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## Memorandum- RESPONSE TO STAFF COMMENTS AFTER PRE-APPLICATION MEETING

To: Rachel Falkenstein

From: Jo Higgins

Date: December 7, 2015

RESPONSE TO COMMENTS DATED 9/30/2015 AFTER Pre-App meeting (RESPONSES ARE INSERTED IN BOLD)

Subject: TMP 55B-1, Restore'N Station Pre-Application Meeting Date: 9/21/2015

The following are County staff comments regarding the above noted pre-application meeting. This meeting may satisfy the requirements for the mandatory pre-application. The purpose of for the meeting is summarized below:

*The purposes for a pre-application meeting are to: (i) provide the applicant and the county a common understanding of the proposed project; (ii) inform the applicant about the proposed project's consistency with the comprehensive plan, other relevant policies, and county regulations; (iii) broadly identify the planning, zoning and other issues raised by the application that need to be addressed by the applicant; (iv) inform the applicant about the applicable procedure; and (v) allow the director to identify the information the applicant must submit with the application, including the supplemental information delineated in subsection (c). Receiving the relevant supplemental information will allow the application to be comprehensively and efficiently reviewed*

*(i) Common understanding of the proposed project*

- The applicant is proposing to amend the existing Special Use Permit, SP 2009-34 to allow for an expanded convenience/retail store, a drive-through window, office space and an auto repair shop.
- These uses are by-right within the HC zoning district. The SP is required for uses permitted by right not served by public water exceeding 400 gallons per site acre per day [18-24.2.2(13)].
- A new SP is required for the proposed drive-through window [18-24.2.2(12)].

**RESPONSE:** *The application to amend SP 2009 – 34 is being submitted along with a new SP (no number assigned as yet) application for a drive through window. As background information in this case, SP 2009-34 was only requested when required by staff because the projected water usage data was deemed inadequate to prove the proposed water usage would be LESS than the by-right amount. SP 2009 – 00034 was requested and approved for 1 gallon per day over the by right amount (or there could be no SP) which allows 1,625 gpd. After one full year of operation, the meter reading data is being submitted to prove that the average gallons per day of water has been used which is only 25% of the by-right amount of water. This leaves 75% or approx. 1200 gpd to support the Phase II expansion on this site. The request to amend SP2009-00034 is to amend the conditions of the SP to expand the development on this 4.06 acre parcel.*

*(ii) Consistency with the Comprehensive Plan*

- The parcel is designated as Rural Area in the Comprehensive Plan which calls for protection of agricultural, forestal, open space, and natural, historic and scenic resources.
- The Crozet Master Plan has the following recommendation for this stretch of Route 250: "No commercial use is recommended on Route 250 West in order to retain Route 250 West as a Scenic Byway. Additional commercial uses will add traffic to this road, which would damage the rural character of Route 250 West."
- Zoning of this parcel is HC Highway Commercial. The proposed uses are by-right but Special Use Permits are required for the water usage and proposed drive-through.

**RESPONSE:** Although located in Rural Area, this property is zoned highway commercial because it has been used for commercial purposes since prior to the ordinance being adopted. This particular stretch of RT250 is dominated by commercial uses extending along the South side of RT 250 from the entrance

to Western Albemarle High School to I-64 including a convenience store with gas sales, automobile repair & body shop, heavy trucking storage yard adjacent on the east side of this property, commercial office and lumber mill yard to the west and convenience store with gas sales directly across RT 250. In fact, there are only a few parcels on the south side of RT250 that remain RA along this stretch. Any potential impacts to the Scenic Byway have been addressed (and will be addressed) by compliance with the Entrance Corridor approval requirements and ARB approval.

*(iii) Broadly identify the planning, zoning or other issues raised by the application that need to be addressed by the applicant. Important items for consideration with your SP application are as follows:*

- Water uses SP ○ The application for the amended Special Use Permit should include water analysis for the additional uses as well as water analysis for existing uses (as provided with pre-app materials).

**RESPONSE:** *The water analysis for the existing uses is a year of water meter readings that prove that the 3000sf of convenience/retail store and 1000sf of office above have used an average of 408 gallons per day with a short period of 7 weeks when the average was exceeded. This was found to be employees using water to wash the sidewalk when it was suppose to be cleaned with a broom. This was corrected and the usage dropped back to the 400 gallons per day typical. The projected water usage for the proposed expansion of the convenience/retail store with additional retail space and separate auto repair shop all with office space above is attached. This is analysis using the Wastewater design standards and a second analysis based upon the fixtures to be provided in the new area of the buildings both confirm that the by right amount of water allowed will not be exceeded. Also the flow restriction device will not allow more than the allowed water to be exceeded and we are not requesting a change to the water usage amount. (See attached meter data and analysis)*

- Drive-through SP ○ A separate SP application and fee are required for the proposed drive-through window. ○ It is recommended that the drive-through lane obtain adequate circulation and site distance.

