



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201500020 CVS at Rio and 29N, request for a drive-through window	Staff: Rachel Falkenstein, Senior Planner
Planning Commission Public Hearing: August 4, 2015	Board of Supervisors Hearing: To be determined
Owner(s): 29 Rio XRoad LLC	Applicant(s): The Rebkee Company, Paul Sprouse
Acreage: 1.63 ac	Special Use Permit for: Drive-through window under Section 24.2.2 of the Zoning Ordinance
TMP: 0610000000123F0, 0610000000123G0 Location: 1700 and 1701 Seminole Trail	Zoning/by-right use: HC Highway Commercial
Magisterial District: Rio	Conditions: Yes
DA (Development Area): Places29 – Rio	Requested # of Dwelling Units/Lots: N/A
Proposal: Drive-through window for proposed CVS Pharmacy	Comp. Plan Designation: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging
Character of Property: Two existing buildings and parking including bank with drive-through window and various commercial/office uses.	Use of Surrounding Properties: Various commercial uses around the intersection of Rio Road and Route 29 North
<u>Factors Favorable:</u> 1. The ARB has completed a preliminary review of this proposal and had no objection to the proposed drive-through use as designed. 2. There is no conflict anticipated between vehicles stacked in the drive-through lanes and vehicles in the parking lot or off-site traffic.	<u>Factors Unfavorable:</u> 1. The applicant has not provided letters of support from adjacent property owners as requested by staff. <u>Other Factors to Note:</u> 1. The drive-through use does not further the principles of the Neighborhood Model. However, the use is typical and regularly occurring in the HC zoning district (there is currently a drive-through facility on this site and there are several others in the immediate area) and by its nature will generally not be consistent with Neighborhood Model principles.
Recommendation: Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of this special use permit with conditions. But staff also recommends that this SP not be scheduled for the Board of Supervisors until the applicant either provides letters of support from adjacent property owners, as recommended by staff, or holds a community meeting.	

STAFF CONTACT:

Rachel Falkenstein, Senior Planner

PLANNING COMMISSION:

August 4, 2015

BOARD OF SUPERVISORS:

TBD

PETITION:

PROJECT: SP201500020 CVS at Rio and 29N

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 0610000000123F0, 0610000000123G0

LOCATION: 1700 and 1701 Seminole Trail

PROPOSAL: Drive-through window for proposed CVS pharmacy

PETITION: Drive-through window under Section 24.2.2 of zoning ordinance. No dwellings proposed

ZONING: HC Highway Commercial, commercial and service; residential by special use permit (15 units/acre)

ENTRANCE CORRIDOR: Yes

AIRPORT IMPACT AREA: Yes

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – commercial, professional office; research and development, design, testing of prototypes; manufacturing, assembly, packaging, in the Places29 Development Area

CHARACTER OF THE AREA:

The site is at the northwest corner of the Rio Road and Route 29 intersection and currently consists of two parcels with a combined area of 1.63 acres. There are currently two buildings on the site, one on each parcel as well as associated parking. There is an existing bank with a drive-through window on TMP 61-123F and a small commercial shopping center on TMP 61-123G.

There are currently three entrances to the site, two are on the west side of the site onto a travelway leading to Rio Road. There is a third entrance on the northeast corner of the site onto Route 29. The Route 29 entrance is shared by the adjacent parcel to the north.

Neighboring properties consist of commercial and retail uses. Jefferson Coin Shop is to the north of the site. West of the property is a small shopping center which contains a few small shops and a restaurant. Albemarle Square shopping center is to the east across Route 29 and there is a Hardee's restaurant with a drive-through and Merchant's Tire & Auto Center south across Rio Road (Attachment A). In addition to the Hardees there are three banks in the area with drive-through windows (two in Albemarle Square and one in Fashion Square) as well as a Wendy's fast-food restaurant south of the Hardee's on Route 29.

The subject parcels are both zoned HC Highway Commercial. Parcels directly adjacent to the site are also zoned HC. Parcels across Route 29 are zoned Planned Development Shopping Center and Commercial Office and the properties across Rio Road are zoned C-1 Commercial. The site is along the Route 29 and Rio Road Entrance Corridors.

PLANNING AND ZONING HISTORY:

- The property is zoned HC, Highway Commercial.
- A site plan for the existing shopping center on TMP 61-123G was approved in 1980.
- A site plan for the bank building on TMP 61-123F was approved in 1996 (SDP1996-85).
- A special use permit for a drive-through ATM for the bank was approved in 2002 (SP2002-26).
- There have been several site plan amendments, ARB approvals and temporary sign permits issued for both buildings over the years.
- The applicant has submitted an initial site plan (SDP2015-16) for the proposed CVS and drive-through. The initial site plan was approved with conditions in June of this year.

DETAILS OF THE PROPOSAL:

The applicant proposes to build a CVS Pharmacy with a drive-through window and associated drive-through lane. The proposed 11,945 square foot pharmacy is a by-right use in the HC zoning district. Only the installation of the drive-through requires the special use permit. The proposed drive-through window will be located on the northwest corner of the building and includes enough space for five vehicles stacked behind the drive-through window. The proposal also includes ample space for vehicles to bypass the drive-through window and a 14-foot one way access aisle that loops around the west side of the building into the parking area.

Vehicular access to the site will be from two existing entrances, one on Route 29 on the northeast corner of the site and another at the northwest corner of the providing access to Rio Road (Attachment B & C).

