

**Albemarle County  
Planning Commission Staff Report**

<b>Project:</b> ZMA202300019, SP202300022, and SE202300047 Saigon Sandwiches & Boba Teas	<b>Staff:</b> Kevin McCollum, Senior Planner II
<b>Planning Commission Public Hearing:</b> August 27, 2024	<b>Board of Supervisors Public Hearing:</b> To be Scheduled
<b>Owners:</b> Quang Vu and Hanh Nguyen	<b>Applicant:</b> Luan Pham and Tim Miller with Meridian Planning Group on behalf of Quan Vu and Hanh Nguyen
<b>Acreage:</b> 1.20 acres	<b>Rezone from:</b> R-2 Residential to C1 Commercial
<b>Tax Map Parcels (TMP):</b> 062A1-00-0G-001A0	<b>By-right use:</b> R-2 Residential. Residential uses at a density of approximately 2 dwelling units per acre.
<b>School Districts:</b> Woodbrook ES, Journey MS, and Albemarle HS	<b>Location:</b> 2401 Northfield Rd
<b>Magisterial District:</b> Rio	<b>Proffers:</b> Yes
<b>DA (Development Area):</b> Places 29	<b>Requested Dwelling Units:</b> 1 existing dwelling to remain
<b>Proposal:</b> <u>ZMA202300019</u> Rezoning from R2 to C1 to allow a 1,200 square foot food store and deli. <u>SP202300022</u> Special use permit to allow hotel use up of to three rooms within the existing single family dwelling. <u>SE202300047</u> Request to modify commercial setbacks/screening to a residential lot line for a new entrance and parking to the rear of the property.	<b>Comp. Plan Designation:</b> Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in Neighborhood 2 of the Places 29 Master Plan.
<b>Character of Property:</b> The subject property is a 1.20-acre parcel of land that is at the intersection of and bounded by Rio Rd E, Northfield Rd, and Old Brook Rd. There is one existing single family residential dwelling on the property with a driveway that connects onto Northfield Rd and Old Brook Rd.	<b>Use of Surrounding Properties:</b> The surrounding area is mostly residential communities including Raintree, Northfields, Glenwood Station, and Abbington Crossing apartments. In addition, there are some commercial uses to the north along Rio Rd E. The surrounding zoning includes mostly R2 Residential along the eastern side of Rio Rd E, R15 Residential across the street, and again some commercially zoned properties to the north.
<b>ZMA202300019 Rezoning from R2 Residential to C1 Commercial with Proffers</b>	
<b>Positive Aspects:</b> 1. The request is consistent with the land use recommendations of the Places 29 Master Plan. 2. The request is consistent with most of the Comprehensive Plan Neighborhood Model Principles. 3. The request provides a mixture of uses including a live/work housing unit, a hotel/motel use, as well as a neighborhood scale restaurant and commercial store that is both compatible and supportive of the surrounding residential area.	<b>Concerns:</b> 1. Future by-right developments of the property for uses permitted in the proffer list have the potential to be at a scale inconsistent with the character of the surrounding community. 2. Rezoning this property to Commercial will potentially generate a small amount of additional trips beyond the existing Residential zoning to a location directly adjacent to an intersection with significant traffic safety issues.

**RECOMMENDATION:** Based on the identified positive aspects, staff recommends approval of ZMA202300019 Saigon Sandwiches & Boba Teas with the proposed proffers.

**SP202300022 Special Use Permit for a hotel, motel, and inn use**

**Positive Aspects:**

1. The request is consistent with the land use recommendations of the Places 29 Master Plan.
2. No detrimental impacts to adjoining properties are anticipated.
3. The hotel owner and caretaker will live in the basement unit on the premises.

**Concerns:**

1. None identified.

**RECOMMENDATION:** Based on the identified positive aspects, staff recommends approval of SP202300022 Saigon Sandwiches & Boba Teas with conditions.