- The plan does not appear to show enough stacking space for the drive-through window. Section 4.12.6 states that drive-through lanes serving restaurants shall provide a minimum of five (5) stacking spaces that shall not impede any required parking or loading spaces or any pedestrian or vehicular circulation aisles. The five (5) stacking spaces shall be provided at the order board and additional spaces may be provided at the payment or pick-up windows

**RESPONSE:** The concept plan has been revised to show an exclusive stacking lane (16ft wide to allow pass-by) which provides for 5 spaces and in addition – there is 1 space at the pick up window, 1 space between the pick up window and order board and 1 space at the order board for a total of 8 spaces designated for the drive thru service.

With respect to the circulation – the drive thru is now completely separate from the parking access travelway, , the entrance to Phase II is served from the internal travelway across the front of the site which was a requirement of the earlier approval of Phase I to be a deeded access easement to prevent any additional entrances onto RT 250. (Connection to the adjacent property has potential for the future although it appears that property is not required to connect). The circulation works well to serve Phase II without having to travel through the convenience/retail store front travelway but a 2<sup>nd</sup> connection is provided at that point also. For a 3<sup>rd</sup> connection to provide internal connections, a connecting travelway at the rear of the site is also provided. There is plenty of width at the rear to accommodate this and allow for customers to pass by the fuel stations to gas up before leaving the site.

- A bypass lane may be necessary for the drive-through window. Section 4.12.17 states a travelway width of up to sixteen (16) feet may be required to allow for bypass traffic, when deemed necessary by the county engineer. In making this determination, the county engineer shall consider the site specific factors including, but not limited to, the length of the travelway, nature of the land use, and internal traffic circulation.  
**RESPONSE: The drive through travelway and stacking travelway are both 16ft wide to meet this requirement although it should be re-considered by the County to change this requirement. A pass by lane only provides an opportunity for the customer to jump out of line and leave without paying for their order. There is no record where there is or has been a safety issue when pass by lanes are not provided. No benefit to the public, property owner or County to require a pass by lane. Albemarle County requires what is not required by other localities.**
- An ARB application is needed for the drive-through SP.  
**RESPONSE: A separate ARB application with elevations of the building addition will be submitted to the ARB.**
- Site Plan Amendment ○ A major site plan amendment will be required for the proposed changes.  
**RESPONSE: This is understood based upon the pre-application meeting information. Once the SP is approved with the concept plan this will be used as the basis for the Major Site Plan amendment.**
  - It is recommended that the site entrance throat not be reduced.  
**RESPONSE: No change to the entrance is proposed with this application.**
  - Turn warrants should be provided for the additional uses.  
**RESPONSE: There was a traffic analysis for Phase I as initially submitted with a larger convenience store and full office space above and more fuel stations. It dictated that a right turn lane and left turn lane be required with an entrance location as built. Later in the process, the development was reduced by the BOS when acting on the SP approval. There is no proposed change to the public right of way improvements that were completed a year ago.**
  - Minimum yard requirements adjacent to Rural Area properties is 50' for buildings and 20' for parking; screening shall be provided adjacent to Rural Area parcels.  
**RESPONSE: There is a 20ft undisturbed buffer along the West and South edge so yard requirements have been met for parking and the proposed expanded building footprints are greater than 50ft from the RA property line so the yard setbacks for the buildings are also met. In addition, there is a 6ft board on board privacy fence provided on the site plan at the edge of the 20ft buffer along the West buffer edge then continues along the South buffer edge with new fence shown to connect to the existing privacy fence at the curb line of the fuel stations area.**
    - A Tier 3 Groundwater Assessment is required for the proposed uses.  
**RESPONSE: A Tier 3 Groundwater Assessment has been done for this site. 2 copies are attached to the application. There is no change in the amount of water withdrawal proposed and therefore no change to the groundwater assessment.**
  - Elevations should be provided with the ARB site plan application.  
**RESPONSE: Elevations will be provided with the ARB application.**

*(iv) Applicable procedures*

- SP Application and associated information: ○ The proposed use requires the submittal of an SP application and additional information (see below).

