



**Special Exception Request for**

Sec. 8.5.5.3 (a)(1) – Minor changes to yard requirements, build to lines or ranges.

Sec. 5.1.60 (c) – Drive through lane within 50 feet of rural areas district.

North Pointe Wendy’s (SDP202400003)

Tax Map Parcel #03200-00-00-02000

Zoning Case ZMA-200000009

The proposed Wendy’s development sits on a 63.14-acre property (#03200-00-00-02000) owned by CWH Properties L.P. The area being developed is the 1.01-acre section of the parcel North of Northside Drive, East of Route 29 and is shown on Exhibit 1. The construction of SDP202400003 would include a 2,228 square-foot building with a drive through lane wrapping around the building.

We are seeking an exception to the county code, Section 8.5.5.3(a)(1). The proposed Wendy’s parking lot falls within 20 feet of the property line on the southern and northern ends of the site. However, given the site-specific layout for a Wendy’s restaurant along with parking space requirements, there would be no way to increase the distance between the top of curb and the existing property line. The closest the parking lot comes to the property line would be on the northern side of the site at about 7 feet in distance, shown in Exhibit 2. Our site is zoned PD-MC per the approved ZMA-200000009 case. Based on Exhibit 3 (shown below) from Page 2 of the approved zoning case, there is approximately 4 feet of space between the conceptual parking lot and the property line on the northern end of the site. Therefore, given the size of the site and its need to meet commercial parking requirements, a 20-foot setback between the curb and property line wouldn’t be possible. Additionally, our site plan, as currently drawn, matches the intent of the approved zoning case, as a tight site was clearly anticipated, with the approved conceptual layout showing a similar dimension between parking lot and property line.

Additionally, we are seeking an exception for Section 5.1.60(c), as our drive thru lane currently sits ~46 feet away from the neighboring parcel to the north, which sits in a rural area district. This neighboring parcel, Parcel 32-22E, is shown in the Albemarle County Comprehensive Plan as a future Urban Residential Area as shown on Exhibit 4, however we feel that the site layout has been designed to maximize the distance between the drive-thru and adjacent parcel. Currently, that parcel is also vacant with no house or structure existing on it, as it very evidently has been cleared for future development. As previously stated, shifting the entire site 4 feet south isn’t an option given the spacing constraints, and we feel as though the drive through as currently shown is far enough away to not have any impact on Parcel 32-22E.