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**Kevin McCollum, Senior Planner II**  
**August 27, 2024**  
**To be Scheduled**

**PETITIONS:**

PROJECT: ZMA202300019, SP202300022, and SE202300047 Saigon Sandwiches & Boba Teas

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 062A1-00-0G-001A0

LOCATION: 2401 Northfield Rd

PROPOSAL: Rezone property from R2 Residential to C1 Commercial with a special use permit for a hotel/motel use to establish a new deli/food store and a three-room hotel within an existing dwelling.

PETITION: Rezone 1.20 acres from R2 Residential to C1 Commercial with a special use permit under section 18-22.2.2(7) for a hotel/motel use to convert the existing dwelling into a three-room hotel and construct a new 1200 square foot food store and deli. Associated with the request is a special exception application to modify the use buffer requirements in section 18-21.7(c) to construct a new entrance and parking lot in the rear of the property.

ZONING: R-2 Residential - 2 units/acre

ENTRANCE CORRIDOR: Yes

OVERLAY DISTRICT: Entrance Corridor, Airport Impact Area, Steep Slopes – Managed

PROFFERS: No

COMPREHENSIVE PLAN: Neighborhood Density Residential – residential (3 – 6 units/acre) supporting uses such as religious institutions, schools and other small-scale non-residential uses in Neighborhood 2 of the Places 29 Master Plan.

**CHARACTER OF THE AREA**

The subject property for this rezoning application is made up of a 1.20-acre parcel of land that is currently zoned R2 Residential (see Exhibit 1: Zoning Map below). The property is at the intersection of and bounded by Rio Rd E (631), Northfield Rd, and Old Brook Rd (652). The surrounding area is mostly residential communities including Raintree, Northfields, Glenwood Station, and Abbingdon Crossing apartments with a large amount of commercial development to the north along Rio Rd E. The surrounding zoning includes mostly R2 Residential along the eastern side of Rio Rd E, R15 Residential across the street, and again some commercially zoned properties to the north. To the north, immediately across Old Brook Rd, is 1410 Old Brook Rd which is home to CrossLife Community Church and Community Christian Academy private school. To the south at 1325 Rid Rd E is Northside Baptist Church. To the north just past CrossLife Community Church is a variety of commercial uses including medical and professional offices, a veterinary hospital, putt-putt, a self storage facility and many others. Fashion Square Mall is about 1/3 of a mile from the property just past Aldersgate United Methodist Church.



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## **PLANNING AND ZONING HISTORY**

The property as it exists today was created by the Northfields subdivision which was approved in March of 1960. According to County records, the existing single family detached house was built on the lot in 1963.

A Homestay application was approved in November 2022 (HS202200044). This permits short term rentals, hosted stays where the owner or manager lives on site, in up to two bedrooms of the existing dwelling.

## **SPECIFICS OF THE PROPOSAL**

The Applicant has provided a detailed Application Narrative (Attachment 1), Concept Plan (Attachment 2), and proposed Proffers (Attachment 3).

The project proposal is to rezone the entire 1.20-acre property from R-2 Residential to C-1 Commercial. The rezoning to commercial is to allow a 1,200sf food store and deli. The special use permit is to allow a hotel/motel use of up to three rooms within the existing dwelling. The applicant has proposed that an owner or employee will continue to reside in the dwelling. In addition, the request includes a special exception to modify the use buffer requirements to construct a new entrance and parking lot in the rear of the property. The Concept Plan shows the proposed development which includes the existing dwelling as a three-room hotel, a proposed 1,200 sf food store and deli, eleven proposed parking spaces, a loading space, the closure of the existing driveways, a one-way travelway connecting Old Brook Rd to Northfield Rd, an approximately 7' wide screening buffer, and other site improvements.

## **COMMUNITY MEETING**

A community meeting was held with the Places 29 Rio Community Advisory Committee (CAC) on Thursday, January 25th. Attendees of the meeting included CAC members, neighbors to the property, and other various interested community members. Questions and concerns were raised during the meeting.

