



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201500012 Mechum's Trestle	Staff: Megan Yaniglos, Principal Planner
Planning Commission Public Hearing: June 16, 2015	Board of Supervisors Hearing: TBD
Owner(s): Mechum's Trestle LLC	Applicant(s): Alan Franklin- Waterstreet Studio
Acreage: 1.39 acres	Rezone from: Not applicable 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. (18-22.2.2(11))
TMP: Tax Map 057000000031A0 Location: 4294 Three Notch'd Road (Rt 240), at the intersection of Route 240 and Route 250 (Attachment A)	By-right use: C1- Commercial
Magisterial District: White Hall	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: not applicable	DA - RA - X
Proposal: Use of more than 400 gallons of groundwater per site-acre per day for a restaurant. (Attachments B and C)	Comp. Plan Designation: Rural Areas-preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre in development lots) in Rural Area 3.
Character of Property: The property contains an existing, dilapidated building and gravel parking area. It is bordered to the north and west by Lickinghole Creek, Browns Gap Turnpike (Rt. 680) to the east, and Three Notch'd Road (Rt. 240) to the south.	Use of Surrounding Properties: Single Family Residential; Agriculture; CSX/Buckingham Branch Railroad
Factors Favorable: 1. Character of the area will not be changed by the proposed use. 2. Granting the special use permit will allow a proposed development that is consistent with the existing C1- Commercial zoning district, and allows a site in disrepair to be improved and	Factors Unfavorable: None identified

<p>used.</p> <p>3. The proposed water consumption will not adversely affect uses permitted by right in the C1-Commerical zoning district or in the surrounding RA zoning district.</p> <p>4. Tier III study indicates that there is sufficient supply of groundwater in this area to support the proposed use</p>	
<p>Recommendation: Staff recommends approval of Special Use Permit 2015-0012 Mechum's Trestle with conditions.</p>	

STAFF CONTACT: Megan Yaniglos, Principal Planner
PLANNING COMMISSION: June 16, 2015
BOARD OF SUPERVISORS: TBD

PETITION:

PROJECT: SP201500012 Mechum's Trestle
MAGISTERIAL DISTRICT: White Hall
TAX MAP/PARCEL: 057000000031A0
LOCATION: 4294 Three Notch'd Road
PROPOSAL: Use of more than 400 gallons of groundwater per site-acre per day for a restaurant. A separate initial site plan has also been submitted for this property under SDP201500008.
PETITION: Section 22.2.2 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.
OVERLAY DISTRICT: Entrance Corridor (EC); Flood Hazard (FH); Scenic Byways (SB)
PROFFERS: No
COMPREHENSIVE PLAN: Rural Area in Rural Area 3

CHARACTER OF THE AREA:

The property contains an existing, dilapidated building and gravel parking area. It is bordered to the north and west by Lickinghole Creek, Browns Gap Turnpike (Rt. 680) to the east, and Three Notch'd Road (Rt. 240) to the south. The property also contains a stream buffer and is within the floodplain for Lickinghole Creek. The adjacent properties are single family residential and agricultural.

PLANNING AND ZONING HISTORY:

The property is zoned C1-Commercial, but is located in the rural areas. It has been used for a restaurant for most of its history. In the early 90's, the restaurant located on the property at the time had to close due to the site no longer being able to be supported by its septic field. In 1992, the Board of Supervisors approved public sewer service to the site with conditions that limited the line to serve the existing structure, use and capacity. Also in 1995, a Variance was approved by the Board of Zoning Appeals to allow the building to be built in its current location, which allowed a reduction in the setback. Many determinations have been made the by the Zoning Administrator in recent years to clarify the many constraints on the site, as well as clarify the previously approved variance, for the owners so that a restaurant could be placed on the property again (Attachment E).

The restaurant use has been determined to be a by-right use within the C-1 Commercial district for which this parcel is zoned. The site has not been utilized since the 90's and the owners have been working diligently to obtain approvals so that the property can be utilized once again as a restaurant use.

