



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

<b>Proposal:</b> SP202000006 Ivy Exxon	<b>Staff:</b> Tori Kanellopoulos, Senior Planner
<b>Planning Commission Public Hearing:</b> June 16, 2020	<b>Board of Supervisors Hearing:</b> TBD
<b>Owner:</b> SR&DR LLC	<b>Applicant:</b> Scott Collins, Collins Engineering on behalf of Scott Ramm
<b>Acreage:</b> 1.59 acres	<b>Special Use Permit for:</b> Request for automobile service station per Zoning Ordinance 18-22.2.2(16)(a)
<b>TMP:</b> 058A2000002100 <b>Location:</b> 4260 Ivy Road, Charlottesville VA 22903	<b>By-right use:</b> C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre).
<b>Magisterial District:</b> Samuel Miller	<b>Conditions:</b> Yes <b>EC:</b> Yes
<b>Proposal:</b> Proposed expansion of existing auto service station from three (3) auto service bays to seven (7) auto service bays. Current auto service building is approx. 1,950 sq. ft., and proposed building addition is approx. 3,200 sq. ft., for a total of 5,150 sq. ft. There are two (2) existing gas pumps, and there is no proposed change in the number of pumps.	<b>Requested # of Dwelling Units:</b> No dwelling units proposed.
<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 parcel is developed with an existing auto service station, with two (2) fuel pumps and three (3) service bays. There are existing parking areas around the service station. There is also an existing dwelling unit at the rear of the parcel, which is an existing nonconforming use.	<b>Use of Surrounding Properties:</b> The two adjacent properties to the west are also zoned C-1 Commercial. TMP 58A2-20A has an existing dwelling unit. TMP 58A2-20 is currently undeveloped. The Buckingham Branch railroad tracks are adjacent to this parcel to the north. The adjacent parcel to the east (TMP 58A2-24C) is also zoned C-1 commercial and is owned by the RWSA. The next parcel to the east is TMP 58A2-24, which has an existing dwelling unit and is zoned Rural Area (RA).
<b>Factors Favorable:</b> 1. The application is consistent with the criteria for the issuance of a special use permit. 2. The proposed uses, equipment, and	<b>Factors Unfavorable:</b> 1. If the Board of Supervisors disagrees with the staff interpretation of the meaning and intent of the Comprehensive Plan, this application

supplies would be within an enclosed building and not visible from the public right of way. Only repaired vehicles would be visible.	may be considered inconsistent with the Comprehensive Plan.
<b>RECOMMENDATION:</b> <b>Special Use Permit:</b> Staff recommends approval of SP202000006, Scott's Ivy Exxon, with conditions.	

**STAFF PERSON:** Tori Kanellopoulos, Senior Planner  
**PLANNING COMMISSION:** June 16, 2020  
**BOARD OF SUPERVISORS:** TBD

#### **SP202000006 Ivy Exxon:**

#### **PETITION:**

**PROJECT:** SP202000006 Scott's Ivy Exxon

**MAGISTERIAL DISTRICT:** Samuel Miller

**TAX MAP/PARCEL:** 058A2000002100

**LOCATION:** Parcel is located at 4260 Ivy Road, Charlottesville, VA 22903. Parcel is approximately 280 feet to the southeast of the intersection of State Route 250 (Ivy Road) and State Route 786 (Ivy Depot Lane). The northern portion of the property (rear) is adjacent to the Buckingham Branch railroad tracks.

**PROPOSAL:** Proposed expansion of existing auto service station from three (3) auto service bays to seven (7) auto service bays. Current auto service building is approx. 1,950 sq. ft., and proposed building addition is approx. 3,200 sq. ft., for a total of 5,150 sq. ft. There are two (2) existing gas pumps, and there is no proposed change in the number of pumps.

**PETITION:** Automobile service station per Zoning Ordinance 18-22.2.2(16)(a) on a 1.587 acre parcel. No dwelling units are proposed.

