

**COUNTY OF ALBEMARLE
STAFF REPORT SUMMARY**

Project Name: SP201900011 Malloy Ford Outdoor Storage and Display	Staff: Margaret Maliszewski, Chief of Planning/Resource Management
Planning Commission Public Hearing: May 12, 2020	Board of Supervisors Public Hearing: TBA
Owner: Malloy Properties III LLC c/o Malloy Companies LLC	Applicant: Malloy Properties III LLC c/o Malloy Companies LLC
Acreage: approximately 2 acres	Special Use Permit: Section 30.6.3 - Outdoor storage, display and/or sales serving or associated with a permitted use within the Entrance Corridor Overlay
TMP: 04500000068A0, 045000000112B1 (part) Location: 2060 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 sales/storage/display of vehicles	Comprehensive Plan Designation: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29
Character of Property: This is a mostly level property that was developed as the former Better Living Furniture Store building. The front showroom portion of the building was under demolition at the writing of this report, leaving the rear warehouse portion of the building standing. Paved areas surround the building pad on the north, northwest and east.	Use of Surrounding Properties: Commercial uses predominate in the area along Rt. 29, including the Malloy Ford showroom immediately to the north. A vacant parcel is adjacent to the south, and residential properties are located across Rt. 29 to the east.
Factors Favorable 1. The request is consistent with the Comprehensive Plan. 2. The ARB has reviewed the request and has recommended no objection, with conditions.	Factors Unfavorable None.
RECOMMENDATION: Staff recommends approval of SP201900011 with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Margaret Maliszewski
May 12, 2020
TBA

PETITION:

PROJECT: SP201900011 Malloy Ford

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000068A0, 045000000112B1 (part)

LOCATION: 2060 Seminole Trail

PROPOSAL: Establish outdoor sales/storage/display of vehicles on approximately 2 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.a.2.b of zoning ordinance. No dwelling units proposed.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/acre); EC Entrance Corridor Overlay District – overlay to protect properties of historic, architectural or cultural significance from visual impacts of development along routes of tourist access.

AIA Airport Impact Area: Yes

COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential, office, or institutional uses in Neighborhood 1 – Places 29.

CHARACTER OF THE AREA:

The subject property is located just south of the recently renovated Malloy Ford auto dealership on Rt. 29 and is the location of the former Better Living Furniture store. (See Attachment A for a vicinity map.) The front showroom portion of the store was undergoing demolition at the writing of this report, leaving the rear warehouse portion of the building to house body shop functions. The recently constructed Better Living building supply is located to the west, fronting on Berkmar Drive. The parcel immediately to the south (a small portion of which is included in this special use permit request), is partly cleared and partly wooded. A single-family residence is located to the southwest, on a parcel owned by the applicant. Commercial uses predominate in the general vicinity. Among them are additional automobile showrooms, including the Jim Price and Umansky dealerships, which, like Malloy Ford, include showrooms and outdoor vehicle display areas. A 24' access easement runs along the Rt. 29 side of the subject property. A travelway extends along the property, providing access to the traffic signal at Gander Drive. Two long islands located in the right-of-way separate the access easement travelway from the Rt. 29 travel lanes. The Carrsbrook residential development is located across Rt. 29 to the east.

PLANNING AND ZONING HISTORY:

- Site plans/amendments were reviewed/approved for the Better Living Furniture site in 1987 and 1996 (SDP-1987-06 and SDP-1996-138). An easement plat was approved under SUB-2017-143.
- Special Use Permits for outdoor sales/storage/display (SP-2016-11) and body shop uses (SP-2016-18) were approved for the Malloy Ford dealership site on the adjacent parcel to the north (TMP 45-68C1) in December 2016. Expansion of the Malloy Ford body shop use to the rear warehouse portion of the Better Living Furniture store (TMP 45-68A, SP-2018-05) was approved in October 2018.
- The Architectural Review Board (ARB) reviewed this proposal at its meetings on January 21, 2020 and February 3, 2020. At the February meeting, 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.
- Violations are pending for the subject parcel and the parcel adjacent to the south (45-112B1) related to unapproved sales, vehicle storage, and employee parking uses.
- Demolition permits (B2020-06D and B2020-647D) were issued on March 17, 2020 and March 31, 2020 for the front showroom portion of the Better Living Furniture store building.

DETAILS OF THE APPLICANT’S PROPOSAL:

The applicant proposes to establish outdoor sales/storage/display of vehicles in the area previously occupied by the recently demolished Better Living Furniture showroom building on parcel 45-68A. (See

Attachment C for the applicant's proposed plan.) The remaining rear warehouse building would continue to be available for body shop operations. The proposal includes 114 display spaces, 13 guest parking spaces just east of the body shop, a vehicle storage area northwest of the body shop, a tractor trailer loading/unloading area in the existing access easement/travelway, and new planting areas. Eight of the display spaces are proposed on parcel 45-112B1, adjacent to the south. A boundary line adjustment to add this portion of 45-112B1 to parcel 45-68A is required prior to site plan approval.

SUMMARY OF THE COMMUNITY MEETING:

A community meeting was held as part of the Places 29 Rio Community Advisory Committee meeting on January 23, 2020. County staff provided a general overview of the special use permit process, a brief summary of the proposal, and an update on the status of the ARB and Special Permit reviews. The applicant described the proposal in detail for the attendees. Some CAC members commented that the existing Malloy site was too bright and asked for reduced illumination. (See Attachment D for the CAC minutes.) After the meeting, a member expressed concern over the negative visual impact of parked cars, noise from unloading of vehicles, and overly bright illumination, particularly as viewed from the Carrsbrook neighborhood entrance. A summary of these concerns was subsequently emailed to staff. (See Attachment E.)

