



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201500032 Restore'n Station	Staff: William D. Fritz, AICP
Planning Commission Public Hearing: June 7, 2016	Board of Supervisors Hearing: TBD
Owner(s): Jeffries II, LLC	Applicant(s): Jeffries II, LLC
Acreage: 4.06 acres	By-right use: HC, Highway Commercial
TMP: Tax Map 055B0000000100 Location: 6115 Rockfish Gap Turnpike (U.S. Route 250). This property is on the south side of Rockfish Gap Turnpike (U.S. Route 250) approximately 0.75 mile east of I-64 and 0.3 miles west of Western Albemarle High School.	Special Use Permit for: Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. (18-24.2.2(13)) Amendment of SP 2009-34
Magisterial District: White Hall	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: Not applicable	DA - RA - X
Proposal: Amendment of previous special use permit conditions to allow the construction of additional building space, allow expanded business hours and fuel sales and allow overnight parking.	Comp. Plan Designation: Rural Area 3-preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre in development lots).
Character of Property: The property is developed with a convenience store/office and has fueling stations.	Use of Surrounding Properties: Single Family residential to the south. Commercial development is located to the east and west of the site. A convenience store/market is located immediately to the north of the site. Other land to the north is either open area, agricultural or residential.
Factors Favorable: 1. There is no change in water use. 2. The groundwater study indicates that adequate recharge will occur even with the additional impervious area. 3. The application is consistent with the criteria for the issuance of a special use permit.	Factors Unfavorable: 1. If the Board of Supervisors disagrees with the staff interpretation of the meaning and intent of the Comprehensive Plan, this application may be considered inconsistent with the Comprehensive Plan.
Recommendation: Staff recommends approval with conditions.	

STAFF CONTACT: William D. Fritz, AICP
PLANNING COMMISSION: June 7, 2016
BOARD OF SUPERVISORS: TBD

PETITION:

PROJECT: SP201500032 Restore'n Station

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 055B0000000100

LOCATION: 6115 Rockfish Gap Turnpike (Attachment A)

PROPOSAL: Use of more than 400 gallons of groundwater per site-acre per day.

PETITION: Section 24.2.2(13) Uses permitted by right, not served by public water, involving water consumption exceeding four hundred (400) gallons per site acre per day. Uses permitted by right, not served by public sewer, involving anticipated discharge of sewage other than domestic wastes. (Attachment B)

OVERLAY DISTRICT: Entrance Corridor (EC);

PROFFERS: No

COMPREHENSIVE PLAN: Rural Area in Rural Area 3

CHARACTER OF THE AREA:

The property is adjacent to and on the south side of Rockfish Gap Turnpike (U.S. Route 250). The property is developed with a convenience store/office and has fueling stations. The area to the south is zoned RA, Rural Areas and has several single family residences. Commercial development is located to the east and west of the site. A convenience store/market is located immediately to the north of the site. Other land to the north is either open area, agricultural or residential. (Attachments C and D)

PLANNING AND ZONING HISTORY:

This property, and others in the immediate area are within the Rural Area as designated by the Comprehensive Plan. However, this property and other nearby properties, were rezoned to HC, Highway Commercial in 1980 as part of the comprehensive rezoning of the County. (Attachment C) The County has not initiated a rezoning since 1980 to rezone any properties that are outside of the Development Areas but are zoned with "urban" zoning designations.

A special use permit was issued by the Board of Supervisors for this property on November 3, 2010. That special use permit, SP 2009-34, authorized the use of 1,625 gallons of water per day which is more than the 400 gallons of water per acre per day use permitted by-right. The by-right permitted water use is 1,624 gallons of water per day. The conditions of the special use permit limited water use, building size and other activities on site. Following the approval of the special use permit an initial site plan (SDP2008-154) and a final site plan (SDP2011-43) were approved.

DETAILS OF THE PROPOSAL:

Section 18-24.2.2(13) requires uses in the HC Highway Commercial zoning district that are not served by public water to obtain a special use permit if it uses more than 400 gallons of water per site per day.

