



COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, North Wing
Charlottesville, Virginia 22902-4596

Phone (434) 296-5832

Fax (434) 972-4126

November 1, 2017

Jo Higgins
2564 Mt Torrey Road
Lyndhurst, VA 22952
musxit@aol.com

RE: SP 2017-20 Re-Store'N Station Amendment (amendment of SP 2009-34)

Dear Ms. Higgins :

Staff has reviewed your initial submittal for the request for a special use permit for an amendment to the conditions of SP 2009-34 to allow additional hours of operation, modify conditions limiting fueling pumps and update condition to reference approved site plan. This property is in the HC, Highway Commercial zoning district and the EC, Entrance Corridor Overlay District. We have a few questions and comments which we believe should be resolved before your proposal goes to public hearing. We would be glad to meet with you to discuss these issues.

Planning Comments (Bill Fritz)

- The Zoning reviewer has noted that the proposed change in condition 9 (reference to plan) potentially imposes limits that were not anticipated. Because the site is built I do not believe that the changes proposed do impose any new limitations. If you have any comments or suggestions about condition 9 please send them to me.
- Condition 6 is proposed to be amended to increase the number of pump stations from 7 to 9. The condition also proposes to revise the number of pump stations for gasoline (or equivalent fuel) from 4 to 6. All other pump stations remain unchanged. 7 of the proposed pump stations are for on-road fuel (gas/on-road diesel) and 2 pump stations are for off-road fuel (kerosene/off-road diesel). Staff would not oppose a condition that established 7 pump stations for vehicle fuel and 2 for off-road fuel. This may provide the applicant with greater flexibility as fuel options change. If you would like to pursue such a condition contact, me and we can work on language. If you would like to proceed with the language you have proposed let me know that.

- You have submitted a sizeable application packet. Staff intends to provide it to the Planning Commission and Board of Supervisors. If you did not intend all of the information to be presented to the Planning Commission and Board of Supervisors let me know.
- The Community meeting scheduled for November 15th may result in comments you want to address.

Zoning Comments (Andrew Knuppel)

- See attached memorandum.

Architectural Review Board Comments (Margaret Maliszewski)

- No objection

Engineering Comments (Frank Pohl)

- No objection

Virginia Department of Transportation Comments (Willis Bedsaul)

- See attached comments

Virginia Department of Health Comments (Josh Kirtley)

- No comments received. Based on previous reviews it is unlikely that they will have any comments.

Fire Rescue Comments (Shawn Maddox)

- No objection

Building Official (Michael Dellinger)

- No objection

Action after Receipt of Comments

After you have read this letter, please take one of the actions identified on "Action after Receipt of Comment Letter" which is attached.

Resubmittal

If you choose to resubmit, please use the attached form. There is no fee for the first resubmittal. The resubmittal date schedule is provided for your convenience.

Notification and Advertisement Fees

Prior to scheduling a public hearing with the Planning Commission, payment of the following fees is needed:

\$320.00 Cost for newspaper advertisement

\$215.00 Cost for notification of adjoining owners (minimum \$200 + actual postage/\$1 per owner after 50 adjoining owners)

\$535.00 Total amount due prior to Planning Commission public hearing

Prior to the Board of Supervisor's public hearing, payment of the newspaper advertisement for the Board hearing is needed:

\$320.00 Additional amount due prior to Board of Supervisors public hearing

\$855.00 Total amount for all notifications *Fees may be paid in advance. Payment for both the Planning Commission and Board of Supervisors public hearings may be paid at the same time.*

Additional notification fees will not be required unless a deferral takes place and adjoining owners need to be notified of a new date.

Feel free to contact me if you wish to meet or need additional information. I can be reached at bfritz@albemarle.org or 434-296-5832, ext. 3242.

