

**RESOLUTION TO DENY
SP 2015-32 RESTORE'N STATION**

WHEREAS, Jeffries II, LLC is the owner of Tax Map and Parcel Number 055B0-00-00-00100 (the "Property"); and

WHEREAS, a special use permit was approved by the Board for this property on November 3, 2010 (SP 2009-34), authorizing the use of 1,625 gallons of groundwater per day, which included conditions that limited groundwater use, as well as conditions that restricted building size and other activities on the site in order to restrict groundwater consumption; and

WHEREAS, Jeffries II, LLC filed an application for a special use permit to amend the conditions associated with the approval of SP 2009-34 to allow an intensification of development and activities on the Property, and the application is identified as Special Use Permit 2015-32 Restore'n Station ("SP 2015-32"); and

WHEREAS, on June 7, 2016, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2015-32 by a 6 to 0 vote; and

WHEREAS, on September 14, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2015-32 and considered five proposed conditions and deferred action at Jeffries II, LLC's request to October 12, 2016; and

WHEREAS, on October 12, the Board considered alternative conditions proposed by Jeffries II, LLC 2016.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the transmittal summary and staff report prepared for SP 2015-32 and all of their attachments for both the September 14 public hearing and the October 12 meeting, the information presented at the public hearing, the information submitted after the public hearing and prior to the Board's consideration of the application on October 12, the information presented on October 12, the factors articulated by the Planning Commission in its recommendation for denial and the factors relevant to this special use permit in Albemarle County Code §§ 18-1.4.10 and 18-33.8, the Albemarle County Board of Supervisors hereby denies SP 2015-32 for the following reasons:

1. The conditions imposed in conjunction with SP 2009-34 are reasonable, were not challenged following approval of SP 2009-34, and, therefore, should be retained without amendment; and
2. SP 2009-34 allows a reasonable use of the Property and a reasonable use exists on the Property; and
3. Jeffries II, LLC presented average but not peak water use readings. Therefore, the Board could not be assured that the peak water use demand would be at or below 1,625 gallons of groundwater per day with the development and activities proposed by Jeffries II, LLC.

* * *

I, Claudette K. Borgerson, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of six to zero, as recorded below, at a regular meeting held on October 12, 2016.


Clerk, Board of County Supervisors

	Aye	Nay
Mr. Dill	<u>Y</u>	_____
Ms. Mallek	<u>Y</u>	_____
Ms. McKeel	<u>Y</u>	_____
Ms. Palmer	<u>Y</u>	_____
Mr. Randolph	<u>Y</u>	_____
Mr. Sheffield	<u>Y</u>	_____