

**COUNTY OF ALBEMARLE
STAFF REPORT SUMMARY**

Project Name: SP201700019 1640 Seminole Trail Auto Dealership Outdoor Storage and Display	Staff: Heather McMahon, Senior Planner
Planning Commission Public Hearing: March 20, 2018	Board of Supervisors Public Hearing: TBA
Owner: Regency Catering, Inc.	Applicant: Downtown Auto Sales, LLC/Shokhzada Ismailova
Acreage: .51 acres	Special Use Permit: Section 30.6.3 - Outdoor storage, display and/or sales of vehicles serving or associated with a permitted use within the Entrance Corridor Overlay
TMP: 06100-00-00-120P0 Location: 1640 Seminole Trail	Existing Zoning and By-right use: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre)
Magisterial District: Rio	Conditions: Yes
School District: Albemarle HS, Burley MS, Agnor-Hurt ES	Requested # of Dwelling Units: N/A
Proposal: Establish outdoor storage, display and/or sales of vehicles	Comprehensive Plan Designation: Urban Mixed Use (in areas around Centers) - commercial and retail uses that are not accommodated in Centers in Neighborhood 1 - Places 29.
Character of Property: The subject property includes paved parking areas and a single story building, which has housed a variety of commercial establishments.	Use of Surrounding Properties: Commercial uses predominate in the immediate vicinity.
Factors Favorable 1. The request is consistent with the Comprehensive Plan. 2. The Architectural Review Board has reviewed the request and has recommended no objection, with conditions.	Factors Unfavorable None found.
RECOMMENDATION: Staff recommends approval of SP201700019 with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Heather McMahon
March 20, 2018
TBA

PETITIONS:

PROJECT: SP201700019 1640 Seminole Trail Auto Dealership Outdoor Storage & Display

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061000000120P0

LOCATION: 1640 Seminole Trail

PROPOSAL: To establish an auto dealership with outdoor display/storage/sale of vehicles on .51 acres

PETITION: Outdoor storage, display and/or sales serving or associated with a permitted use within the Entrance Corridor Overlay under Section 30.6.3 of zoning ordinance. No dwelling units proposed.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre)

ENTRANCE CORRIDOR: Yes – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access

AIRPORT IMPACT AREA: Yes

COMPREHENSIVE PLAN: Urban Mixed Use (in areas around Centers) - commercial and retail uses that are not accommodated in Centers in Neighborhood 1 - Places 29.

CHARACTER OF THE AREA:

This rectangular-shaped parcel is situated on the west side of Route 29, its northern property line approximately 300 feet southwest of the southern edge of Rio Road West. It holds a 2,985 (finished) square-foot retail building constructed circa 1970 that was most recently occupied by LoanMax Title Loans but has been vacant for the last year. Among the commercial uses in the vicinity are Wendy's and Hardee's restaurants, Enterprise Rent-A-Car, and a multi-business building occupied by GameStop and TitleMax Title Loans. (See Attachment A – Aerial Map).

PLANNING AND ZONING HISTORY:

The development of this site predates the designation of Route 29 as an Entrance Corridor.

- SP197300247: Mobile Home Sales and Service approved with conditions.
- SUB198400040: Boundary line adjustment approved to regularize the western property line of the subject parcel.
- ARB200800125, ARB201000072, ARB201000127, ARB201100066: Administrative approvals of minor architectural amendments and signs.
- ARB201700091: On October 16, 2017, the Architectural Review Board (ARB) reviewed this request to convert the property to an auto dealership with outdoor storage, display and/or sales of vehicles. The Board unanimously voted to forward a recommendation of no objection subject to conditions to the Planning Commission. (See Attachment B.)

DETAILS OF THE APPLICANT'S PROPOSAL:

The applicant, Downtown Auto Sales, proposes to convert (without renovation) the existing building formerly occupied by LoanMax Title Loans as an automobile sales office and to utilize the site as an automobile dealership. The proposal includes the establishment of a display area for three vehicles adjacent to the Route 29 frontage, and two vehicle storage areas – one to the north of the building accommodating three parking spaces and one to the west (rear) of the building accommodating 3,440 square feet of inventory parking. Also proposed are four customer parking spaces at the front of the building, three employee parking spaces within the inventory lot, a 20-foot drive aisle providing access to the inventory parking, and a 20-foot drive aisle at the westernmost end of the site providing shared access with the neighboring property, TMP 61-120W. To meet Entrance Corridor Design Guidelines, the applicant proposes to install additional landscaping on the southern and eastern (Route 29 frontage) property lines. See Attachment C for the applicant's Concept Plan.

SUMMARY OF THE COMMUNITY MEETING:

Due to the limited scope of the proposal, the requirement for the community meeting was waived.

