

**Albemarle County Planning Commission
May 3, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, May 3, 2016, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Karen Firehock, Vice Chair; Pam Riley, Jennie More, Bruce Dotson, Tim Keller, Chair and Bill Palmer, UVA Representative. Absent was Daphne Spain.

Other officials present were J.T. Newberry, Planner; Rebecca Ragsdale, Senior Planner; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kampfner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:00 p.m. and established a quorum.

Committee Reports

Mr. Keller invited committee reports. There being none, the meeting moved to the next agenda item.

Other Matters Not Listed on the Agenda from the Public:

Mr. Keller invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved to the next agenda item.

Public Hearing Items

4b. SP-2015-00031 Rio Salam LLC – Motor Vehicle Sales

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061W0020A00200

LOCATION: 1189 Seminole Trail. East side of Seminole Trail (Rt. 29), 200 feet south of intersection with Greenbrier Drive (Rt. 866).

PROPOSAL: To permit the sale of motor vehicles associated with existing auto repair shop and proposed body shop.

PETITION: Motor vehicle sales in communities and the urban area as designated in the Comprehensive Plan under Section 22.2.2(8) of the Zoning Ordinance. No dwelling units proposed. Concurrent with SP application SP-2015-00034.

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

ENTRANCE CORRIDOR: Yes

AIRPORT IMPACT OVERLAY: Yes

COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) - retail, residential, commercial, employment, office, institutional, and open space within Places29 Master Plan. (JT Newberry)

AND

4c. SP-2015-00034 Salam LLC – Body Shop

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061W0020A00200

LOCATION: 1189 Seminole Trail. East side of Seminole Trail (Rt. 29), 200 feet south of intersection with Greenbrier Drive (Rt. 866).

PROPOSAL: To permit a body shop in conjunction with the existing auto repair shop and proposed motor vehicle sales.

PETITION: Body shop under Section 22.2.2(12) of the Zoning Ordinance. No dwelling units proposed. Concurrent with SP application SP-2015-00031.

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

ENTRANCE CORRIDOR: Yes

AIRPORT IMPACT OVERLAY: Yes

COMPREHENSIVE PLAN: Urban Mixed Use (in Centers) - retail, residential, commercial, employment, office, institutional, and open space within Places29 Master Plan. (JT Newberry)

Mr. Newberry presented a PowerPoint presentation on two special use permit requests for SP-2015-00031 Rio Salam LLC – Motor Vehicle Sales and SP-2015-00034 Salam LLC – Body Shop.

History of Request:

- Mr. Altallal came to our office seeking a business license to expand an existing auto repair shop with a body shop as well as some limited motor vehicle sales.
- We went through several different ways of accomplishing this with two mandatory pre-application meetings in March of 2015 and June of 2015.
- The application was officially accepted for review in December of 2015
- The applicant attended the Places 29-Hydraulic Community Advisory Committee (CAC) Meeting on January 11th, 2016

Area Map and Overview of Request:

Staff reviewed an area map in the slides and pointed out the property was located on 29North near the intersection with Greenbrier Drive. The applicant's proposal focuses on the back structure and area of the site at 1189 Seminole Trail, which is where Mr. Altallal operates his existing auto repair facility.

The concept plan in Attachment B was submitted by the applicant. The concept plan shows the specific areas for parking and storage for vehicles to be made available for sale and for body shop vehicles that are awaiting repair to be held. It also shows the customer parking and the existing chain link fence around the back area of the site.

In a virtual field trip on this request Mr. Newberry pointed out the following in the photographs:

- The frontage along Route 29 as you approach the vantage point of this picture is from within the city of Charlottesville because the property is located right on the city/county line. Moving forward staff pointed out looking down the subject parcel you can see just barely the front of his store. As you go back, staff pointed out where the concept plan identifies some customer parking. He pointed out the front of the existing auto repair facility and the proposed area for motor vehicle sales. It is tucked behind the C'ville Oriental Grocery Store and also on the side of his building.