**RESPONSE: See attached analysis of the existing and proposed uses with applicable square footage of each use.**

- Community Meeting: ○ The applicant is required by ordinance to undertake a community meeting process as part of the review of the SP request. The applicant should work with the Crozet Community Advisory Council (CCAC) to use their monthly meeting as the community meeting for this project.
  - Please keep staff informed of the community meeting location and time. Staff will attend the meeting to answer questions, but the applicant is responsible for facilitating the discussion.
  - Staff has compiled a list of neighboring property owners that should be notified of the meeting (attached).
  - White Hall District Board and Planning Commission members should also be notified of the community meeting.

**RESPONSE: Once the submittal is in with the County on Dec 7<sup>th</sup>, we will ask for a time on the next agenda of the CCAC to present this information. The list of neighboring property owners will be used to notify each person about this meeting.**

*(v) Identify the information the applicant must submit with the application, including the supplemental information.*

- An SP application along with the application fee (\$2000 for a new SP for the drive-through; \$1000 to amend existing SP for water usage), plus the cost of public notice requirements when the application is being processed.

**RESPONSE: \$3000 CHECK is being submitted with the two applications.**

- A concept plan that is consistent with Zoning Ordinance requirements for Special Use Permits (see attached checklists).
- The latest recorded plat(s).
- Authorized owners' signatures.
- See attached SP checklist for other required information.
- Additional comments from Zoning are attached.

**RESPONSE: ALL OF THESE ITEMS ARE BEING ADDRESSED WITH THIS SUBMITTAL.**

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**Memorandum –RESPONSE TO STAFF COMMENTS AFTER PRE-APPLICATION MEETING**

**To: Rachel Falkenstein**

**From: Jo Higgins**

**Date: December 7, 2015**

**RESPONSE TO COMMENTS FROM: Zoning/ Ron Higgins dated September 29, 2015**

**Subject: Mandatory Pre-app Meeting Comments for “Re-Store ‘N Station Phase II”**

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The following comments are provided as input from the Zoning Division regarding the September 21, 2015 pre-application meeting, listed as “exploratory” but revised to “mandatory”.

1. General comments.

- a. Proposal – Amendment to SP200900034 and Major Site Plan amendment for Re-Store ‘N Station (now Mulberry Station) **Use per Section 24.2.2 #13 – water consumption exceeding 400 gallons per acre per day.**

**RESPONSE: The letter of approval for SP2009 – 00034 dated November 12, 2010 is attached with requested changes to conditions 4,5,6,8 and 9 are noted and narrative is also attached.**

- b. Required parking for use – Calculations on plan are correct for retail and office but shall also include parking for the “Auto Repair-Service” of: **One (1) space per employee plus two (2) spaces per each service stall.**

**RESPONSE: Parking calculations are included on the concept plan using this information along with the parking requirements for retail and office as stated in the ordinance.**

- c. Building setbacks/build to lines ok as shown.

**RESPONSE: Setbacks are shown on the concept plan.**

- d. Supplementary Regulation Section as applicable - See **Section 5.1.31 for supplementary regulations specific to auto repair.**

**RESPONSE: Per Section 5.1.31, the following items will be addressed on the Major Site Plan amendment per the ordinance:**

**5.1.31.a. No parts, materials, or equipment are to be stored outside.**

**b. No vehicles awaiting repair will be visible from any public street as parking is provided at the rear of the site and fencing along the west edge and south edge will wrap the auto repair area at the rear.**

c. The enclosed building provides 4 service bays that are adequate to provide parking for 2 vehicles per bay so 8 vehicles are inside the enclosed bldg.

d. The auto repair building is not located within fifty (50) feet of agricultural district at the west side or south side of the property.

2. Application Plan or Concept Plan for SP.

- a. An Application Plan or A Concept Plan is needed – Include as much detail as possible applicable to the proposed water use, including: Proposed changes to the plan approved with the original Special Permit and changes to conditions listed in the November 12, 2010 approval letter for SP200900034.

**RESPONSE: The Concept Plan is included with this submittal. Additional information that pertains to water use within the expanded building area is also included.**

3. While it is noted that no changes are being requested to SP conditions regarding water flow restriction devices and the water use limit, you might want to include some water use analysis of the proposed additional uses as there are likely to be questions raised about this during the review.