Staff has also received many emails of from community members expressing concerns (Attachment 4 – Community Input). Concerns include added traffic and impacts to the already poor intersection conditions were the major concerns raised by community members. There were some additional concerns about potential impacts a commercial business and hotel/motel use in the neighborhood would have on the community. Staff has summarized the comments in bullet points below.

- The proposal will create additional traffic
- The existing intersection at Rio/Hillsdale/Old Brook/Northfields is dangerous and there are a large number of accidents that occur there already
- Commercial entrances to the development, causing traffic and noise
- Setting a precedent to rezone residential land in existing neighborhoods to commercial or rezoning residential land along major public roads
- Concerns about what happens to the property if the proposed business plan fails
- There is already existing commercial space and hotels in the area
- Concerns about property history – previous homestay violations, unkept lawn, and general maintenance of the property
- Potential impacts on neighborhood character, including peace and quiet
- Noise generated by commercial development
- Impacts on home values
- Trash generated by the business and trash in the general area
- The adjacent property had a similar Homestay request for 5 bedrooms that was denied
- Restrictive covenants in deeds preventing commercial uses of the property

**COMPREHENSIVE PLAN**

The property is within Places 29 as identified in the County’s [Comprehensive Plan](#). The [Places 29 Master Plan](#) provides the future land use classification for the property and the surrounding area (Exhibit 2: Places 29 Master Plan Future Land Use Map). Neighborhood Density Residential land use is recommended for this property. This land use designation promotes single-family residential development at a density of 3-6 dwelling units per acre. Secondary uses within this land use category include retail, commercial, and office uses that support the neighborhood, live/work units, open space, and institutional uses. Specifically, the Plan says that retail, commercial, office, and institutional uses are encouraged to locate in Centers so they are accessible to residents throughout the surrounding area, and so they benefit from co-location with other neighborhood-serving businesses. The future land use map does not identify the subject property as a Center, however, the plan states that Centers may be located by exception in areas designated Neighborhood Density Residential provided they are compatible with surrounding uses. Table LU2 in the Places 29 Master Plan provides that Neighborhood Retail and General Commercial Services are secondary land uses within the Neighborhood Density Residential land use designation. The Plan says that these buildings should not be bigger than three stories and should have a maximum single footprint of 5,000 square feet.

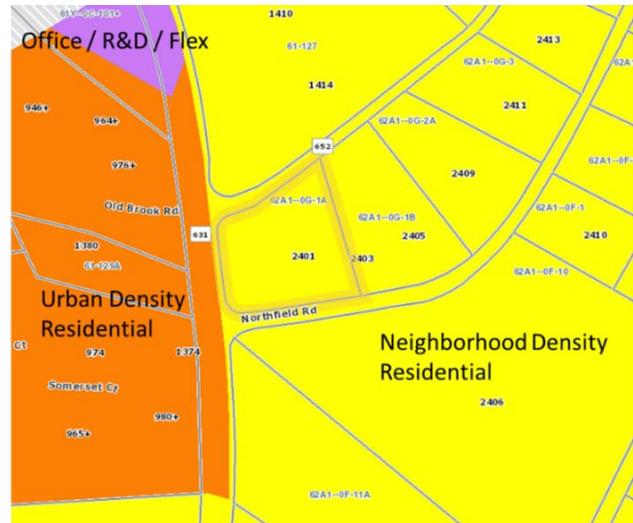


Exhibit 2: Places 29 Master Plan Future Land Use Map

The Places 29 Master Plan describes Rio Rd E as the main thoroughfare within Neighborhood 2, connecting the residential communities in the area to nearby commercial destinations and employment opportunities. The Parks and Green Systems map shows a bike lane along Rio and a proposed bike lane along Northfield Rd.

