



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP201900003 Hunters Way Coffee Shop	<b>Staff:</b> Mariah Gleason, Senior Planner
<b>Planning Commission Public Hearing:</b> January 14, 2020	<b>Board of Supervisors Hearing:</b> TBD
<b>Owner:</b> Heartrock Farm LLC	<b>Applicant:</b> Justin Shimp, Shimp Engineering, P.C.
<b>Acreage:</b> 1.46 acres	<b>Special Use Permit for:</b> Request to allow a restaurant (coffee shop) not served by either public water or an approved central water supply in accordance with Section 18-24.2.2.18 of the Zoning Ordinance.
<b>TMP:</b> 078000000049A0 <b>Location:</b> 101 Shadwell Heights Rd or 100 Hunters Way, at the intersection of Richmond Rd	<b>By-right use:</b> HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)
<b>Magisterial District:</b> Scottsville	<b>Conditions:</b> Yes <b>EC:</b> Yes
<b>Proposal:</b> Request approval for a new coffee shop on a 1.46 acre parcel. The proposed coffee shop would be a maximum of 700 gross square feet, have no indoor dining area or public restroom, and may include a drive-thru.	<b>Requested # of Dwelling Units:</b> None
<b>DA:</b> <b>RA: X</b>	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).
<b>Character of Property:</b> The subject property currently consists of a six (6) bay automotive repair business and two (2) model homes. Removal of the two model homes is underway.	<b>Use of Surrounding Properties:</b> The subject property is part of a 16-parcel legacy zoning in the rural area. Properties in the Hunters Way development are zoned Highway Commercial and Light Industrial, and include a variety of businesses such as a daycare facility, a self-storage facility, Amerigas Propane, and a UPS Customer Center. The property across Route 250 from the subject parcel is zoned as Monticello Historic District.
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The proposed use will not adversely affect the uses permitted by-right on nearby properties.</li> <li>2. The character of the area will not be changed by the proposed use.</li> </ol>	<b>Factors Unfavorable:</b> None identified
<b>RECOMMENDATION:</b> Staff recommends approval of SP201900003, Hunters Way Coffee Shop, with conditions.	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Mariah Gleason, Senior Planner  
January 14, 2020  
TBD

**SP201900003 Hunters Way Coffee Shop**

**PETITION:**

PROJECT: SP201900003 Hunters Way Coffee Shop

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 078000000049A0

LOCATION: 101 Shadwell Heights Rd or 100 Hunters Way, at the intersection of Richmond Rd

PROPOSAL: Request approval for a new coffee shop on a 1.46 acre parcel. The proposed coffee shop would be a maximum of 700sf, have no indoor dining area, and may include a drive-thru.

PETITION: Restaurant (coffee shop) not served by either public water or an approved central water supply under Section 24.2.2.18 of the Zoning Ordinance. No dwelling units proposed.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT: Entrance corridor

PROFFERS: No

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

POTENTIALLY IN MONTICELLO VIEWSHED: Yes

**CHARACTER OF SURROUNDING AREA:**

The subject property is part of a 16-parcel stale zoning in the rural area, lying just south and west of Exit 124 for Shadwell on I-64 [Attachment 1]. Properties in this cluster are zoned Highway Commercial and Light Industrial. The property located across Route 250 from the property is zoned Monticello Historic District. Existing uses on the property include an automotive repair shop while uses on abutting parcels include a daycare facility to the east, a self-storage facility to the north, and AmeriGas Propane to the west. Other businesses in this area include a UPS Customer Center, Capital Tristate, Origio, QuickFix, J&A Painting and Home Improvement, and VDOT. Due to the topography of the area, business are largely obscured from one another.

**PLANNING AND ZONING HISTORY:**

SDP198600029 Nationwide Homes Site Plan

- Approved a site plan for two commercial buildings (two model homes) totaling 3,136 gross square feet on the property for the purpose of homes sales and display. The development included an off-street parking area.

SDP199100040 Nationwide Homes – Minor Site Plan Amendment

- Approved the expansion of one of the model homes' building footprint.

SDP201600012 Nationwide Homes – Major Site Plan Amendment

- Approved a new six bay vehicle repair shop, totaling 3,300sf, and supporting off-street parking on the property. The existing model home buildings remained.

SDP201800033 2300 Hunters Way – Minor Site Plan Amendment

- Approved the removal of both model home buildings and the installation of landscaping and a 6ft cedar board fence to help screen the existing parking area from the Entrance Corridor.

SDP201800040 2300 Hunters Way – Major Site Plan Amendment

- This application is currently under review. The application was originally submitted on May 21, 2018 prior to the approval of zoning map amendment ZTA201800002 which requires a special use permit for uses not served by either public water or an approved central water supply. Since then, the owner/applicant has submitted this special use permit request, SP201900003, for consideration by the Board. The most recent version of the major site plan amendment

proposes the development of a two-story retail building (hardware store), totaling 5,200sf, and attached drive-thru coffee shop, totaling 520sf. The hardware store will provide associated off-street parking spaces for business patrons.

### **DETAILS OF THE PROPOSAL:**

The owner/applicant, Heartrock Farm LLC, has submitted a special use permit request to allow a restaurant (coffee shop) on Highway Commercial-zoned property on a parcel that is not served by public water or a central water supply system, in accordance with Sec. 24.2.2.18. This request is part of a larger redevelopment plan to remove two model home buildings from the portion of the property fronting Route 250 and construct, in their place, a hardware store and attached coffee shop. The hardware store is permitted by-right. The coffee shop requires a special use permit.

