

Town of Lovettsville

PUBLIC HEARING

TO: Mayor and Town Council

FROM: Stephen E. McGregor, Zoning Administrator

DATE: May 13, 2010

SUBJECT: LVCU 2010-0001 Bernhart Corner Veterinary Hospital –
Conditional Use Permit

CONCURRENT WITH:

LVZA 2010-0004 Veterinary Hospital Use – Zoning Ordinance
Amendment

PURPOSE: To provide a staff report on amending the Zoning Ordinance to permit the applicant to operate a veterinary Hospital use conditioned upon the applicant providing certain elements for the use.

PROPOSAL and DESCRIPTION OF THE SITE: Bernhart Corner (LLC) has applied for a conditional use permit to operate a veterinary hospital in an existing building at 2 East Broad Way. The property identification number is 369107761 and it is zoned C-1. The property is .34 acres at the intersection of Berlin Turnpike opposite the Town Square and East Broad Way. The existing building has 1,645 gross square feet, not including the outdoor loading platform. The existing building, which formerly housed the post office, is proposed to be renovated in order for a tenant to operate a veterinary hospital. The applicant is offering to provide some landscaping and fencing features on the site, as indicated in the request letter and a sketch of the proposal (revised March 31). The applicant's proposed landscaping features include:

- Three (3) forsythia bushes along the eastern property boundary (next to the existing sidewalk).
- Retain the two (2) existing trees along the eastern property boundary (next to the existing sidewalk).
- Shrubs along the dog walk.
- Fence (8' wide and 6' high) to screen existing fuel tank facing the western property boundary and Berlin Pike.
- Two (2) ornamental grasses at either end of the fence screening the fuel tank.
- Raised flower bed (27'X3') along East Broad Way frontage

- Three (3) dwarf evergreens on the northwest corner of the property at the intersection of Berlin Pike and East Broad Way.
- Two (2) large flower buckets [planters] on the sidewalk running along the west façade of the existing structure.

It should be noted that a portion of the site is in the public road right-of-way, which at some point will be vacated by the Virginia Department of Transportation (VDOT) because of the realignment of Berlin Pike for the Town Square. Some existing parking spaces on the site are in the right-of-way. There are an indeterminate number of parking spaces on the property because some of the spaces currently used are in the current ROW and others are shared with the adjacent restaurant site.

ANALYSIS: In order for the Town to meet the applicant's request for a veterinary hospital on the subject property the property would have to be either rezoned to C-2, which permits the use "by-right", or, the C-1 district would have to be amended to include the use. The applicant chose to ask for the C-1 district to be amended with the understanding that the change would mean the use would be permitted conditionally so the Town can exercise some control of the external features of the new facility.

Therefore, this conditional use permit application is being evaluated and scheduled for public hearing concurrently with the Zoning Ordinance amendment to include the use in the C-1 district. The ordinance amendment has to be approved before the conditional use permit can be considered for approval.

As stated in the discussion section of LVZA 2010-0004 Veterinary Hospital Use Zoning Ordinance Amendment, the purpose and intent of the C-1 district would accommodate the veterinary hospital use. Assuming that the ordinance amendment is approved as proposed the veterinary hospital use proposed in this application would be a beneficial use in the Town as there is no veterinary service in the Town. Generally, the site can accommodate the use given the existing building and parking.

The site, however, has some deficiencies in terms of visual amenity. The Town Plan has the following Town-wide policy in the Land Use chapter under Implementation Policies (5th bullet) that states:

"Encourage landscaping and beautification in existing and new developments."

This policy applies to this site and this application. The landscaping improvements proposed by the applicant will add to the visual improvement of the facility but it would be more beneficial to the community if they were slightly altered. This site is one of the most visible in the Town and it is barren of

vegetation. Staff feels that the building is stark without many windows or relief from the brick façade, which has a negative visual impact.

The landscaping proposed by the applicant helps the visual amenity of the site but instead of three forsythia bushes placed along the eastern boundary of the property next to the existing sidewalk staff feels it would be better to have a continuous row of evergreen shrubs along the façade in order to help soften the harsh appearance of this façade. Also, because of the location of the western façade staff feels there should be four, not two large planters with evergreen shrubs. The Planning Commission agreed with staff on these points.