Sincerely,



William D. Fritz, AICP
Development Process Manager/Ombudsman

DEPARTMENT OF COMMUNITY DEVELOPMENT



ACTION AFTER RECEIPT OF COMMENT LETTER

Within 30 days of the date of this letter, please do one of the following:

- (1) Resubmit in response to review comments**
- (2) Request indefinite deferral**
- (3) Request that your Planning Commission public hearing date be set**
- (4) Withdraw your application**

(1) Resubmittal in Response to Review Comments

If you plan to resubmit within 30 days, make sure that the resubmittal is on or before a resubmittal date as published in the project review schedule. The full resubmittal schedule may be found at www.albemarle.org in the "forms" section at the Community Development page. Be sure to include the resubmittal form on the last page of your comment letter with your submittal.

The application fee which you paid covers staff review of the initial submittal and **one** resubmittal. Each subsequent resubmittal requires an additional fee. (See Fee Schedule.)

(2) Request Indefinite Deferral

If you plan to resubmit after 30 days from the date of the comment letter, you need to request an indefinite deferral. Please provide a written request and state your justification for requesting the deferral. (Indefinite deferral means that you intend to resubmit/request a public hearing be set with the Planning Commission after the 30 day period.)

(3) Request Planning Commission Public Hearing Date be Set

At this time, you may schedule a public hearing with the Planning Commission. However, we do not advise that you go directly to public hearing if staff has identified issues in need of resolution that can be addressed with a resubmittal.

After outstanding issues have been resolved and/or when you are ready to request a public hearing, staff will set your public hearing date for the Planning Commission in accordance with the Planning Commission's published schedule and as mutually agreed by you and the County. The staff report and recommendation will be based on the latest information provided by you

with your initial submittal or resubmittal. Please remember that all resubmittals must be made on or before a resubmittal date.

By no later than twenty-one (21) days before the Planning Commission's public hearing, a newspaper advertisement fee and an adjoining owner notification fee must be paid. (See attached Fee Schedule) Your comment letter will contain the actual fees you need to pay. Payment for an additional newspaper advertisement is also required twenty-two (22) days prior to the Board of Supervisors public hearing. These dates are provided on the attached Legal Ad Payments for Public Hearings form.

Please be advised that, once a public hearing has been advertised, only one deferral prior to the Planning Commission's public hearing will be allowed during the life of the application. The only exception to this rule will be extraordinary circumstances, such as a major change in the project proposal by the applicant or more issues identified by staff that have not previously been brought to the applicant's attention. As always, an applicant may request deferral at the Planning Commission meeting.

(4) Withdraw Your Application

If at any time you wish to withdraw your application, please provide your request in writing.

* * * * *

Failure to Respond

If we have not received a response from you within 30 days, we will contact you again. At that time, you will be given 10 days to do one of the following: a) request withdrawal of your application, b) request deferral of your application to a specific Planning Commission date as mutually agreed to with staff, or c) request indefinite deferral and state your justification for requesting the deferral. If none of these choices is made within 10 days, staff will schedule your application for a public hearing based on the information provided with your original submittal or the latest submittal staff received on a resubmittal date.

Fee Payment

Fees may be paid in cash or by check and must be paid at the Community Development Intake Counter. Make checks payable to the County of Albemarle. Do not send checks directly to the Review Coordinator.

FOR OFFICE USE ONLY SP # _____					
Fee Amount \$ _____	Date Paid _____	By who? _____	Receipt # _____	Ck# _____	By: _____

Resubmittal of information for Special Use Permit



**PROJECT NUMBER THAT HAS BEEN ASSIGNED: SP 2017-20 Re-Store'N Station Amendment
(amendment of SP 2009-34)**

Owner/Applicant Must Read and Sign

I hereby certify that the information provided with this resubmittal is what has been requested from staff

Signature of Owner, Contract Purchaser

Date

Print Name

Daytime phone number of Signatory

FEES to be paid after application

For original Special Use Permit fee of \$1,075	
<input type="checkbox"/> First resubmission (TO BE PAID WHEN THE RESUBMISSION IS MADE TO INTAKE STAFF)	Free
<input type="checkbox"/> Each additional resubmission (TO BE PAID WHEN THE RESUBMISSION IS MADE TO INTAKE STAFF)	\$538
For original Special Use Permit fee of \$2,000	
<input type="checkbox"/> First resubmission (TO BE PAID WHEN THE RESUBMISSION IS MADE TO INTAKE STAFF)	Free
<input type="checkbox"/> Each additional resubmission (TO BE PAID WHEN THE RESUBMISSION IS MADE TO INTAKE STAFF)	\$1,075

