

# SHIMP ENGINEERING, P.C.

Design Focused Engineering

**Project Narrative For:** Flow Hyundai  
**Parcel Description:** Tax Parcel 45-68C  
**Pre-App Meeting Date:** 11/06/2023  
**Initial Application Deadline:** 12/18/2023

	ACREAGE	EXISTING ZONING	COMP PLAN DESIGNATION
TMP 45-68C	5.718	HC Overlays: EC, AIA, Steep Slopes (managed)	Commercial Mixed Use

### Location:

The property is located on US 29 North approximately .2 miles south of its intersection with Hilton Heights Road.

### Surrounding Uses:

The adjoining parcels to the property currently operate as auto dealerships. This proposed use of an auto dealership on the property will not adversely affect the surrounding parcels.

### Project Proposal:

Flow 2150 Seminole LLC is the contract purchaser of tax parcel 45-68C (the “property”) and the applicant (the “applicant”) for a special use permit request for outdoor storage, display, and sales. The applicant proposes the establishment of an auto dealership with outdoor storage, display, and sales of vehicles. The property is located within the County’s Entrance Corridor overlay district and requires a special use permit for outdoor storage, display, and sales pursuant to Section 30.6.3.A.2(b) of the County’s Zoning Ordinance. Therefore, the applicant requests a special use permit for the outdoor storage, display, and sales of vehicles.

The proposed use of the property is consistent with the uses of adjacent properties that are used as auto dealerships. Car dealerships typically require locations on high visibility and heavily traveled corridors. This property, with frontage along Route 29 which has an AADT of 46,000 vehicles meets those criteria. In addition, since this property is located between two existing car dealerships and is in close proximity to other dealerships along the same corridor, the business principles of industry clusters is applicable and by locating on this property, Flow 2150 Seminole LLC will be able to provide consumers with greater choice when searching for vehicles for purchase along an existing and established commercial corridor. Although there are several car dealerships along the Route 29 corridor, not all are subject to a special use permit for outdoor storage, display, and sales as they were established prior to the adoption of the Entrance Corridor Overlay District. More recently approved car dealerships with outdoor storage, display and sales are examples of how this commercial use that relies on visibility can successfully and appropriately be located within the Entrance Corridor.

### Public Benefit:

The property is zoned highway commercial and once developed with a highway commercial business use will contribute to the local economy by generating real estate and business taxes. In addition, the auto dealership, which includes auto repair, will create employment opportunities in Albemarle County.

#### **Consistency with the Comprehensive Plan:**

The property is designated Urban Mixed Use in the Places 29 Master Plan. Under the Land Use Designation in Table LU2, “Auto Commercial sales and Service” it is noted that “buildings should not be taller than 2 stories, unless by exception.” The proposed building form is directly consistent with this recommendation as all proposed buildings are anticipated to be one story and will not exceed two stories. Table LU2 also notes that when considering locating Auto Commercial Sales & Service within the Urban Mixed Use Designation, “evidence must be provided that noise, odors, and other potential nuisances do not affect surrounding properties.” Being that the adjacent properties are the same use as what is proposed, there will be no impacts to adjacent parcels. Beyond those parcels directly adjacent to the property, there are primarily big-box retail stores in the vicinity of the property and those parcels will not be affected by this proposal as the nature of the uses along this commercial corridor are largely consistent with one another. There are no noises, odors, or potential nuisances that are expected from the property that are inconsistent with the character of adjacent and nearby parcels.

Table LU2 also notes that for Auto Commercial Sales & Service the building footprint should be limited to 7,500 SF and that all activities except for customer/employee parking, gas pumps, and loading should be limited to the interior of a building. This limited building size is problematic for an auto dealership because 7,500 SF permits the interior display of a very limited amount of product and makes the inclusion of retail and repair in the same building very difficult. This limited square footage allowance and the requirement to conduct business activities inside puts this property at an unfair business advantage compared to the businesses directly adjacent to it, which are permitted to display for-sale product outside in clear visibility of drivers on Route 29.

This proposal is consistent with the adopted 2015 Comprehensive Plan in the following ways:

#### Economic Development

*Strategy 2b: Continue to provide support to the business community and assistance for business retention and expansion.*

The existing Hyundai dealership is located on adjacent parcel, TMP 45-68, and is very much secondary to the Chevrolet Dealership which operates on the same parcel. At a corporate level, Hyundai is looking to occupy its own site in Albemarle County and approval of this special use permit would support this business, which has operated in Albemarle County for years and will also support its continued retention.

*Objective 4: Ensure that there is sufficient land to accommodate future business and industrial growth, and plan for infrastructure to serve employment areas where these businesses are located.*

There are a limited number of parcels in Albemarle County that are appropriately zoned and located along major arterial corridors to serve this proposed use. This parcel has sufficient visibility and is sufficiently sized to serve this proposed use.

