

**COUNTY OF ALBEMARLE
TRANSMITTAL TO THE BOARD OF SUPERVISORS
SUMMARY OF PLANNING COMMISSION ACTION**

AGENDA TITLE: SP201900003 Hunters Way Coffee Shop	AGENDA DATE: March 18, 2020
SUBJECT/PROPOSAL/REQUEST: 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.	STAFF CONTACT(S): Filardo, Benish, Nedostup, Gleason
SCHOOL DISTRICT: Stone-Robinson (Elementary); Burley (Middle School); Monticello (High School)	PRESENTER: Mariah Gleason

BACKGROUND:

At its meeting on January 14, 2020, the Planning Commission (PC) conducted a public hearing for the application noted above, and voted to recommended approval, by a vote of 7:0, of SP201900003 Hunters Way Coffee Shop with conditions. A discussion on the conditions is provided below.

The Planning Commission's staff report, action letter, and minutes are attached (Att.'s A, B, and C).

DISCUSSION:

During the Planning Commission public hearing, discussion between the applicant, Planning Commission, and staff primarily focused on concerns regarding traffic impacts, the intent of recommended conditions (to limit the size and intensity of the new use, traffic, and water usage, so that other by-right uses on the parcel would not be negatively impacted by the additional use), and the provision of dedicated parking spaces to accommodate the walk-up window proposed by the proposed restaurant use. A full discussion on these topics is available in the PC Meeting Minutes.

The Planning Commission unanimously voted to recommend approval of SP201900003 with the following amendments and additions to the conditions recommended by staff in the staff report:

ORIGINAL CONDITIONS RECOMMENDED BY STAFF:

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.

AMENDMENTS AND ADDITIONS RECOMMENDED BY THE PLANNING COMMISSION:

- A. That "restaurant" be substituted wherever "coffee shop" was used in the conditions, and
- B. Adding a fourth condition that the applicant should designate walk up parking spots during the Site Development Plan stage. (Note: This recommendation would be to facilitate a walk-up order window.)

In subsequent discussions, Zoning staff concurred with rewording "coffee shop" to "restaurant", but did not recommend the addition of the fourth condition, stating that necessary parking is provided for and required by the zoning ordinance and the designation of parking spaces for the benefit of a particular use is not typically a condition attached to special use permits. Designation of parking spaces is usually left to the property owner's discretion. Zoning staff also found that ample/convenient parking has been demonstrated by the site plan for this property which is currently under review by staff (see Attachment A3 for an illustrative rendering of the proposed site plan).

REVISED CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND STAFF:

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

If the Board would prefer to include a condition regarding the designation of parking space(s) for the walk-up order window, staff offers the following condition language for the Board's consideration:

4. If the restaurant use has a walk-up order window, a minimum of one parking space must be designated with signage and/or pavement markings on the Site Development Plan.

RECOMMENDATIONS:

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve SP201900003 with Conditions 1-3.

ATTACHMENTS:

Att. A – PC Staff Report

Att. A1 – Vicinity Map

Att. A2 – Applicant Justification for Special Use Permit, last revised December 20, 2019

Att. A3 – Illustrative Plan Exhibit, dated December 20, 2019

Att. A4 – Relevant Provisions of Comprehensive Plan

Att. B – PC Action Letter

Att. C – PC Meeting Minutes

Att. D – BOS Resolution with Conditions 1-3