**ZONING:** This parcel is zoned C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre).

**OVERLAY DISTRICT(S):** Entrance Corridor; Flood Hazard Overlay; Steep Slopes - Critical

**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).

#### **CHARACTER OF SURROUNDING AREA:**

There are two adjacent properties to the west: TMP 58A2-20A and TMP 58A2-20. Both are also zoned C-1 Commercial. TMP 58A2-20A has an existing commercial building. TMP 58A2-20 is currently undeveloped, although there is a pending special use permit request for a 2,500-3,000 square foot veterinary office within a new 6,500 square foot, multi-tenant building. The Buckingham Branch railroad tracks are adjacent to this parcel to the north. The adjacent parcel to the east (TMP 58A2-24C) is also zoned C-1 commercial and is owned by the RWSA. The next parcel to the east is TMP 58A2-24, which has an existing dwelling unit and is zoned Rural Area (RA). Other nearby parcels to the west, south, and north are zoned C-1 Commercial and Village Residential, and have commercial, retail, and residential uses. Other nearby parcels to the east are zoned RA and are mainly residential.

#### **PLANNING AND ZONING HISTORY:**

**County comprehensive rezoning in 1980:** This property was rezoned to C-1, Commercial in 1980 as part of the comprehensive rezoning of the County. This property, and others in the immediate area are within the Rural Area as designated by the Comprehensive Plan. The County has not initiated a rezoning since 1980 to rezone any properties that are outside of the Development Areas but are zoned with “urban” zoning designations. This property and others in the immediate area were

previously within the former Ivy Village (formerly a Development Area), as designated by previous Comprehensive Plans. Ivy was removed as a Village in the 1989 Comprehensive Plan update, as the area was considered mostly built-out and is within a water supply watershed. (Attachment 2)

There does not appear to be an existing site plan for this site. The existing site was developed prior to the County's requirement for a site plan. The proposed building expansion would require a site plan, due to changes in parking and the ingress/egress (18-32.2).

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

Section 18-22.2.2(16)(a) requires auto service stations that are not served by public water or an approved central water supply in the C-1 Commercial zoning district to obtain a special use permit. The existing use is a 1,950 square foot auto service station with three (3) service bays. The proposal is for a building addition of approximately 3,200 square feet on the rear of the existing building. The addition would have four (4) additional service bays for auto repair and service, for a total of seven (7) service bays. There are two (2) existing gas pumps, and there is no proposed change in the number of gas pumps. The number of employees is not proposed to increase. The intent of the expansion, per the application, is the following: *"The (4) additional bays will allow the technicians to perform the diagnostics on a car and then move on to another car in an adjacent service bay while they wait for approval or authorization to continue with the service repairs, without having to stop, put the car back together, and remove it from its service bay."* The increased efficiency would allow the business to service 13 cars per day, an increase of five (5) from the current approximately eight (8) cars serviced per day.

It should be noted that the existing use is by-right per 18-22.2.1(e). Regardless of approval or denial of this special use permit request, the existing use may continue by-right. The special use permit is for the proposed expansion of the auto service station. Therefore, the impacts of the expansion have been reviewed, and conditions are intended to address any impacts of the expansion.

Additional information is provided in the applicant's narrative and application plan (Attachment 3).

#### **COMMUNITY MEETING:**

The community meeting requirement per 18-33.37 was met in the form of mailed letters with information about the proposal, with response options including contacting staff via email or phone call or using an online input form. The applicant mailed letters to property owners within a ¼ mile radius of the proposal. The letters were mailed on May 1, and recipients were given until May 15 to provide comments, questions, and concerns. Staff continued to incorporate feedback after this date, as the Planning Commission public hearing date was moved later, providing more time for responses.

The following are the main concerns staff has heard:

- Stormwater management: There are existing stormwater and runoff concerns.
- Access to the site: There are concerns with the current configuration of the ingress/egress. Additionally, there is a shared access easement with two properties to the east.
- Traffic: This is an area with existing congestion and traffic.
- Groundwater Contamination: This is an area that has had and may still have groundwater contamination.
- Scale: There are concerns that the proposed building addition is not appropriate in scale given the surrounding context and area.

These concerns are further discussed in the following sections of this staff report. Additionally, there are proposed conditions to mitigate some of these potential impacts, which are also discussed in the staff report. Written responses from members of the public are included as Attachment 5.

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

Special Use Permits are evaluated under reasonable standards, based on zoning principles which includes the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions and those conditions must be reasonably related to the impacts and be roughly proportional to the impacts.

The appropriateness of the C-1 Commercial zoning designation on the property is not under consideration. The property was comprehensively rezoned by the County in 1980 and no action has been taken to amend or modify the zoning of the property.

