

**Re-Store'N Station – Phase II – PROJECT PROPOSAL:
SPECIAL USE PERMIT AMENDMENT REQUEST DATED 12/7/15:**

- **Project Proposal is to amend the existing special use permit S2009 – 00034. Since the staff comments were given for both the amendment to the existing SP and the new SP requested for drive through service window in the expansion area – the following pertains to both applications. The new SP is contingent on the approval of the amendment of the existing SP.**

- **its public need or benefit;**

This 4.06 acre is zoned Highway Commercial and provides a service to the residents of Crozet and the surrounding County. The expansion of the commercial uses will generate significant tax revenue that is anticipated in the County budget for services provided to the citizens of the County.

- **How the special use permit will not be a substantial detriment to adjacent lots;**

Since this property has been used for commercial purposes since before the ordinance was adopted and is designated as Highway Commercial zoning, its current use is more attractive and environmentally friendly than when the development was not subject to the existing ARB review and SW regulations. The amendment to the SP will allow additional square footage and the SP for a drive through window will provide a modern serve but with the 6ft high privacy fence enclosing the developed portion of the site and the undisturbed buffers along the South and West side – there is no detriment to the adjacent lots. The screen provided at the rear eastern edge is to block the view from the residential homes and the trees that were retained along the east side screen this development although the property to the East that is also HC is not subject to the regulations and it has heavy construction vehicles stored on site. The water withdrawal is less than if the site were developed with residential homes and the Tier II groundwater study has been done to confirm the groundwater withdrawal is not detrimental to those on wells.

The auto repair use building is over 50ft from the RA parcels that are adjacent and the 6ft privacy fence will block the view. All the parking is relegated to the rear for the auto repair and the service bays are more than adequate to house the cars being worked on. To the West is an RA parcel that has been developed to be a brewery with a mobile restaurant with outdoor seating and although this looks like a commercial development, it has not EC plantings or other ARB measures to minimize impact to other adjacent lots.

- **How the character of the zoning district will not be changed by the proposal special use, and**

The character of this HC will not be changed as the building setbacks to the EC are much greater than the 30ft minimum requirements. The EC landscaping across the front of the site is much more attractive than any other commercial use (which there are 6 on this side of RT 250 and all within 1000ft of this site). The auto repair is at the rear of the site and will not impact the EC or the adjacent properties. The site is designed so that the drive through window will not be seen from the EC and is consistent with this type of use when the sale of coffee, donuts, and sandwiches are offered.

- **How the special use will be in harmony with the following;**

- The purpose and intent of the Zoning Ordinance,

The use of commercial zoned property although outside the growth area is still allowed and the intent of the ordinance is to provide measures such as setbacks and other regulations to govern how the development is accomplished. In this case, the auto repair meets the applicable section of the ordinance (see response to Zoning staff comments for details) and all

buffers and ARB requirements have been met and will be incorporated into the final Major Site Plan amendment.

- **The uses permitted by right in the zoning district,**

The proposed development in 2008 when it was submitted was to be by-right. After a significant amount of data was submitted to prove that the use would not exceed the 400 gallon per acre per day limit, staff still required a special use permit specific for water withdrawal. The conditions of that SP limited the develop and this request to amend those conditions is still in harmony with the by-right uses permitted because we are not asking for more water allowance although there are been several other locations in the recent couple years that have requested and received a significantly greater water allowance to serve sites in the Rural Area. The fact that the site is served by a well rather than public water makes no difference to the harmony with the uses permitted by right in this zoning district.

- **The regulations provided in Section 5 of the Zoning Ordinance as applicable, and**

All have been complied with.

- **The public health, safety and general welfare.**

The development of this site included significant improvements to the public road RT 250 which provide safety measures that do not exist at the entrances to other commercial properties on this stretch of RT 250. It is the only convenience store of the 3 in proximity that meets the parking requirements on-site rather than allowing vehicles to park in the state right of way and has an entrance that meets VDOT standards.

- **Impacts on Public Facilities & Public Infrastructure**

This is Phase II to expand the development. In Phase I, the road improvements were constructed to serve this site. There no impacts to the public facilities for the amendment to the SP conditions and for the drive through window service.

- **Impacts on Environmental Features**

There are no impacts on environmental features. Please refer to the map provides which shows there are not stream buffers or critical slopes on this property. When the Major Site Plan amendment is submitted, it will address the WPO requirements along with be in compliance with E & S requirements. At this time, the site is stabilized and once the Phase II work is completed the underground storm water detention system must be installed before the parking is paved so the temporary facilities will be converted at the end of this phase.