This proposal does not propose to increase the amount of water that may be used.

The proposal does include:

- An addition to the existing building of 5,572 square feet of first floor retail/food retail (including a drive-through window) and 4,300 square feet of second floor office area.
- A new building with 5,199 square feet of first floor area devoted to retail (1,599 square feet) and auto repair (3,600 square feet) and 4,875 square feet of second floor office area. Total new

building area is 19,946 square feet. (Attachment E)

- Amending the previous conditions to:
 - o eliminate restrictions on hours of business activity;
 - o eliminate prohibition on overnight parking, and;
 - o eliminate limitations on fuel dispenser types and numbers.

As required by the Ordinance a community meeting was held on January 20, 2016 at the Crozet Community Advisory Committee's regular meeting where the applicant made a presentation for the request. The Committee has provided comments which are included as Attachment F.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

The issue of increased water use is not before the Board. The decision to authorize the use of up to 1,625 gallons per day has been made. If this permit is denied the applicant will still have the right to consume that much water. The applicant is not proposing to increase the amount of water that may be used.

The appropriateness of the HC zoning designation on the property is not under consideration. The property was rezoned in 1980 and no action has been taken to amend or modify the zoning of the property.

The issue before the Board of Supervisors is the amendment of the previously approved conditions that limited activity on this site to ensure that water consumption did not exceed 1,625 gallons per day. The review is limited to the impact on water resources of increased building size, increased impervious area, expanded hours of operation and an increase in the types of fueling stations. The permit is evaluated under reasonable standards, based on zoning principles which includes the proposals compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions and those conditions must be reasonably related to the impacts and be roughly proportional to the impacts.

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

The applicant has submitted, as a revision to the original Tier III groundwater study, information on the well and groundwater recharge calculations (Attachments G and H). This information was prepared by Michael Craun, Professional Engineer. County engineering staff has reviewed the groundwater recharge calculations and found that the processes and conclusions contained in the study are sound and consistent with Professional Engineering standards.

The study takes into account the recharge rate that will occur given the increased impervious area on site.

The conclusion of the groundwater recharge calculations is, "It is not anticipated that groundwater withdrawal of this magnitude will impact neighboring wells or general groundwater supplies. Furthermore, the proposed groundwater usage does not pose a threat of groundwater contamination under normal circumstances".

Based on the information contained in the groundwater recharge calculations, staff's opinion is that there would be no substantial detriment to adjacent properties.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

This property has been zoned HC, Highway Commercial since 1980. Attachment C shows the zoning of nearby property. Attachment D is an aerial view of the immediate area. Property immediately to the north, east and west of this property is developed with commercial activities. (Pro Re Nata Brewery is a Farm Brewery operating on land zoned, RA, Rural Areas. However, its appearance is of a commercial activity not a traditional agricultural or farm operation.) Other properties along the south side of Rockfish Gap Turnpike are also developed commercially. Property immediately to the south is developed with low density residential development on land zoned RA, Rural Areas. Other property to the north is undeveloped and is a portion of the Old Trail Golf Course.

The general district or area has mixed characteristics. The proposal results in a single development that is larger than any of the other commercial developments in the immediate area. This is accounted for because the property is larger than any of the other properties zoned HC, Highway Commercial in the immediate area. Obviously, the proposed use is different than the existing low density residential use or open area associated with the golf course. In determining if the use changes the character of the district it is important to remember that the proposal before the County is a special use permit for water consumption. A commercial development of the property that consumed no water, such as light warehousing, would have allowed the entire property to be developed without a special use permit. The only impact to the district that staff has analyzed is the impact of water consumption. The project is authorized to utilize approximately 0.25 gallons/acre more than is permitted by right. There is no request to increase the amount of water consumption authorized with SP 2009-34. The analysis of impact on the change in the character of the district was made during the review and ultimate approval of SP 2009-34 and as no change is proposed in water consumption, the previous determination that this use does not change the character of the district is unchanged.

