

# Special Exception 2009-0001

## Statement of Justification –

March 23, 2009

REVISED May 16, 2009

The information provided in this document gives justification for two (2) special exceptions for the Department of Animal Care and Control in Loudoun County. The two (2) special exceptions requested include opening the animal shelter facility to the public on Sundays, to include adoption hours from 1:00 p.m. to 5:00 p.m., and to add a facility to be used as an Animal Behavior/Enrichment and Staff Training Center.

### I. Introduction and Overview

The Department of Animal Care and Control location in Waterford, Virginia is the only animal sheltering facility within Loudoun County that houses stray, abandoned and surrendered animals. The Department also provides programs that offer adoption and other placement opportunities for the animals in their care. Changing traffic patterns and increased congestion on the roadways leading to the animal shelter building's location makes it virtually inaccessible to many county residents (primarily those east of Leesburg) during the weekday hours. Making the animal shelter more accessible to County residents living east of Leesburg on Sundays, during hours of lower traffic congestion and on a day when many residents are not working, would serve to enhance the shelter's ability to find new homes for the animals in its care. Animal shelter organizations in Arlington and Alexandria recently expanded their hours of operations to include Sundays, and they have experienced significant increase in public attendance at their shelters and in animal placements. If Sunday hours are approved, the shelter will close to the public on a designated weekday.

Currently, regular business hours for the shelter are:

Monday:	8 AM to 6 PM
Tuesday:	8 AM to 6 PM
Wednesday:	8 AM to 8 PM
Thursday:	8 AM to 6 PM
Friday:	8 AM to 6 PM
Saturday:	8 AM to 5 PM
Sunday:	CLOSED

With the proposed change in hours, regular business hours are expected to change as follows:

Monday	CLOSED (the shelter will be closed one weekday per week; it is likely that the shelter will elect to close on Mondays, although operational needs may dictate that the shelter remain open on Mondays and close on another week day; in any case, the shelter will be closed one weekday per week.)
Tuesday:	8 AM to 6 PM
Wednesday:	8 AM to 8 PM
Thursday:	8 AM to 6 PM
Friday:	8 AM to 6 PM
Saturday:	8 AM to 5 PM
Sunday:	1 PM to 5 PM

The addition of a facility (approximately 1,500 s.f., with a restroom reserved for staff use only and a sink to facilitate cleaning of areas accessible to animals) that will serve as an Animal Behavior and Staff Training Center will serve to expand much needed facility work space available to staff, enhancing the facility's ability to assess, rehabilitate and enrich dogs and other animals in the shelter's care, and providing a dedicated staff training facility. Currently, most animal-related activities other than basic care and housing must be performed in a small 20 foot by 20 foot room, commonly referred to as the "classroom". This area also must serve as the multi-function room used for meetings, training programs, and events. In addition to its current uses, the classroom will also be needed to satisfy dog handling training to members of the public pursuant to the Department's new Adoption Policy. The existing classroom is barely adequate to handle any one of the needed uses, let alone all of them simultaneously.

## **I. History**

The Department of Animal Care and Control sheltering facility was constructed approximately 40 years ago by Humane Society of the United States, with ownership having transferred to Loudoun County in 1974. The facility serves as the County's "pound", which must be maintained and operated pursuant to the Code of Virginia and the regulations set forth by the State Veterinarian's Office. The facility was modernized and expanded in 2001 pursuant to the Special Exception Process. Hours of operation are currently Monday, Tuesday, Thursday and Friday, 8:00 a.m. to 6:00 p.m.; Wednesday, 8:00 a.m. to 8:00 p.m.; and Saturday, 8:00 a.m. to 5:00 p.m. A garage/barn structure was built in CY2000 and is located in the enclosed parking area at the rear of the sheltering facility.

## **III. Site Description**

The property is located northwest of the intersection of Route 9 (Charles Town Pike) and Route 704 (Hamilton Station Road), approximately 2.1 miles northwest of Route 7. The site lies within areas of agricultural and rural residential uses.

The site consists of approximately 13.26 acres and is known as LCTM 37-101B, Pin #344-45-5673-000 and is located in the Catocin Election.

The site is a mixture of pasture and wooded areas. The building and accessory parking is generally located in the center of the parcel. Paddocks for livestock are on the periphery. The property is surrounded by existing rural residential uses. The proposed expansion will have no adverse impact on the adjoining properties. The topography and existing vegetation within the site serve to screen the animal shelter from the adjacent homes.

## **IV. Transportation**

The facility is currently served by a paved driveway with a private access easement. The point of ingress/egress is from Route 9 and is located immediately west of the Route 9/Route 704 intersection. No modifications or improvements to the entrance or driveway are proposed with this application.

The number of average daily vehicle trips generated by the current facility, as per a traffic count conducted on April 22-24, 2008, is approximately 119 passenger vehicles per day. Truck traffic is limited to light trucks and trailers that deliver supplies and occasionally large animals, garbage removal and pickup for animal cremation services.

Neither aspect of the proposed special exception is expected to significantly impact shelter traffic. Additional traffic generated as a result of opening on Sunday will be offset by the shelter closing on another weekday, so the overall number of vehicle trips is not expected to increase significantly. The proposed behavioral and training building will be primarily used by current employees and shelter volunteers. Occasional training programs and animal handling demonstrations/instructions will result in limited increase in shelter traffic that will be spread out throughout the year.

## **V. Zoning Ordinance**

The site is zoned AR-1 Agricultural Rural. The property has approximately 650 feet of frontage on Route 704, Hamilton Station Road, and the proposed building setback from Hamilton Station Road is approximately 320 feet.