Staff believes that the application is generally consistent with the Comprehensive Plan’s recommendations for the property. The application is to rezone the property from R2 Residential to C1 Commercial for a 1,200 square foot restaurant and commercial store as well as a hotel/motel use within the existing house. As described above, the future land use designation is Neighborhood Density Residential. While commercial uses are not a primary use in this land use category, they can be considered by exception. Given the Application Narrative, Conceptual Plan, and location of the property along Rio Rd E, Staff believes this small-scale neighborhood serving restaurant and store would be compatible and supportive of the surrounding residential area. Further, the proposed development includes the closure of the existing driveway entrances and proposes a one-way travelway further into the site. These improvements improve site distance and transportation safety.

Neighborhood Model

Projects located within the Development Areas are typically reviewed for consistency with each of the Neighborhood Model Principles found in the Comprehensive Plan. Comments are provided below on relevant aspects of the Neighborhood Model. Staff has reviewed the proposal against the Neighborhood Model Principles and found that it is consistent with most of the principles.

<p><b>Pedestrian Orientation</b></p>	<p>Strategy 2a - Continue to require and provide sidewalks and pedestrian paths in the Development Areas. Pedestrian orientation means that walking is a convenient, safe, and comfortable form of transportation. Sidewalks should be provided on both sides of the street to avoid discontinuity in pedestrian access and unnecessary pedestrian street crossing movements.</p> <p>The application does not propose any additional sidewalks along Northfield Road or Old Brook Road. There is an existing sidewalk along the frontage of Rio Rd E. There are no sidewalks along Old Brook Rd or Northfield Rd. If the</p>
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	Applicant were to provide sidewalks along the subject property’s frontages along Old Brook and/or Northfield, there would be no existing sidewalk to connect to. Internal sidewalks have been shown on the Concept Plan along the row of parking and connecting the proposed hotel/motel use, food store and deli, to the existing sidewalk along Rio Rd. Staff believes this principle is not fully met.
<b>Mixture of Uses</b>	This principle is met. The proposal includes a live/work housing unit and hotel/motel use as well as a neighborhood scale restaurant and commercial store.
<b>Neighborhood Centers</b>	As mentioned above in the Places 29 chapter of the Comprehensive Plan, this property is not located within an identified Center, however, the proposed uses may be located by exception in areas designated Neighborhood Density Residential provided they are compatible with surrounding uses. Staff believes the proposal is compatible with surrounding uses. This principle has been met.
<b>Mixture of Housing Types and Affordability</b>	This principle is not applicable. There is one existing dwelling unit on the property and the proposal provides that this dwelling unit will remain along with its additional bedrooms to be used as a hotel/motel use.
<b>Relegated Parking</b>	This principle is met. The application proposes to close two entrances to the property along Old Brook Road as well as Northfield Road. The proposed parking is located behind the proposed new building and existing dwelling as shown on the conceptual plan .
<b>Interconnected Streets and Transportation Networks</b>	This principle is met. As mentioned above, the application proposed to close two entrances to the property and re-align a proposed entrance across from an existing church along Old Brook Rd. This will contribute to a safer intersection with clear and predictable movements for users.
<b>Multimodal Transportation Opportunities</b>	Strategy 2k provides that multi-modal transportation means that drivers, walkers, bicyclists, and transit users all have the ability to travel. Complete streets provide sidewalks, bike lanes, and stops for public transit. As mentioned above, this principle is only somewhat applicable. There is an existing sidewalk along Rio Rd but no sidewalks along Old Brook Rd or Northfield Rd. Future transportation improvements along Rio Rd may contribute to providing multimodal transportation opportunities.
<b>Parks, Recreational Amenities, and Open Space</b>	This principle is not applicable. There are no parks, recreational, or open spaces proposed and the Places 29 Master Plan does not identify any on the subject property.
<b>Buildings and Spaces of Human Scale</b>	Strategy 2m provides development should be appropriate in scale and with building locations that are designed with pedestrians in mind. This principle is met. Staff believes that the proposal is an appropriately scaled commercial use of the property that will serve the surrounding community. The proposed restaurant/store building and its accompanying parking area is of a size that is appropriate and will have minimal impacts.
<b>Redevelopment</b>	Principle is met. The proposed new building and parking lot be of a size that will allow for the existing house to remain.
<b>Respecting Terrain and Careful Grading and Re-grading of Terrain</b>	This principle is partially met. There is a small portion of Preserved Slopes along Old Brook Road that will be disturbed by the new entrance and parking area. However, these slopes are identified as Managed and appear to only encompass a small area along the frontage.
<b>Clear Boundaries Between the Development Areas and the Rural Area</b>	This principle is not applicable to the request. The subject property is located within the Development Area. No improvements or changes in use near any boundaries with the Rural Area are proposed.