Planted landscaping takes time to install and has to be done only at certain times of the year. Therefore, permanent landscaping additions do not need to be installed upon occupancy. The Planning Commission felt that one year from approval of the permit is a reasonable amount of time for the applicant to complete these improvements. A sign permit for the picket fence around the dog walk should be submitted at the time the occupancy permit is submitted. The fence design, including materials and color, should be included in the fence application.

The Zoning Ordinance requires five parking spaces (one for every 300 square feet of the facility). There are more than enough parking spaces serving the site, even without those now located in the ROW. There is some expectation that the existing ROW when vacated by VDOT may accrue to the subject property.

PLANNING COMMISSION RECOMMENDATIONS: There were numerous speakers at the April 7 Planning Commission, who unanimously supported the proposed conditional use permit for the veterinary hospital. The Commission made a positive recommendation on the concurrent Zoning Ordinance Amendment item that would permit the veterinary hospital use conditionally in the C-1 district. The Commission discussed the amount of landscaping proposed by staff for the conditional use permit and concluded that the most helpful revision of the proposed condition regarding the timeframe for adding plantings would be to extend the installation period to one year from the date the Town Council approves the permit, should they do so. Therefore, the Commission recommends that the following conditions should be required of the applicant in order to approve the application:

1. The veterinary hospital should comply with provisions in Article 3, Section 3-11 Commercial and Light Industrial Districts – General, paragraph (f) General Standards for Certain Uses, paragraph (i) Veterinary Hospitals.

2. The exterior of the existing structures can only be altered to comply with the requirements of a building permit or building code safety requirements. Any exterior improvements shall comply with applicable major or minor improvements permits requirements of the Zoning Ordinance.
3. The applicant shall install four (4) large (36" minimum diameter) planters with evergreen plantings at least three (3) feet high (from the top of the planter) at planting on the existing sidewalk next to the western façade of the existing building. A continuous row of evergreen shrubs should be planted along the sidewalk along the east façade in addition to the two existing trees. Shrubs should be at least two (2) feet high at planting. A continuous row of evergreen shrubs, at least three feet high at planting, should be planted along the border of the dog walk. Two (2) tall ornament grasses should be planted at either end of the screening fence in front of the fuel tank. A raised flower bed, 27 feet by 3 feet should be planted in the front of the existing structure along the East Broad Way frontage. Three (3) dwarf evergreen trees or shrubs, at least two feet high at planting, should be planted near the intersection of Berlin Pike and East Broad way.
4. All plantings described in these conditions shall be installed no later than one year from the date of approval of this conditional use permit.
5. As stated in section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
6. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
7. Ten business days prior to occupancy the applicant shall file a zoning certificate permit application with the Town for a conversion of use, a County required occupancy permit application and a fence application for the screening fence in front of the fuel tank and the picket fence around the dog walk.
8. This conditional use permit is not transferable from one tenant to another regardless of the type of business involved.

Upon review of the Planning Commission staff report and subsequent recommendation on the recommended conditions staff concludes that condition #8 should be modified as follows:

"This conditional use permit is only valid for Dr. Peter Pruckowski."

This is a much simpler way to express both the staff and the Planning Commission's intent to give the Town a chance to review the conditions and

implementation of the conditions should Dr. Pruckowski, who is the prospective tenant for the veterinary hospital, terminate his involvement in the business and it is subsequently operated by someone else.

DRAFT MOTION: “I move that the Town Council approve the attached draft resolution approving the conditional use permit request by Bernhart Corner to operate a veterinary hospital at 2 East Broad Way with the conditions recommended by the Planning Commission, April 7, 2010 and the staff, May 13, 2010.”

