

RESOLUTION

Granting a Special Use Permit for Property Located at 901 Seminole Trail and 1801 Hydraulic Road

WHEREAS 901 Seminole Trail LLC (“Applicant”) is the contract purchaser of certain land identified within the City of Charlottesville real estate records by Real Estate Parcel Identification Nos. 41B001000 and 41B002000 (together, the “Subject Property”), which has frontage on Seminole Trail, Hydraulic Road, Hillsdale Drive, and India Road; and

WHEREAS the Subject Property is located in the Highway Mixed Use Corridor zoning district, subject to the Entrance Corridor Overlay district regulations, and according to the Use Matrix set forth within City Code 34-796, restaurants are a permissible use of the Subject Property but a restaurant with a drive-through window is permissible only if authorized by City Council by special use permit; and

WHEREAS the specific development proposed by the Applicant is described in detail within the application materials submitted in connection with SP22-00006, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS the City Council and the Planning Commission conducted a joint public hearing on November 8, 2022, following public notice given in accordance with applicable law; and

WHEREAS at their November 8, 2022 meeting, the Planning Commission considered and voted to recommend approval of this request, subject to conditions recommended within the Staff Report and modified during their meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted, to allow a drive-through restaurant as a permissible use of the Subject Property subject to the following conditions:

- (1) The drive-through restaurant use shall be allowed only within the current boundaries of the 901 Seminole Trail parcel (41B001000);
- (2) The maximum setback off Seminole Trail, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 75 feet;
- (3) The maximum setback off Hydraulic Road, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 75 feet;
- (4) The maximum setback off India Road, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 75 feet;
- (5) The maximum setback off Hillsdale Drive, for the 901 Seminole Trail (41B001000) and 1801 Hydraulic Road (41B002000) parcels, shall be 50 feet;

(6) A pedestrian pathway shall be created by the landowner, to provide access to the Subject Property from the intersection of Seminole Trail and Hydraulic Road and such pathway shall be handicapped accessible, or as much so as practically possible; and

(7) A sit-down dining area for the restaurant, or an alternate “walk-up” window, shall be provided and shall remain open to the public at all times when the drive-through window is in operation.