## **VI. Special Exception Standards**

This application is consistent with the General Plan, presents no adverse impacts to adjoining properties or the community at large, and provides a valuable service to the residents of Loudoun County. Approval of this application will allow the existing facility, which has served the citizens of Loudoun County for 40 years, to continue to improve its services and provide greater accessibility to the citizens of eastern Loudoun County. This application satisfies the special exception standards as follows:

### **SPECIAL EXCEPTION FACTORS FOR CONSIDERATION**

Section 6-1310 of the Revised 1993 Zoning Ordinance outlines various factors for consideration in the review of a special exception request. The following is an analysis of these factors in relation to the Property:

#### **A) Whether the proposed special exception is consistent with the Comprehensive Plan**

The property is located within the Rural-20 Policy area and is in areas of agricultural and residential uses. The Revised General Plan, encourages “rural residential and low intensity uses that reserve open space and provide opportunities for farming to continue.” The application is consistent with the General Plan. The animal shelter meets several goals of the General Plan as follows:

The facility is consistent with the rural character of the area. The building and parking area is centrally located on the 13.26-acre site and is surrounded by pasture and landscaped open spaces that serve to buffer the building from adjoining parcels. In addition to housing animals within the building, the shelter also pastures livestock on the property. The relatively small building, surrounding pasture and wooded landscape offers a low intensity use that blends the rural residential and agricultural uses in the community.

The animal shelter is consistent with the General Plan goal to “... continue to support the local farm economy.” The shelter has served the needs of the agricultural community for the past 35 years. The proposed improvements will allow the shelter to continue to provide valuable services to rural residents and farmers.

The animal shelter provides agricultural-related employment opportunities.

**B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control**

The proposed change in days of operation will have no impact on the shelter's fire safety. The proposed addition of a dedicated behavioral building will include appropriate fire preventative, suppression and warning systems.

**C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.**

There are existing residences adjacent to the existing facility, the closest occupied house being approximately 500 feet from the building. The proposed change will not increase the number of animals cared for in the shelter, and therefore will not increase noise levels emanating from the shelter.

**D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.**

The proposed changes will not produce any excessive light or glare on adjacent properties. Some level of security lighting is used at the facility, however due to the intervening distance between the shelter and adjacent properties and the existing mature vegetation surrounding the facility, light and glare will not impact surrounding properties. Existing site lighting utilizes low glare producing lamps.

**E) The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels**

The appearance and function of the facility is agricultural in character, and the low intensity use is compatible with other existing uses in the area.

**F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood will adequately screen surrounding uses.**

The existing and proposed buildings and associated parking lot are located near the center of the property such that there is intervening landscaped open space between them and adjacent parcels. There is mature vegetation on the site which will remain undisturbed with the proposed addition.

**G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological, or historic feature of significant importance.**

The proposed behavioral building will not require any significant grading, and will not significantly impact any existing topographic, physical, natural or scenic features on or off the site. There are no known archaeological or historic features, which would be impacted by this expansion. The modest addition of building footprint will occur near to the existing building, and will not impact the mature vegetation or pasture area that surrounds the facility.

**H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.**

The addition of the proposed behavioral building will occur within the immediate vicinity of the existing structure, and no additional disturbance is proposed that would compromise the environment.

Floodplain does not exist on the subject parcel per the Floodplain Map of Loudoun County and there are areas of Moderately Steep (15 – 25%) and Very Steep (over 25%) Slopes on the subject parcel. The proposed special exception has no impact on these environmental features. There are no known environmentally sensitive features, wildlife habitat or vegetation that will be impacted by this project.

**I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.**

The proposed changes in operating hours will significantly promote the welfare and convenience of the public, making the shelter more accessible to citizens otherwise deterred from visiting the shelter due to weekday traffic congestion.

**J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.**

The facility is accessed from Route 9 (Charles Town Pike). The Transportation Department estimates that there will be no significant increase in traffic resulting from either the proposed expansion in hours or the proposed animal behavioral and staff training building.

**K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.**

Current structures will not be converted.

**L) Whether the proposed special exception will be served adequately by essential public facilities and services.**

Neither the proposed behavioral building nor the change in hours should result in an increase in demand for use of the facility that will impact existing public facilities and services.

**M) The effect of the proposed special exception on groundwater supply.**

Neither the proposed behavioral building nor the change in hours should result in an increase in demand for use of the facility that will impact groundwater supplies.

**N) Whether the proposed use will affect the structural capacity of the soils.**

Neither the proposed behavioral building nor the change in hours should have an impact on the structural capacity of the soils. The proposed behavioral building will be only a one-story structure, and the structural capacity of the existing soil should be sufficient to support it.

**O) Whether the proposed use will negatively impact orderly and safe road development and transportation.**

No road improvements or new entrances are proposed or recommended in support of this application.

**P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.**

The existing facility employs a staff of 30 people. Neither the proposed animal behavioral and staff training building nor the proposed Sunday hours are expected to result in the need for additional staff.

**Q) Whether the proposed special exception considers the needs of agriculture, industry, and business in future growth.**

Not applicable. Future growth is not considered for the proposed facility.

**R) Whether adequate on and off-site infrastructure is available.**

As discussed herein, adequate on and off-site infrastructure is and/or will be available.

**S) Any anticipated odors which may be generated by the uses on site and which may negatively impact adjacent uses.**

Odors generated by the proposed facility are consistent with the existing use of the property as well as the uses of the adjacent properties (i.e. horses, general agricultural activities).

**T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.**

As discussed herein, the proposed facility will have negligible traffic impact; however, measures will be taken during construction to ensure there are no negative impacts to existing uses near the limits of the special exception.