



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201400019 Virginia Asphalt	Staff: Margaret Maliszewski, Principal Planner
Planning Commission Public Hearing: May 19, 2015	Board of Supervisors Hearing: To be determined.
Owner(s): Virginia Asphalt Services, Inc.	Applicant(s): Bryan Heilman, Virginia Asphalt Services, Inc.
Acreage: 1.69 acres	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 company, under 30.6.3.a(2)
TMP: 07700-00-00-00800 Location: 1536 Avon Street Extended	Existing Zoning and By-right Use: LI - Light Industrial (industrial, office, and limited commercial uses; no residential use)
Magisterial District: Scottsville	Proffers/Conditions: Yes
Proposal: Request for outdoor storage, display and/or sales for an equipment storage yard associated with a contractor's office for an asphalt paving company. Request for a modification of 5.1.52 Outdoor Storage in Industrial Districts to allow landscape screening in place of solid fencing around the storage area.	Comprehensive Plan Designation: 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.
Character of Property: The property is a cleared and graded site that sits below the level of Avon Street Extended. The rear of the property slopes down to Moore's Creek. The Willoughby residential development is across the creek to the west.	Use of Surrounding Properties: The area is characterized by a mix of industrial, commercial and residential uses.
Factors Favorable: 1. The Architectural Review Board has reviewed the request for outdoor sales, storage and display and recommends approval with conditions.	Factors Unfavorable: 1. None.
Recommendation: Staff recommends approval of SP201400019 Virginia Asphalt for outdoor sales, storage and display with conditions.	

STAFF CONTACT:

Margaret Maliszewski, Principal Planner

PLANNING COMMISSION:

May 19, 2015

BOARD OF SUPERVISORS:

TBD

PETITION:

PROJECT: SP201400019 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.) The applicant also requests a modification of 5.1.52 Outdoor Storage in Industrial Districts 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.

CHARACTER OF THE AREA:

The subject parcel is situated in an area that is developed with a mix of commercial, industrial and residential uses. Edgecomb's Auto is located to the north. The City of Charlottesville CTS operations center is located across Avon Street Extended to the east. Other industrial uses nearby include the Charlottesville self storage facility, Coyne & Delaney, the Avon Street business center, Avon Motors and Afton Scientific. Further south on Avon are the Snow's contractors' storage offices and yards. The Willoughby residential development is across Moore's Creek to the west. (See Attachment A for a location map.)

PLANNING AND ZONING HISTORY:

An Erosion & Sediment Control violation for clearing and grading has been abated for this property. A zoning violation for storing vehicles without an approved Special Use Permit has also been abated. An Initial Site Plan application corresponding to this Special Use request is under review. The ARB reviewed an earlier design for this proposal on 10/20/2014. The current design was reviewed by the ARB on 3/16/2015. A community meeting was held on this proposal on April 20, 2015. Three members of the public, two of them residents of the Willoughby neighborhood, attended. The general consensus of the attendees was positive and a preference for landscape screening instead of a solid fence was noted by Willoughby residents in attendance.

DETAILS OF THE PROPOSAL:

The applicant proposes a 2,240 sf building for equipment storage and maintenance and a 9,433 sf outdoor equipment storage area located just north and east of the building. A curved entrance drive from Avon Street Extended is proposed at the north end of the property. Landscaping for screening, including a mix of evergreen shade and ornamental trees, is proposed along the Avon Street frontage, along the entrance drive, and south of the storage area. (See Attachment B for the Concept Plan.) The applicant proposes to store the equipment used in the daily operations of his residential asphalt paving business, including a dump truck, skid-steer (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 returned to the Avon Street site for overnight and other off-hours storage.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a Special Use Permit:

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the district.

The proposed equipment storage is not expected to be a detriment to adjacent property and the use is in harmony with other existing uses located nearby. These similar uses include automobile storage at Edgecomb's Auto to the north, bus storage across Avon Street to the east, and other industrial uses and storage yards in various locations south on Avon Street.

The Special Use Permit requirement in this case is to allow for review of the potential impacts of the outdoor storage on the Entrance Corridor (EC). As outlined in section 30.6 of the Zoning Ordinance, the intent of the EC Overlay District is, in part, to ensure a quality of development that is compatible with the County's important scenic, architectural and cultural resources through the architectural control of development. The ARB has applied the County's adopted guidelines for development within the EC to the review of this request and had no objection to the request for the Special Use Permit with conditions related to landscaping. The existing character of the district and the visual integrity of the Avon Street Entrance Corridor will be maintained if those conditions are met. (See Attachment C for the ARB's action.)

The proposed special use will be in harmony with the regulations provided in section 5 as applicable,

The applicant has requested a modification of 5.1.52 Outdoor Storage in Industrial Districts. This modification requires a Board of Supervisors action; the Planning Commission does not need to act on the modification. This section of the ordinance states, in part, the following:

Except as otherwise expressly permitted for a particular use, the outdoor storage of parts, materials and equipment in an industrial district shall be subject to the following:

- a. Storage areas shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than seven (7) feet nor more than ten (10) feet in height.