*Strategy 4b: Encourage development of business and industrial uses in the Development Areas on appropriately zoned land and consider proactively rezoning land to allow for light industrial uses that have been identified on master plans.*

The property is zoned Highway Commercial (HC) which permits Automobile Dealerships and outdoor storage, display, and sales by-right however, since this property is located within the Entrance Corridor Overlay the outdoor storage, display, and sales use is only permitted by special use permit. This project is proposed on appropriately zoned land within the Development Areas but the outdoor storage, display, and sales are subject to additional review and approval as a special use. The special use permit process permits the County to evaluate the impacts of this proposed use and impose conditions accordingly to effectively mitigate any adverse impacts on adjacent properties and the Entrance Corridor.

**Impacts on Public Facilities & Public Infrastructure:**

**Transportation:**

The trip generation numbers below are derived from the Institute of Transportation Engineers (ITE) Trip Generation Manual 11<sup>th</sup> Edition.

ITE Trip Generation Table <i>Trip Generation Manual, 11<sup>th</sup> Edition</i>									
				AM			PM		
Use Description	ITE Code	Qty	IV	In	Out	Total	In	Out	Total
Automobile Sales (New)	840	38,000	Square Feet	52	19	71	37	55	92

The property is zoned highway commercial and can accommodate a variety of commercial users by-right; compared to other by-right commercial uses such as gas stations and grocery stores, this proposed use has a relatively low traffic impact. The proposed site design proposes two entrances, one on Route 29 and one on Berkmar Drive which will distribute the trips affiliated with this site between two entrances on two separate roadways.

**Water and Sewer:**

The proposed auto-dealership will connect to public water and sewer and is not expected to have negative impacts on the public water and sewer supply. The car wash component is accessory to the auto sales use and will not be open to the public; as such, the car wash will be used on a relatively limited basis compared to public washes.

**Public Schools:**

The use will have no impact on public schools.

**Public Parks:**

This proposal will have no impact on public parks.

**Public Safety Facilities:**

The proposed auto-dealership is not anticipated to need emergency services on a frequent or regular basis however, in the event of an emergency on the property, the auto-dealership would be served by Seminole Fire Station and Jefferson District Sector 1 Beat 7 Police.

**Impacts on Environmental Features:**

Steep slopes (managed) are present on the property. Any disturbance of these slopes will comply with Sec.30.7.5 of the Zoning Ordinance.

**Relevant Factors to be considered:**

Pursuant to Sec. 33.8 of the Albemarle County Zoning Ordinance, the following relevant factors are to be considered by the Planning Commission and the Board of Supervisors when evaluating a special use permit request:

**No Substantial Detriment:**

No substantial detriment affecting the surrounding commercial uses are expected. The proposed use is directly consistent with the uses of the adjacent parcels.

**Character of Zoning District to Remain Unchanged:**

The surrounding area of the zoning district is designated highway commercial. Adjacent parcels to the property utilized current by-right use of an auto-dealership. Establishing an auto-dealership on the property will not alter the character of the zoning district.

**Harmonious Special Use:**

The special use permit allowing for outdoor sale, storage, and display on the property will be in harmony with the following:

Purpose and Intent of the Zoning Ordinance

The intent of the Highway Commercial district is to “permit the development of commercial establishments... on major highways within the urban area and communities in the comprehensive plan”. The proposed use of an auto-dealership is a by-right use within the Highway Commercial district on the major highway of US Route 29.

The Use Permitted by Right in the Zoning District

Permitting the proposed use of an auto-dealership, consistent with the operations described in this project narrative and proposed site improvements shown on the concept plan provided with this special use permit application is harmonious with the uses permitted by right in the Highway Commercial district.

The Regulations Provided in Section 5 of the Zoning Ordinance as Applicable

The proposed use of Automobile repair is subject to supplementary regulations in Section 5.1.31 of the Zoning Ordinance. The proposed use consistent with the operations described in this project narrative and proposed site improvements show on the concept plan provided meet the supplementary regulations a, c, and d of Section 5.1.31 for Automobile or truck repair shops. Concurrent with this special use permit request, the applicant seeks the approval of a special exception for Sec 5.1.31.a of the County’s Zoning Ordinance (see special exception application for justification), requiring, “No vehicle awaiting repair shall be located on any portion of the site so as to be visible from any public street or any residential property, and shall be limited to locations designated on the approved site plan.” The vehicles awaiting repair will be vehicles

being serviced for routine maintenance and repairs and will not be vehicles that are serviced for body work, as a body shop is not proposed on this property. Screening and landscaping will be critical components of this application, especially as it is reviewed by the ARB. Landscaping will be involved to screen the vehicles awaiting repair from public streets and especially from the Entrance Corridor however, there will be visibility of these vehicles from public streets, especially since the property shared boundaries with public street right-of-ways on two sides.

The Public Health, Safety and General Welfare

An auto-dealership on the property will be harmonious with the public health, safety and general welfare as the auto-dealership follows the business principle of industry clusters by locating in close proximity to similar auto-dealerships.

**Consistency with the Comprehensive Plan**

See analysis previously provided in this narrative.