

**COUNTY OF ALBEMARLE  
STAFF REPORT SUMMARY**

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| <b>Project Name:</b><br>SP201800005 Amendment to Malloy Ford Body Shop                                                                                                                                                                                                                                             | <b>Staff:</b><br>Heather McMahon, Senior Planner                                                                                                                                                                                                                                                                                         |
| <b>Planning Commission Public Hearing:</b> August 7, 2018                                                                                                                                                                                                                                                          | <b>Board of Supervisors Public Hearing:</b> TBA                                                                                                                                                                                                                                                                                          |
| <b>Owner:</b> Malloy Properties III, LLC c/o Geoff Malloy                                                                                                                                                                                                                                                          | <b>Applicant:</b> Malloy Properties III, LLC                                                                                                                                                                                                                                                                                             |
| <b>Acreage:</b> 4.97 acres on TMP 45-68C1 and 2.06 acres on TMP 45-68A for a combined 7.03 acres                                                                                                                                                                                                                   | <b>Special Use Permit:</b> Section 24.2.2.17 - Body shop                                                                                                                                                                                                                                                                                 |
| <b>TMP:</b> 04500-00-00-068A0 and 04500-00-00-068C1<br><b>Location:</b> 2060 and 2070 Seminole Trail                                                                                                                                                                                                               | <b>Existing Zoning and By-right use:</b> HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access. |
| <b>Magisterial District:</b> Rio                                                                                                                                                                                                                                                                                   | <b>Conditions:</b> Yes                                                                                                                                                                                                                                                                                                                   |
| <b>School District:</b> Albemarle HS, Burley MS, Agnor-Hurt ES                                                                                                                                                                                                                                                     | <b>Requested # of Dwelling Units:</b> N/A                                                                                                                                                                                                                                                                                                |
| <b>Proposal:</b> Expand previously approved body shop use on TMP 45-68C1 with new 9,120 square-foot body shop within the existing 39,216 square-foot building on the 2.06-acre parcel 45-68A                                                                                                                       | <b>Comprehensive Plan Designation:</b> Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29                                                                                                                                              |
| <b>Character of Property:</b> The subject property includes a vacant building that previously housed the Better Living Furniture store. That building is a one-story building with a taller, rear warehouse addition. Paved parking areas and travelways occupy the remainder of the parcel to the north and east. | <b>Use of Surrounding Properties:</b> Commercial uses predominate in the area along Rt. 29. A vacant parcel is adjacent to the south, the recently constructed Better Living Building Supply store is to the west, and the Malloy Ford auto dealership is currently under construction to the north.                                     |
| <b>Factors Favorable</b><br><b>SP201800005: Amendment to Malloy Ford Body Shop</b><br>1. The request is consistent with the Comprehensive Plan.<br>2. A portion of an existing building would be renovated to accommodate the use.                                                                                 | <b>Factors Unfavorable</b><br><b>SP201800005: Amendment to Malloy Ford Body Shop</b><br>None Found                                                                                                                                                                                                                                       |
| <b>RECOMMENDATION:</b> Staff recommends approval of SP201800005 with conditions.                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                          |

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**Heather McMahon**  
**August 7, 2018**  
**TBA**

**PETITIONS:**

PROJECT: SP201800005 Amendment to Malloy Ford Body Shop

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000068A0 and 045000000068C1

LOCATION: 2060 and 2070 Seminole Trail

PROPOSAL: Expand previously approved body shop use on TMP 45-68C1 with new body shop within the existing building on the 2.06-acre parcel 45-68A

PETITION: Body shop under Section 24.2.2.17 of the Zoning Ordinance which allows body shops by special use permit. No dwelling units proposed.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

AIA Airport Impact Area: Yes

COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29.