- Looking north from the city of Charlottesville to the side of his shop, there is existing vegetation that lines the back storage area. As we go back around the site he just wanted the Commission to be able to see the existing wooded buffer on the vacant parcel behind the applicant's site. You can see that the visibility right now is buffered by this vegetation.
- Circling back after walking up Greenbrier Drive coming down Route 29 staff noted the vantage point looking south. As you turn into the site you can see that the visibility of the C'ville Oriental Market and the adjacent building to the north, which is currently occupied by a cleaning company, eliminates visibility from the Entrance Corridor.

Favorable Factors:

1. The request is consistent with the Comprehensive Plan.
2. The proposed uses utilize an existing building, which provides for a more economical use of land.

Factors Unfavorable:

1. VDOT prefers consolidation of entrances; however, the traffic impacts do not appear to warrant the changes to the frontage at this time.

Staff Recommendation:

At the proposed size and scale, staff recommends approval of both special use permit requests, subject to the following conditions:

- Use of site shall be in general accord with the concept plan "Concept Plan for Salam, LLC" signed by Salam Altallal and dated 5/3/2016 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 sales area, parking area for sales vehicles and parking area for body shop vehicles. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
- Not more than five (5) vehicles may be made available for sale outdoors at any time.
- Not more than five (5) vehicles may be parked or stored outdoors for body shop work at any time.

For consideration the motions have been split up for each special use permit request. There is a proposed motion for motor vehicle sales and a proposed motion for body shop. With that, Mr. Newberry offered to take any questions.

Mr. Keller invited questions for staff.

Mr. Lafferty asked will the motor vehicle sales be the ones that have been repaired or will the applicant be bringing stuff in from auctions.

Mr. Newberry replied that his understanding is the applicant would like to purchase vehicles from auction and repair them to make them available for sale.

Ms. Firehock noted she cannot see the scale on the concept plan since it is too blurry. She asked if this request falls in under the Entrance Corridor review and has that been conducted.

Mr. Newberry replied for the Entrance Corridor review staff looked at this plan and determined that there would be no impact on the Entrance Corridor based on the existing buildings and

where the limitations of the parking areas are on the concept plan.

Mr. Dotson noted he had one small technical question. In looking at the concept plan the parking for the sales vehicle would appear to be right on the property line and the city/county line. He asked do we require any setback for parking when we are dealing with adjacent commercial districts; or, perhaps he is taking this too literally and that at the site plan stage any setback would be addressed.

Mr. Newberry agreed that the existing final site plan will need to be amended to reflect the parking areas, and he was not aware of any setback for parking in this area.

Mr. Dotson asked if staff has had comments from the city on this, and Mr. Newberry replied no.

Mr. Keller opened the public hearing for the applicant and public comment and invited the applicant to address the Commission.

Salam Altallal, the applicant, said he has the transportation company and many times has needed to buy cars from the dealer and they charge him a lot. After three or more years in business he was thinking why he went to the dealer to buy cars and not the auction. So he went three or four times with his dealer friend to the auction and saw the difference in price he had paid when he bought cars. Thus, he decided to take that dealership license so he could buy many cars from the auction; fix any problem in the cars; and then use the cars in his business. At the same time he can sell the car to public people at the cheaper price because he knows what that means when he takes the car from the dealer's high price. Thus I put this idea in my mind to say okay he would buy the car for his business and sell it to public people if they need a car; fix it and sell it at that price for the dealers.

Mr. Keller invited other questions for the applicant.

Ms. Riley noted that this is more of an aesthetic question about the appearance of property since she drove over there today and think it looks like a great business. She knows it is not required in this process; however, she was just wondering along the side where the vegetation is whether there is any interest on your part to do some additional landscaping or just to improve the appearance of the property.

