

**CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA**



Agenda Date:	December 5, 2022
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner
Title:	<b>Considering a Special Use Permit request for 901 Seminole Trail and 1801 Hydraulic Road (1 reading)</b>

**Background**

901 Seminole Trail LLC, represented by Riverbend Development, is requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-796 and Sec. 34-158 to construct a restaurant with a drive-through window at 901 Seminole Trail. The applicant wishes to modify setback requirements for 901 Seminole Trail and 1801 Hydraulic Road as part of this request. The Subject Property includes both parcels, identified as Tax Map and Parcel 41B001000 owned by 901 Seminole Trail LLC, and 41B002000 owned by Peyton Associates Partnership. The Subject Property has street frontage on Hydraulic Road, Seminole Trail, Hillsdale Drive and India Road. The proposed drive-through will have a main building fronting on Seminole Trail and Hydraulic Road with parking, a dumpster, and ingress/egress as part of the Hillsdale Place shopping center. The Subject Property is currently being redeveloped under a final site plan which includes a drive-through restaurant, a financial use, and two standalone commercial building pads, in addition to modifications to the existing large shopping center building. The Subject Property is zoned HW (Highway Mixed Use Corridor) with an Entrance Corridor overlay.

**Discussion**

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on November 8, 2022, on this matter. The Planning Commission and City Council had the following comments on concerns:

- Concern that proposed VDOT road improvements along Hydraulic Road and Seminole Trail could impact the development.
- Compatibility of the request with the long-term vision of the 29-Hydraulic Small Area Plan.
- Lack of pedestrian accessibility to the site from the adjacent intersection of Hydraulic Road and Seminole Trail.
- Increased vehicle congestion if the proposed restaurant closed its indoor dining area and operated solely as a drive-through restaurant use.

The applicant indicated to Planning Commission and City Council that they had collaborated with VDOT on the design of this site and were confident that any currently proposed road work would not affect the layout of the proposed use. They clarified that the proposed new setbacks for the Subject Property, included as recommended conditions by City staff, were chosen to grant some flexibility

regarding building locations for the development. Planning Commissioners generally agreed that the proposed use was acceptable given the auto-oriented commercial nature of the area, but voiced concerns regarding pedestrian accessibility and potential vehicle congestion if the restaurant operated with its indoor dining area closed, as other restaurants have done during the COVID-19 pandemic. Planning Commission recommended two additional SUP conditions to address these concerns.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 51:00 mark.

[Link to Recording of Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 101.

[Link to Staff Report and Application Materials](#)

### **Alignment with City Council's Vision and Strategic Plan**

If City Council approves the Special Use Permit request, the project could contribute to Goal 4: A Strong, Creative and Diversified Economy, 4.2 Attract and cultivate a variety of businesses.

### **Community Engagement**

The applicant held a community meeting on August 16, 2022. No members of the public were in attendance at the meeting.

Staff has received no emails or phone calls expressing concerns with the development.

On November 8, 2022 the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting with the public able to join online and in person. During the Public Hearing no members of the public participated, and no public comments were received.

### **Budgetary Impact**

This has no impact on the General Fund.

### **Recommendation**

The Planning Commission voted 7-0 to recommend the application be approved.

***Suggested motion: "I move the RESOLUTION granting a Special Use Permit with conditions for Property located at 901 Seminole Trail and 1801 Hydraulic Road."***

### **Alternatives**

City Council may deny or indefinitely defer the requested Special Use Permit:

- (1) Denial: "I move to deny the Special Use Permit requested within zoning application no. SP22-00006"
- (2) Deferral: "I move to defer Council action on zoning application no. SP22-00006"

## **Attachments**

1. SUP 901 Seminole 1801 Hydraulic