

**COUNTY OF ALBEMARLE  
TRANSMITTAL TO THE BOARD OF SUPERVISORS**

**SUMMARY OF PLANNING COMMISSION ACTION**

<p><b>AGENDA TITLE:</b> SP201900006 – Boyd Tavern Market</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Proposal for new 4,000 square foot gross-floor-area-maximum auto service station with five fuel pumps under two canopies, convenience store and restaurant (food preparation and sales) on the approx. 3.28-acre portion of the site that is zoned C-1 Commercial and fronts on State Route 616 (Black Cat Road).</p> <p><b>SCHOOL DISTRICTS:</b> Stone-Robinson E.S., Burley M.S., Monticello H.S.</p>	<p><b>AGENDA DATE:</b> June 17, 2020</p> <p><b>STAFF CONTACTS:</b> Filardo, Rapp, Nedostup, Kanellopoulos</p> <p><b>PRESENTER:</b> Tori Kanellopoulos, Senior Planner</p>
--	---

**BACKGROUND:**

At its meeting on May 20, 2020, the Board of Supervisors held a public hearing for this application, but did not take an action.

At its meeting on February 4, 2020, the Planning Commission voted 5:0 to recommend denial of SP201900006.

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

**DISCUSSION:**

At its meeting on May 20, 2020, the Board of Supervisors held a public hearing for this application, but did not take an action. This is the second Board of Supervisors public hearing for this application. No changes to the application have been made since the May 20 public hearing. During the May 20 public hearing, the applicant expressed agreement with all proposed conditions, including staff-recommended Condition #4 (hours of operation): "The hours of operation must be within the range of 5 AM to 10 PM."

The Planning Commission voted 5:0 to recommend denial of SP201900006 for the following reasons as discussed at the meeting: the proposed development is not consistent with the Comprehensive Plan; fuel sales do not appear to be an ancillary use; and there are potential negative impacts to adjacent and nearby properties.

Since the Planning Commission public hearing, the applicant has made the following change to their application:

- Expanded the designated 'no parking' area on the concept plan

The applicant has since submitted additional data, which is included as Attachment D.

Additionally, Attachment A8 has been updated to include public comment received since the staff report was completed.

**RECOMMENDATIONS:**

If the Board chooses to approve the special use permit request, the Board should adopt the resolution for approval with conditions (Attachment F).

If the Board chooses to deny the special use permit request, the Board should adopt the resolution for denial (Attachment G).

**ATTACHMENTS:**

Attachment A: SP201900006 Staff Report for February 4, 2020

Attachment A1: Vicinity Maps

Attachment A2: Zoning Map

Attachment A3: Project Narrative, dated December 10, 2019

Attachment A4: Concept Plan, dated March 3, 2020

Attachment A5: Architectural Design Details, dated January 16, 2020

Attachment A6: Tier 3 Groundwater Study

Attachment A7: Notes from Community Meeting on May 22, 2019

Attachment A8: Comments Received from the Public, updated since Planning Commission

Attachment B: Planning Commission Action Memo

Attachment C: Planning Commission Minutes

Attachment D: Additional Data Submitted by Applicant, dated February 28, 2020

Attachment E: County Requirements for Tier 3 Groundwater Studies

Attachment F: Resolution to approve SP201900006

Attachment G: Resolution to deny SP201900006