



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201700006 450 Westfield Road, request for motor vehicle sales/rental	Staff: Rachel Falkenstein, Senior Planner
Planning Commission Public Hearing: June 20, 2017	Board of Supervisors Hearing: To be determined
Owner(s): Premier Plaza LLC	Applicant(s): Ameer Al-shammari
Acreage: 0.39 ac	Special Use Permit for: Motor vehicle sales and rental under Section 22.2.2(8) of the Zoning Ordinance
TMP: 061W0010C00600 Location: 450 Westfield Road	Zoning/by-right use: C1 Commercial
Magisterial District: Rio	Conditions: Yes
DA (Development Area): Places29 – Hydraulic	Requested # of Dwelling Units/Lots: N/A
Proposal: Motor vehicle sales and rental	Comp. Plan Designation: Urban Mixed Use in Neighborhood Center which allows commercial, retail, and employment uses with supporting residential (3-20 units/acre).
Character of Property: Existing vehicle maintenance and repair shop with 1200 sq ft building and paved parking area.	Use of Surrounding Properties: Various commercial uses including a motel and an automobile repair shop
<u>Factors Favorable:</u> 1. The proposed motor vehicle sales and rental use is consistent with the Places29 Master Plan. 2. Concerns raised at the community meeting have been resolved. 3. With the proposed improvements to the site, the applicant is providing additional screening for the existing automobile service use and the vehicles waiting repair.	<u>Factors Unfavorable:</u> 1. None identified
Recommendation: Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of this special use permit with conditions. 1. Development and use shall be in general accord with the following revised plans prepared by Shimp Engineering, Sheet C3 (3 of 3 in special use permit plan set) dated May 15, 2017 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:	

- a. Location of proposed parking and display areas
- b. Landscaping and screening along Westfield Road

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

2. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rachel Falkenstein, Senior Planner
June 20, 2017
TBD

PETITION:

PROJECT: SP201700006 Westfield Road

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061W0010C00600

LOCATION: 450 Westfield Road

PROPOSAL: Motor vehicle sales

PETITION: Motor vehicle sales under Section 22.2.2(8) of the Zoning Ordinance.

ZONING: C1 Commercial, which allows retail sales and service; residential by special use permit (15 units/ acre)

OVERLAYS: Entrance Corridor, Airport Impact Overlay, Managed Slopes

COMPREHENSIVE PLAN: Urban Mixed Use in Neighborhood Center which allows commercial, retail, and employment uses with supporting residential (3-20 units/acre).

CHARACTER OF THE AREA:

The 0.39 acre site is on the north side of Westfield Road, about 400 feet west of Route 29. A vehicle maintenance and repair shop is currently operating on the site in an existing building. The site shares access with the neighboring property to the northwest, which is also an auto-repair shop.

Adjacent properties all consist of commercial uses including an auto-repair shop, veterinary clinic and a motel. The Berkley subdivision, though not directly adjacent to the property, is about 200 feet to the northeast. The subject parcel is screened from the subdivision by the adjacent motel and large stands of trees behind the houses (Attachment A).

The subject parcel is zoned C-1 Commercial as are all adjacent parcels. The Berkley subdivision is zoned R-2 Residential.

PLANNING AND ZONING HISTORY:

- SDP1979-067 – The Planning Commission approved a site plan for the existing building/parking area in December 1979.
- SDP2017-14 – A minor site plan amendment is under review at this time for the proposed site changes concurrent with the special use permit application.

DETAILS OF THE PROPOSAL:

The applicant operates an automobile service station on the property to which he would like to add motor vehicle sales and rentals, which requires a special use permit in the C-1 district. The site has an existing 1200 sq. ft. building consisting of office space and one service bay and a paved parking area. The applicant is not proposing any building changes for the new use. Proposed changes include minor parking lot improvements, consisting of new curb along the edge of the parking lot and parking lot striping to delineate the customer parking areas. The applicant also proposes to relocate a small 10x10 ft. storage shed to the back of the site to allow more room for vehicle display and vehicle storage areas.

The designated display areas for the vehicles for sale/rent will be within the current parking area, as delineated on the attached concept plan (Attachment B). The display area is 4,900 sq. ft. and contains enough space for approximately 27 parked vehicles. An area designated as “vehicles awaiting repair” is proposed behind (east of) the display area for the automobile service use. The applicant has stated that repairs performed on site include mostly simple services (oil/filter/belt) and detailing and not body work. For this reason, he does not intend to provide a storage area for wrecked cars.

Vehicular access to the site will continue to be from the existing shared entrance off Westfield Road, The applicant has stated that he does not plan to have vehicle deliveries via tractor-trailer, so entrance changes will not be needed to accommodate the new use (Attachment C).

The front of the property contains four mature oak trees along Westfield Road, which the applicant proposes to maintain with this use. Additional shrubs are proposed along the western edge of the vehicle display area between Westfield Road and the parking lot. Deciduous trees along the back (eastern) property line, between the motel and the existing building, will be preserved.

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.