Project proposal details are given below. This also correlates with the requested changes to the existing Special Permit. Attached is the BOS action letter dated November 12, 2010 with the requested changes noted.

Highlights of the Concept Plan to amend this SP:

- Minor addition to existing bldg at the east side of door facing front - add 75 gross sf (5' x 15'). This is to provide a bump out that is similar to the new addition to break up the front wall of the bldg.
- Building addition on the west side of the existing bldg is to add 2,647 gross sf to the convenience/retail store by opening up a section of the west wall and provide small tenant space for other uses. The convenience/retail store gross sf will increase from 2,775 to 5,497 sf. (The Preliminary Site plan that went to the Planning Commission Public hearing on June 8, 2010 was for a 5,750ssf convenience store with 1000 sf office above and the Traffic Analysis at that time was done for a 6,000sf convenience store & 14 fueling positions). The tenant space provided will be 2,850sf first floor as one space or split into 2 spaces of approx. 1,400sf each. The second floor of this addition will provide 4300 sf for office rental space. It should be noted that the existing restroom facilities will serve the entire convenience store.

- At the rear of the new addition to the convenience store –a drive thru service window to provide a coffee, donut, sandwich drive through service. This drive through is 16ft wide to provide a pass by lane (total of 18ft between the buildings)
- No change proposed to the existing 1,000 sf of office on the 2nd floor of the existing store.
- There is a separate building for the Auto retail business and Auto repair shop. The 1,275 gross sf is for the counter sales and reception for the auto repair customers. The main part of this bldg is to provide four (4) vehicle service bays for the auto repair to operate. The bays are deep enough to provide inside parking for 2 vehicles per bay for a total of 8 vehicles. There is also a 324sf one story tire display room at the rear of the shop.
- The second floor of the auto retail and auto repair is a total of $1,275 + 3600 = 4,875$ gross sf which will also be office space for small offices such as insurance agent, stock broker, small business offices.
- The existing septic treatment system and well water system was sized and installed to serve both Phase I and Phase II so no change either system.
- The stormwater management system was also sized for the ultimate impervious area to include Phase II. The detention is provided under the parking area to the rear of site. See the separate exhibit which shows this.
- The separate exhibit is also included to show the preliminary grading to demonstrate that the concept plan details can be incorporated into the Major Site Plan amendment that is anticipated after the SP is approved.

- SUMMARY	- EXISTING	- NEW	- EXT + NEW
CONVENIENCE/RETAIL	2775 SF	- 2647 SF - 75 SF	- 5,497 SF
RETAIL RENTAL UNITS	- 0	- 2850 SF	- 2,850 SF
- AUTO RETAIL	- 0	- 1275 SF	- 1,275 SF
- AUTO SHOP	- 0	- 3600 SF	- 3600 SF
- TIRE ROOM	- 0	- 324 SF	- 324 SF
OFFICE (2 ND FLOOR) FRT	1000 SF	- 4300 SF	- 5300 SF
OFFICE (2 ND FLR) REAR	0	1275 SF 3600 SF	1275 SF 3600 SF
TOTALS	3775 SF	19,946 SF	23,721 SF

- It should be noted that the square footages stated above are gross sf that includes walls.
- Contribution to job and employment opportunities: There current store already employs a few local people and with the addition of the drive through window service – an additional 2 employees will be needed. The tenant rental spaces will likely employ 2 people for each space – add another 4 employees. The Auto repair will employ 2 for counter sales and 4 mechanics for a total of 6 employees. Overall – this is an increase of 12 jobs in the Crozet area.
- There is also a demand for small business office space as demonstrated by the office at Clover Lawn and a demand for small tenant spaces as demonstrated by the small stores at Clover Lawn and the Harris Teeter island stores.

NARRATIVE/ DISCUSSION OF THE REQUESTED CHANGES TO THE SPECIFIC CONDITIONS:

Generally - there should only be 3 conditions imposed with this SP which are conditions 1, 2 and 3. This is to request that conditions 4 – 8 be deleted in their entirety. Since the development has demonstrated that the by-right amount of water has not and will not be exceeded – these limitations are not enabled by the ordinance.

The square footage of the buildings and the number of pump stations on this 4.06 acre site should be limited as with any other site by the combination of square footage that can be supported while meeting the parking requirements, circulation requirements and all other details typical to site development. It

should be the owners right to develop as long as the water allowed by right is not exceeded and conditions 1 – 3 will mandate this does not happen.

