

County of Albemarle
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902

October 21, 2019
Revised April 8, 2020

RE: SP2019-00003 Hunters Way Special Exception Request [5.1.60(a)]

Heartrock Farm is the owner (the “owner”) of tax map parcel 78-49A in Albemarle County, a 1.46 acre property zoned Highway Commercial (the “property”). Special Use Permit, SP2019-3, a request to allow for an eating establishment on commercially zoned property not served by public water and sewer, was approved by the Board of Supervisors on March 18, 2020. The owner intends to develop the property with a retail building and a connected drive-through coffee shop. We, on behalf of the property owner, request a special exception from Sec. 5.1.60(a) of Chapter 18 of the Code of Albemarle, which prohibits the location of a drive-through window adjacent to a public street, to allow for the proposed drive-through window to be constructed and to operate in a location as shown on SP2018-40 (the “major site plan amendment”), on the eastern portion of the site adjacent to public street, Hunter’s Way.

Section 5.1.60(a) states, “if the building is adjacent to a public street, any drive-through windows shall be located on the side or rear of the building, away from the public street.” Section 5.1(a) allows for modifications or waivers to any requirement of section 5. In this individual case, we contend the general service of the public health, safety, and welfare as provided for in section 5, would not be inhibited by the approval of a waiver to Section 5.1.60(a) for the following reasons:

- **PROXIMITY TO HUNTER’S WAY:** The proposed drive-through window is located approximately 55’ from the Hunter’s Way right-of-way and approximately 75’ from the travel way of Hunter’s Way. The regulations in Section 5.1.60(a) may have been adopted to ensure visual impacts from drive-through windows on public streets were mitigated. Given the distance from the proposed drive-through window to Hunter’s Way, in this individual case, there is ample space to provide sufficient landscaping to significantly minimize visual impacts from the drive-through window on the public street. This distance, coupled with design review from the Architectural Review Board, provides additional assurance that visual impacts from the drive-through window will be adequately addressed.
- **LANDSCAPE DESIGN:** There is a proposed double staggered row of evergreen screening shrubs and large shade trees proposed between the drive-through lane and Hunter’s Way (see illustrative exhibit dated December 20, 2019). Section 5.1.60(b) states, “no drive-through lane shall be located between a building and a public street unless separated from the right of way by a landscape area that complies with section 32.7.9.5(b), (c), (d), and (e) and is at least ten (10) feet in depth extending the length of the drive-through lane.” The code recognizes that ample landscape features and thoughtful landscape design may be provided to mitigate the possible impacts from the visibility of a drive-through lane from a public street and similar landscape design measures could be implemented to mitigate the possible impacts from visibility of a drive-through window from a public street.

- **ARCHITECTURAL REVIEW:** This site is located within a designated Entrance Corridor and therefore development on the property is subject to review by the Architectural Review Board. This additional level of review will require heightened design detail to ensure the proposed site design is in accordance with applicable Entrance Corridor Guidelines. Upon preliminary review of the ARB application, the Architectural Review Board offered comments for landscape design and increased screening measures, which have already been incorporated into the site design with a resubmittal of the Major Site Plan Amendment.
- **INTERNAL CIRCULATION:** The proposed location of the drive-through window allows for sufficient queuing length in the drive-through lane without inhibiting internal vehicular or pedestrian circulation within the site. Vehicles in the queue waiting to approach the drive-through window to receive their purchased goods will have ample space to queue within the drive-through lane without backing up into the travel ways serving the parking areas.
- **SITE CONSIDERATIONS:** The property is located on the western corner of the Route 250 and Hunter's Way Intersection. Due to the curvature of Hunter's Way, the property is somewhat tear drop shaped at the rear, where it culminates in a point rather than a straight property rear boundary. This shape effectively results in a three-sided parcel where two of the sides front on public streets, severely limiting the possible locations for a drive through window on the property, without the granting of a special exception. If the proposed drive-through window were to be located on the western side of the building, the vehicles in the queue would back up into the internal travel ways. Alternatively, if the direction of the drive-through lane were to be reversed, the drive-through window on the western portion of the building would not be able to service the driver's side window of customer's vehicles.

TMP 78-49A is the site of ongoing redevelopment efforts on a parcel that historically has fit into the mold of suburban business/industrial park development. Today, the site functionally serves an auto repair shop at the rear of the site. The redevelopment of the front of site must take into account the existing users at the rear of the site. The drive-through lane is sited in front of the proposed structure in order to allow sufficient queuing length for vehicles waiting to drive up to the drive-through window located on the eastern side of the proposed structure. The drive through window is sited so as to not interfere with parking designated for the auto repair shop or for the proposed retail user.

In your evaluation of this special exception request please consider the distance from the proposed drive-through window to the public street, the proposed landscape design and the additional level of landscape design review provided by the Architectural Review Board, the internal circulation, and the various site considerations previously mentioned in this request.