The proposed coffee shop is a maximum of 700 square feet with no interior dining space or public restrooms [Attachment 2]. The coffee shop intends to serve customers via a walk-up window and potential drive-thru window. An exhibit submitted by the applicant provides an illustrative exhibit demonstrating what the site may look like with the development of a coffee shop that includes a drive-thru window [Attachment 3].

It is understood that any site plan or site plan amendment for this property would be reviewed for compliance with all applicable requirements of the Zoning Ordinance should this special use permit be approved. Equally, the addition of a drive-thru window would need to satisfy the supplementary regulations of Sec. 5.1.60 for drive-thru windows as well as the Entrance Corridor design guidelines of the Architecture Review Board, ARB, prior to the approval.

### **COMMUNITY MEETING:**

The mandatory community meeting for this project was waived on April 25, 2019, by the recommendation of staff and approval of the Board representative for the Scottsville magisterial district, based on the scale of the use, the surrounding uses, and use of the existing access to the site.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:**

***Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40 (B):***

***1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

In evaluating whether the proposed special use will be a detriment to adjacent properties, the type and intensity of the new use are considered.

The project narrative submitted by the applicant states that the proposed coffee shop will be a maximum of 700 square feet, having no interior dining space or public restrooms. Staff found that these aspects effectively limit the size and intensity expected by the proposed use such that it will likely be a relatively minor establishment on the site, in comparison with the existing 3,300sf automotive repair shop and the projected 5,200sf hardware store.

The proposed coffee shop use is projected to generate 239 vehicular trips per day. As the applicant states, there are already a significant number of vehicular trips on Route 250 in this location – about 24,000 daily trips (averaged annually). As such, the owner/applicant anticipates that the coffee shop will not generate new vehicular trips, but instead capture existing trips on Route 250. Also, since the entrance for subject property is within 300ft of the intersection of Route 250 and Hunters Way, it is unlikely that patrons of the coffee shop will negatively impact trips made to nearby properties.

Staff has considered traffic, the hours of operation, character of the operation, including water consumption, and is of the opinion that the proposed coffee shop will not be a substantial detriment to the adjoining commercial and industrial properties.

Staff recommends the following conditions to ensure the proposed use will not create substantial detriment to adjacent businesses and parcels in the future:

1. Coffee shop uses on the parcel will not exceed 700 gross square feet.
2. No indoor seating associated with the coffee shop is permitted.
3. No public restrooms associated with the coffee shop will be provided.

**2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.**

The proposed use is consistent with the existing character of surrounding commercial and industrial businesses, parcels, and nearby area. The limited size and intensity of the proposed coffee shop is unlikely to change the character of the area.

**3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,**

The purpose and intent of the HC Highway Commercial zoning district, as stated in the ordinance, is to permit development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations. The ordinance goes on to state that Highway Commercial districts are intended to be established on major highways within the urban area and communities in the comprehensive plan.

The proposed coffee shop use along Route 250 conforms with the intent of this district to provide commercial establishments along major highways.

**with the uses permitted by right in the district,**

With the proposed conditions offered by staff, which will limit the size, scale, and intensity of the proposed use, the addition of a coffee shop including its estimated water usage are not anticipated to significantly restrict the current or other by-right uses available on this property or adjacent properties.

**with the regulations provided in Section 5 as applicable,**

There are no supplementary regulations for this use or regarding water usage.

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

Based on the scale and intensity of the proposed use, staff's review of information provided by the applicant, and evaluation against the Zoning Ordinance, staff did not find evidence that the proposed coffee shop use or its anticipated water usage would detrimentally impact public health, safety, or general welfare.

**4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent 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 4. 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 restaurant not served by public water or sewer. The Comprehensive Plan discourages new development in the Rural Area. Uses that are supportive of the Rural Area or consistent with the economic development goals of the County may be considered consistent with the Comprehensive Plan. This use is not supportive of the Rural Area or consistent with the economic development goals of the County.

Staff has viewed this proposal as redevelopment of an existing property. The property could be used for a variety of by-right uses. In fact, the proposed hardware store that the coffee shop will be attached to is a by-right use.

The Comprehensive Plan discusses Natural Resources and the need to protect the ecosystem and resources of the County, specifically groundwater. Staff has analyzed the proposed water consumption of this use and believes that with the recommended conditions the potential impact on water resources will be mitigated to an acceptable level.

This use represents the redevelopment of an existing parcel. The impacts of the proposed use do not adversely impact Natural Resources. Therefore, staff recommends that this use is consistent with the Comprehensive Plan.

#### **SUMMARY:**

##### **Staff finds the following factors favorable to this request:**

1. The proposed use will not adversely affect the uses permitted by-right on nearby properties.
2. The character of the area will not be changed by the proposed use.

**Staff finds the following factor(s) unfavorable to this request: None identified**

#### **RECOMMENDED ACTION:**

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP201900003 with the following conditions.**

##### **Conditions**

1. Coffee shop uses on the parcel will not exceed 700 gross square feet.
2. No indoor seating associated with the coffee shop is permitted.
3. No public restrooms associated with the coffee shop will be provided.

#### **POSSIBLE PLANNING COMMISSION MOTION - SP201900003:**

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

**Move to recommend approval of SP201900003, Hunters Way Coffee Shop, with the changes and conditions as recommended by staff.**

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

**Move to recommend denial of SP201900003, Hunters Way Coffee Shop. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.**

## **ATTACHMENTS**

**Attachment 1** – [Vicinity Map](#)

**Attachment 2** – [Applicant Justification for Special Use Permit, last revised December 20, 2019](#)

**Attachment 3** – [Illustrative Plan Exhibit, dated December 20, 2019](#)

**Attachment 4** – [Relevant Provisions of Comprehensive Plan](#)