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 predominant character of the Route 29 North corridor is that of a commercial strip. Retail development in the area includes Wendy's, Enterprise Rent-A-Car, TitleMax Title Loans, GameStop, and Hardee's. The commercial corridor also includes the Colonial Auto, Jim Price and Umansky Dodge Chrysler Jeep auto dealerships farther north. These developments include outdoor storage, display and/or sales of vehicles. In 2016, outdoor storage, display and/or sales of vehicles was approved for the Malloy Ford dealership at 2070 Seminole Trail. Also in the vicinity is the Brown Collision Center. This request is compatible with these businesses. The ARB has reviewed this request for impacts on the Entrance Corridor (EC) and has recommended approval with conditions to limit negative impacts on the Route 29 corridor.

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

The intent of the special use permit requirement for outdoor storage, display and/or sales of vehicles is to review the potential impacts of the activity on the Entrance Corridor. Section 30.6 of the Zoning Ordinance states that the intent of the EC Overlay District is, in part, to ensure a quality of development that is compatible with the county's important natural, scenic, historic and architectural resources through the architectural review of new development. The ARB has applied the County's adopted design guidelines for development within the EC to the review of this request and has recommended approval with conditions. With those conditions of approval, the existing character and visual integrity of the area will be maintained.

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 satisfying the ARB's recommended conditions of approval, as outlined in Attachment B. Although a special use permit is required for the proposed areas of outdoor storage, display and/or sales of vehicles on this site due to the location within the EC overlay district, this use is considered accessory to motor vehicle sales. Motor vehicle sales is one of the commercial uses permitted by right within the Highway Commercial zoning district. The focus of the review for the outdoor storage, display and/or sales of vehicles use is on the impacts to the Entrance Corridor, not on the use itself. 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,

There are no additional regulations in section 5.0 related to outdoor storage, display and/or sales of vehicles.

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

The intent of the special use permit requirement for outdoor storage, display and sales 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 and has recommended approval with conditions regarding appropriate landscaping. In addition, the manner in which vehicles may be stored and displayed on site is a potential aesthetic issue and a typical concern for this type of use. Elevating vehicles for display purposes is not considered appropriate, and parking vehicles in multiple, tightly-packed rows is also considered to have a negative visual impact. Consequently, the ARB has recommended standard conditions of approval to address these issues. With these conditions of approval, the visual integrity of the corridor will be maintained, thereby protecting the quality of life.

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

The Places 29 Master Plan designates this property as Urban Mixed Use (in areas around Centers). 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 does not propose to renovate the existing single-story building, but to convert the use to an automobile dealership sales office.

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

There are no auto repair uses associated with this request, so no such nuisances are anticipated.

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 ARB addresses potential adverse aesthetic impacts in the Entrance Corridors by applying the County's Entrance Corridor Design Guidelines during the review of development proposals. The ARB has reviewed the subject request for conformance with the Entrance Corridor Design Guidelines. At its meeting on October 16, 2017, the ARB voted 5:0 to forward a recommendation of "no objection" with conditions to the Planning Commission regarding this proposal. See Attachment B for the ARB's action letter.

By reusing an existing building, this proposal meets the Neighborhood Model principle of redevelopment and Economic Development Strategy 4c of the Comprehensive Plan, which encourages exploration of opportunities to redevelop underutilized commercial and industrial zoned properties. For all these reasons, the auto dealership use is consistent with the Comprehensive Plan.

SUMMARY AND ACTION:

Staff has identified factors which are favorable to the request for outdoor storage, display and/or sales of vehicles. Factors favorable include:

1. The request is consistent with the Comprehensive Plan.
2. The ARB has reviewed the request and has recommended no objection, with conditions.

Unfavorable factors to this request include: None found.

RECOMMENDATIONS:

Staff recommends approval of **SP201700019 1640 Seminole Trail Auto Dealership Outdoor Sales Storage and Display** 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 "SP2017-19: 1640 Seminole Trail Auto Dealership (TMP 06100-00-00-120P0) - Application Plan," last revised January 29, 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:
 - a. reflect the general size, arrangement, and location of the vehicle display and storage

areas, which shall be striped/marked on the site;

- b. preclude any vehicle display and storage areas from being located on any existing grass or landscape areas;
- c. reflect the landscape plan with the final selection of plant species subject to approval of the Director of Planning or his designee.

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. Vehicles shall not be elevated anywhere on site.

PLANNING COMMISSION MOTIONS:

A. Should a Planning Commissioner **choose to recommend approval** of the special use permit for the outdoor storage, display and sales use:

Move to recommend approval of SP201700019 1640 Seminole Trail Auto Dealership Outdoor Sales Storage and Display 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 SP201700019 1640 Seminole Trail Auto Dealership Outdoor Sales Storage and Display. *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 – [ARB October 16, 2017 action letter](#)

Attachment C – [Concept Plan](#)