

Application No. UP-967-21, Magruder-Tabb Animal Hospital: Request for 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.

Earl W. Anderson, Senior Planner, summarized the staff report dated June 1, 2021, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC21-11.

Chair King opened the public hearing.

Joseph Wallace, 156 Breezy Point Drive, spoke as the applicant, stating that he has been in the County since 1966 and has seen a lot of change. He stated that the reason for moving is to accommodate the growth of the practice, and he offered to answer questions.

Mr. Jons asked Dr. Wallace what he plans to do with the current vet clinic.

Dr. Wallace responded that he has no definite plans but that he has thought about possibly converting it to a residential duplex since the property is zoned for multifamily residential use.

Chair King asked about the vet clinic's hours of operation.

Dr. Wallace responded that the staff generally arrives between 6:00 and 7:00 AM and typically leaves by 6:00 PM. He added that he occasionally works as late as 9:00 PM if he has a patient in the hospital that needs his assistance at night.

Chair King asked Dr. Wallace to confirm that there are typically no animals in the outdoor exercise yard after 6:00 PM.

Dr. Wallace said that is correct and that staff would always be in the yard with the animals.

John Stewart, 101 Ponsonby Drive, stated that he is President of the Yorkshire Downs Master Association and his pets are patients of Dr. Wallace's. He stated that from a personal perspective, he is happy about the vet clinic moving closer to his home, which will be more convenient. He stated that the Board of Directors agrees with staff that a vet clinic is preferable to a lot of other commercial uses that could potentially occupy the property. He added that the Board had some questions about the visibility of the exercise yard and the dumpster area but that they would address those with the applicant directly. Mr. Stewart stated that personally, he is in support of the application, and that as President of the Master Association, he has received no negative feedback.

There being no one else wishing to address the Commission on this application, **Chair King** closed the public hearing.

Mr. Criner stated that he thought it was a great use of the property.

Mr. Jons stated that the plan is well thought-out and has taken the interests of neighboring residents into consideration.

Chair King said that the proposed vet clinic would be less intensive than a lot of other commercial uses that would be permitted on the property as a matter of right and that he supports it.

Mr. Criner moved the adoption of Resolution No. PC21-11(R) as revised to remove an inadvertent home occupation reference.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE A VETERINARY HOSPITAL WITHOUT OUTSIDE RUNS AT 3525 HAMPTON HIGHWAY

WHEREAS, Magruder-Tabb Animal Hospital has submitted Application No. UP-967-21, which 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 clinic without outside runs on a 3.2-acre parcel (GPIN V02d-3658-1409) located at 3525 Hampton Highway (Route 134); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission on this the 9th day of June, 2021, that Application No. UP-967-21, which 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 clinic without outside runs on a 3.2-acre parcel (GPIN V02d-3658-1409) located at 3525 Hampton Highway (Route 134) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a veterinary clinic without outside runs on a 3.2-acre parcel (GPIN V02d-3658-1409) located at 3525 Hampton Highway (Route 134).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Division of Development Services prior to the commencement of any land clearing or construction activity on the subject parcel. Said site plan shall be in substantial conformance with the sketch plan, titled "Veterinary Clinic for Dr. Joseph Wallace" prepared by Spain Commercial, Inc. and the narrative letter submitted by the applicant to the York County Planning Division on April 27, 2021, except as modified herein.
3. In accordance with the provisions of the Zoning Ordinance under section 24.1-243(a)(1), a Type-25 transitional buffer of twenty-five foot (25') buffer shall be installed along the western property line of the subject parcel.
4. A six foot (6') board-on-board privacy fence shall be required along the parking lot area abutting the western property line.
5. A twenty foot (20') easement shall be granted to York County along the property line adjacent to Ascot Drive and Hampton Highway for the installation of a multi-use path.
6. Customer visitation shall be limited to Monday through Saturday from 7:00 am to 6:00 pm.

7. Animals under the care of Magruder-Tabb Animal Hospital and brought outdoors for temporary exercise times shall be accompanied by and under the control of animal shelter staff at all times.
8. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On a roll call the vote was:

Yea: (6) Titus, Leedom, Criner, Sturk, Jons, King
Nay: (0)