The existing use (auto service station) is a by-right use per 18-22.2.1(e). The special use permit is per 18-22.2.2(16)(a) and is for the expansion of the auto service station only. If the special use permit is not approved, the existing use may continue by-right. While approval of the special use permit would bring the whole site into compliance with current zoning regulations, the special use permit is only required due to the proposed expansion. Given that special use permits are evaluated based on their potential impact, the impacts of the proposed expansion have been evaluated and are discussed in the following section.

***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.***

Staff finds that the proposed special use permit would not be a substantial detriment to adjacent and nearby parcels. Staff has evaluated the potential impacts of the proposed expansion, including potential impacts listed as concerns by community members. The following are the potential impacts of the proposed expansion, with staff's analysis and any relevant proposed conditions.

#### **Traffic**

The proposed expansion for four (4) additional auto service bays would add approximately 10 vehicle trips per day. The applicant estimates that eight (8) cars per day are serviced now, and an additional five (5) would be serviced with the expansion, for a total of 13 per day. Route 250 has approximately 13,000 vehicle trips per day. Planning, Transportation Planning, and VDOT did not find a significant traffic impact from the proposed expansion. VDOT's main concern with this site is the existing design of the ingress/egress. The proposed expansion would require an additional eight (8) parking spaces. The application plan submitted by the applicant shows parking envelope areas on the site. The exact parking locations would be determined with the site plan. Staff finds that the additional traffic impact from the proposed expansion is not a substantial detriment.

#### **Stormwater Management, Floodplain, and Stream Buffer**

According to GIS, the existing structure (service station) is located partially within the floodplain. The applicant must submit a Letter of Map Change (LOMC) to formally determine the location of the floodplain. The proposed expansion would also require a Virginia Stormwater Management Program (VSMP) application and would need to meet the minimum standards for channel and flood protection [9VAC25-870-66]. Members of the public have expressed concern with potential runoff and petroleum spills. Release of petroleum is prohibited by law and is considered an illicit discharge [17-700 et al].

A LOMC must be submitted prior to site plan or VSMP approval, as the building cannot be expanded if located within the floodplain. If the floodplain is adjusted, the stream buffer will also be adjusted, per County Code 17-600(A). The existing structure would no longer be within the stream buffer, however a portion of the eastern edge of the property would still be within the stream buffer.

The applicant is proposing plantings within the stream buffer for mitigation purposes. These plantings are required as a condition, to be provided during site planning to the satisfaction of the County Engineer.

#### Water and Sewer

The property is located in the ACSA jurisdictional area for water only. The property is currently not connected to public water or sewer and is served by an existing well and drainfield. The applicant has requested a waiver per 18-4.1(a)(2) as follows: *"When the director of community development, in consultation with the Albemarle County Service Authority finds that the cost of connecting the proposed development or lot to the public water supply and/or the public sewer system, exclusive of connection fees, exceeds the cost of installing an on-site well and/or an onsite sewage system."* The applicant has submitted a connection waiver request, which is being evaluated by the Community Development Department and ACSA. The waiver request can be completed during site planning. VDH (Virginia Department of Health) review and approval will also be required prior to any site plan or building permit approval.

A Tier 3 or Tier 4 groundwater study (depending on total daily water usage) will be required during site planning. Virginia State Code [12VAC5-590-690] estimates water usage for service stations as 10 gallons per vehicle served. Therefore, an additional five (5) vehicles per day would result in approximately 50 additional gallons used per day. VDH and ACSA do not have any capacity or usage concerns from the proposed expansion and expect that additional water usage will likely be lower than 50 additional gallons per day.

There is an existing drainfield on the property, which will need to be field verified during site planning. No parking or structures will be permitted on or encroaching on the drainfield. VDH has offered the following comment: *"The automotive shop is proposing to expand the number of bays so they can more efficiently handle their repairs and there is no intent to increase the number of employees. Even though this may result in some increase in the amount of customers, I think any increase in daily flow to the existing septic system will be negligible. In my perspective this does not equate to a change of use and therefore I don't believe assessing the capacity of the existing septic system is warranted."*

Based on information provided by VDH and DEQ (Department of Environmental Quality), there no longer appears to be significant water quality and contamination issues with the wells in this area (reference Attachment 4). The proposed expansion would not generate a significant increase in water usage. There does not appear to be a need to improve the existing water and sewer systems, based on the impact of the expansion. Therefore, a connection to public water does not appear to be necessary for quantity or quality issues that staff is aware of to date.

