

**RESOLUTION TO APPROVE
SP 2017-20 RESTORE'N STATION**

WHEREAS, the Owner of Tax Map Parcel 055B0-00-00-00100 filed an application to amend Conditions 5 and 6 of a previously approved special use permit (SP 2009-34) to increase the permitted hours of operation for the store from 16 hours per day to 20 hours per day, to increase the permitted hours of operation for fuel sales from 16 hours per day to 24 hours per day, and to increase the number of pump stations from seven to nine, and the application is identified as Special Use Permit 2017-00020 Restore'n Station ("SP 2017-20"); and

WHEREAS, on December 5, 2017, after a duly noticed public hearing, the Albemarle County Planning Commission recommended denial of SP 2017-20; and

WHEREAS, on July 5, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-20.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the written summary of the Planning Commission action, the staff report prepared for SP 2017-20 and all of its attachments, the information presented by County staff, the applicant, and members of the public at both the Board's and the Planning Commission's public hearings, the written comments received by members of the Board and the Planning Commission, and the factors relevant to this request to amend special use permit conditions in Albemarle County Code §§ 1.4(L) and 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-20 and amends Condition 6 as stated in the conditions attached hereto; and

BE IT FURTHER RESOLVED that amended Condition 6 allows the fuel pumps to use modern fuel pump technologies without intensifying the use approved in conjunction with SP 2009-34; and

BE IT FURTHER RESOLVED that, upon the same stated considerations, Condition 5 is not amended as requested by the applicant to extend the hours of operation of the convenience store from 16 hours per day to any hours except between 12:30 a.m. and 4:30 a.m. each day, and to allow fuel pumps to be operational 24 hours per day, for the following reasons:

1. Condition 5, which was imposed in conjunction with SP 2009-34, is reasonable, was not challenged following approval of SP 2009-34, and therefore, should be retained without amendment;
2. SP 2009-34 allows a reasonable use of the Property and a reasonable use exists on the Property; and
3. The amendment to Condition 5 requested by the applicant would allow an intensification of the use approved in conjunction with SP 2009-34.

BE IT FURTHER RESOLVED that, as a separate, independent, and alternative reason for not amending Condition 5 as requested by the applicant, the requested amendment would allow an intensification of the use approved in conjunction with SP 2009-34, and that intensification would be inconsistent with the County's Comprehensive Plan and the Crozet Master Plan because:

1. The Property is designated Rural Area in the Comprehensive Plan and is not within the development area of the Crozet Master Plan; and
2. The Crozet Master Plan states that the County's policies are to have commercial and industrial development occur only within the designated development areas and that additional commercial or industrial development of the fringe areas beyond the Crozet development area is not recommended; and

3. Although the use on the Property already exists, the amendment to Condition 5 requested by the applicant would allow an intensification of the use approved in conjunction with SP 2009-34 and that intensification would be inconsistent with the Crozet Master Plan.

* * *

I, Claudette K. Borgersen, 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 _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

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

SP-2017-00020 Restore'n Station 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 operation shall not exceed sixteen (16) hours per day;
6. There shall be not more than nine (9) pump stations, composed of six (6) pump stations for gasoline (or equivalent fuel), one (1) pump station for diesel fuel (or equivalent fuel), one (1) pump station for off-road diesel fuel, and 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.