

**COUNTY OF ALBEMARLE  
TRANSMITTAL TO THE BOARD OF SUPERVISORS**

**SUMMARY OF PLANNING COMMISSION ACTION**

<p><b>AGENDA TITLE:</b> SP201900011 Malloy Ford Outdoor Storage and Display</p> <p><b>SUBJECT/PROPOSAL/REQUEST:</b> Establish outdoor sales/storage/display of vehicles</p> <p><b>SCHOOL DISTRICT:</b> Albemarle HS, Burley MS, Agnor-Hurt ES</p>	<p><b>AGENDA DATE:</b> July 1, 2020</p> <p><b>STAFF CONTACT(S):</b> Richardson, Walker, Kamptner, Herrick, Filardo, Rapp, Maliszewski</p> <p><b>PRESENTER(S):</b> Margaret Maliszewski</p>
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**BACKGROUND:**

At its meeting on May 12, 2020, the Planning Commission voted unanimously (7:0) to approve the special use permit, with conditions. Attachments A, B, and C contain the staff report, action letter, and minutes from the May 12, 2020 Planning Commission meeting.

**DISCUSSION:**

At the Planning Commission meeting, Commissioners discussed the potential impacts of the illumination of the site on the corridor and on the Carrsbrook neighborhood. Some Commissioners suggested that the parking lot lights should be turned off or dimmed after close of business, some voiced concerns about the impacts of reduced illumination on safety and security on site, and some were concerned about equal treatment of similar uses along the corridor. During the discussion, it was noted that some vehicle display lots on the Route 29 corridor have very bright lighting. Some of these lots predate zoning and/or the establishment of the Entrance Corridors (ECs) and have non-conforming lighting that does not meet current requirements for downlighting and exceeds the maximum illumination levels allowed within the Entrance Corridors. The Commission asked staff to make the Board of Supervisors aware of the lighting issues with the understanding that several Commissioners were concerned because of the proximity to an existing residential neighborhood and the cumulative impact of existing lighting in the corridor.

During the PC meeting, staff stated that there have been previous special use permits (SPs) with conditions for turning lights off at a certain time, or for reducing the level of illumination at certain times. These specific conditions are limited to very few SPs. The recent UVA Tennis approval (SP-2017-32) included a condition requiring the dimming of lights after televised nighttime play, and a recent approval for the Regents School (SP-2018-11) included a condition requiring no field lighting after 10 PM. Typically, approvals have not required the dimming or extinguishing of lighting for display uses or commercial parking lots. Other lighting conditions have typically been applied to sports field lighting. Many approvals for field lighting limit lighting altogether or limit pole height and/or fixture type. Also, supplemental regulations in the Zoning Ordinance limit the hours of amplified music for special events (5.1.25(e)(4)) and for religious assembly uses in the rural areas (5.1.64(b)(2)), which could indirectly limit lighting, and EC Guidelines provide for the dimming of electronic message signs and LED gas pricing signs from dusk to dawn.

Staff has discussed the reduced illumination issue with the applicant, who has stated that reduced illumination is a significant security concern. The applicant reports that even with current lighting levels at the existing Malloy site (which are less than some non-conforming sites on the corridor), theft and vandalism occur regularly. The applicant believes the theft and vandalism will increase if lighting levels are further reduced.

The current condition limiting lighting levels to 22.8 footcandles (fc) at the ground would meet EC Design Guidelines and is consistent with the existing Malloy Ford site that is adjacent to the north. Staff notes that future lighting ordinance updates could address appropriate maximum levels of illumination, as well as requirements for bringing non-conforming lighting into compliance.

A few non-substantive changes have been made to the conditions for consistency and clarification purposes.

**RECOMMENDATIONS:**

The Planning Commission recommends that the Board adopt the Resolution (Attachment D) approving SP201900011.

**ATTACHMENTS:**

ATTACHMENT A - Planning Commission staff report

A1 - Vicinity Map

A2 - ARB action letter

A3 - Applicant's proposed plan

A4 - CAC minutes

A5 - Citizen comments

ATTACHMENT B - Planning Commission action letter

ATTACHMENT C - Planning Commission minutes

ATTACHMENT D - Resolution approving SP201900011