## ANALYSIS OF THE REZONING REQUEST

### ***Anticipated impact on public facilities and services:***

#### Transportation:

The application proposes to remove the existing driveways and add a new one-way travelway extending from Old Brook Rd to Northfield Rd. The proposed development would close the existing driveway entrances and proposes a one-way travelway through the site. Angle parking has been provided in the rear of the site along the proposed travelway.

Transportation impacts of this development have been evaluated by Transportation Planning Staff and the Virginia Department of Transportation (VDOT). VDOT has provided no objection to the rezoning at this time. Transportation Staff believe the proposed entrance changes improve site distance and transportation safety.

The two closely spaced intersections adjacent to this requested rezoning (Rio Rd/Hillsdale Dr & Rio Rd/Old Brook Dr) are an ongoing safety concern for Albemarle County and VDOT. VDOT reviews 5-year crash data for all public road segments and intersections to determine if the crash rate is higher than expected based on all similar segments/intersections in the state. These locations are then ranked as locations with the highest Potential for Safety Improvements. In the 2014-2018 period. This intersection was ranked as the fourth worst intersection in the entire VDOT Culpeper District. It has not been ranked in the Top 100 since then but crashes, including serious crashes, do continue to occur. In 2024 there have already been six crashes at this location including one fatal and one severe injury.

The ongoing safety issues and congestion are a primary reason the Rio Corridor Study (2022) recommended improvements at these intersections and the County has applied for State funding through SMART Scale to make these improvements. An announcement on the success of that competitive grant for funding will be made in Spring of 2025. If successful, construction of these improvements would not be completed until beyond 2030. The figure below shows a conceptual design of the proposed improvements.



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The subject parcel is in the middle of the image. VDOT would allow a waiver for future commercial entrances, as depicted on the Concept Plan. There is a proposed retaining wall in front of the business abutting the 10' wide shared-use path (shown in orange) along the road. Traffic patterns for the proposed business would not conflict with the roundabout, customers would enter through Old Brook Road and exit on Northfield Road, making the one-way parking lot shown on the Concept plan efficient.

Based on review of the proposal and the Institute of Transportation Engineers (ITE) Trip Generation Manual staff estimates that fewer than 100 daily trips would be generated by all proposed uses on the property. VDOT traffic volume data shows that approximately 30,000 vehicles pass through these intersections each day. The addition of less than 100 vehicles to an intersection that sees over 30,000 vehicles is such a negligible increase that staff does not have significant concerns regarding safety associated with this proposal. However, the existing safety concerns are noted and the County plans to continue to work to address those concerns.

Schools:

Students living in the development would be primarily in the schools districts for Woodbrook Elementary, Journey Middle, and Albemarle High. As stated above, there is one existing dwelling unit on the property and the proposal provides that this dwelling unit will remain along with its additional bedrooms to be used as a hotel/motel use. There are no schools impacts.

Parks:

There are no parks, recreational, or open spaces proposed and the Places 29 Master Plan does not identify any on the subject property.

Fire and Rescue:

Fire and Rescue has reviewed this rezoning application and has no objection to the proposal. All other requirements of the Fire Code will be met at site development plan review.

Utilities:

The entire property is within the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. The new proposed food store and deli will be required to be connected to public water and sewer. ACSA and RWSA Staff have reviewed the proposal and there are no known service conflict issues and no objection to the development. Any further utility requirements will be met at the time of site plan review for the proposed development.