#### Visual Impacts

The proposed expansion must comply with the requirements of 18-5.1.31, which includes the following: all equipment and materials must be stored in an enclosed building; vehicles awaiting repair must not be visible from the public right of way or residential properties; all services must be performed in an enclosed building; and auto service buildings must be located at least 50 feet from any residential or agricultural district. The proposed expansion is visible from the Entrance Corridor and will therefore require Architectural Review Board (ARB) approval. There is a condition to mitigate potential new lighting impacts, including requiring any new lighting to be turned off (motion-activated only) during overnight hours. No new outdoor lighting is proposed at this time; however, any future new outdoor lighting would need to meet the conditions of this special use permit and all current regulations per 18-4.17. Additional information on scale and ARB review is included in the following 'Character of the area' section of this report.

### Noise Impacts

There is a condition to limit hours of operation of the service station to the current hours, which are 7 AM to 9 PM, Monday through Saturday. The ending time of 9 PM is consistent with (and earlier than) other rural uses and uses adjacent to residential and rural districts. For example, County Code 18-5.1.57(e)(4) prohibits amplified music for farm brewery events (rural use) after 10 PM during weekdays and after 11 PM on weekends. Farm wineries have the same regulation (18-5.1.25(e)(4)). This is to limit potential negative impacts on nearby and neighboring residential and rural properties. Per 18-5.1.60, drive-through windows that are within 100 feet of a residential or rural district must be closed by 10 PM.

### Underground Storage Tanks and Groundwater Contamination

DEQ has offered the following comment on contamination and underground storage tanks (UST) for this area: *"There are two components to the petroleum contamination at these two sites (Toddsbury of Ivy and Ivy Exxon) - a shallow dissolved-phase groundwater plume approx. 10-20 feet below grade (fbg), and a deeper dissolved-phase plume approx. 80-90 fbg. Concentrations have steadily decreased since the releases at both sites were discovered due to substantial corrective action efforts at the Toddsbury site and natural attenuation at both sites...The well at 4260 (which is a shared well serving the Exxon and a rental residence behind the station) is the only one still receiving carbon treatment at this point. If wells have been found to have petroleum contamination, DEQ can provide well owners with carbon filtration systems."*

DEQ also offered the following response on the potential impact of the proposed Ivy Exxon building expansion: *"I would not anticipate the planned expansion project having any effect on the existing UST system or the groundwater contamination situation."* See Attachment 4 for additional information provided by DEQ.

The Toddsbury case has been closed (Attachment 7). A groundwater monitoring report for the Ivy Exxon site is included as Attachment 6 (dated March 3, 2020). A previous BTEX report for the area is included as Attachment 8.

### **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.**

Staff finds that the proposed expansion would not change the character of the area. The property is located in an existing commercial area and is adjacent to other C-1 Commercial properties. While the area is not currently within a Development Area in the Comprehensive Plan, the area was previously designated as a Village in the County's Future Land Use Plan in the Comprehensive Plan, until 1989. Nearby parcels are zoned C-1 Commercial, VR Village Residential, and RA Rural Area. Nearby uses include a post office, garden center, restaurant, medical offices, a church, a recently closed country store with gas pumps, and residential uses. The auto service station is an existing use and has been in operation for more than 50 years.

There is a proposed condition to limit the maximum structure height of the proposed expansion to 24 feet. Adjacent and nearby structures have varying heights. Nearby commercial and institutional uses range from approximately 16 feet to more than 30 feet in height. The proposed expansion is approximately 3,200 square feet, which would bring the total square footage of the auto service station to approximately 5,150 square feet. Nearby commercial and institutional uses have a range of building footprints as well. For example: the Toddsbury commercial building across the street has a footprint of approximately 2,500 square feet; the garden center footprint is approximately 4,200 square feet; the nearby row of commercial and office buildings at Ivy Commons is approximately 9,600 square feet; and the nearby church is approximately 10,000 square feet.