DETAILS OF THE PROPOSAL:

Section 18-22.2.2 requires uses in the C-1 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. The applicant is proposing a by-right 100 seat restaurant that would generate not more than 5,000 gallons per day as regulated by the Virginia Department of Health requirements for restaurant usage.

A community meeting was held on May 20, 2015 at the Crozet Community Advisory Committee's regular meeting where the applicant made a presentation for the request. The community members who attended were in favor of this site being redeveloped, as it has been in disrepair for over 20 years.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

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 submitted a Tier III ground water study that was prepared by Ernest Beasley with HydroGeo Environmental, LLC, who is a professional geologist, certified by the State Board of Geology (Key Findings in Attachment D). County engineering staff has reviewed this study and found that the processes and conclusions are sound and has found that the projected water uses are acceptable and supported in this area.

Also, the area in which this parcel is located is not known for groundwater well failure.

The applicant will be required to obtain Health Department approval for the well that will serve the property.

Based on the information in the Tier III report and the characteristics of the immediate area, Staff's opinion is that there would be no substantial detriment to adjacent properties with the approval of this level of water use.

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

As stated above, this property has had a restaurant use and/or commercial zoning (now C1, Commercial) dating back to the 1970s. . The character of this C1 zoned property and the surrounding RA district will not be changed by this request.

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

The purpose of the C1-Commercial zoning district, as stated in the ordinance, is to permit selected retail sales, service and public use establishments. The proposed use, water consumption, does not directly promote the purpose of the C1- Commercial zoning district; however, water consumption in excess of 400 gallons per site-acre per day is allowed by special use permit in the district. Given that allowing such water consumption would support a use that directly promotes the purpose and intent of the assigned zoning district, the special use permit is consistent with the purpose and intent of the ordinance.

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

Water withdraw in excess of 400 gallons per site-acre per day would not adversely affect the by right uses in the C1-Commercial district.

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

Section 5.0 contains no additional regulations regarding water usage.

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

The public health, safety and general welfare of the community are protected through the special use permit process with assures that the proposed use is appropriate in the location requested.

The applicant has submitted information from a state certified geologist indicating adequate water supply is available. The applicant states water usage will not exceed 5,000 gallons per day. Staff proposes a condition capping water consumption at a maximum of 5,000 gallons per day. Based on the analysis of the available information and the characteristics of the area, 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.

The Comprehensive Plan designates the property as Rural Area, emphasizing the preservation and protection of agricultural, forestal, open space, and natural, historic and scenic resources as land use options.

While the character of the area is rural, the site is zoned C1-Commercial and has been developed as a restaurant for many years (which is a by-right in this district), which is inconsistent with the Comprehensive Plan land use recommendation. The proposed water usage under review will not change the current character of area.

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 Tier III study submitted by a certified geologist indicates that there is sufficient supply of groundwater in this area to support the proposed use.

SUMMARY:

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

Factors favorable to this request include:

1. Character of the area will not be changed by the proposed use.
2. Granting the special use permit will allow a proposed development that is consistent with the existing C1-Commercial zoning district, and allows a site in disrepair to be improved and used.
3. The proposed water consumption will not adversely affect uses permitted by right in the C1-Commerical zoning district or in the surrounding RA zoning district.
4. Tier III study indicates that there is sufficient supply of groundwater in this area to support the proposed use

No unfavorable factors have been identified.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2015-0012 Mechum's Trestle with the following conditions:

1. The applicant shall install a meter on the well head to monitor water consumption. Results of daily water consumption monitoring results will be made available within forty-eight (48) hours of a request from the Zoning Administrator.
2. Water consumption shall be restricted to a maximum of 5,000 gallons per day.

Motions:

Special Use Permit

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

I move to recommend approval of SP 20150012 Mechum's Trestle 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 SP 20150012 Mechum's Trestle. 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- Site Plan
- Attachment D- Key Findings from Tier III Groundwater Study
- Attachment E- Zoning Administrator Determination Letter