited Business zoning district is intended for office and other low-impact commercial uses. I believe that a veterinary hospital with a supervised outside exercise area is consistent with that designation. The transitional buffers will ensure the proposed use has a minimal impact on adjacent properties. Furthermore, the use is a low traffic generator compared to other LB uses that would be permitted on the property as a matter of right. The applicant's proposal combined with the proposed conditions in the resolution will ensure an attractive development that will contribute positively to the aesthetic appeal of this important corridor. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve the application subject to the conditions set forth in proposed Resolution No. R21-93.

Anderson/3497

Attachments

- Planning Commission minutes excerpts, June 9, 2021
- Zoning Map
- Narrative letter
- Sketch plan
- Trip generation report
- Proposed Resolution R21-93