



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP2023-07: Home Depot Outdoor Storage, Display, and Sales	Staff: Margaret Maliszewski, Planning Manager
Planning Commission (PC) Hearing: Sep. 26, 2023	Board of Supervisors (BOS) Hearing: Nov. 1, 2023
Owner: Home Depot USA Inc.	Applicant: Home Depot USA Inc.
Acreage: 12.4 acres	Special Use Permit(s) for: Outdoor storage, display and sales serving or associated with a permitted use in accordance with Section 30.6.3.2(b) of the Zoning Ordinance on approximately 12.4 acres. No dwelling units proposed.
Tax Map Parcel (TMP): 06100-00-00-13200	Zoning/by-right use: Planned Development Shopping Center (PDSC), Entrance Corridor (EC) overlay
Magisterial District: Rio	Location: 1531 Rio Road East
School Districts: Woodbrook – Elementary, Journey – Middle, and Albemarle – High	Conditions: Yes
Development Area: Neighborhood 2 – Places 29	Requested # of Dwelling Units/Lots: N/A
Proposal(s): Establish outdoor storage, display, and sales of merchandise.	Comp. Plan Designation: Rio29 Small Area Plan - Core and Flex
Character of Property: Vacant store at the north end of the Fashion Square Mall	Use of Surrounding Properties: Fashion Square Mall and a mix of commercial and office uses
Factors Favorable: 1. The proposed use is consistent with the Entrance Corridor Design Guidelines if the ARB's recommended conditions are upheld.	Factors Unfavorable: 1. None.
Recommendation: Staff recommends approval of SP20230007 with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Margaret Maliszewski, Planning Manager
September 26, 2023
November 1, 2023

PETITION:

PROJECT: SP202300007 Home Depot Outdoor Storage and Display

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 06100000013200

LOCATION: 1531 Rio Rd. East

PROPOSAL: Establish outdoor storage, display, and sales of merchandise.

PETITION: Outdoor storage, display and sales serving or associated with a permitted use in accordance with Section 30.6.3.2(b) of the Zoning Ordinance on approximately 12.4 acres. No dwelling units proposed.

ZONING: Planned Development Shopping Center (PDSC) which allows shopping centers, retail sales and service uses; residential by special use permit (15 units/acre)

OVERLAY DISTRICT(S): Entrance Corridor (EC), Airport Impact Area (AIA), Managed Steep Slopes

COMPREHENSIVE PLAN: Core (mix of uses including residential, commercial, retail, office, institutional, employment) and Flex (residential, commercial, retail, office, institutional, and employment) Areas within the Rio29 Small Area Plan.

CHARACTER OF THE AREA:

The subject property is a portion of the Fashion Square Mall located near the southeast corner of the Rt. 29/Rio Rd. intersection. Retail uses predominate in the area, with office and residential uses nearby. (Attachment A)

PLANNING AND ZONING HISTORY:

The Fashion Square Mall opened in 1980. Several site plans, site plan amendments, and building permits have been processed for the site over the years. The Sears store closed in 2019.

DETAILS OF THE PROPOSAL:

The applicant intends to replace the vacant Sears building at the north end of the Fashion Square Mall with a Home Depot retail store and Garden Center. The proposal includes the storage, display, and sale ("display") of garden and related merchandise in the fenced, open-air, partially roofed Garden Center and in various locations outside the building. Products to be housed in the Garden Center include plants, mulch, building materials and other similar items. Views will be available down into and over the garden center from Rio Rd. The Garden Center will be visible from Rt. 29, at a distance. (Attachments B, C and D)

Proposed display items outside the store include plants displayed on tables and racks, lawn mowers, grills, wheelbarrows, snow blowers and similar/related items, as well as customer pick-up lockers, propane exchange cabinets, building materials under the lumber pick-up canopy, and a Tool Rental Center area. Display items on the Rt. 29 side of the building will be visible from the Rt. 29 corridor, though at a distance. Those items will also have some visibility from Rio Rd., particularly at the entrance into the site from Rio Rd., though existing and proposed landscaping will break up the view.

