



County of Albemarle
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Albemarle County Board of Supervisors
From: Syd Shoaf, Senior Planner I
Date: December 11, 2024
Re: **SE202400025 North Pointe Wendy's**
Parcel IDs: 03200-00-00-02000
Magisterial District: Rivanna
School Districts: Baker-Butler E.S., Lakeside M.S., Albemarle H.S.
Zoning: Planned Development Mixed Commercial

Summary of Request for Special Exception:

The applicant requests two special exceptions in association with a proposed Wendy's restaurant and drive through at North Pointe:

1. The first special exception is to vary a yard requirement of the approved application plan for ZMA200000009. For properties around the perimeter of the development, the application plan requires a 20' minimum setback from the property line to any parking or travelway. Under County Code § 18-8.5.5.3(a)(1), the Board of Supervisors may grant a variation to an approved plan, code, or standard for minor changes to yard requirements. The proposed variation would reduce the minimum setback from the property line to any parking or travelway from 20' to 7' to construct a parking lot (Attachment A).
2. The second special exception is to modify supplemental regulations for a drive-through lane. Under Albemarle County Code § 18-5.1.60(c), no portion of a drive-through lane may be located within 50 feet of a residential district, the Rural Areas district, the Monticello Historic district, or any part of a planned development district allowing residential uses. However, Albemarle County Code § 18-5.1(a) allows the Board of Supervisors to modify or waive any requirements of § 18-5.1. The proposed special exception would reduce the 50' requirement to 46' to accommodate a drive-through lane (Attachment A).

A detailed staff analysis is provided in Attachment B.

Staff Recommendation:

Based on these findings, staff recommends that the Board adopt the attached Resolution (Attachment C) to approve the variation and modification to require that:

1. The travelway have a minimum setback of 7' from adjacent property line to any parking or travelway.
2. The drive-through lane have a minimum setback of 46' from the adjacent Rural Areas district.

Attachments:

- A. Application Materials (Variation and Special Exception Request)
- B. Staff Analysis
- C. Resolution