

# WILLIAMS MULLEN

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February 20, 2025

Via email to [ktaggart@albemarle.org](mailto:ktaggart@albemarle.org)

Planning Division of Community Development Department  
Albemarle County  
Attn: Khris Taggart, Sr. Planner

Re. Response to Comment Letter received via email February 11, 2025  
400 Rio Rd West | SP 2024-025

Ladies and Gentlemen:

Thank you for your comments on this Application. On behalf of the Applicant, I enclose a revised conceptual plan entitled “400 Rio Rd West” prepared by Timmons Group, dated 10-24-2024, revised 2-20-2025 (the “Concept Plan”). This cover letter will respond to the comments received to date.

## Planning: Khris Taggart

Comment	Response
1. If existing trees on the west side of the site are located off-site and parcel 45-25G develops in the future, angled views into the storage area could become available. How will visibility of this type be mitigated with this proposal?	The existing trees on site will be maintained, as indicated on the revised Concept Plan. Any future redevelopment of the adjacent parcel will have to include plantings required by the zoning ordinance, including as required by the ARB.
2. The concept plan shows the proposed storage area near the north corner of the building outside of the fenced area. This part of the proposed storage area should be deleted from the proposal.	Please see the updated Concept Plan. The existing chain link fence is no longer being relocated and will remain in its existing location. The outdoor storage area has been updated accordingly.
3. Confirm that the proposed planting along the Rio frontage is feasible. Confirm the location of property lines and right-of-way.	The Concept Plan has been revised to reflect the information shown in a recent ALTA survey of the Property. All property lines and right-of-way is accurately depicted, and the plantings are outside of these areas.
4. The Zoning Division has indicated that the non-conforming storage area should be brought into conformity with this proposal. This might be accomplished with appropriate fencing and additional planting east of the building. A rendering showing this area from the street would be helpful.	Please see the updated Concept Plan and renderings. This area is now shown as “Proposed Outdoor Storage (Existing Legal Non-Conforming)” and will be subject to any conditions imposed by the special use permit, as will the area shown as “Proposed Outdoor Storage,” on the Concept Plan, such that all areas with outdoor storage will be legal and conforming.
5. Additionally, it was noted that there is an additional property owner associated with parcel 45-25C1. Documentation of the owner’s authorization to apply	The Commonwealth still owns the area acquired for the now-cancelled Western Bypass right of way on parcel 45-25C1. This area has been identified on the

for the permit will be needed (but not for ARB review).	Concept Plan and should be reflected in the County's Real Estate records as a separate tax map parcel. The acreage owned by the Commonwealth is not a part of the special use permit application. As such, please confirm that no additional documentation for the SUP application is required.
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**Zoning: Francis MacCall**

<b>Comment</b>	<b>Response</b>
1. The rear area of Parcel 25C1 must be brought into conformity with the proposed SP. Subject to ARB recommendations, mitigation necessary for visibility from Rio Road must be provided.	Please refer to the updated Concept Plan that indicates that the legally non-conforming outdoor storage area is labeled as "proposed" and will be subject to the special use permit conditions. In addition, the Concept Plan now shows additional plantings proposed near the southeast corner of the office building across the front of a former travelway, to help screen the rear area.
2. The Concept plan should represent the proper ROW of Route 631 Rio Road, per the VDOT ROW expansion from the late 1990s.	The Concept Plan has been updated to reflect the information from the recent ALTA survey, and all rights of ways and easements are accurately shown.

**Fire Rescue: Howard Lagomarsino**

<b>Comment</b>	<b>Response</b>
<p>No objection to the special use permit, however:</p> <p>The storage will need to be arranged and maintained to keep a clear fire lane around the building. Providing a clear fire lane around all sides of the building mitigates any complications of the fencing that secures the "yard" of the facility (in the current state, the fencing provides security for the site and apparatus can access the "yard" through the current vehicle gate).</p> <ol style="list-style-type: none"> <li>1. Based on the height of the existing building (less than 30 feet tall), the width of the fire lane must be 20 feet wide, unobstructed</li> <li>2. The surface must be sufficient to support the weight of fire apparatus weighing up to 75000 lbs.</li> <li>3. There will need to be clear markings or signage to identify the fire lane to prevent obstructions.</li> <li>4. The ability to access the yard after hours would be necessary (whether we cut a lock/chain arrangement or utilize a Knox box/key system or some other</li> </ol>	<p>Noted. The required fire access lane will be provided during the site plan process.</p>

entry mechanism.	
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**Architectural Review Board: Comments from January 21, 2025 Meeting**

<b>Comment</b>	<b>Response</b>
1. Revise the concept plan to show the area suitable for storage of materials and equipment taller than 8'.	Please see the updated Concept Plan, which provides that materials over 8 feet in height will be stored no closer than 50 feet from the fence.
2. Revise the concept plan to show that vegetation near the parcel's eastern and western boundaries will remain.	Please see the updated Concept Plan, which now includes a note that existing vegetation on site will remain.
3. Consider eliminating the Rio Road entrance to the storage area.	The applicant considered this suggestion, but determined that site circulation and general business operations require this entrance to remain open and operational.

**VDOT: Danny Martinez**

<b>Comment</b>	<b>Response</b>
1. Existing entrances do not appear to meet current commercial entrance standards under the Road Design Manual, Appendix F.	No changes are proposed to the existing entrances.
2. Trees or vegetation should not interfere with intersection sight distance in the existing entrances.	Please see the updated Concept Plan, which indicates the proposed landscaping will not interfere with the sight distance.

**RWSA: Dyon Vega**

<b>Comment</b>	<b>Response</b>
RWSA has a waterline project in the road close to the building. Please coordinate plantings and trees with RWSA. This is for our utility and for construction, so we don't have to destroy trees recently planted.	We have reached out to RWSA to obtain clarification but have not heard back to date, however the plantings are located outside of their existing easement.

Thank you for your consideration of this Application. Please notify us if you require any further materials in connection with your review, or have any further questions or comments about the application.

Thank you,

*Valerie W. Long*

cc: Shanna Pfau and Wyatt Lucas – B&D Holdings, LLC and Charlottesville Rio Rd LLC