**CHARACTER OF THE AREA:**

The two abutting parcels under consideration in this Special Use Permit request are located on the west side of Rt. 29, across from and just south of Carrsbrook Drive. 2060 Seminole Trail is occupied by the showroom of the former Better Living Furniture store, now vacant, while 2070 Seminole Trail, abutting to the north, was formerly the Better Living Building Supply store and is being converted currently into an auto dealership and automotive repair facility for Malloy Ford. The two parcels are flanked on the south and north by four parcels zoned Highway Commercial, two of which are owned by Malloy Properties III, LLC: the parcel adjacent to 2060 Seminole Trail to the south is vacant; the small parcel to the west of 2060 Seminole Trail (2044 Seminole Trail) is occupied by a small single-family detached dwelling, currently used for construction equipment storage. The parcel southwest of 2070 Seminole Trail is the new Better Living Supply site owned by B Properties LC, while the vacant parcel north of 2070 Seminole Trail is owned by Charlottesville Realty Corporation. Residential properties within the Carrsbrook development are located across Rt. 29, to the east of two vacant parcels zoned Commercial Office that front Rt. 29. The closest residential parcel lies approximately 375 feet due east of 2060 Seminole Trail. Commercial uses predominate in the general vicinity. Among them are the Jim Price, Umansky, and Colonial auto dealerships on Rt. 29, all of which include showrooms and service centers, and Brown's Collision Center, located on Rt. 29 just south of the intersection with Rio Road. (See Attachment A – Aerial Map.)

**PLANNING AND ZONING HISTORY:**

- Several site plans and site plan amendments have been approved for this site over the years, beginning with SDP000000042 in 1975. The various plans and amendments track the expansion of the business on the property.
- SP201600011 and SP201600018: On December 14, 2016 the Board of Supervisors approved the request for outdoor storage and display of vehicles in the Entrance Corridor Overlay District and the request for a body shop for the Malloy Ford automobile dealership at 2070 Seminole Trail, with conditions.

### **DETAILS OF THE APPLICANT'S PROPOSAL:**

The applicant requests an amendment to the previously-approved Special Use Permit (SP-2016-18) for use of a body shop on the Malloy Ford auto dealership site at 2070 Seminole Trail, TMP 45-68C1, identified on the Concept Plan as Body Shop #1. The current request proposes using a portion of the existing building of the adjacent site to the south located at 2060 Seminole Trail, TMP 45-68A, identified on the Concept Plan as Body Shop #2, as a body shop while retaining the current approval for Body Shop #1. Body Shop #2 would be located in the 9,120 square foot rear warehouse addition of the existing building, leaving the 30,096-square-foot showroom as is and available as future tenant space. The only exterior renovation to the rear warehouse addition will be an alteration to the doors on the north elevation into appropriately-sized garage doors. The applicant proposes no vehicular storage or display of vehicles at Body Shop #2. No changes are proposed to the previously approved parking configuration, travelways, storage and display, or number of service bays (five). The sole change in this request is to allow a second body shop location. See Attachment C for the applicant's Concept Plan.

### **SUMMARY OF THE COMMUNITY MEETING:**

A community meeting was held as part of the Places29-Rio Community Advisory Committee meeting on the evening of June 28, 2018. The applicant's representative summarized the project and answered questions. Questions were asked about the proposed body shop use but no objections were voiced.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUESTS:**

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.***

The body shop is proposed to be located in a portion of an existing building. Prior to issuing a zoning clearance for the use, the Zoning Division will require approvals from other agencies to ensure that impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions, water discharges, or impacts from paint booths, or flammable, hazardous or explosive materials are sufficiently mitigated. This will ensure that the use will not impose any substantial detriment to adjacent property.

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

The proposed body shop is to be located in a portion of an existing building that will be renovated to accommodate the use. The body shop use is an integral component of many auto dealerships and is similar in character to auto dealerships and vehicle service centers. The applicant has explained that current day body shops differ significantly from those of several decades ago, noting that today's examples are typically much cleaner and have a more organized and less objectionable appearance. The body shop is to be located at the rear of the building, at the west end of the site. Since the proposed body shop function will be confined indoors, the impacts on adjacent property are limited.

