



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: SP202400011 The Gray Restaurant	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: June 25, 2024	Board of Supervisors Hearing: To be scheduled
Owner: In Vino Veritas; Charlottesville & Albemarle Post 74 Inc	Applicant: The Gray
Acreage: 1.99 acres	Special Use Permit for: Section 22.2.2.16(c) restaurant not served by public water
TMP: 07900-00-00-019LH Location: 3015 Louisa Road	Zoning/by-right use: C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
Magisterial District: Scottsville	Conditions: Yes EC: Yes
School Districts: Stone Robinson (Elementary), Burley (Middle), Monticello (High)	
Proposal: Restaurant limited to no more than 2,100 square feet	Requested # of Dwelling Units: N/A
DA: RA: X	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
Character of Property: A 14,000 square foot commercial building is located on the property and used by the American Legion and the 2,100 square foot building is currently used by the Gray for a wine/specialty retail shop. The site has 87 parking spaces.	Use of Surrounding Properties: Property to the east is zoned C1 Commercial developed with a gas station/convenience center. To the west is another gas station, to the north is a religious assembly use, and to the south is Luck Stone Quarry. Beyond the immediately adjacent parcels are other non-residential uses, residential, and agricultural.
Positive Aspects: 1. The character of the area will not be changed by the proposed use. 2. Granting the special use permit will allow additional uses within an existing building consistent with the C1-Commercial zoning of the property. 3. The proposed use will not adversely affect surrounding uses.	Concerns: No concerns have been identified.
RECOMMENDATION: Staff recommends approval of SP202400011 subject to one condition.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
June 25, 2024
To be scheduled

PETITION

PROJECT: SP202400011 The Gray

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 07900-00-00-019LH, 07900-00-00-01900

LOCATION: 3015 Louisa Road, just east of the intersection of Richmond Road and Louisa Road

PROPOSAL: Use of an existing approx. 2,100 square foot building for a wine, beer and specialty shop, to include food service.

PETITION: Section 22.2.2.16(c) restaurant not served by public water. No new dwelling units proposed.

ZONING C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT(S): EC Entrance Corridor

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

CHARACTER OF SURROUNDING AREA

Currently, a 14,000 square foot commercial building is located on the property and used by the American Legion and the 2,100 square foot building is currently used by the Gray for a wine/specialty retail shop. The site has 87 parking spaces. Property to the east is zoned C1 Commercial developed with a gas station/convenience center. To the west is another gas station, to the north is a religious assembly use, and to the south is Luck Stone Quarry. Beyond the immediately adjacent parcels are other non-residential uses such as an elementary school and Collina Farm, residential, and agricultural. The site is also located convenient to nearby farm wineries. (Attachment 1-Location Map and Attachment 2-Zoning Map)

PLANNING AND ZONING HISTORY

SDP199900088- A site plan was approved for a 14,000 square foot antiques/retail building along with 2,100 antique repair building.

SDP199900128- A site plan amendment was approved to allow a restaurant/tea shop within the former 2,100 square foot antique repair building and to expand parking on the site

SDP200800170- A site plan amendment was approved to allow use of the existing buildings for the American Legion and a wine shop, with other minor site changes.

CLE202400016- A zoning clearance was approved for the Gray, a wine and specialty/gourmet shop to occupy the 2,100 square foot building previously used for a restaurant and then a wine shop.

DETAILS OF THE PROPOSAL

The applicant has already established a retail wine and specialty shop of 2,100 which is by-right, on the property. This request is to add a restaurant component to that business. Health department approval has already been obtained for seating of up to 32 seats. Because the parcel is not served by public water, a special use permit is required and water analysis has been provided. (Attachment 5-Project Narrative and Attachment 6-Water Consumption Analysis)

COMMUNITY MEETING

Given the limited scale of the proposed restaurant use within an existing commercial building, a community meeting was not held for this special use permit.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined. This request must be considered in the context of all criteria applicable to special use permits, not just water consumption.

No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

The immediate surrounding properties are commercially developed or contain other non-residential uses. Staff's opinion is that there would be no substantial detriment to adjacent properties based on the limited size and scale of this proposed restaurant.

Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The proposed restaurant will be within an existing retail space. No changes to the site are proposed to accommodate the restaurant use. The character of the area will remain unchanged.

Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

Staff finds that the proposed uses are in harmony with the purpose and intent of this chapter. Section 18-22 of the Zoning Ordinance outlines the intent of the C-1 Commercial zoning district: "C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations.

...with the uses permitted by right in the district

The proposed uses will not affect the by-right use of this or any adjacent properties. The proposed use is consistent with uses permitted in the C-1 zoning district.

...with the regulations provided in section 5 as applicable,

There are no regulations in Section 5 applicable to the proposed restaurant use.

...and with the public health, safety and general welfare.

The site is accessed from an existing entrance on Louisa Road. Given the site has commercial zoning and an established retail use, there are no concerns with any additional trips that may be related specific to the restaurant use. VDOT staff had no objection to the proposed use.

The property is not connected to public water or sewer. Because it is not served by public water, a special use permit is required. The applicant has provided an assessment of the current well water supply along with expected water consumption for the proposed restaurant, compared with the water consumption already occurring with current commercial use and the American Legion. Based on the site's maximum daily water use of 737 gallons per day and a consumption rate of 5%, it is estimated that daily water consumption (i.e., water extracted from the site's well that is not returned to the subsurface) is 37 gallons per day. It is not expected that more than 400 gallons per site acre per day would be consumed. That is the threshold for requiring a special use permit for all other commercial uses in the ordinance not served by public water.

Given the limited size and scale of the restaurant use, staff believes there are no issues with public health, safety, or welfare. A condition of approval is recommended to limit the size of the restaurant use to 2,100 gross square feet.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject property for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also, to allow residential uses at a density of up to 0.5 acres per dwelling unit. Under the Rural Areas Section of the Comprehensive Plan allowing an additional use within the approved commercial building supports the following Guiding Principles:

Rural citizens supported by community meeting places, a basic level of services, and rural organizations and other cultural institutions at traditional rural scales, with opportunities to take part in community life and decisions.

Protect and enhance rural quality of life for present and future Rural Area residents.

Address the needs of existing rural residents without fostering growth and further suburbanization of the Rural Areas.

One of the Guiding Principles for the Rural Areas is "Water supply resources- Protect the quality and supply of surface water and groundwater resources." The study submitted indicates that there is sufficient supply of groundwater in this area to support the proposed use.

The applicant has also indicated they believe the use is supportive of local tourism and agriculture as they plan to feature local products.

SUMMARY

Staff finds the following positive aspects to this request:

1. The character of the area will not be changed by the proposed uses.
2. Granting the special use permits will allow additional uses within an approved development that is consistent with the existing C1-Commercial zoning district.
3. The proposed use will not adversely affect surrounding uses.

Staff has no concerns regarding the proposed special use permit.

RECOMMENDED ACTION

Based on the findings contained in this staff report, and with the condition proposed below, staff recommends approval.

1. The gross floor area for the restaurant must be limited to 2,100 square feet.

MOTION:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:

I move to recommend approval of SP202400011 The Gray Restaurant with the conditions outlined in the staff report.

- B. Should the Planning Commission **choose to recommend denial** of this special use permit:

I move to recommend denial of SP202400011. *Should a commissioner motion to recommend denial, state the reason(s) for recommending denial.*

ATTACHMENTS

Attach 1 – [SP2024-11 The Gray - Location Map](#)

Attach 2 – [SP2024-11 The Gray - Project Narrative](#)

Attach 3 – [SP2024-11 The Gray - Water Usage and Consumption Analysis](#)