***Anticipated impact on environmental, cultural and historic resources:***

The development will be required to comply with DEQ and Albemarle County requirements for water protection including water quality and quantity requirements. A stormwater management plan will be provided with the final site plan for land disturbance. The existing house on the property will remain. There are no other resources on the site including cultural or historic.

The property is within the Entrance Corridor Overlay District. Because of this, the proposed site changes, including the proposed building, are subject to review and approval by the Architectural Review Board (ARB). The ARB will ensure the Applicant meets the Entrance Corridor guidelines so that the design of the site and buildings are consistent with the Entrance Corridor and not be detrimental to adjacent parcels. Staff will be focused on the architecture of the proposed buildings, but also landscaping and screening. ARB has already commented on the location of the proposed patio, and the Applicant has added Note 2 to the Concept Plan.

***Anticipated impact on nearby and surrounding properties:***

County staff has received comments from members of the public with concerns about aspects of this application, mainly transportation impacts. Added traffic and impacts to the already poor intersection conditions were the major concerns raised by community members. There were some additional concerns about potential impacts a commercial business and hotel/motel use in the neighborhood would have on the community.

As stated above, the proposal will have minimal transportation impacts on the surrounding community. Impacts from commercial development have largely been addressed by the proposed proffers. Future development of the property is greatly limited by the existing conditions of the site, mainly the existing acreage and future right of way improvements for Rio Rd that may further reduce the size of the parcel. The Comprehensive Plan recommends that neighborhood serving commercial uses should be no more than 5,000sf. The proposed food store and deli is 1200sf. Staff acknowledges the size of the parcel, minimum parking requirements, and future transportation projects taking additional right of way may be existing conditions that prevent future commercial uses developing the property in a manner that is inconsistent with the neighborhood scale.

***Public need and justification for the change:***

Small-scale neighborhood serving commercial uses are compatible and supportive of the surrounding residential area.

**Proffers**

The Applicant has volunteered proffers (Attachment 3 - Proposed Proffers) to restrict certain uses of the property. Staff believes these proposed proffers will ensure the site will have minimal impacts on nearby and surrounding properties. Certain uses that may not be as compatible or supportive of the surrounding area that have been proffered out of the permitted uses in the C1 Commercial zoning district include uses such as drive-thru windows, automobile service stations, manufacturing/processing/assembly/fabrication uses, and others.

Without a proffered plan along with the rezoning application, or proffer to limit the amount of commercial square footage, it is possible that future development may have larger impacts than what is proposed by this application. The Comprehensive Plan recommends that neighborhood serving commercial uses should be no more than 5,000sf. The applicant could offer an additional proffer to limit the size of the commercial development to minimize impact on transportation facilities and to limit the size and scale of the proposed use.

**SUMMARY**

Staff has identified the following positive aspects this this rezoning request:

1. The request is consistent with the land use recommendations of the Places 29 Master Plan.
2. The request is consistent with most of the Comprehensive Plan Neighborhood Model Principles.
3. The request provides a mixture of uses including a live/work housing unit, a hotel/motel use, as well as a neighborhood scale restaurant and commercial store that is both compatible and supportive of the surrounding residential area.

Staff has identified the following concerns with this rezoning request:

1. Future by-right developments of the property for uses permitted in the proffer list have the potential to be at a scale inconsistent with the character of the surrounding community.
2. Rezoning this property to Commercial will potentially generate a small amount of additional trips beyond the existing Residential zoning to a location directly adjacent to an intersection with significant traffic safety issues.

**RECOMMENDATION**

For the reasons outlined in the staff report, staff recommends approval of ZMA202300019 Saigon Sandwiches & Boba Teas Rezoning with the proposed proffers.