The proposed expansion will require Architectural Review Board (ARB) review and approval, as it would be visible from an Entrance Corridor (Route 250). The purpose of ARB review is, generally,

to promote orderly and attractive development and, more specifically, to ensure that proposed development within the Entrance Corridors reflects elements of design characteristic of the significant historic resources of the area. The Entrance Corridor Design Guidelines guide the ARB's review of development proposals. The guidelines address site layout, grading, landscaping, lighting, architectural design, accessory structures and equipment, and related screening. Several of the guidelines directly or indirectly address the scale of a proposed development, and the guidelines also address building materials and colors, and building forms and features. A goal of the review is to achieve a level of compatibility along the corridor and a balance among new development, existing character, and historic character. Proposed development is considered as it is viewed from the Entrance Corridor street. The Ivy Exxon building addition and site changes will be reviewed by the ARB according to the Entrance Corridor Design Guidelines during the site plan review process.

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

Staff finds that the proposed use is in harmony with the purpose and intent of this chapter. Section 18-22 of the Zoning Ordinance outlines the intent of the C-1 Commercial zoning district: *"C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan."*

The proposed use is consistent with the uses described in the intent of the zoning district. It is not consistent with the intent that these districts be established only in the Development Area of the Comprehensive Plan. However, this property has been zoned C-1 since 1980. Additionally, Ivy was previously designated a Village in the Comprehensive Plan until 1989.

Section 18-1.5 of the Zoning Ordinance states that an intent of the Ordinance is to *"implement the policies, goals and objectives of the comprehensive plan."* Staff has used the scale of the surrounding area (which includes other commercial uses) for guidance in evaluating the scale of the proposed expansion. Additional analysis is provided the preceding section of this report ('Character of the area') and the following section of this report ('Consistency with the Comprehensive Plan').

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

The intent of the C-1 zoning district, stated in section 18-22.1, is that C-1 districts *"be established only within the urban area, communities and villages in the comprehensive plan."* This application is for a special use permit, and therefore does not change the zoning district of the property. The property is already zoned C-1 Commercial and was previously within a designated Village. The proposed use is consistent with uses permitted in the C-1 zoning district. Given that this site is not served by public water, other C-1 uses (such as retail and commercial) would also require a special use permit, if consuming more than 400 gallons per acre per day.

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

The proposed use will need to meet the regulations of 18-5.1.20 for fuel sales during site planning. Preliminary review shows that existing storage tanks may not be meeting this setback requirement; however, there are no proposed changes to the storage tanks or fuel pumps this proposal. Any future storage tanks would need to meet this requirement. The proposed use will also need to meet the regulations of 18-5.1.31 for supplementary regulations for auto service uses. The applicant has included the requirements of 18-5.1.31 as notes on the concept plan. This includes screening any cars awaiting repair from public streets and residential properties.



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

Public health, safety, and welfare comments are also provided above in the first factor section: “No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.” Based on this analysis and proposed conditions, staff’s opinion is that the development is consistent with public health, safety, and general welfare. Additional information on an existing joint access easement and ingress/egress to the site is provided in the following paragraph.

Access to the Site

There is an existing joint access easement across this property (TMP 58A2-21), which is also used by TMP 58A2-24C (C-1 property used by Rivanna Water and Sewer Authority) and by TMP 58A2-24 (RA property with one dwelling unit). This access easement and/or access to these properties may need to be adjusted during site planning, in order to meet current VDOT standards for access management and safety. VDOT finds that the ingress/egress for this property (Ivy Exxon) does not meet VDOT’s current design standards, and that upgrading to meet current standards could also affect the joint access easement. Given that this is a site plan requirement that affects access to the entire Ivy Exxon site (not just the expansion), staff finds that this issue should be addressed during site planning. There is a note on the application plan stating that access for all parcels will remain, even if the access easement or layout needs to be adjusted, and that the final location and layout proposed landscaping area and ingress/egress will be determined during site planning. The proposed ingress/egress on the application plan is not necessarily a final layout.

***4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.***

The zoning of this property, C-1 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 C-1 Commercial has been made and the County has initiated no action since 1980 to change the zoning designation. Additionally, the property was previously within a Village (Development Area) until 1989.

Strategy 1a of Chapter 3 (Growth Management) reads in part: “*Only approve new development proposals in the Rural Area that are supported by Rural Area goals, objectives, and strategies.*” The scale and design of this proposal has been analyzed for consistency with the Rural Area chapter of the Comprehensive Plan and with the scale and design of nearby existing uses. The following analysis focuses on the Rural Area Chapter and includes other relevant sections.