CONDITION 1, 2, 3 – NO CHANGE REQUESTED

DISCUSSION: These conditions insure that the well water withdrawal is limited to the by-right amount with 1 gallon added for a total of 1,625 gpd. There is a flow restriction device and water meter installed that will serve the existing building and any expansion on this site. No change is requested.

CONDITION 4 – Request is to delete this condition but If this condition is to remain - Change to the wording is requested along with new square footage. New wording:

"The gross first floor building square footage shall not exceed 13,546sf. The gross second floor building square footage shall not exceed 10,175 sf."

DISCUSSION: The SP2009 – 00034 wording "total building footprint square footage" was a problem for several reasons after the SP was approved. It did not mention the second floor and this was later decided in the appeal court to be limited to 1,000sf. In addition, the word "footprint" had to be later defined because the ordinance language does not define it. With no other definition, the fire code definition was used which added the porch roofs into the square footage. This resulted in the actual gross square footage of the store building to be decreased to 2,775sf because the porch roof area had to be counted. This is not typical for a buildings on a site plan to be interpreted this way and it is confusing. Therefore, the new wording is requested so the information is specific and clear. The gross square footages are to agree with the concept plan.

In the initial Preliminary Site Pan for this site development that went to the Planning Commission public hearing on June 8, 2010, it was for a 5,750 sf, two story commercial building with office above on this 4.06 acre site. (The Traffic Analysis at that time was done for a 6,000sf convenience store & 14 fueling positions). It clearly has been proven with actual water meter readings over the past year that the operation of this retail establishment has been at 25% of the by-right amount of well water. This also proves that the data submitted in 2010 was very conservative when projected to be approx.. 600 gpd. A special use permit should not have been required at that time. The downsizing of the store was also unnecessary and the restrictions imposed in the conditions unnecessary. The square footages represented on the concept plan will provide the property owner with the convenience store size that he originally intended to build and other space to support small business that may locate at this site.

CONDITION 5 – Delete in its entirety

Discussion: It is a well known fact that staying open late at night does not provide much customer activity but this limitation does not allow for competition with other stores and does not allow flexibility seasonally when the days are longer. This is not a water usage issue. With water usage of existing and proposed development well within the water allowance, it should be up to the business owner to decide if operating longer hours is beneficial to the business and to the customers. This business should not have to go through this expensive process again to change the SP when the demand extends into longer hours. This business owner should have the same rights of other store owners in the vicinity which is to set their own hours.

Condition 6 – Request is to delete this condition entirely but if this condition is to remain:

Change to: *"There shall be no more than nine (9) pump stations of which eight (8) are limited to serving only two (2) vehicles at any time and one (1) kerosene fuel dispenser."*

Discussion: This is to add two pump stations and make the language simple and timeless. If this is not acceptable – it will require this long condition to be made longer to keep the same style by adding a sentence at the end:

“ Amendment to SP to allow pump stations as follows: Two (2) additional pump stations for gasoline (or equivalent fuel) with not more than four (4) nozzles which is two (2) nozzles on each side with only one (1) nozzle on each side to operate at any time. ”

It should be stated that there is no correlation between the number of gas pumping stations and the water use. Modern pumps use credit cards to allow gas sales without the customer even entering the store and therefore they do not use the restrooms. (Big water saving measure!). Limiting the number of gas pumping stations was more about limiting the size of this development as there was public input to prevent this development on RT 250 regardless of the by-right zoning and by-right use. There is no wastewater design guidelines that reference gas pumps but only “service station” and the service stations at the time the guidelines were adopted in 1980 were actually gas stations that typically had a couple service days and auto repairs were available at every gas station. Over the years, this has been completely phased out. There are only a small percentage of gas-service-stations remaining.

Having a condition that limits the number of nozzles on each pump station has nothing to do with water usage. This level of detail in the wording has only caused problems for the owner who is limited and cannot install the latest advanced model pumps offering a wider assortment of fuel products because of this wording. We don't even know if the future pump design will be compatible with the more complicated language – what if nozzles become out dated?. ALL pump station models can only serve 1 vehicle on each side for a total of 2 vehicles. Some models have 3 nozzles & hoses on each side to pump from different product tanks but only a single nozzle can flow at any time. For alternative fuels, two nozzles on each side are required. Again, nozzles or fuel types have nothing to do with water consumption. To dispense alternative fuel such as bio-diesel - the two (2) pump stations must be allowed to have four (4) nozzles each. This is for two (2) nozzles on each side but only one (1) will operate at any time. The industry design is for separate nozzles for each type alternative fuel (such as biodiesel) because the rubber hose types are restricted to specific types of fuel. It is a safety standard that only 1 nozzle can operate on each side of the pump at any time. It is also a safety standard to designate the alternative fuel with a GREEN button and separate nozzle style to prevent the public from inadvertently putting alternative fuel into a gas tank or vice versa. In the Crozet area, there are many passenger cars with diesel/bio-diesel engines. There are currently 7 Audi models, 8 Mercedes, 8 VW, 5 BMW, and very common to have Dodge, Chevrolet, and Ford pick up trucks that use alternative (diesel) fuel.