## **POTENTIAL PLANNING COMMISSION MOTIONS**

### **1. ZMA202300019 Saigon Sandwiches & Boba Teas Rezoning**

- a. Should a Planning Commissioner **choose to recommend approval** of this zoning map amendment:

***Move to recommend approval of ZMA202300019 for the reasons as stated in the Staff Report with the proposed Proffers.***

- b. Should a Planning Commissioner **choose to recommend denial** of this zoning map amendment:

***Move to recommend denial of ZMA202300019. State reasons for denial.***

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

In accordance with Chapter 18 Section 22.2.2 of the Albemarle County Code, hotels, motels, and inns are permitted by special use permit in the C1 Commercial zoning district. The proposal is for a special use permit for a three-bedroom hotel, motel, and inn use within the existing dwelling on the property. The Application Narrative suggests the owner and caretaker of the hotel will live in the basement unit while renting the three upper floor bedrooms as a group each night, not individual rooms to individual guests.

As discussed in the parcel history above, the property currently has approval for a 2-room homestay use within the existing dwelling. Under the current R2 zoning homestays of up to two guest rooms are allowed as a by-right accessory use to a single family residence. The C1 zoning district does not allow lodging uses by-right. The special use permit request for a hotel, motel, and inn use allows the rental of guest rooms to continue and to make the request to increase the number of rooms up to three. There is no limit in the C1 district but special use permit conditions are recommended to limit the number of rooms to three.

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

***Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:***

**1. *No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

The special use permit request is for a hotel, motel, and inn use, but since the proposal is within the existing dwelling unit that already has a Homestay approval, it is essentially to increase the number of existing rooms for rent from two-bedrooms to three-bedrooms. The proposed use will be entirely within the existing dwelling unit and the manager will live on site. Staff does not believe this proposed use of the existing dwelling as a three-bedroom hotel, motel, inn use will be detrimental to adjacent parcels.

**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.***

The character of the nearby area is not anticipated to change with the proposed special use. The increase in bedrooms results in potentially a higher number of guests, however, Staff believes these impacts will be minimal. The Concept Plan shows adequate parking for the use, and the owner/manager will live on site to address any concerns regarding noise or other potential concerns related to the use.

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

The hotel, motel, inn use within an existing structure on the property is in harmony with the purpose and intent of the Zoning Ordinance.

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

The proposed hotel, motel and inn use would have no impacts on the uses permitted by right in the proposed C1 Commercial district. As mentioned above, there is an existing dwelling on the property that will be used for this use.

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

There are no additional supplementary regulations that apply.

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

The public health, safety, and general welfare of the community are protected through the special use permit process, which assures that the proposed use is appropriate in the location requested. Community Development Staff and our partner agencies including Planning, Zoning, Engineering, Building Inspections, VDOT, Fire-Rescue, ACSA, and RWSA have all reviewed this application. These reviewers have either no concerns in general with the use or have provided comments that must be addressed following approval of this special use permit application with a site development plan or building permit. Building Inspections has provided that the hotel/motel use within an existing residential structure will be limited to 10 occupants.

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

The property is designated as Neighborhood Density Residential in the Places29 Master Plan. A hotel, motel, inn use is a commercial use. While commercial uses are not a primary use in this land use category, they can be considered by exception. Given that the proposed hotel, motel, and inn use is within an existing dwelling, limited to three bedrooms, and will operate more similar to a Homestay use which is permitted by-right in residential districts, Staff believes that the proposed special use permit is consistent with the Comprehensive Plan.

**SUMMARY:**

**Staff finds the following positive aspects of this special use permit request:**

1. The request is consistent with the land use recommendations of the Places 29 Master Plan.
2. No detrimental impacts to adjoining properties are anticipated.
3. The hotel owner and caretaker will live in the basement unit on the premises.