**County of Albemarle Department of Community Development
401 McIntire Road Charlottesville, VA 22902 Voice: (434) 296-5832 Fax: (434) 972-4126**

Revised 11/2/2015 Page 1 of 1

2017 Submittal and Review Schedule					
Special Use Permits and Zoning Map Amendments *					
Deadline for Filing (3 P.M.)	First Set of Written Comments Due to Applicant	EITHER	Planning Commission Public Hearing If No Resubmittal is Necessary No sooner than	OR	Resubmittal Deadline** PLEASE SEE THE RESUBMITTAL SCHEDULE
Monday	Friday		Tuesday		Monday
<i>Tue Jan 17</i>	Mar 03		Apr 04		**
<i>Tue Feb 21</i>	Apr 07		May 02		**
Mar 20	May 05		Jun 13		**
Apr 17	Jun 02		Jul 11		**
May 15	Jun 30		Jul 25		**
Jun 19	Aug 04		Sep 05		**
Jul 17	Sep 01		Sep 26		**
Aug 21	Oct 06		Oct 31		**
Sep 18	Nov 03		Dec 05		**
Oct 30	Dec 15		Jan 23 2018		**
Dec 18	Feb 02 2018		Mar 06 2018		**
<i>Tue Jan 16 2018</i>	Mar 02 2018		Apr 03 2018		**
<i>Bold italics = submittal/meeting day is different due to a holiday.</i>					
<i>Dates with shaded background are not 2017.</i>					
SPs for offsite or electric message signs follow the Variance schedule for the BZA.					
2018 dates are tentative.					

* Board of Supervisors' worksessions and public hearings will be scheduled after the Planning Commission's action on applications.

** Resubmittals are accepted on ANY resubmittal Monday listed after the date of the written comments to the applicant. The PC public hearing date is the earliest date at which the request may be heard after the corresponding resubmittal deadline date.

These schedules provide basic information. Please consult with the Planning Division for more details regarding schedules and processing

2017 Submittal and Review Schedule			
Special Use Permits and Zoning Map Amendments ***			
Includes 1 Resubmittal and Review			
In most cases, after an initial SP or ZMA application is made, changes will be recommended by staff to help an applicant more closely achieve conformity with the Comprehensive Plan or comply with County regulations and requirements, or both. The following schedule includes a resubmittal that addresses staff comments prior to setting the public hearing. This schedule represents the scenario that occurs most often with successful projects.			
Deadline for Filing (3 P.M.)	First Set of Written Comments Due to Applicant	Expected Resubmittal Date (See Schedule)*	Planning Commission Public Hearing Date** (no sooner than)
Monday	Friday	Monday	Tuesday
<i>Tue Jan 17</i>	Mar 03	Mar 20	May 23
<i>Tue Feb 21</i>	Apr 07	Apr 17	Jun 13
Mar 20	May 05	May 15	Jul 11
Apr 17	Jun 02	Jun 19	Aug 22
May 15	Jun 30	Jul 17	Sep 26
Jun 19	Aug 04	Aug 21	Oct 24
Jul 17	Sep 01	Sep 18	Nov 14
Aug 21	Oct 06	Oct 16	Dec 19
Sep 18	Nov 03	Nov 13	Jan 30 2018
Oct 30	Dec 15	<i>Tue Dec 26</i>	Feb 20 2018
Dec 18	Feb 02 2018	<i>Tue Feb 20 2018</i>	Apr 17 2018
<i>Tue Jan 16 2018</i>	Mar 02 2018	Mar 19 2018	May 22 2018
<i>Bold italics = submittal/meeting day is different due to a holiday.</i>			
<i>Dates with shaded background are not 2017.</i>			
SPs for offsite or electric message signs follow the Variance schedule for the BZA.			
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These schedules provide basic information. Please consult with the Planning Division for more details regarding schedules and processing

