



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201500023-5 th Street Station, Request for Drive-Through Windows	Staff: Sarah Baldwin, Senior Planner
Planning Commission Public Hearing: October 6, 2015	Board of Supervisors Hearing: November 11, 2015
Owner(s): 5TH Street Station Ventures, LLC	Applicant(s): Valerie Long
Acreage: 86.90 acres	Rezone from: Not applicable Special Use Permit for: Section 25.2.2(4) Drive-Through Windows, by Special Use Permit in Planned Development Shopping Center
TMP: 076M10000002A0, 076M10000002B0, and 076M10000004A0 Location: Bent Creek Road, between Avon & 5 th Street.	By-right use: PDSC-Planned Development Shopping Center
Magisterial District: Scottsville	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: not applicable	DA - X RA -
Proposal: Request for a special use permit to establish drive-through windows	Comp. Plan Designation: Regional Mixed Use – residential (up to 34 units/acre), regional serving retail, service and office uses, non-industrial employment centers.
Character of Property: The property is currently being developed.	Use of Surrounding Properties: The area is characterized by a mix of commercial, industrial and residential development.
Factors Favorable: 1. The proposed conditions address the design and functionality of any drive-through and offer significant flexibility for the location, number and type of businesses that make use of drive-through windows. 2. The drive-through windows proposed for this development are not expected to be visible from the Entrance Corridors.	Factors Unfavorable: 1. There is no application plan or maximum number of drive-through window requests accompanying this approval.
Recommendation: Based on findings presented in the staff report, staff recommends approval with conditions.	

STAFF CONTACT: Sarah Baldwin
PLANNING COMMISSION: October 6, 2015
BOARD OF SUPERVISORS: November 11, 2015

PETITION:

PROJECT: SP201500023 5th Street Station-Drive-Through Windows

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 076M10000002A0, 076M10000002B0, and 076M10000004A

PROPOSAL: Request for multiple drive-through windows

ZONING: PD-SC Planned Development Shopping Center, EC Entrance Corridor – Overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. AIA Airport Impact Area – Overlay to minimize adverse impacts to both the airport and the surrounding land, FH Flood Hazard – Overlay to provide safety and protection from flooding, SS Steep Slopes.

COMPREHENSIVE PLAN: Regional Mixed Use – residential (up to 34 units/acre), regional serving retail, service and office uses, non-industrial employment centers.

CHARACTER OF THE AREA:

The property is located at the northeast corner of the intersection of Interstate 64 and Fifth Street Extended. The site is currently cleared is an active construction site. Uses adjacent to the site include commercial uses such as fast food restaurants and gas stations. The Willoughby residential subdivision is also located nearby as well as Interstate-64.

PLANNING AND ZONING HISTORY:

On March 12, 2008, the Board of Supervisors approved ZMA200600009, 5th Street-Avon Center and SP200700004, 5th Street-Avon Center Parking Structure on March 12, 2008. This rezoning allowed a regional scale shopping center to be developed.

On September 25, 2012, an amended rezoning was approved (ZMA200900001). This change provided greater flexibility for the location of buildings, associated parking and structures than the original approved zoning. The development framework is now incorporated into the Application Plan and describes the expected uses, design elements and other additional details for the development.

There are currently two approved site plans for a grocery store and various outparcel tenants (SDP2013-65, SDP2015-09).

DETAILS OF THE PROPOSAL:

This particular application includes conditions that were extensively researched by staff and developed in conjunction with the applicant. This request is proposed without an application plan. The applicant has submitted illustrative plans to show how the conditions will function. Staff is supportive of this proposal without an application plan because the conditions provide for pedestrian safety and appropriate circulation standards. The conditions represent a higher standard than those in our existing zoning ordinance. Current ordinance standards provide for a 12 foot travel way width (4.12.17(c)(2)) and requires 5 stacking spaces (4.12.6). As proposed, two of the conditions are not in conformance with the standards for travel way width and stacking spaces. Therefore, the applicant is also requesting a special exception to use a minimum travel way width of 11 feet and a 100 foot long drive through lane.