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

The purpose and intent of the Zoning Ordinance is contained in Section 1.4 (Attachment I). The provisions of the ordinance are intended to further the purpose and intent of the ordinance. The requirement for a special use permit for water consumption in excess of 400 gallons per site acre per day is an example of how the ordinance addresses the stated purpose:

1.4.10 To include reasonable provisions, not inconsistent with the applicable state water quality standards to protect surface water and groundwater defined in section 62.1-44.85(8) of the Code of Virginia; and

By granting SP 2009-34 and authorizing the site use 400.25 gallons/acre/day the County has already determined that water use in excess of 400 gallons per site acre per day is appropriate for the site. Staff has reviewed information addressing the impacts of additional development on this site. (see comments above) Based on an analysis of the information provided, staff opinion is that approval of this request for additional activity on the site does not conflict with the stated purpose of protecting surface and groundwater or the prior approval.

During the review of this application staff has received comments from the public which may be generalized as a comment that the development is not in harmony with the adjacent residential

community, leads to congestion in the public streets, and encroaches on a historic area. Staff agrees that designating this property for commercial activity is not consistent with the adjacent residential area. The use also increases traffic on Rockfish Gap Turnpike. However, this property has been zoned for commercial use. The sole issue for this special use permit is water consumption, and the application does not propose to increase the amount of water use above that authorized by SP 2009-34. This limits the County's review of the site at the development stage of the process to insuring that it meets the minimum design standards contained in the ordinance. This includes, but is not limited to, items such as: stormwater runoff, lighting, setbacks, screening and access management. The ordinance contains specific requirements and if these requirements are met then the purpose and intent of the ordinance have been met. A review of the site plan will insure that the minimum standards of the ordinance are met. Approval of this special use permit does not relieve the applicant from any requirements of the ordinance. The Board of Supervisors would have to approve a special exception to allow any deviations from the minimum requirements.

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

The intent of the HC, Highway Commercial zoning district is stated Section 24.1 of the Zoning Ordinance:

HC districts are hereby created and may hereafter be established by amendment to the zoning map to permit development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations. It is intended that HC districts be established on major highways within the urban area and communities in the comprehensive plan. It is further intended that this district shall be for the purpose of limiting sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets.

The designation of this property as HC, Highway Commercial is not consistent with the locational intent of the district (established within "the urban area and communities" in the comprehensive plan). However, the decision to zone this property HC, Highway Commercial was made in 1980 and no action has been taken by the County to amend the zoning. The proposed use of the property for commercial activity on a major highway is consistent with the intent of the district. Access to the property is limited by previous actions and the access management requirements of VDOT. As part of controlling access an easement exists on this property that would allow other property to use the entrance to this site instead of constructing a new entrance on Rockfish Gap Turnpike.

The zoning designation of this property is not currently under review and should not be a factor in analyzing this special use permit request which is solely to amend the conditions associated with a previous approval for water consumption in excess of the by-right amount. Water consumption in the HC, Highway Commercial district can be very high and the amount of water proposed to be consumed is consistent with what would be expected in the HC, Highway Commercial District.

This development proposal, with the condition limiting total water consumption, is consistent with the uses in the HC, Highway Commercial district.

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

Section 5.0 contains no additional regulations regarding water usage. While not part of the special use permit review, staff does note that this project envisions a drive-through window which is subject to section 5.1.60. The drive-through window meets the design requirements of section 5.1.60.

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

The applicant has submitted information from a state certified engineer indicating adequate water supply is available, see above comments and Attachments G and H. The project has a condition capping water consumption at a maximum of 1,625 gallons per day and conditions requiring monitoring and the use of a flow restriction device to prevent the daily limit from being exceeded.

Based on the analysis of the available information and the characteristics of the area, and conditions requiring monitoring and limiting water use, it is staff's opinion that the increase in water consumption is not inconsistent with the public, health, safety and general welfare.

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

Staff has compiled some of the most relevant provisions of Comprehensive Plan in Attachment J. The zoning of this property HC, Highway Commercial is inconsistent with the Comprehensive Plan land use recommendation which directs development into the development areas. However, as has been previously stated the decision to zone this property HC, Highway Commercial has been made and the County has never initiated any action to change the zoning designation.