ATTACHMENT: 1) Draft resolution to approve LVCU 2010-0001 Bernhart Corner Veterinary Hospital, Elizabeth Whiting, Town Attorney, May 6, 2010.
2) Correspondence from Dr. Peter Pruckowski, March 13, 2010 and March 31, 2010

Town of Lovettsville

Draft

Ordinance 2010-XX-XX: APPROVING CONDITIONAL USE PERMIT LVCU 2010-0001 FOR BERNHART CORNER VETERINARY HOSPITAL

MOTION: SECOND:

WHEREAS, Bernhart Corner LLC submitted a Conditional Use Permit application seeking approval of a veterinary hospital for property identified as 2 East Broad Way, Parcel Identification Number 369107761 located within the C-1 Commercial Zoning District; and

WHEREAS, the Town Council approved LVZA 2010-0004 immediately prior to action on this application, amending the text of the Lovettsville Zoning Ordinance so as to permit, *inter alia*, establishment of veterinary hospitals in the C-1 zoning district by conditional use permit; and

WHEREAS, the Lovettsville Planning Commission held a public hearing on the said application on April 7, 2010, pursuant to notice duly advertised in accordance with the provisions of Va. Code § 15.2-2204, and recommended approval of the application, subject to certain conditions; and

WHEREAS, the Lovettsville Town Council conducted a public hearing on the application May 5, 2010, pursuant to notice in accordance with the provisions of Va. Code section 15.2-2204; and

WHEREAS, Town Council finds that approval of the Conditional Use Permit is consistent with the objectives of the C-1 District, and will promote the public health, safety and welfare of the Town and its citizens; and is consistent with good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that the Conditional Use Permit application LVCU 2010-0001 by Bernhart Corner LLC for establishing a veterinary hospital on the property identified above, be approved, subject however to the following conditions:

1. The veterinary hospital shall comply with provisions in Article 3, Section 3-11 Commercial and Light Industrial Districts – General, paragraph (f) General Standards for Certain Uses, paragraph (i) Veterinary Hospitals.
2. The exterior of the existing structures may only be altered to comply with the requirements of a building permit or building code safety requirements. Any exterior improvements shall comply with applicable major or minor improvements permits requirements of the Zoning Ordinance.
3. The applicant shall install four (4) large (36" minimum diameter) planters with evergreen plantings at least three (3) feet high (from the top of the planter) at planting on the existing sidewalk next to the western façade of the existing building. A continuous row of evergreen shrubs should be planted along the sidewalk along the east façade in addition to the two existing trees. Shrubs should be at least two (2)

Town of Lovettsville

feet high at planting. A continuous row of evergreen shrubs, at least three feet high at planting, should be planted along the border of the dog walk. Two (2) tall ornamental grasses should be planted at either end of the screening fence in front of the fuel tank. A raised flower bed, 27 feet by 3 feet should be planted in the front of the existing structure along the East Broad Way frontage. Three (3) dwarf evergreen trees or shrubs, at least two feet high at planting, should be planted near the intersection of Berlin Pike and East Broad way.

4. All plantings described in these conditions shall be installed no later than one year from the date of approval of this conditional use permit.
5. As stated in section 6-3 (b) the applicant shall maintain all existing and new landscape material in good condition.
6. All deliveries shall be made on site. Delivery vehicles shall not park on the public street for this purpose.
7. Ten business days prior to occupancy the applicant shall file a zoning certificate permit application with the Town for a conversion of use, a County required occupancy permit application and a fence application for the screening fence in front of the fuel tank and the picket fence around the dog walk.
8. This conditional use permit is valid only for Dr. Peter Pruckowski.

VOTE:

AYES:

NAYS:

ABSTENTIONS:

ABSENT FOR VOTE:

Adopted this __ day of May, 2010.

ELAINE WALKER, MAYOR

JUDY L. KROMHOLZ, TOWN CLERK

March 13, 2010

Keith Markel
Town Manager
Lovettsville VA, 20180

Dear Keith,

Please excuse the paper work job. It was quite a rush to get it all together. I have enclosed a letter to you requesting to modify the C-1 zoning to accept a veterinary clinic with a conditional use permit. An application for a zoning certificate which may need additional information such as "inside use" and "outside use" is also included. Inside, there is an area of 1645 sq.ft., which will be used to provide veterinary services (i.e. exams, vaccinations, surgeries, medical treatments and hospitalized care.) Outside area of 250 sq. ft. will be used as a walking area for dogs needing to eliminate. It will be fenced (white picket to match the square.) There will be no outside runs.