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 approved rezoning application plan contains proposed road locations and general building locations and the approved site plans show building locations. The proposed development is completely internal. Due to proposed conditions and the layout of the site, staff does not believe any adjacent lots will be negatively affected.

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

This is an active site currently under construction. The proposed drive-through windows will be completely internal. Due to the approved rezoning and site plans, staff feels that the conditions will protect the character of the district.

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

The PD-SC zoning district is established to permit the development of neighborhood, community and regional shopping centers. Uses or structures are meant to be oriented toward primary access points and away from adjoining residential districts. Any drive-through windows within this proposal will be oriented internally supporting the intent of the 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 PD-SC zoning districts. Drive-through windows are common with these uses. A drive-through window at this site is expected to be in harmony with other by-right uses in the district. A Planning District is intended to offer flexibility in design and location. The approach staff is proposing using conditions instead of a plan furthers the flexibility of the Planning 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 generally are required by special permit to address concerns such as access, circulation and safety. The conditions represent a higher standard than those in our existing zoning ordinance and have been vetted through staff. The two conditions which require special exceptions for travel way width and stacking spaces has also been analyzed and staff can support the modifications for a reduction in the travel way width to 11 feet and a change in the drive-through lane length to 100 feet.

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

The Comprehensive Plan designates this property as Regional Mixed Use-residential, regional serving retail, service and office uses, non-industrial employment centers which represents a mixture of residential and retail uses and service that serve the regions. The intent is to primarily provide retail and employment opportunities. Development of the area will include a connector street from Fifth Street to Avon Street. A drive-through window use will be an appropriate use for this site.

SUMMARY:

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

Factors favorable to this request include:

1. The proposed conditions address the design and functionality of any drive-through and offer significant flexibility for the location, number and type of businesses that make use of drive-through windows.
2. The drive-through windows proposed for this development are not expected to be visible from the Entrance Corridors.

Factors unfavorable to this request include:

1. There is no application plan or maximum number of drive-through window requests accompanying this approval.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP 2015-23 -5th Street Station Drive-Through Windows with the following conditions:

1. If the building is adjacent to a public street, any drive-through windows shall be located on the side or rear of the building, away from the public street.
2. Drive-through lanes shall not be located between a building and a public street unless separated from the right of way by a landscaped area at least 10 feet in width meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
3. Drive-through lanes shall be separated from sidewalks and any vehicular travel areas by a planting strip at least 5 feet in width.
4. Where pedestrian access crosses drive-through lanes, a 5 foot wide raised pedestrian travelway or a 5 foot wide pedestrian travelway containing a change in texture and visual markings shall be provided.
5. Drive-through lanes shall be a minimum of 11 feet wide.
6. Drive-through lanes shall not enter directly from or exit directly to any public street.
7. Entrances to drive-through lanes shall be more than 50 feet from any intersection with a public or private street or travelway without parking (interior circulation in shopping areas).
8. Drive-through lane length shall be a minimum of 100 feet measured from the center of the first window or service point. This length may be reduced if a study is submitted and approved by the Director of Community Development or their designee demonstrating that a shorter length will be sufficient for a particular use.
9. The drive-through lane shall extend 20 feet beyond the drive-through window.
10. Where a drive-through lane is located adjacent to an internal travelway the direction of travel in the drive-through lane and the travelway shall be the same unless separated from the right of way by a 10 foot landscaped area meeting the requirements of section 32.7.9.5(b)(c)(d) and (e).
11. The use shall commence on or before [date three years from Board approval] or the permit.

shall expire and be of no effect.

Motions:

Special Use Permit

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:

I move to recommend approval of SP 20150023 -5th Street Station, Request for Drive-Through Windows 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 20150023 -5th Street Station, Request for Drive-Through Windows with the conditions outlined in the staff report.

ATTACHMENTS

Attachment A – [Fifth Street Station Drive-Throughs -Application for Special Use Permit Narrative](#)

Attachment B- [Area Map](#)

Attachment C – [Waiver Request](#)

Attachment D – [Overall Conceptual Plan](#)

Attachment E- [Individual Conceptual Plans](#)