Mr. Altallal replied that he will do both of them since he has a big area where he can put the fence that may take 100 cars and he buys 1, 2, 3 cars in maybe a week or more. He has a lot of space and parking and if anything is extra he can put it in there. He has a good relationship with his neighbors. He is very happy with his neighbors and they are happy with him. That is the idea that came to him because he had finished at the university and had learned a lot from his education. He bought the cars from the dealer and they charged him a lot so he decided to take this license and buy some cars at a cheaper price and the extra cars if he buys two or three he can sell to the public at a cheaper price.

Mr. Keller thanked Mr. Altallal and asked if there were any other questions.

Mr. Lafferty said he assumed Mr. Altallal had worked out some kind of agreement about the customer parking lot next to the Oriental Market since it is the one closest to 29 where it looks like there would be parking parallel to the Oriental Market.

Mr. Altallal replied he parked on his side and not on the building line. He parked here for three years and now he parks all the customer cars there. He did not have any problem with his neighbor and will talk with him and ask him again to double check so maybe when he needs to take the license they will say it was okay.

Mr. Newberry pointed out to Mr. Lafferty that the owner of C'ville Oriental Market did contact staff and was concerned since he thought that the vehicles were going to be parked out in front of his store. However, once the owner of C'ville Market saw the concept plan he had no issues with it.

Ms. More pointed out on the same map it was showing those five spots that were just in question; however, there is secured parking area for sales vehicles up to five. She questioned the potential for more than five cars to be for sale at one time and if that is a different area that they would be stored in.

Mr. Newberry replied no, actually that was delineated on the concept plan just to demonstrate that there was room. The sales area right now is outside of the chain link fence. But, staff was very sensitive to the Entrance Corridor and wanted to demonstrate there was room behind the building for the sales vehicles if they needed to be moved from the area outside to the back. It was just basically confirming there was room for all the vehicles associated with these uses to not impact the Entrance Corridor.

Mr. Dotson asked can the Commission combine the two special use permits into one motion, or do we need separate motions.

Mr. Kamptner suggested the Commission should have separate motions.

Mr. Keller invited public comment. The being none, the public hearing was closed to bring the matter back to the Planning Commission for discussion and action.

Motion: Mr. Dotson moved that the Planning Commission recommend approval of SP-2015-31 for motor vehicle sales for the reasons outlined in the staff report and with the conditions shown in the staff report.

Mr. Lafferty seconded the motion.

Mr. Keller invited further discussion.

Ms. More apologized since she did not mean to stop the things from moving forward; but, it was mainly just the comments she noticed from the summary of the community meeting that was held with the Hydraulic CAC. It did not sound like there was a lot of concern. However, there was some questions about paint fumes and staff provided information about the remaining review process that would address those concerns. There was an email that Commissioner Dotson shared today, which she did not know if everyone had a chance to see, that sounds like a Rio Citizen Advisory Committee (CAC) member is asking that question and requesting that it be deferred so they could meet about it. However, it would seem after talking with Commissioner Dotson that the appropriate CAC was the Hydraulic CAC. She asked if that was correct. She just wanted to make sure their email concern was addressed and to draw attention to it.

Ms. More said she does not know what other CAC's do with the process; however, she knows that the Crozet CAC struggled some with accommodating the timeline for the community meeting because often times not all the information is available and then having time to go back and to revisit it once VDOT has made their report and there are other concerns that might arise. That is the CAC's responsibility to choose how they choose to handle that. But, she knows that is something that the CAC in Crozet struggles with to revisit after the community meeting to make sure all that additional information is pulled in. She just wanted to point that out. She did not know if the member of the Rio Community CAC was aware of that process having already taken place at the Hydraulic Community meeting. She would encourage all of us to provide help to CAC's and try to follow up with staff reports and things like that. Sometimes the community meetings are lacking in information because they are held early in the process and you find there is a lot more of the stuff that plays out. Sometimes it does not require any attention; but, sometimes it does and she just wanted to draw a little bit of attention to that in light of the email.

Mr. Lafferty agreed that Ms. More is bringing up a very good point in there are some other things that we need to consider when a project is just over the line between one Community Advisory Committee (CAC) and the other; should they be notified; and do we have a mechanism that notifies the contingent people there because the timing of information is very important. He suggested when you get a group of people together you should give them as much information as possible.