The application for the conditional use permit for a veterinary clinic requires some additional information. On the plat labeled #1 Fred George has outlined the parcel in question. There will not be a division of the parking lot shared with Andy's. The parking spaces are drawn close to scale and total 19. The distances to the other properties are to the east 12 feet and to the southeast 37 feet. The front door is marked and it will be the route of entrance for clients and employees. The back door over the loading dock will be used for deliveries and possibly critical cases that cannot walk through the front door as well as patients needing to be walked during their stay. As stated before, a veterinary clinic provides services for cats and dogs to maintain a healthy life and reduce and eliminate disease if possible. The dog walk has been addressed. I could not find an application for a fence permit online and I would be happy to file one with the town.

The beautification plan (see plat marked #2) will encompass a 3ft. by 27.5 ft. flower bed in the front of the building composed of bulbs, perennials and annuals. A forsythia bush will marked the east boundary, Ornamental grass will be placed along side the outside oil tank, which will have a fence like barrier to deflect its unsightliness. The outside dog walk with picket fencing will also have a hedge row. And finally, the northwest corner (which still belongs to VDOT) will have some evergreen trees.

I hope I have covered everything. The sign permit is premature pending the zoning modification. I have included it with the other documents but without a fee. It is there for your perusal. The long sign on the west wall will be lighted. It will read LOVETTSVILLE VETERINARY CLINIC. A monument sign will be in the front of the building and have changeable letters to detail special events. A plaque-like wall sign will be placed to east side of the front door. Hours of operation will be included in the monument sign and on the front door.

One last thing, there are no fees stipulated for the applications other than the sign permit. I hope I am not overlooking anything. Please let me know if any fees are due and do not let my ignorance of this matter cause any delay in the application procedure. I look forward to hearing from you soon to discuss any omissions of my application.

Sincerely,



Peter Pruckowski DVM

MAR 15 2010

March 13,2010

To Keith Markel
Town Manager
Lovettsville, VA 20180

This letter is to document my desire to open and operate a small animal veterinary clinic in the town of Lovettsville, VA. The citizens of Lovettsville deserve quality veterinary care for their pets. At present they must travel either to Purcellville or Leesburg, VA or to Jefferson, MD. With the ever increasing population and density of the Lovettsville area, I believe that a full service veterinary clinic would be beneficial to the general population and enhance the standard of living.

Currently there is limited C-2 zoning available for a veterinary clinic. I am requesting the Town of Lovettsville to amend the Zoning Ordinance to allow the Veterinary Clinic use as a use permitted conditionally in the C-1 zoning district. This would allow for a veterinary clinic to be located in the "old post office" building in the heart of the town. With improvements to the building, a fresh coat of paint, and landscaping to the property, I believe that not only would a necessary service be provided, but the changes would beautify the area. It is understood that there would be no outside runs for the animals. A dog walk area with a quality fence would be built to insure protection for the dogs and limit the area that they could access.