**RESPONSE: This is to confirm that no changes are being requested to the SP conditions regarding water flow devices and the water use limit which are stated in conditions 1,2 and 3. As presented in the initial application for this SP, there was never any intent to exceed the “by-right” amount of water allowed for this property. Our contention is that a special use permit should not have been required because the use is by-right in HC if less than 400 gallons per acre per day or 1,624 gpd is not exceeded. The installation of the flow restriction device and water meter was voluntary. Only 1 gallon per day was requested to enable an SP to be granted because it was mandated by staff at that time that only with an SP would the site development plan be approved.**

**After Re-Store’N Station was opened in fall of 2014, we requested and had a pre – application to prepare the submittal for Phase II. Staff advised in that October 2014 pre-application meeting that the water meter readings for a complete year of operation would be needed to consider the water usage to be well documented. The water meter has been read every week over the past year to prove that the existing convenience/retail store with office above uses an average of 408 gallons per day. The first 6 months data showed an average of much lower water usage but the higher amount is being used for this request. At 408 gpd, the water usage is 25% of the “by-right” amount of water. Included in this average is the period from 6/9/15 to 7/21/15 which is seven weeks when there were nine (9) days that the average was exceeded. In late July, it was discovered that uninformed employees were using exterior spigots to wash the sidewalk instead of the broom cleaning that is typically done. Once this was corrected, the average gallons per day dropped back to less than 400 gpd and it has been even lower over the month of October and November.**

**In addition to the meter reading data, additional documentation is provided by the February 2, 2015 Commissioning Report – Water and Wastewater System for TM 55B-1 done by Old Dominion Engineering which is attached to this this**

submittal. It states that for period Sept 12, 2014 to October 23, 2014, the average water usage was confirmed to be 204.4 gallons per day. For period October 23, 2014 to January 28, 2015, the average water usage was confirmed to be 243.4 gallons per day. These lower quantities are not used in the average calculated over the past 6 months because initially the store was operating at less than anticipated customer activity. After 6 months, the store achieved the anticipated customer activity.

4. Process – regarding completeness of the application
- a. Provide a completed application. Make sure all boxes are checked and you have provided the information noted on the application by that checkbox.
    - i. SP Application link  
[http://www.albemarle.org/upload/images/forms\\_center/departments/Community\\_Development/forms/Special\\_Use\\_Permit\\_Applications/Special\\_Use\\_Permit\\_Application.pdf](http://www.albemarle.org/upload/images/forms_center/departments/Community_Development/forms/Special_Use_Permit_Applications/Special_Use_Permit_Application.pdf)

**RESPONSE: Two Applications – one for amendment of the SP2009 – 00034 and one for the new drive through window SP are being submitted with the appropriate fees.**

- b. The SP checklist is needed. It will need to be the copy of the checklist provided to you with the mandatory comments not one filled out only by you.

**RESPONSE: Rachel provided a checklist for both applications. Each is included with this submittal.**

- c. Provide a recorded plat of the property with the Deed Book & Page #.

**RESPONSE: The latest recorded plat with recording receipt is included with this submittal.**

- d. Please note that all real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, which are owed to the County of Albemarle must be paid prior to accepting the application.

**RESPONSE: The property owner has mailed the real estate taxes check so it is postmarked prior to the applicable deadline. Coincidentally, the deadline is the same day of this submittal. I don't know how fast the real estate department posts tax payments received but there are no outstanding charges known.**

- e. The appropriate signature of the owner, the owner's agent, or a contract purchaser. If either the owner's agent or a contract purchaser signs the application then include the owner's written consent that the agent or contract purchaser may file the application on their behalf. See below for applicable signature requirements for ownership not in the name on an individual person or persons.

**RESPONSE: Owner has signed both applications.**

### **Limited liability companies (“LLCs”)**

**Authorized signatories:** The authorized signatories are: (1) if the LLC is not a manager-managed LLC, any member; (2) if the LLC is a manager-managed LLC, the manager or any member unless the articles of organization limit the members' authority (*Virginia Code § 13.1-1021.1(A)*); or (3) unless otherwise provided in the articles of organization or an operating agreement, the members have the power and authority to delegate to one or more other persons, including agents, officers and employees of a member or manager of the LLC, members' rights and powers to manage and control the business affairs of the LLC, and to delegate by a management agreement or other agreement with, or otherwise to, other persons (*Virginia Code § 13.1-1022(D)*).

**Supporting documentation:** The supporting documentation is the articles of organization (*Virginia Code § 13.1-1021.1(A)*) and when the power is delegated to someone other than a manager or a member, also the operating agreement and, if applicable, any other agreement (*Virginia Code § 13.1-1022(D)*).

**RESPONSE:** The property owner Jeffries II LLC signature authority is spelled out in the operating agreement for the LLC. The operating agreement pages covering this are attached to each application.