Mr. Keller agreed that it was all good points. He suggested the Commission hear from Mr. Newberry.

Mr. Benish pointed out first, this property is not on the boundary; the boundary is Rio Road and so this property squarely in the Hydraulic District. If something was on the boundary staff would determine whether both CAC's would need to be notified or to have a unified meeting. So we do take that into consideration. We have also scheduled items that are actually outside of the CAC areas in the rural area, but that are on the fringes with some of the CAC's as well. Staff does take that into consideration.

Mr. Benish pointed out the community meeting as it is structured in the ordinance is intended, while not required by ordinance, is strongly encouraged to be an early meeting notice. The purpose of it is to make the community aware that there is a proposal out there. There is no requirement for follow up community meetings. Again, the intent was to provide an early notice to the community so that they were aware of the project and we could seek the community's input or clarify concerns about what the proposal is with the community. Community meetings (CAC's) are not always used for those community meetings. When it is convenient to use them we do. Quite often we use the CAC in the Pantops community; however, we have also held the community meetings outside of the CAC area. So it is not mandated that the community meetings be done at a CAC; however, staff tends to if there is one existing to consider using those. But, that is a decision that we make on a case by case basis.

Mr. Newberry said he would add that the community meetings he had attended there occasionally has been a frustration that there is not more information available. Staff does our best to get contact information for anybody that is there and follow up as it becomes available. He believes our current guidelines ask for the meeting to be within 30 days of receiving the application so it is unlikely that we will have some of the bigger comments available to us at the time and so we are really just answering questions about review process. However, if we can

get the contact information he thinks people have been relatively satisfied being a part as it goes through the review process.

Ms. More said she was sensitive to the timeline for the community meetings and thinks the ones that she has set in on as a liaison for the Planning Commission with the Crozet CAC that the planners have done a really good job in outlining for the community in attendance and the CAC what that process looks like. This was back in January so there has been ample time for people to access that information. So she understands that and thinks that staff have done a good job laying out that timeline and then getting that information out if the CAC requests. However, she just thought it was an opportunity to draw attention to that process.

Mr. Lafferty said he was just wondering if a project came in and the developer said they are putting this on R-6 land but are grandfathered. But, R-6 is 6 dwelling units per acre and by some manipulation it suddenly goes to R-16 or R-18 would you require a public hearing. It seems to me that is two different projects.

Mr. Keller suggested finishing with this applicant and project since there is a motion and maybe under new business the Commission could continue this discussion.

Mr. Lafferty replied that he thinks that is wise.

Mr. Keller thanked Mr. Lafferty and asked if there is any further discussion on this motion.

Mr. Newberry noted that there were some minor edits in the conditions between the staff report and what is on the screen that he had worked with Mr. Kamptner on. He suggested in the motion that the Commission call attention to the conditions on the screen versus in the staff report. He thinks that would be the most accurate and up to date conditions.

Mr. Dotson noted that was exactly what he intended.

Mr. Keller asked for a roll call.

The motion passed by a vote of 6:0. (Spain absent)

Mr. Keller noted that SP-2015-00031 would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

Motion: Mr. Dotson moved and Mr. Lafferty seconded that the Planning Commission recommend to the Board of Supervisors approval of SP-2015-34 authorizing a body shop based on the analysis of the staff and the conditions as shown on the screen.

1. Use of site shall be in general accord with the concept plan "Concept Plan for Salam, LLC" signed by Salam Altallal and dated 5/3/2016 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 sales area, parking area for sales vehicles and parking area for body shop vehicles. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. Not more than five (5) vehicles may be made available for sale outdoors at any time.

The motion passed by a vote of 6:0. (Spain absent)

Mr. Keller noted that SP-2015-00031 and SP-2016-00032 would be forwarded to the Board of Supervisors with a recommendation for approval to be heard on a date to be determined.

(Submitted by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)