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

The site shares an entrance from Route 29 with the adjacent parcel to the north. Additionally, there is a travelway to the west of the site leading to Rio Road that provides shared access for the three adjacent parcels to the west and north. Due to the location of the proposed drive-through, the provided stacking spaces and the bypass lane, the drive-through is not expected to delay off-site traffic or impede traffic circulation onsite for vehicles using either the Rio Road or Route 29 entrances.

Staff consulted with the Rio District Board and Planning Commission Members about the community meeting requirement for this project. It was determined that in lieu of a community meeting the applicant could provide letters of support from adjacent property owners who share entrances with the proposed CVS site. As of this writing the applicant has only provided one letter of support from the adjacent property owner to the north and anticipates to have the other letter by the August 4 Planning Commission meeting. Though staff does not expect that the proposed drive-through will negatively impact adjacent properties, we would recommend the applicant either provide the letters of support or hold a community meeting prior to this SP going before the Board of Supervisors.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

There is already a drive-through use on the property for the existing bank. There are also drive-through uses on adjacent parcels including a bank across Route 29 to the east and a Hardee's restaurant across Rio Road to the south. The ARB has completed a preliminary review of the proposal and has determined that the drive-through window will have limited visibility from the Route 29 and Rio Road Entrance Corridors. The character of the district is not expected to change with the proposed use.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.

The intent of the Highway Commercial Zoning District is to permit the development of commercial establishments other than shopping centers, oriented towards highway locations. The proposed drive-through window and pharmacy are appropriate uses within the HC district.

...with the uses permitted by right in the district

Eating establishments, fast food restaurants and financial institutions are among the uses permitted by right in the HC zoning district. Drive-thru windows are common with these uses and are present throughout the district. A drive-thru window at this site is expected to be in harmony with other by-right uses in the district.

...with the regulations provided in section 5 as applicable.

There are no supplemental regulations in section 5 applicable to this use.

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

Drive-through windows require a special use permit due to concerns regarding access, circulation, and traffic volumes. Zoning Ordinance Section 4.12.6 allows the Zoning Administrator to determine the number of required stacking spaces based on Institute of Traffic Engineers (ITE) or industry standards. The Zoning Administrator has asked for five stacking spaces based on these standards for the pharmacy use. Enough space for five stacking spaces behind the vehicle at the window have been provided. The location of the drive-through is along a one way travelway that meets the minimum width requirements for access aisles in section 14.12.17.

The proposed layout also provides enough space for vehicles to bypass the drive-through window, should they decide to no longer use the drive-through after getting in the queue. The County Engineer has reviewed the requested bypass lane and is satisfied with the proposed design.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

This site is designated as Office/Research & Development/Flex/Light Industrial in the Places 29 Master Plan which allows for commercial and retail uses. The plan recommends that the single-building footprint for a retail only building be no more than 10,000 square feet. The proposed CVS is slightly larger than recommended by the Comprehensive Plan at 11,945 square feet; however the pharmacy/retail use is by-right in the HC zoning district and the special use permit review is only for the drive-through window. The drive-through use is incidental to the proposed retail use.

Drive-through uses are typical and regularly occurring in the HC zoning district, but, by their nature, are generally not consistent with the principles of the Neighborhood Model. The appropriate locations for and provision of drive-through windows and other typical and regularly occurring uses that may not further the principles of the Neighborhood Model would be best addressed more comprehensively with the upcoming Small Area Plan for this area and as the master plans for other Development Areas are updated.

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. The ARB has completed a preliminary review of this proposal and had no objection to the proposed drive-through use as designed.
2. There is no conflict anticipated between vehicles stacked in the drive-through lanes and vehicles in the parking lot or off-site traffic.

Factors unfavorable to this request include:

1. The applicant has not provided letters of support from adjacent property owners as requested by staff.

Other factors to note:

1. The drive-through use does not further the principles of the Neighborhood Model. However, the use is typical and regularly occurring in the HC zoning district (there is currently a drive-through facility on this site and there are several others in the immediate area) and by its nature will generally not be consistent with Neighborhood Model principles.

RECOMMENDED ACTION:

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the SP, **SP 2015-00020 CVS at Rio and 29N**, with the following conditions:

1. Development and use shall be in general accord with the following revised plans prepared by Kimley-Horn, Sheet CS-101 (1 of 3 in special use permit plan set) dated June 17, 2015 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
 - a. Relationship of drive-through lanes to the building and the parking lot
 - b. Building location, orientation and massMinor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
2. The applicant is responsible for installation and maintenance of traffic control devices including but not limited to signage and pavement markings at the entrance and exit points of the drive-through lanes, subject to county engineer approval to ensure appropriate and safe travel patterns.
3. The use shall not commence prior to the issuance of a Certificate of Appropriateness by the Architectural Review Board.
4. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

As stated above, staff also recommends that this item not be scheduled for the Board of Supervisors until the applicant either provides letters of support from adjacent property owners, as recommended by staff, or holds a community meeting.

MOTIONS:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:
I move to recommend approval of SP 201500020 CVS at Rio and 29N with the conditions outlined in the staff report.
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:
I move to recommend denial of SP 201500020 CVS at Rio and 29N (state reasons for denial).

ATTACHMENTS:

- A – [Location Map](#)
- B – [Layout Plan](#)
- C – [Narrative](#)