At the time the two pump stations were taken away, it was understood that after the water usage was proven these may be restored. Anyway, the request is to delete this condition if this is not possible then reword to be more simple if that is not possible then reword to increase the pump station by 2 for a total of 9. The canopy was built with the locations provided so there is no change to the existing canopy or fuel islands.

Condition 8. This is to request that this condition be removed in its entirety but if it must remain – this is to request that the words be inserted at the beginning of the sentence *“Except auto repair vehicles, overnight ...”*

Discussion: This is to make sure that vehicles inside the fenced area behind the auto repair shop are excluded from the overnight parking restriction. There is no correlation between water usage and overnight parking at this site. The SP should only have conditions that pertain to mitigating the impact of the use allowed under the SP per the ordinance.

Condition 9. Change the reference to *“the submitted Concept Plan dated XXX, 2015.”*

Discussion: This is just to update the condition to reference the current Concept Plan when the amendment is approved.



COUNTY OF ALBEMARLE
Department of Community Development
 401 McIntire Road, Room 227
 Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

November 12, 2010

NP Engineering
 1850 Browns Gap Turnpike
 Charlottesville VA 22901

RE: **SP200900034 RE-STORE'N STATION**
Tax Map 55B Parcel 1

PHASE II

Dear NP Engineering:

~~On November 3, 2010~~, the Albemarle County Board of Supervisors took action on SP #200800056 to allow use of more than 400 gallons of groundwater per site-acre per day for convenience store on Tax Map 55B, Parcel 1 in the White Hall District. This special use permit was approved based on the following conditions:

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 plan dated December 6, 2009~~. 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.

Please be advised that although the Albemarle County Board of Supervisors took action on the project noted above, no uses on the property as approved above may lawfully begin until all applicable approvals have been received and conditions have been met. This includes:

- compliance with conditions of the SPECIAL USE PERMIT;
- approval of and compliance with a SITE PLAN amendment; and
- approval of a ZONING COMPLIANCE CLEARANCE.

**SEE WORDING
 SECOND PAGE BELOW**

In the event that the use, structure or activity for which this special use permit is issued is not commenced within twenty-four (24) months from the date of Board approval, it shall be deemed abandoned and the permit terminated. The term "commenced" means "construction of any structure necessary to the use of the permit."

If you have questions or comments regarding the above-noted action, please do not hesitate to contact Ron Higgins at 296-5832.

Sincerely,



Summer Frederick
Senior Planner
Current Development Division

cc: Jeffries II LLC
PO BOX 910
Crozet VA 22932

Email CC: Elise Hackett, GDS
Johnathan Newberry, Zoning

REQUESTED AMENDMENT TO SP2009 - 00034 CONDITIONS:

Condition 1, 2, and 3 - no change

CONDITIONS 4, 5, 6, 8 - DELETE IN THEIR ENTIRETY

OR THE FOLLOWING:

Condition 4 - The gross first floor building square footage shall not exceed 13,546 square feet and the gross second floor building square footage shall not exceed 10,175 square feet.

Condition 5 - Delete in its entirety

Condition 6 - Change to:

"There shall be no more than nine (9) pump stations of which eight (8) are limited to serving only two (2) vehicles at any time and one (1) kerosene fuel dispenser."

Or Add a sentence at the end: "AMENDMENT to increase the allowed pump station as follows: Two (2) additional pump stations for gasoline (or equivalent fuel) with not more than four (4) nozzles which is two(2) nozzles on each side with only one(1) nozzle on each side to operate at any time.

Condition 7 - no change

Condition 8 - Delete in its entirety OR insert at the beginning of the sentence: "Except auto repair vehicles, overnight ..."

Condition 9 - substitute in place of "preliminary site plan dated December 6, 2010" the reference to "Concept Plan dated December 7, 2015"