

**Albemarle County Planning Commission  
May 19, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 19, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Karen Firehock, Tim Keller, Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Staff present was J.T. Newberry, Planner; Elaine Echols, Principal Planner; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

**Public Hearing:**

**b. SP-2014-00019 Virginia Asphalt Services, Inc.**

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 07700-00-00-00800

LOCATION: 1536 Avon Street Extended

PROPOSAL: Request for special use permit under Zoning Ordinance Section 30.6.3.a(2) for outdoor storage, display and/or sales for an equipment storage yard associated with a contractor's office for an asphalt paving company. (No dwellings proposed.) A special exception to 5.1.52 Outdoor Storage in Industrial Districts is also requested to allow landscape screening in place of solid fencing around the storage area. (An Initial Site Plan is being processed simultaneously with this request under SDP201400073.)

ZONING: Light Industrial – industrial, office, and limited commercial uses (no residential use); Flood Hazard – overlay to provide safety and protection from flooding; Entrance Corridor – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access; Airport Impact Area – overlay to minimize adverse impacts to both the airport and the surrounding land.

COMPREHENSIVE PLAN: Industrial Service – warehousing, light industry, heavy industry, research, office uses, regional scale research, limited production and marketing activities, supporting commercial, lodging and conference facilities, and residential (6.01-34 units/acre) in Neighborhood Four. (Margaret Maliszewski)

Mr. Benish presented a PowerPoint presentation regarding SP-2014-00019 Virginia Asphalt Services, Inc.

This is a Special Use Permit for outdoor storage, display and/or sales for an equipment storage yard associated with a contractor's office for an asphalt paving plant 30.6.3.a(2). There is also a related request for a special exception for a modification of screening requirements for Outdoor Storage in Industrial Districts to allow landscape screening in place of solid fencing as it relates to the rear of the site (5.1.52). That part of the site is not within the Entrance Corridor and not subject to this special use permit. The modification does not require Planning Commission action, but the screening issue is related to the special use permit request, so our presentation does address the modification.

The subject parcel is located on Avon Street Extended, across from the City's CTS operations center and just south of Edgcomb's Auto. It is located across Moore's Creek from the Willoughby subdivision.

The applicant proposes to construct a building for equipment storage and maintenance and an outdoor equipment storage area. The outdoor storage area is subject to the special use permit. The equipment that would be stored in the storage area is equipment used in the daily operations of a residential asphalt paving business, such as a dump truck, bobcat, asphalt roller, and a paver. The equipment would have a

maximum height of 12'. The 12' maximum includes the combined height of smaller equipment that is typically stored on larger vehicles. The equipment would be taken off the property during regular business hours for use at job sites, and it would be returned to the Avon Street site for overnight and other off-hours storage.

#### **Avon Street Extended Entrance Corridor**

- The special use permit is required specifically because the site falls within the Entrance Corridor Overlay District.
- The purpose of the requirement is to allow for review of the potential visual impacts of the outdoor storage on the Entrance Corridor. It is not to review the use itself, but just for the outdoor storage.
- The intent of the Entrance Corridor Overlay District is to ensure quality development that is compatible with the County's important scenic, historic, architectural and cultural resources.
- The Architectural Review Board has applied the County's Entrance Corridor Design Guidelines to the review of this request.
- The Architectural Review Board had no objection to the request for the Special Use Permit with the conditions outlined in the report.
- Those conditions are related primarily to the method of screening.

Screening of storage areas is typically accomplished either by some type of fence or by landscaping. Because of the topography here, where this site sits approximately 10' below the elevation of the street, a fence would have to be so tall to accomplish the required screening that it would not have an appropriate appearance for the Entrance Corridor. The Architectural Review Board has determined that landscaping could provide the required screening and have a more appropriate appearance from the Entrance Corridor than fencing.

The Architectural Review Board's recommended conditions of approval would revise the landscaping shown in this concept plan to:

- Increase the size of shade trees.
  - Provide a staggered row of evergreens to screen both ends (north and south) of the storage area, and
  - Provide evergreen screening trees at a minimum of 8' - 10' at planting.
- (The substance of the recommendation is in lieu of fencing.)

Regarding the waiver, our supplementary regulations for industrial sites also requires a fence in this area. This is not the purview of the Architectural Review Board (ARB). The applicant did hold a community meeting in this area. That gave staff an opportunity to get community input not only on the Entrance Corridor views, but also the views from Willoughby. The residents that attended were in support of using vegetation in lieu of fencing that also creates a consistent type of landscaping all around the site, which is consistent with the ARB recommendation. The landscaping around the building site has some general acceptance from the community input that staff has heard.

View of Moore's Creek and Willoughby Development from the rear of the site:

- The proposed storage area would be visible from the Willoughby neighborhood, located across Moore's Creek, particularly during the winter months when the leaves are off the trees.
- The ARB only reviews for views from the Entrance Corridors, so the ARB review did not address the view from Willoughby.
- Section 5.1.52 of the ordinance requires that storage areas in industrial districts be screened on all sides by a solid wall or fence.
- A solid fence could accomplish the required screening from the neighborhood, but it would be very noticeable in the landscape, and more landscaping would provide for a more consistent appearance both on site and along the creek.
- Also, Willoughby residents that attended the community meeting in April stated a preference for landscape screening over a solid fence or wall.
- So, another recommended condition of approval is a staggered row of evergreens along the side of the storage area that faces the Willoughby residential development.