**Staff finds the following concerns with this special use permit request:**

1. None identified.

## **RECOMMENDED ACTION:**

Based on the findings contained in this staff report, staff recommends approval of the special use permit application SP202300022 Saigon Sandwiches & Boba Teas with the following conditions:

1. Development of the use shall be in general accord with the conceptual plan titled "Concept Plan for Saigon Sandwiches & Boba Teas" drawn by Meridian Planning Group last revised June 11, 2024. 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.
  - a. Location of the proposed three-room hotel, travelways, and landscaping screening buffer areas. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance or improve safety.
2. The maximum number of bedrooms for rent is three.
3. The rooms must not be rented individually. The three bedrooms must be rented as a group.
4. The owner or approved resident manager must reside on and be present overnight on the subject parcel during the hotel, motel and inn use.

## **POTENTIAL PLANNING COMMISSION MOTIONS**

### **1. SP202300022 Saigon Sandwiches & Boba Teas Special Use Permit**

- a. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

***Move to recommend approval of SP202300022 for the reasons and with the conditions as recommended in the Staff Report.***

- b. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

***Move to recommend denial of SP202300022. State reasons for denial.***

## **SPECIAL EXCEPTION APPLICATION**

If the rezoning application is approved, then Section 21.7 Minimum Yard Requirements in commercial districts will apply. Section 21.7(c) provides:

*Use buffer adjacent to residential and rural areas districts. No construction activity including grading or clearing of vegetation shall occur closer than 20 feet to any residential or rural areas district. Screening shall be provided as required in section 32.7.9. The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the use buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored.*

The Applicant has submitted a special exception application to waive these use buffer requirements. The Concept Plan shows the travel way to be constructed within the 20' use buffer adjacent to TMP 062A1-00-0G-001B0. The location of the travel way is due to the proximity of the existing house on the property, having to accommodate parking, and taking into account future road improvement projects along Rio Rd.

In accordance with Section 33.5, the Board of Supervisors has the authority to take action on this application. A Public Hearing with the Planning Commission or the Board of Supervisors is not required. Section 33.9(b) provides that the Board of Supervisors will consider the factors, standards, criteria, and findings, however

denominated, in the applicable sections of this chapter. The Board is not required to make specific findings in support of its decision. The factors that are denominated are provided above in Section 21.7(c). The Board may choose to impose reasonable conditions on the special exception.

Staff has provided the following analysis of the relevant factors provided in Section 21.7(c).

- (i) *the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design;*

The proposed travelway within the 20' use buffer provides an improved site design that enables improved site ingress and egress and allows for adequate parking to support the proposed uses.

- (ii) *minimum screening requirements will be satisfied; and*

The Conceptual Plan shows a varying width screening planting strip of approximately 7' along the property line. This buffer is shown with landscaping and screening that will be reviewed and evaluated during the site plan review process.

- (iii) *existing landscaping in excess of minimum requirements is substantially restored.*

There is no existing landscaping to restore and the Applicant will be required to provide adequate screening and landscaping within the reduced buffer during the site plan review.

Based on these findings, Staff is recommending approval of the Special Exception application to waive the 20' use buffer requirement as provided in Section 21.7(c) with the following condition:

1. Development of the use shall be in general accord with the conceptual plan titled "Concept Plan for Saigon Sandwiches & Boba Teas" drawn by Meridian Planning Group last revised June 11, 2024. 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.
  - a. A landscaping screening buffer will be provided on the entire shared property line with Parcel ID 062A1-00-0G-001A0 at a minimum width of 7'.

### **Special Exception**

The Planning Commission is not required to make a recommendation on this Special Exception. However, if the Planning Commission chooses to provide comments on the special exception, staff will include those in the Transmittal Summary to the Board of Supervisors.

### **Attachments**

- Att. 1 - [ZMA2023-19 Saigon Sandwiches & Boba Teas - Application Narrative dated June 11, 2024](#)
- Att. 2 - [ZMA2023-19 Saigon Sandwiches & Boba Teas - Concept Plan dated June 11, 2024](#)
- Att. 3 - [ZMA2023-19 Saigon Sandwiches & Boba Teas - Proposed Proffers](#)
- Att. 4 - [ZMA2023-19 Saigon Sandwiches & Boba Teas - Community Input](#)