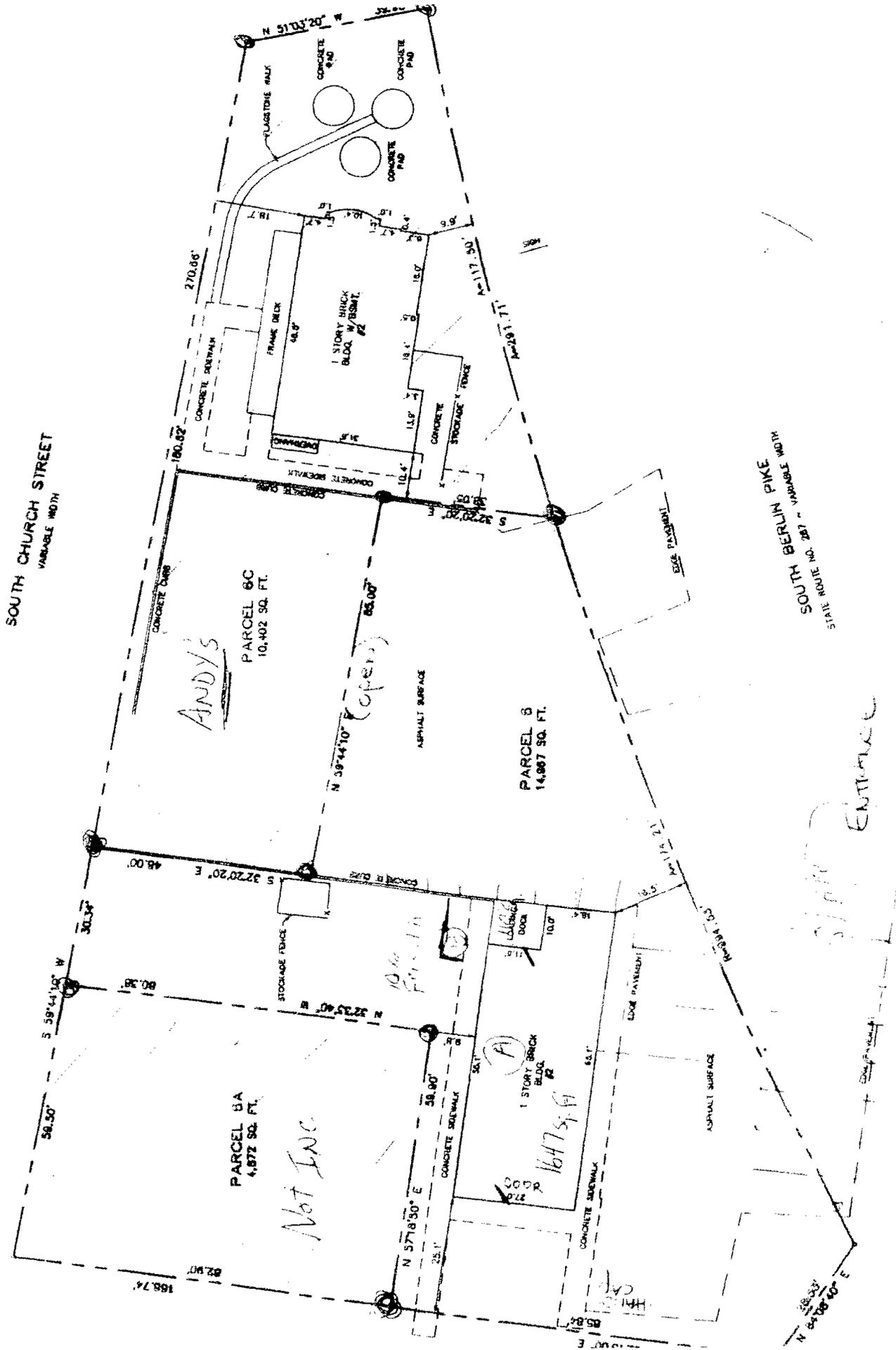
I hope that the Town of Lovettsville, VA will accept my request. I look forward to working with you to answer any of your questions regarding this project. I also hope to accommodate further requests and/or changes or amendments to my proposal.

Sincerely,



Peter Pruckowski DVM
13504 Picnic Woods RD.
Lovettsville, VA 20180
540-822-5223
BMDOG@aol.com

①
Berkeut Co. Inc. Plat



STATE ROUTE NO. 287 - VARIABLE WIDTH
SOUTH COOS WITH BERLIN PIKE

START ENTRANCE

March 31, 2010

Dear Steve,

Please see proposed placement of shrubs, flowers, grasses, and fences. See numbers on plat for identification and positioning.

1. 3 forsythia bushes along east boundary
2. 2 large trees, already present, along east boundary
3. shrub border along fenced in pen
4. privacy fence, 8'x6', to shield fuel tank on west side of building
5. 2 ornamental grasses on west side of building
6. raised flower bed, 27'x3', to include bulbs, annuals, and perennials
7. 3 dwarf evergreens on northwest corner
8. 2 large flower buckets on the west side of building

B. white picket fence, 25'x10', east side of building

Talk to you soon,

Setu (Dr. P.)