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. Whether the proposed special use will be a substantial detriment to adjacent parcels.

Although the parcel adjacent to the south of the subject property and the parcel adjacent to the north of the Malloy Ford showroom are vacant and partially wooded, the predominant character of the Rt. 29 North corridor is that of a commercial strip. Retail development in the area includes Northtown Center, Lowe's, the Rivanna Plaza Shopping Center, Schewel's, and Walmart. The commercial corridor also includes the Malloy Ford, Jim Price and Umansky auto dealerships, each of which includes outdoor sales, storage and display of vehicles. The proposed expansion of sales, storage and display parking is compatible with those sites. 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 Rt. 29 corridor. With the ARB's conditions of approval, no substantial detriment is anticipated.

Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The intent of the special use permit requirement for outdoor sales, storage and display is to review the potential impacts of the activity on the ECs. Section 30.6 of the Zoning Ordinance states that the intent of the EC Overlay District is, in part, to implement the comprehensive plan's goal of preserving the county's scenic resources because they are essential to the county's character, economic vitality and quality of life. An objective of this goal is to maintain the visual integrity of the county's roadways by using design guidelines. 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. Whether 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 is "to facilitate creating a convenient, attractive and harmonious community" (Section 1.4.C). The proposed use will achieve this by satisfying the ARB's recommended conditions of approval, as outlined elsewhere in this report. Although a special use

permit is required for this use 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 sales/storage/display use is on the impacts to the EC, 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 related to vehicle sales, storage or display.

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

The intent of the special use permit requirement for outdoor sales, storage and display is based on the need to mitigate the potential negative impact of this use on the aesthetics of the ECs and to mitigate the potential for development that is incompatible with the historic resources of the County. This is directly related to promoting public welfare and general quality of life. The ARB has reviewed the proposal and has recommended approval with conditions regarding appropriate lighting and landscaping. In addition, the way 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, the visual integrity of the corridor will be maintained, thereby protecting the quality of life. Furthermore, a site development plan is required for this proposal. The Site Review Committee will review the site plan for compliance with the relevant development review regulations that are also set forth to protect the public health, safety and general welfare. Therefore, a combination of proper site design and implementation of the recommended conditions, along with the issuance of a Certificate of Appropriateness by the ARB, would sufficiently address this objective.

Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

The Places 29 Master Plan designates this property as Commercial Mixed Use. Auto commercial sales and service is one of the primary uses designated in this category. The Places29 Master Plan recommends a “Landscaped Development” frontage treatment for this area. This includes a planting strip with trees between the street and sidewalk and additional landscaping in the form of a landscaped buffer (to help reduce auto-dominance) between the back of the sidewalk and the parking area. The existing access easement and travelway on the subject property are inconsistent with this preferred treatment, but a planting island is proposed between the travelway and the parking lot, and the added landscaping will help mitigate visual impacts of the increased parking area. (See the Landscape Plan, C1 of 1, at the end of Attachment C.)

Chapter 2 of the Comprehensive Plan (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 EC Overlay District is intended to support those goals by maintaining the visual integrity of the County’s roadways. The ARB addresses potential adverse aesthetic impacts in the ECs by applying the County’s Entrance Corridor Design Guidelines during the review of development proposals. The ARB reviewed the subject request for conformance with those guidelines. On February 3, 2020, the ARB voted 5:0 to forward a recommendation of “no objection” with conditions to the Planning Commission regarding this proposal. See Attachment F for the ARB’s action letter.

By renovating an existing developed parcel, 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 outdoor sales/storage/display use is consistent with the Comprehensive Plan.

SUMMARY AND ACTION:

Staff has identified factors which are favorable to the request for outdoor sales/storage/display. 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.

Staff has identified no unfavorable factors.

RECOMMENDATIONS:

Staff recommends approval of **SP201900011 Malloy Ford Outdoor Sales, Storage and Display** based upon the analysis provided herein, subject to the following conditions:

1. Use of this site must be in general accord with the concept plan “Special Use Permit Concept Plan SP201900011 Malloy Ford Concept Plan Sheet 4 of 7” last revised March 24, 2020, 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 reflect the general size, arrangement and location of the vehicle display and storage areas. 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 must be displayed or stored only in areas indicated for display or storage on the plan entitled “Special Use Permit Concept Plan SP201900011 Malloy Ford Concept Plan Sheet 4 of 7” last revised March 24, 2020 (the Concept Plan).
3. Vehicles for display must be parked in striped parking spaces.
4. Vehicles must not be elevated anywhere outside of a building on site.
5. Final site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum height of new pole lights (including bases and fixtures), must not exceed 20’. Maximum light levels must not exceed 22.8 footcandles at the ground in the display lot and 20 footcandles in all other locations.
6. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of the ARB guidelines, Albemarle County Code 18-32.9, or both, to mitigate visual impacts of the proposed use, and must include, but not be limited to, the landscaping shown on the Malloy Ford Landscape Plan C1 of 1 revised March 24, 2020.
7. A boundary line adjustment to add the portion of 45-112B1 on which parking is shown to parcel 45-68A must be approved prior to final site plan approval.

PLANNING COMMISSION MOTIONS:

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

Move to recommend approval of SP201900011 Malloy Ford Outdoor Sales Storage and Display with conditions stated in the staff report.

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

Move to recommend denial of SP201900011 Malloy Ford 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 – Vicinity Map

Attachment B – ARB action letter

Attachment C – Applicant’s proposed plan

Attachment D – CAC minutes

Attachment E – Citizen comments