This section of the ordinance requires that the storage area be screened on all sides by a solid wall or fence. However, during its review of this proposal, the ARB determined that using a wall or fence to screen the stored equipment from the Entrance Corridor was not practical due to the topography of the site. The storage area is approximately 10' below the elevation of Avon Street Extended. An effective screening fence would have to be so tall to accomplish effective screening that its height would result in an appropriate appearance for the EC. The ARB has established conditions of approval for appropriate landscaping to accomplish a sufficient level of screening from the EC, including angled views from the EC street into the property. This landscaping would also accomplish screening of the storage area from the immediately adjacent properties to the north and south.

The proposed storage area would be visible from the Willoughby neighborhood, located across Moore's Creek to the west of the subject parcel, particularly during the winter months when the leaves are off the trees. (The ARB does not have jurisdiction over views other than those from the EC, so the ARB has not considered the view of the storage area from Willoughby.) A solid fence could accomplish the required screening in this location, but the fence would need to exceed the 10' height limit specified in 5.1.52 in order to screen the 12' equipment, and the fence would be very noticeable in the landscape. A staggered row of evergreen trees would appear more coordinated with other on-site screening and with the character of the creekside. At the community meeting held on 4/20/2015 for this proposal, Willoughby residents that were in attendance stated a preference for the evergreen screening over a solid fence or wall.

(Note that approval of this Special Use Permit and reference to the Concept Plan would not authorize any waivers, modifications or special exceptions from any ordinance provision other than those specifically outlined in the conditions of approval.)

The proposed special use will be in harmony with the public health, safety and general welfare.

The intent of the Special Use Permit requirement for outdoor sales, storage and display is based on the need to mitigate the potential negative impact of this use on the aesthetics of the Entrance Corridors and to mitigate the potential for development that is incompatible with the historic resources of the County. This intent is directly related to the promotion of public welfare and general quality of life. The ARB has reviewed the proposal with this intent in mind and has recommended approval with conditions regarding appropriate landscaping. In addition, the manner in which equipment may be sold, stored and displayed on site is a potential aesthetic issue and a typical concern for this type of use. Elevating equipment is not considered appropriate. Consequently, the ARB has recommended a condition of approval to address this issue. With these conditions of approval, the visual integrity of the corridor will be maintained, thereby protecting the quality of life.

The Site Review Committee will review the site plan for this proposal for compliance with the relevant development review regulations that are also set forth to protect the public health, safety and general welfare. Therefore, a combination of proper site design and implementation of the recommended conditions, along with the issuance of a Certificate of Appropriateness by the ARB, would sufficiently address this objective.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

The Comprehensive Plan shows this area as industrial service in Neighborhood 4. This designation includes warehousing, light and heavy industry, research, office uses, regional scale research, limited production and marketing activities, and supporting commercial uses. The proposed use is similar in type and scale to the designated uses. The Comprehensive Plan (Chapter 2, Natural Resources and Cultural Assets) establishes the goals for preserving the scenic resources that are essential to the County's character, economic vitality and quality of life. The Entrance Corridor Overlay District is intended to support that goal by maintaining the visual integrity of the County's roadways. The Architectural Review Board addresses potential adverse aesthetic impacts in the Entrance Corridors by applying the County's Entrance Corridor Design Guidelines during their review of development proposals. The ARB's recommendations are provided in Attachment C.

SUMMARY:

The intent of the Special Use Permit requirement is based on potential impacts to the Entrance Corridors. The ARB has reviewed this proposal for its impact on the Avon Street Extended Entrance Corridor and had no objection to the request for the Special Use Permit with conditions.

Factors favorable to this request include:

1. The Architectural Review Board has reviewed the request for outdoor sales, storage and display and recommends approval with conditions.

Factors unfavorable to this request include:

1. No unfavorable factors.

RECOMMENDED ACTION FOR THE SPECIAL USE PERMIT:

Based on the findings contained in this staff report, staff recommends approval of SP201400019 Virginia Asphalt to allow outdoor sales, storage and display with the following conditions:

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 locationMinor 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.
2. Equipment shall be sold, stored or displayed only in areas indicated for sales, storage or display on the Concept Plan.
3. 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.
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.

Motions for the Special Use Permit:

- A. Should the Planning Commission choose to recommend approval of this Special Use Permit:

I move to recommend approval of SP201400019 Virginia Asphalt to allow for outdoor sales, storage and display with the conditions outlined in the staff report.

B. Should the Planning Commission choose to recommend denial of this Special Use Permit:

I move to recommend denial of SP201400019 Virginia Asphalt for outdoor sales, storage and display for the following reasons:

ATTACHMENTS

Attachment A – [Location Map](#)

Attachment B – [Concept Plan](#)

Attachment C – [ARB Action Letter](#)