#### ***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,***

One of the purposes of this chapter (Section 1.4.3) is "to facilitate the creation of a convenient, attractive and harmonious community." The proposed use will achieve this by meeting the regulations in Section 5, as outlined below. Although a special use permit is required for body shop use, this use is considered accessory to motor vehicle sales. Motor vehicle sales is a commercial use permitted by right within the Highway Commercial zoning district, and the body shop use is similar in character to vehicle service centers at nearby auto dealerships. Consequently, the proposed use is expected to be in harmony with the other by-right uses in the district and with the intent of this chapter.

**...with the regulations provided in section 5 as applicable,**

Section 5.1.31 of the zoning ordinance states that body shops shall be subject to the following:

**a. All parts, materials and equipment shall be stored within an enclosed building.**

The applicant proposes to use the rear warehouse addition to the existing building to house the body shop and all parts, materials and equipment. That building is an enclosed structure.

**b. No vehicle awaiting repair shall be located on any portion of the site so as to be visible from any public street or any residential property, and shall be limited to locations designated on the approved site plan.**

No vehicles awaiting repair are to be parked on parcel 45-68A. All such parking will be on parcel 45-68C1, as previously approved under SP-2016-11 and SP-2016-18.

**c. All services shall be performed within an enclosed building.**

The applicant proposes to perform all body shop services within the westernmost portion of the existing building on site and that building will be enclosed.

**d. No buildings in which services are performed shall be located closer than fifty (50) feet from any residential or agricultural district.**

The body shop building is located approximately 400' away from the closest residential or agricultural district.

**...and with the public health, safety and general welfare.**

The intent of the special use permit requirement for a body shop is based on the need to mitigate the potential negative impacts of this use. This intent is directly related to the promotion of public welfare and general quality of life. The noise and emissions consequent of body shop work will be retained within the building, and as all repair and storage will be confined to the indoors, the use will not create a negative visual impact on the Entrance Corridor or neighboring parcels. Prior to issuing a zoning clearance for the use, the Zoning Division will require approvals from other agencies to ensure that impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions, water discharges, or impacts from paint booths, or flammable, hazardous or explosive materials are sufficiently mitigated. This will ensure that the use will not impose any substantial detriment to adjacent property.

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

The Places 29 Master Plan designates this property as Commercial Mixed Use. Auto commercial sales and service is one of the primary uses designated in this category and the following criteria apply.

**1. Buildings should not be taller than 2 stories.**

The applicant proposes to renovate the rear warehouse portion of the existing building to accommodate the body shop. The warehouse is a one-story structure, though it is taller than the one-story main showroom building.

**2. Evidence should be provided that noise, odors, and other potential nuisances do not adversely affect surrounding uses.**

Potential nuisances of this type will be addressed with the zoning clearance, as described above under "No Substantial Detriment." Because the proposed use does not involve any physical improvements to the site, a full Neighborhood Model analysis is not provided.

**SUMMARY AND ACTION:**

Staff has identified factors which are favorable to the body shop request. Factors favorable include:

1. The request is consistent with the Comprehensive Plan.
2. A portion of an existing building would be renovated to accommodate the use.

Unfavorable factors to this request include: None found.

**RECOMMENDATIONS:**

Staff recommends approval of **SP201800005 Amendment to Malloy Ford Body Shop** based upon the analysis provided herein, subject to the following conditions:

1. Use of this site shall be in general accord with the concept plan “Conceptual Special Use Application Plan for Malloy Ford” last revised July 11, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. Permitted modifications may include those required by the ARB, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.
2. The total number of service bays for Body Shop #1 and Body Shop #2 combined shall not exceed five (5).

**PLANNING COMMISSION MOTIONS:**

A. Should a Planning Commissioner **choose to recommend approval** of the special use permit for the body shop use:

**Move to recommend approval of SP201800005 Amendment to Malloy Ford Body Shop with conditions outlined in this staff report.**

B. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

**Move to recommend denial of SP201800005 Amendment to Malloy Ford Body Shop.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

**ATTACHMENTS:**

**Attachment A** – Aerial Map

**Attachment B** –Applicant’s Narrative

**Attachment C** – Concept Plan