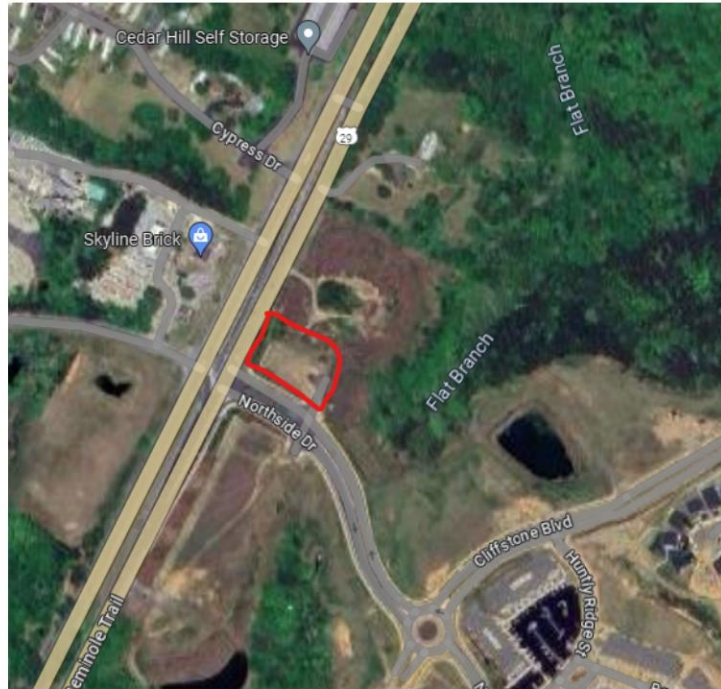


Exhibit 1  
Location of Proposed Wendy's

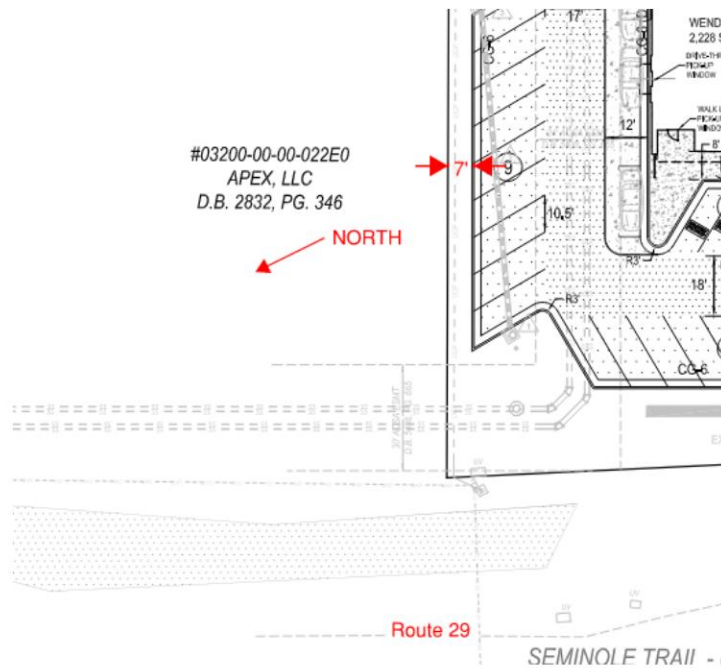


Exhibit 2  
Setback distance on Northern end of site.



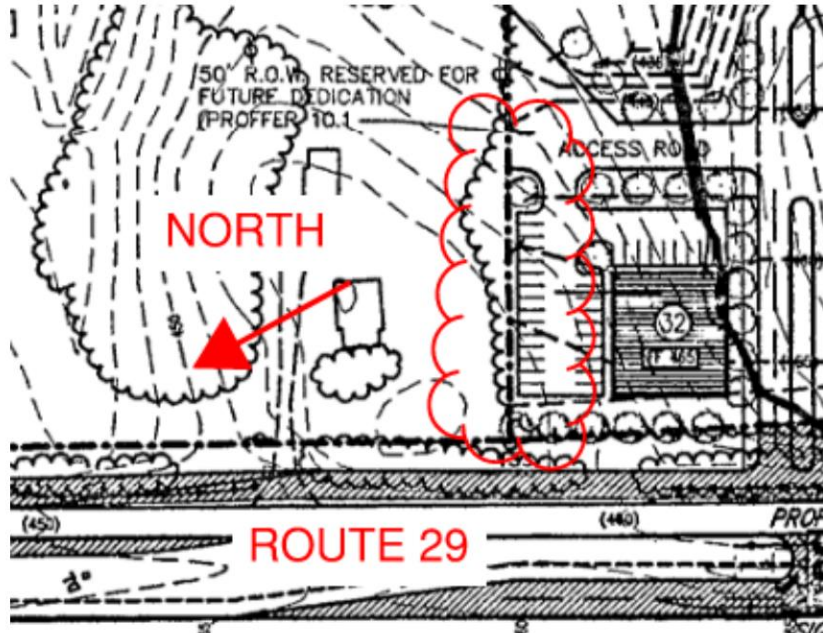
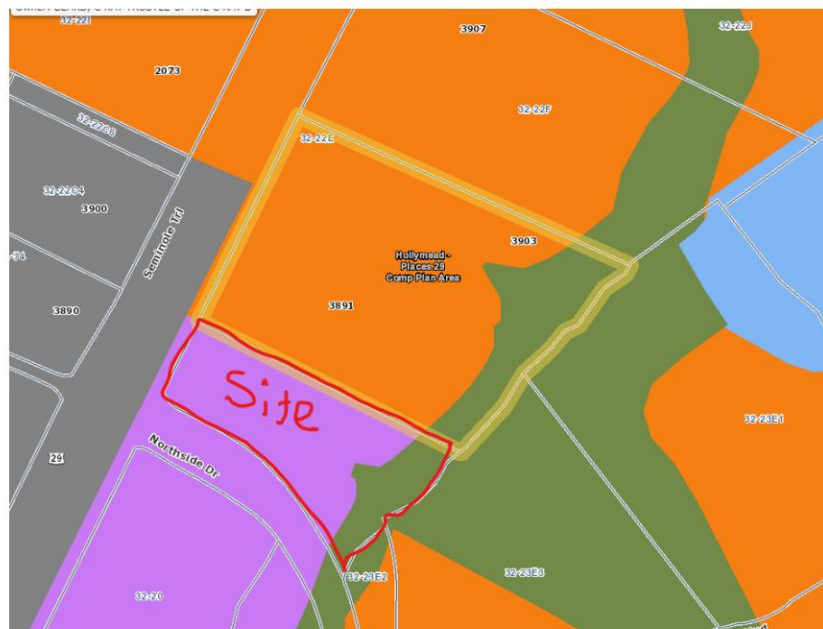


Exhibit 3  
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Urban Density Residential

Exhibit 4  
Adjacent Property 32-22E Comprehensive Plan  
1 Park West Circle, Suite 108, Midlothian, VA 23114  
804-748-9011 Fax 804-748-2590  
[www.cctownes.com](http://www.cctownes.com)