Chapter 7: Rural Area

The preferred land uses in the Rural Area are agricultural and forestry uses. Other uses should be supportive either of agricultural and forestal uses, or of existing residents in the Rural Area. New structures and uses in the Rural Area, when permitted, should be of appropriate scale and character for the Rural Area. Staff has used the scale of surrounding existing uses for partial guidance on the appropriateness of the proposed scale. As previously included in the ‘Character of the nearby area section’ above, staff finds the proposed expansion is within the range of the building square footages and heights of existing nearby commercial, office, and institutional uses in the Ivy area.

The scale of the proposal should be consistent with the scale called for in this chapter of the Comprehensive Plan and with existing comparable uses and developments in the surrounding Rural Area. Supportive uses in the Rural Area are intended to provide services for residents in the immediate area. While it is not possible for staff to determine precisely which residents would be served by the proposed expansion, it is accessible to nearby neighborhoods and residential uses. The proposed expansion is to serve an additional five (5) vehicles per day, or approximately five additional customers.



Objective 2 of this Chapter is: *“Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.”* There are critical slopes on this property, however they will not be disturbed with this proposal. A portion of the property is in the floodplain. The applicant will be submitting a LOMC to determine the exact location of the floodplain. No building permit or site plan will be approved until the LOMC is received. The use would not significantly increase water usage on the site, and the Health Department has no objection to the proposal. There are no agricultural/forest districts, conservation easements, or open space agreements affecting this property.

#### Chapter 5: Historic, Cultural, and Scenic Resources

Objective 11 of this Chapter is to *“Protect the dark sky of Albemarle County as one of the many natural, scenic, scientific, and cultural resources for the benefit of residents, visitors, and the larger scientific community.”* There is a proposed condition to limit the maximum allowable foot candles and require any new lighting to be full cutoff and on motion-sensor only during overnight hours. This condition is intended to limit potential negative impacts to nearby residential and rural properties, and to protect dark skies. The property is not within a National Register Historic District and does not contain any Designated Historic Resources.

#### **SUMMARY:**

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

1. The application is consistent with the criteria for the issuance of a special use permit.
2. The proposed uses, equipment, and supplies would be within an enclosed building and not visible from the public right of way. Only repaired vehicles would be visible.

##### **Staff finds the following factor(s) unfavorable to this request:**

1. If the Board of Supervisors disagrees with the staff interpretation of the meaning and intent of the Comprehensive Plan, this application may be considered inconsistent with the Comprehensive Plan.

#### **RECOMMENDED ACTION for SP202000006:**

Staff recommends approval of the special use permit request with the following conditions:

#### **CONDITIONS:**

1. Development of the use shall be in general accord with the Conceptual Plan titled “Scott’s Ivy Exxon – Special Use Permit – Conceptual Layout Plan”, prepared by Collins Engineering, with the latest revision date of June 2, 2020, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development and as described in the narrative and concept plan:
  - a. Location and building footprint of the proposed expansion.
  - b. The number of auto service bays.
  - c. Mitigating landscaping within the stream buffer, to the satisfaction of the County Engineer.
  - d. Location and type of proposed landscaping buffer. The landscaping buffer must be a mixture of deciduous and evergreen plantings, to the satisfaction of the Planning Director.
  - e. Location of the parking areas.
2. The following restrictions to any new outdoor lighting must apply: all fixtures must be full cutoff; lighting is limited to 20 foot-candles at the ground; new outdoor lighting must be on a timer or motion sensor between the hours of 10 PM and 6 AM.

3. All mechanical equipment must be fully screened from the view of adjacent properties and adjacent public streets.
4. Hours of operation of the service station must be between 7 AM and 9 PM, Monday through Saturday. Fuel sales are permitted 24 hours per day.
5. The maximum building height is 24 feet.
6. All stormwater management treatment for the proposed expansion must be provided onsite.

### **ATTACHMENTS**

**Attachment 1** – Vicinity Maps

**Attachment 2** – Map showing zoning of surrounding area

**Attachment 3** – Project Narrative and Concept Plan, latest revision date of June 2, 2020

**Attachment 4** – Additional information provided by DEQ

**Attachment 5** – Comments Received from the Public

**Attachment 6** – Monitoring Report for Ivy Exxon Site, dated March 3, 2020

**Attachment 7** – Close Out Report for Toddsbury Site, dated May 2, 2019

**Attachment 8** – BTEX Report, dated April 12, 2013