



**COUNTY OF ALBEMARLE  
STAFF REPORT SUMMARY**

<b>Project Name:</b> SP2015000031 Motor Vehicle Sales SP2015000034 Body Shop	<b>Staff:</b> J.T. Newberry, Planner
<b>Planning Commission Public Hearing:</b> May 3, 2016	<b>Board of Supervisors Public Hearing:</b> TBA
<b>Owner:</b> RMD Properties, LLC	<b>Applicant:</b> Salam Altallal
<b>Acreage:</b> 3.23 acres	<b>Special Use Permit:</b> 22.2.2(8), Motor vehicle sales and 22.2.2(12), Body shop
<b>TMP:</b> 061W0-02-0A-00200 <b>Location:</b> 1189 Seminole Trail	<b>Existing Zoning and By-right use:</b> C1 - Commercial - retail sales and service; residential by special use permit (15 units/ acre)
<b>Magisterial District:</b> Rio	<b>Conditions:</b> Yes
<b>Development Area:</b> Places29 Master Plan	<b>Requested # of Dwelling Units:</b> N/A
<b>Proposal:</b> Request for the sale of motor vehicles associated with an existing auto repair shop and proposed body shop.	<b>Comprehensive Plan Designation:</b> Urban Mixed Use (in Centers) - retail, residential, commercial, employment, office, institutional, and open space within Places29 Master Plan
<b>Character of Property:</b> The subject property contains three buildings. The largest structure fronts on Rt. 29 and is surrounded by paved parking areas. Two subordinate buildings are located behind it with fenced and graveled storage areas behind them.	<b>Use of Surrounding Properties:</b> A wide variety of commercial, institutional and light manufacturing uses.
<b>Factors Favorable</b> <ol style="list-style-type: none"> <li>1. The request is consistent with the Comprehensive Plan.</li> <li>2. The proposed uses utilize an existing building, which provides for a more economical use of land.</li> </ol>	<b>Factors Unfavorable</b> <ol style="list-style-type: none"> <li>1. VDOT prefers consolidation of entrances; however, the traffic impacts do not appear to warrant the changes to the frontage at this time.</li> </ol>
<b>RECOMMENDATION:</b> Staff recommends approval of these special use permits, with conditions.	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**J.T. Newberry**  
**May 3, 2016**  
**TBA**

**PETITIONS:**

PROJECT: SP201500031 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 SP201500034.

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.

PROJECT: SP201500034 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 SP201500031.

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.

**CHARACTER OF THE AREA:**

The subject parcel is adjacent to the City-County boundary along Route 29 North (see Attachment A). The surrounding area is almost entirely developed with a wide variety of commercial, institutional and light manufacturing uses, including a nursing home, restaurant, grocery store and auto repair shop. The parcel located immediately behind the subject parcel is vacant and contains a mature wooded buffer at its rear.

The property is improved with three structures. The largest building is occupied by the C'ville Oriental Market. It fronts on Route 29 and is approximately 11,900 square feet. The other two structures are located at the back of the parcel and each is approximately 3,000 square feet. One structure contains the Kleen 'N' Team Cleaning Company and the other is occupied by C'ville 29 Auto Repair, which is operated by the applicant. The Hibachi Grill and Supreme Buffet is located to the south of the subject parcel and lies within the limits of the City of Charlottesville.

#### **PLANNING AND ZONING HISTORY:**

- SDP-100 R.M. Davis Motors – Final Site Plan
- VA197500024 – Relief from 30 foot sign setback requirement (approved w/ conditions)
- VA197500027 – Request to allow three freestanding signs on one parcel in B-1 zone (denied)
- VA198400070 – Request to allow an additional 104 square feet of wall signage (approved w/ conditions)
- SDP199400049 – Minor amendment to construct structural overhang on existing sales and service department of Brown Auto (approved)

#### **DETAILS OF THE APPLICANTS' PROPOSAL:**

The applicant requests special use permit approval to establish a body shop within the existing auto repair facility. He is also requesting permission to sell motor vehicles associated with the existing auto repair facility and proposed body shop. Specifically, the applicant has requested that up to five vehicles be available for sale and up to five vehicles be eligible to receive body work. The applicant's concept plan designates specific parking areas for vehicles available for sale and for vehicles awaiting body work (see Attachment B).