The use was analyzed for consistency with the Comprehensive Plan. The use, as specified in the Zoning Ordinance is the consumption of more than 400 gallons of water per acre per day. The applicant is not proposing any increased water consumption above that permitted by the conditions of SP 2009-34. Based on no new use being proposed the application may be considered to be consistent with the Comprehensive Plan.

It is important to remember that this application is an amendment to an existing approval. If there were no prior approvals on this site this application would clearly be inconsistent with the Comprehensive Plan because the approval of water consumption would be for uses not consistent with the Comprehensive Plan's Rural Area designation of the site. However, there is a prior approval and staff's recommendation is that this factor limits the scope of the review. Because the changes to the conditions do not alter the level of water use allowed on site staff cannot find that approval of this application would be inconsistent with the Comprehensive Plan

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. There is no change in water use.
2. The groundwater study indicates that adequate recharge will occur even with the additional impervious area.
3. The application is consistent with the criteria for the issuance of a special use permit.

Factors unfavorable to this request include:

1. If the Board of Supervisors disagrees with the staff interpretation of the meaning and intent of the Comprehensive Plan, this application may be considered inconsistent with the Comprehensive Plan.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, and with the conditions proposed below staff recommends approval of Special Use Permit SP 2015-32 Restore'n Station: (These conditions include the prior conditions of SP 2009-34 with edits to indicate changes.)

1. The applicant shall install and maintain a meter on the well head to monitor water consumption. Prior to installation, the model of the meter shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer. Results of daily water consumption shall be made available within forty-eight (48) hours of a request from the Zoning Administrator;
2. Water consumption from all wells on site shall not exceed one thousand six hundred twenty -five (1,625) gallons per day in the aggregate;
3. The applicant shall install and maintain a tamper-proof, flow restriction device limiting water flow to not more than one thousand six hundred twenty-five (1,625) gallons per day. Prior to installation, the model of the flow restriction device shall be subject to approval by the Zoning Administrator in conjunction with the County Engineer;
4. ~~The total building footprint square footage shall not exceed three thousand (3,000) square feet;~~
5. ~~The hours of business operation shall not exceed sixteen (16) hours per day;~~
6. ~~There shall be not more than seven (7) pump stations and twelve (12) nozzle dispensers, with not more than eight (8) nozzles for four (4) pump stations for gasoline (or equivalent fuel), with not more than two (2) nozzles for one (1) pump station for diesel fuel (or equivalent fuel), with not more than one (1) nozzle for one (1) pump station for off-road diesel fuel, and with not more than one (1) nozzle for one (1) pump station for kerosene fuel~~
7. If rainwater is collected from roof tops of the pump station canopies or the building, it shall be stored in a lined underground storage tank and utilized for on-site landscaping purposes only;
8. ~~Overnight customer parking on-site shall not be permitted between the hours of 12:30 a.m. and 4:30 a.m. The applicant shall post signs indicating no such overnight parking in such places designated by the Site Plan Agent as a condition of final site plan approval; and,~~
9. "Development of the site shall be in general accord with the submitted preliminary site concept plan dated ~~December 6, 2009~~ 2/25/2016. Permitted modifications may include those required by the Architectural Review Board, those necessary to satisfy the conditions of this special use permit, and additional landscaping /screening approved by the Site Plan Agent."

Motions:

Special Use Permit

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

I move to recommend approval of SP2015-32 Restore'n Station 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 SP2015-32 Restore'n Station. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

ATTACHMENTS

Attachment A- Map
Attachment B- Applicant Justification
Attachment C- Map showing zoning of surrounding area
Attachment D – Aerial view of immediate area
Attachment E- Plan submitted as supporting documentation
Attachment F- Comments from the CCAC
Attachment G – Information on the existing well
Attachment H – Groundwater Recharge Calculations
Attachment I – Purpose and Intent of the Zoning Ordinance
Attachment J – Comprehensive Plan Comments
Attachment K – Public Comments