The site currently operates as a motor vehicle repair shop and regularly has customers visiting the site with customer parking and vehicles awaiting repair in the existing parking area. The addition of vehicles for sale and rent is not likely to be a substantial detriment to adjacent lots.

The community meeting for this project was on February 27, 2017 at 6:30pm at Greer Elementary School at the Places 29-Hydraulic Community Advisory Committee (CAC) meeting. There were no neighboring property owners in attendance. CAC members were generally supportive of the use but wanted clarification on how vehicles for sale would be delivered to the site. They were concerned with the lack of sufficient area for a tractor-trailer to turn around. The applicant has since confirmed that vehicles will not be delivered via tractor-trailer.

CAC members also asked about lighting of the site. They were concerned about the visibility of any proposed lighting of the vehicle display area. The applicant has since stated that there is no pole mounted lighting proposed with this application and that any wall mounted lighting will be less than 3,000 lumens. All proposed lighting will be required to comply with the County's lighting regulations for spillover on adjacent roadways and will be required to be full cutoff fixtures if they emit 3000 lumens or more.

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

The adjacent parcels are all zoned C-1 Commercial and contain various service and retail uses. The property is within the Entrance Corridor overlay district; however, ARB staff has determined that the use will not be visible from the Entrance Corridor and therefore does not require ARB review. The addition of automobile sales and rental on this property is not expected to change character of the district.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.

The intent of the C-1 Commercial District is to permit selected retail sales, service and public use establishments, which are primarily oriented to central business concentrations. The proposed automobile sales and rental is an appropriate use within the C-1 zoning district.

...with the uses permitted by right in the district

Automobile service stations and automobile, truck repair shops (excluding body shops) are by-right uses in the C-1 zoning district. Automobile sales and rental would have similar impacts as these uses

and are expected to be in harmony with other by-right uses in the district.

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

There are no supplemental regulations in section 5 applicable to the auto sales and rental use.

Supplementary regulations do exist for automobile repair shops. Even though the existing automobile repair shop on-site is a by-right use, the applicant has agreed to comply with the supplemental regulations when modifying the parking lot and adding landscaping for the sales use. The supplemental regulations state that no vehicle waiting repair shall be visible from any street or residential property. The applicant has provided an exhibit showing a site section from Westfield Road demonstrating that the area designated for vehicles waiting repair will be adequately screened from the public road (Attachment D). Due to topography, distance, and existing vegetation, the repair area will not be visible from residential properties.

The supplemental regulations also require all services be performed within an enclosed building. The applicant plans to continue to provide repair services within the bay of the existing building.

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

Reviewers from Zoning, Engineering, Fire-Rescue and VDOT have all reviewed the request and have no objections to the proposed use and site layout. This use is not expected to cause harm to the public health, safety and general welfare.

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

In the Places29 Master Plan, this site is designated as urban mixed use within a neighborhood service center, which allows commercial, retail, and employment uses with supporting residential. Auto commercial sales and service is listed as an allowable use within this area and the maximum single building footprint recommended for these uses is 7500 square feet. The existing building is 1200 square feet.

The Comprehensive Plan also recommends that automobile service uses take place within an enclosed building. Though the existing automobile service use is by-right and not part of this special use permit review, it is worth noting that vehicle repairs will continue to take place within the existing building. An area designated for vehicles waiting repair outside of the building is screened from the public right-of-way.

Motor vehicle sales and rental uses typically operate in commercial zoning districts, though mostly in HC Highway Commercial zoning districts where they are by-right. Because most car sales areas have large parking lots with display areas between the building and street, they are generally not consistent with the some of the principles of the Neighborhood Model, specifically the principle of relegated parking. Redevelopment of sites provides the most opportunity for coming into conformity with the Neighborhood Model principles. However, in this circumstance only the use is changing. The site is not being redeveloped. Appropriate locations for and provision of motor vehicle sales and rentals and other typical uses that may not further the principles of the Neighborhood Model will be identified with the ongoing Small Area Plan projects for Rio Road and Hydraulic Road and as the master plans for other development areas are updated.

SUMMARY:

Staff has identified factors, which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. The proposed motor vehicle sales and rental use is consistent with the Places29 Master Plan.
2. Concerns raised at the community meeting have been resolved.
3. With the proposed improvements to the site, the applicant is providing additional screening for the existing automobile service use and the vehicles waiting repair.

Factors unfavorable to this request include:

1. None identified.

RECOMMENDED ACTION:

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of the SP, **SP 2017-00006 450 Westfield Road**, with the following conditions:

1. Development and use shall be in general accord with the following revised plans prepared by Shimp Engineering, Sheet C3 (3 of 3 in special use permit plan set) dated May 15, 2017 (hereafter "Layout Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
 - a. Location of proposed parking and display areas
 - b. Landscaping and screening along Westfield RoadMinor modifications to the plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance.
2. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

MOTIONS:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:
I move to recommend approval of SP 201700006 450 Westfield Road 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 SP 201700006 450 Westfield Road (state reasons for denial).

ATTACHMENTS:

- A – [Location map](#)
- B – [Concept plan](#)
- C – [Narrative and comment response letter](#)
- D – [Sight section exhibit](#)