Staff recommends approval of SP-2014-00019 Virginia Asphalt to allow outdoor sales, storage and display with the following conditions as outlined in the staff report:

1. The development of the site shall be in general accord with the plan entitled "Virginia Asphalt Services Landscape/Screening Plan" revised 2-17-2014 and prepared by Terra Concepts, PC/Alan Franklin PE, LLC, (hereafter referred to as the Concept Plan) as determined by the Director of Planning and the Zoning Administrator, and subject to the following conditions. To be in general accord with the Concept Plan, development and use shall reflect the following major elements within the development essential to the use, as shown on the Concept Plan:
  - a. Building location
  - b. Sales, storage and display area size and location
2. Minor modifications to the plan that do not conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance and ARB requirements.
3. Equipment shall be sold, stored or displayed only in areas indicated for sales, storage or display on the Concept Plan.
4. The site shall be landscaped in general accord with the Concept Plan, except that:
  - a. Evergreen screening tree height shall be 8' - 10' minimum at planting.
  - b. Shade trees along Avon Street Extended shall be 3½" caliper minimum at planting.
  - c. Shade trees along the entrance drive shall be 2½" caliper minimum at planting.
  - d. A staggered row of evergreens shall be provided along the south side of the sales/storage/display area or the south side of the parcel.
  - e. A staggered row of evergreens shall be provided along the north and west sides of the entrance drive and asphalt paved area.
  - f. The ARB may require landscaping that is in excess of its design guidelines, Albemarle County Code § 18-32.7.9, or both, in order to mitigate the visual impacts of the proposed use on the Entrance Corridor.
5. Maximum height of equipment to be sold, stored or displayed shall not exceed 12'. This height includes equipment sold, stored or displayed on parked vehicles. Other than equipment sold, stored or displayed on parked vehicles, equipment shall not be elevated.

As a reminder, the Commission only needs to act on the special use permit. The Board will act on the special exception related to screening in industrial areas. The applicant may have a display or revised site plan that shows how the conditioned landscaping would look on the site.

Mr. Morris invited questions for staff.

Mr. Dotson pointed out the conditions of approval proposed, like the Architectural Review Board conditions, are about 90% to 95%. However, the difference he notes is in the planning staff recommendation there is no height, the 8' to 10' on the evergreens, and the fencing is not addressed. However, it is in the ARB action. He wondered if staff could comment on those two conditions.

Mr. Benish replied since the site is within the Entrance Corridor the Architectural Review Board will control through their certificate of appropriateness that level of detail. Margaret Maliszewski, Design Planner, did both reports for the Planning Commission and the Architectural Review Board and he was not sure why she did not include those specifics. However, those specific expectations will be required as part of the certificate of appropriateness.

There being no further questions for staff Mr. Morris opened the public hearing for the applicant and public comment. He invited the applicant to address the Commission.

Allan Franklin, civil engineer doing the site plan, said Bryan Heilman, owner of Virginia Asphalt Services, Inc. was present. Mr. Franklin said he did not have anything to add, but would answer questions. He had the plans if anyone wanted to see them. However, they have already made the revisions to address all of these comments and anything that was not on this list they have already agreed to in order to move forward as soon as possible. He pointed out Mr. Benish mentioned it was an asphalt plant, which makes it sound worse than it is. However, it is a maintenance office and a parking lot for equipment overnight or between jobs.

Mr. Morris invited questions for the applicant. There being none, he invited public comment. There being no public comment, Mr. Morris closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Randolph said first he would like to cite Ms. Maliszewski for her thoroughness of her report and including the details of the community meeting that he attended along with Supervisor Dittmar. It was very clear in that community meeting that the applicant was very willing to make the adjustments that VDOT had suggested on the entrance way. The Architectural Review Board's recommendation to not have fencing, but instead utilize evergreens was something that was overwhelmingly enthusiastically endorsed by residents who were concerned about this application somewhat at the outset. However, he thinks once they realized the height of the trees were going to more than obscure any vehicles that were there they were all very enthusiastic for it. It was a community meeting where there were no major differences. There were slight concerns that were addressed at that time, which were all incorporated in this application. Therefore, he can be very enthusiastic in endorsing this special use permit.

Mr. Morris thanked Mr. Randolph for the input. There being no further discussion, he asked for a motion.

**Motion:** Mr. Randolph moved and Ms. Firehock seconded to recommend approval of SP-2014-00019 Virginia Asphalt Services, Inc. to allow for outdoor sales, storage and display with the conditions outlined in the staff report.

1. The development of the site shall be in general accord with the plan entitled "Virginia Asphalt Services Landscape/Screening Plan" revised 2-17-2014 and prepared by Terra Concepts, PC/Alan Franklin PE, LLC, (hereafter referred to as the Concept Plan) as determined by the Director of Planning and the Zoning Administrator, and subject to the following conditions. To be in general accord with the Concept Plan, development and use shall reflect the following major elements within the development essential to the use, as shown on the Concept Plan:

- a. Building location
- b. Sales, storage and display area size and location

Minor modifications to the plan that do not conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance and ARB requirements.

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  - f. The ARB may require landscaping that is in excess of its design guidelines, Albemarle County Code § 18-32.7.9, or both, in order to mitigate the visual impacts of the proposed use on the Entrance Corridor.
4. Maximum height of equipment to be sold, stored or displayed shall not exceed 12'. This height includes equipment sold, stored or displayed on parked vehicles. Other than equipment sold, stored or displayed on parked vehicles, equipment shall not be elevated.

The motion passed by a vote of 6:0. (Lafferty absent)

Mr. Morris noted that SP-2014-00019 Virginia Asphalt Services, Inc. would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)