Temporary staging areas for the storage of items including mulch, stone, soil and other similar products, and lumber deliveries are proposed in the portion of the parking lot along Rio Road and behind the building. These areas are not expected to be visible from the EC streets.

COMMUNITY MEETING

The applicants conducted the required community meeting as part of the Rio29 Community Advisory Committee meeting on July 27, 2023. Comments were made on site entrances, sidewalk access from Rio to the rest of the mall, the travelway around the north and east sides of the property, the condition of Fashion Square Drive and Mall Drive, the noisy emptying of dumpsters, excessively bright parking lot lights, and a preference for natural screening over fencing.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Most special use permit (SP) requests are reviewed under Sec. 33.8 of the Zoning Ordinance. However, SPs for outdoor storage, display and/or sales are only reviewed under Sec. 30.6.3.a.2.b of the Zoning Ordinance and factors to be considered are limited to “determining whether the outdoor storage, display and/or sales is consistent with the applicable design guidelines”. The applicable design guidelines are the Entrance Corridor Design Guidelines (the Guidelines). It is the responsibility of the Architectural Review Board (ARB) to apply those Guidelines in its review of development proposals within the County’s Entrance Corridors. The ARB applied those Guidelines in its review of this request on August 7, 2023, and recommended approval with conditions. Staff’s detailed analysis of the consistency of the proposal with the Guidelines is found in the ARB staff report (Attachment E). The ARB considered the analysis in the staff report and voted unanimously to recommend approval of the request with some amendments to staff’s recommended conditions. Those amended conditions are listed in the ARB action letter that is included as Attachment F.

SUMMARY:

After review of this request, staff have identified the following factors of this proposal which are favorable and unfavorable:

Factors favorable to this request include:

1. The proposed use is consistent with the Entrance Corridor Design Guidelines if the ARB’s recommended conditions are upheld.

Factors unfavorable to this request include:

1. None.

RECOMMENDED ACTION:

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP20230007 with the following conditions.**

Recommended Conditions of Approval:

1. Development must be in general accord with the Home Depot plan (the Plan) drawn by Kimley Horn dated 08/16/2023 and included as Attachment C. To be in general accord, development must reflect the following major elements essential to the design of the development:
 - a. Location of areas of storage, sale, and display; and
 - b. Location and design of fencing.
2. Products for storage, display and/or sale must not be stacked higher than the adjacent garden center fence.
3. The color temperature of garden center light fixtures must not exceed 3000K.
4. Outdoor illumination, including illumination of items for storage, display, and sale, must not exceed 30 footcandles at the display areas facing Rt. 29 and 20 footcandles elsewhere.

5. All outdoor illumination must be full-cutoff fixtures.
6. Large shade trees, 3½" caliper at planting, spaced 35' on center, and interspersed ornamental trees are required along the Rt. 29 frontage of parcel 61-132. An alternative planting within the existing planting area located between the parking lot and the right-of-way may be approved by the ARB with the final site plan.
7. The Rio Rd. frontage of parcel 61-132 must be landscaped as shown on the Plan, except that the landscape plan must be revised to include more diverse species along Rio. Rd. Other changes to the landscape plan may be approved by the ARB with the final site plan.
8. Fencing must be similar to that shown on the MG2 Home Depot plan sheets DD50-08 and DD50-09 dated 7/28/23.

POSSIBLE PLANNING COMMISSION MOTIONS – SP202300007: Home Depot Outdoor Storage, Display, and Sales

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:
I move to recommend approval of SP202300007 for Home Depot Outdoor Storage, Display, and Sales 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 SP202300007 for Home Depot Outdoor Storage, Display, and Sales for (state reasons for denial).

ATTACHMENTS:

- A – [Location Map](#)
- B – [Application Materials: Project Narrative \(dated 07/17/2023\)](#)
- C – [Application Materials: Concept Plan \(dated 08/16/2023\)](#)
- D – [Application Materials: Architectural Drawings \(dated 07/28/2023\)](#)
- E – [ARB staff report \(dated 08/07/2023\)](#)
- F – [ARB action letter \(dated 08/08/2023\)](#)