**ALBEMARLE COUNTY CODE**

**5.1.29 CONVENT, MONASTERY**

- a. The ownership of the convent/monastery shall conform in all respects to the provisions of Chapter 2 of Title 57 of the Code of Virginia, as the same may be amended from time to time, or any successor statute;
- b. This provision is intended to accommodate the long term residency of nuns, monks or friars in a communal setting as opposed to transient occupancy as may be experienced in other religious retreats; provided that nothing contained herein shall be deemed to preclude temporary lodging of guests as an accessory use to the convent or monastery.

(§ 5.1.29, 7-6-83)

**5.1.30 AGRICULTURAL MUSEUM**

- a. Items for display in such museum shall be directly related to past or present agricultural/forestral uses in Albemarle County;
- b. Activities may include: passive display; active demonstration including tours of processing areas; and public participation in such agricultural activity;
- c. Sale of display items and accessory items may be permitted only upon expressed approval by the board of supervisors.

(§ 5.1.30, 12-2-87)

**5.1.31 AUTOMOBILE OR TRUCK REPAIR SHOPS, BODY SHOPS, MOTORCYCLE AND OFF-ROAD VEHICLE SALES AND SERVICE SHOPS, AND PUBLIC GARAGES**

Each automobile or truck repair shop, body shop, motorcycle and off-road vehicle sales and service shop, and public garage shall be subject to the following:

- a. All parts, materials and equipment shall be stored within an enclosed building.
- b. No vehicle awaiting repair shall be located on any portion of the site so as to be visible from any public street or any residential property, and shall be limited to locations designated on the approved site plan.
- c. All services shall be performed within an enclosed building.
- d. No buildings in which services are performed shall be located closer than fifty (50) feet from any residential or agricultural district.

(§ 5.1.31, 12-7-88; Ord. 13-18(1), 4-3-13)

**5.1.32 TOWING AND TEMPORARY STORAGE OF MOTOR VEHICLES**

- a. This provision is intended to provide locations for the towing and/or temporary storage of collision/disabled vehicles. No body or mechanical work, painting, maintenance, servicing, disassembling, salvage or crushing of vehicles shall be permitted; except that the commission may authorize maintenance and servicing of rental vehicles in a particular case;

*Code referenced in Zoning Staff Comments.*

Re-Store'N Station – Phase II – Parking Calculations:

Parking Spaces – REQUIRED

**Retail Use**

Convenience/Retail Expansion of Ext Store:  $2,647 + 75 = 2,722$  sf  
(this is portion of new bldg & 5 x 15ft addition)

Retail/Tenant Space Front Bldg 2,850

Retail – Auto Repair Counter & Tires (Rear Bldg) 1,275

Retail – Auto repair shop/Tire Room 324

New Retail area is 7,171 sf

Parking Calculation:  $7,171$  sf x  $0.8 = 5,736.8$  sf net (ultimate usable floor area)

x 1 space/100 sf net area = 57.37 spaces

**Office Use**

Office -2<sup>nd</sup> floor of front bldg (partial second floor) 4,300

(the front 18ft x 66ft is one story)

Office – 2<sup>nd</sup> floor over Auto retail 1,275

Office – 2<sup>nd</sup> floor over Auto repair shop 3,600

New Office area is 9,175sf

Parking Calculation is  $9,175$  sf x  $0.8 = 7,340$  sf of net (ultimate usable floor area)

X 1 space/200 sf net area = 36.70 spaces

Auto Repair Shop – calculation:

4 vehicle bays x 2 spaces/bay = 8 spaces

1 space/employee x 4 employees = 4 spaces

Requirement is 12 spaces.

**TOTAL NUMBER OF REQUIRED SPACES 106**

PARKING SPACES PROVIDED ON THE CONCEPT PLAN:

Spaces located at the side and front of bldg.

14 spaces along the front internal travelway

4 spaces added to front row – west end

5 spaces taken from existing (Existing RV spaces converted to 5 spaces to offset)

3 spaces added to front row at bldg

10 spaces at outer edge – north end of drive through stacking lane

11 spaces along west side of new bldg

47 spaces

Spaces located at the side and rear of bldg.

2 spaces at door into Auto Retail bldg

2 spaces at back door of Auto shop (east side)

16 spaces at side outer edge

31 spaces at rear of Auto repair shop

8 spaces inside auto shop (4 bays x 2 cars each)

59 spaces

**TOTAL NUMBER OF PROVIDED SPACES 106**