2017 Submittal and Review Schedule			
Special Use Permits and Zoning Map Amendments			
Resubmittal Schedule			
Resubmittal Dates	Comments to applicant for decision on whether to proceed to Public Hearing	Payment Due for Public Hearing Legal Ad	Planning Commission Public Hearing No sooner than* COB Auditorium
Monday	Friday	Monday	Tuesday
Nov 07 2016	Dec 09 2016	Dec 19 2016	Jan 10
Nov 21 2016	Dec 23 2016	Jan 09	Jan 31
Dec 05 2016	Jan 06	Jan 16	Feb 07
Dec 19 2016	Jan 20	Jan 30	Feb 21
<i>Tue Jan 03</i>	Feb 03	Feb 13	Mar 07
<i>Tue Jan 17</i>	Feb 17	Feb 27	Mar 21
Feb 06	Mar 10	Mar 13	Apr 04
<i>Tue Feb 21</i>	Mar 24	Mar 27	Apr 18
Mar 06	Apr 07	Apr 10	May 02
Mar 20	Apr 21	May 01	May 23
Apr 03	May 05	May 22	Jun 13
Apr 17	May 19	May 22	Jun 13
May 01	Jun 02	Jun 05	Jun 27
May 15	Jun 16	Jun 19	Jul 11
Jun 05	Jul 07	Jul 17	Aug 08
Jun 19	Jul 21	Jul 31	Aug 22
Jul 03	Aug 04	Aug 14	Sep 05
Jul 17	Aug 18	<i>Tue Sep 05</i>	Sep 26
Aug 07	Sep 08	Sep 18	Oct 10
Aug 21	Sep 22	Oct 02	Oct 24
<i>Tue Sep 05</i>	Oct 06	Oct 16	Nov 07
Sep 18	Oct 20	Oct 23	Nov 14
Oct 02	Nov 03	Nov 13	Dec 05
Oct 16	Nov 17	Nov 27	Dec 19
Oct 30	Dec 01	Jan 02 2018	Jan 23 2018
Nov 13	Dec 15	Jan 08 2018	Jan 30 2018
Dec 18	Jan 19 2018	Jan 29 2018	Feb 20 2018
<i>Tue Dec 26</i>	Jan 26 2018	Jan 29 2018	Feb 20 2018
<i>Tue Jan 02 2018</i>	Feb 02 2018	Feb 12 2018	Mar 06 2018
<i>Tue Jan 16 2018</i>	Feb 16 2018	Feb 26 2018	Mar 20 2018

Bold italics = submittal/meeting day is different due to a holiday.

Dates with shaded background are not 2017.

2018 dates are tentative.

*Public hearing dates have been set by the Planning Commission; however, if due to unforeseen circumstances the Planning Commission is unable to meet on this date, your project will be moved to the closest available agenda date.



**County of Albemarle
Department of Community Development**

Memorandum

To: Bill Fritz, Chief of Special Projects

From: Andrew Knuppel, Planner

Division: Zoning

Date: October 17, 2017

Subject: Initial Review Comments for SP2017-00020

The following comments are provided as input from the Zoning Division regarding the above noted application.

1. Review of staff reports and Planning Commission minutes from prior Special Use Permit processes referenced conditions as a “combined attempt to try and address the impacts created by the water usage and to minimize the potential for exceeding the water usage and maintaining recharge and all those other things”, using “both a combination of technology and actual land use/practices on the site”. Zoning staff has reviewed the request to amend conditions through how they may achieve these goals, restated below:
 - a. Minimization of impacts created by consumption exceeding the by-right water usage
 - b. Minimization of potential to exceed the usage prescribed by the permit (1,625 gal/day)
 - c. Maintenance of recharge capacity and water quality

2. Water meter data provided by the applicant has shown a peak of 383 GPD as averaged over a 1 week period, while the business has been operating on a 16 hour schedule, corresponding with slightly less than 25% of its allowed water usage under the SP. The existing use and intensity on the site have not come significantly close to exceeding the by-right water usage of 1,624 GPD. A letter submitted with the application dated September 15, 2017 from Michael Craun, PE confirms that the water usage has been significantly less than the maximum permitted by-right amount and that there is **no risk** of exceeding this amount with 24 hour operation and two additional pumps.

3. Applicant has requested modification of Condition 5 to allow the convenience store to operate for 20 hours per day (not between 12:30 AM and 4:30 AM) as opposed to the 16 hours per day currently allowed. **Zoning staff recommends approval for the following reasons:**

- a. Staff does not expect an additional 4 hours of operation, holding the physical footprint of the convenience store and associated activities constant, to cause consumption in excess of the by-right water usage.
- b. The provision of a flow restriction device in Condition 4 prevents consumption in excess of the by-right amount.
- c. No modifications to the site plan were proposed that would affect recharge capacity or water quality.

4. Applicant has requested modification of Condition 5 to allow fuel pumps to remain operational for 24 hours per day as opposed to the 16 hours per day currently permitted. **Zoning staff recommends approval for the following reasons:**

- a. The applicant's justification states that "pumps do not use water – customers use water". Recognizing that the convenience store will be closed for 4 of the 8 new operating hours, no additional water will be consumed during this period.
- b. As for the 4 new hours of "full" business operation (convenience store + pumps), the current consumption does not provide evidence to reasonably expect that the expansion of operating hours will cause water usage to exceed the by-right or permitted amounts.
- c. The provision of a flow restriction device in Condition 4 prevents consumption in excess of the by-right amount.
- d. No modifications to the site plan were proposed that would affect recharge capacity or water quality.
- e. Although not a water-related note, by-right automobile service stations in the Highway commercial are typically allowed to have pumps operate for 24 hours per day. Previously, the Zoning Administrator determined that SP2009-034's language "hours of business operation" precluded operation of fuel pumps outside the 16 hours per day in the condition.

5. Applicant has requested modification of Condition 6 to allow for two new gasoline (or equivalent fuel) pump stations and remove limits on nozzles. **Zoning staff recommends approval for the following reasons:**

- a. Following the above logic, changing the number of pumps or pumps' operating hours will not increase water consumption in and of itself, but rather the added customers will consume water.

- b. Although it can be expected that the number of customers may increase as a result of added fueling capacity, staff does not believe the additional traffic will be sufficient to exceed the by-right water usage.
 - c. The provision of a flow restriction device in Condition 4 prevents consumption in excess of the by-right amount.
 - d. No modifications to the site plan were proposed that would affect recharge capacity or water quality. Water quality considerations are ensured by the building permit process for installing new pumps.
6. Applicant has requested modification of Condition 9 to reference an approved site plan (SDP2008-0154) and remove language about permitted modifications.
- a. **The new condition should reference the final site plan approved in SDP2011-043.**
 - b. Applicant should be aware that removing the “permitted modifications” language may actually further limit their ability to modify the site without changing the referenced site plan or amending the Special Use Permit. **Staff recommends keeping this language and/or identifying major elements of the site plan to provide some flexibility.**



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1601 Orange Road
Culpeper, Virginia 22701

Charles A. Kilpatrick, P.E.
Commissioner

October 24, 2017

County of Albemarle
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902
Attn: Bill Fritz

Re: Re-Store'n Store-Amendment
SP-2017-00020
Review #1

Dear Mr. Fritz:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section, has reviewed the Special Use Permit request dated September 18, 2017 and find it to be generally acceptable.

A VDOT Land Use Permit will be required prior to any work within the right-of-way. The owner/developer must contact the VDOT Charlottesville Residency Land Use Section at (434) 422-9399 for information pertaining to this process. If further information is desired, please contact Willis C. Bedsaul at 434-422-9866.

Sincerely,

A handwritten signature in cursive script that reads "Adam J. Moore".

Adam J. Moore, P.E.
Area Land Use Engineer
Charlottesville Residency