#### **SUMMARY OF THE COMMUNITY MEETING:**

The community meeting was held in conjunction with the Places29-Hydraulic Community Advisory Committee (CAC) meeting on the evening of January 11<sup>th</sup>, 2016 in Greer Elementary School. The applicant outlined the proposal and answered questions from CAC members. Several members stated they felt there would be "no significant impact" from the proposal, but others expressed concerns about the noise and paint fumes associated with the body shop. Staff provided information about the remaining review process, including requirements for addressing impacts such as noise and fumes.

#### **ANALYSIS OF THE SPECIAL USE PERMIT REQUESTS:**

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. The proposed special use will not be a substantial detriment to adjacent lots.***

While no external improvements to the site are proposed with this request, there will be an intensification of the existing use currently in operation with each of the additional proposed uses. To mitigate potential impacts from the body shop, the applicant will need to obtain several additional approvals from other state and local agencies following the special use permit process. These agencies and their requirements include:

1. The Engineering Division will require a Certified Engineer's Report to address impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions and water discharges.
2. The Department of Environmental Quality (DEQ) will lead the review and installation of the paint booth, including the review of necessary air pollution control equipment.
3. The Fire Marshal's Office will ensure any flammable, hazardous or explosive materials are properly stored and that wastes are properly disposed. The site may be subject to annual inspections, which are prioritized based on the level of threat posed by the materials being used.
4. The Zoning Division will confirm all of the above approvals have been obtained before amending the existing zoning compliance clearance. If the special use permit request for motor vehicle sales is approved, then the Zoning Division will also sign the applicant's application for a Dealer's License with the Division of Motor Vehicles (DMV).

These reviews will help mitigate the potential for any initial or on-going impact to surrounding area.

To further mitigate potential impacts to adjoining properties and the Entrance Corridor, the applicant worked diligently with staff to locate parking areas behind existing buildings, as specified on the concept plan. The concept plan confirms there is both sufficient space and appropriate parking locations to operate at the proposed scale without impacting scenic resources in the area. Additionally, there is an approximately 50 foot wide buffer of mature trees between the subject area and the vacant parcel behind it.

Staff believes these requests will not be a substantial detriment to adjacent lots.

**Character of district unchanged. The character of the district will not be changed by the proposed special use.**

The proposed uses will locate in an existing building and parking areas within a largely developed area adjacent to the City of Charlottesville. Prior to Charlottesville Power Equipment locating on this parcel in 2008, this site was used for motor vehicle sales, service, repair and body work for more than 30 years. However, the area is transitioning from a light industrial character to one that contains a variety of commercial and neighborhood service uses. The one undeveloped parcel in this district lies behind the subject area and is also zoned C1 Commercial.

Staff finds the proposed uses to be in keeping with the character of the existing site and surrounding area.

**Harmony. 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,**

Section 1.4.4 of the zoning ordinance states that one of the purposes of this chapter is "to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests,

playgrounds, recreational facilities, airports and other public requirements.” The proposed uses are in harmony with this intent.

Although this proposal technically constitutes two special use permits, there are many other by-right uses in the district that are similar. Beyond truck and auto repair as a by-right use, there are uses like automobile service stations, furniture and home appliance sales and service, and manufacturing/processing/assembly/fabrication and recycling (under 4,000 square feet).

The proposed uses are viewed to be in harmony with the purpose and intent of the zoning ordinance and with the uses permitted by right in the district.

**...with the regulations provided in section 5 as applicable,**

Section 5.1.31 contains four supplemental regulations applicable to the proposed body shop and adherence to the proposed concept plan will ensure compliance with these regulations:

- (a) All parts, materials and equipment shall be stored within an enclosed building.
- (b) 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.
- (c) All services shall be performed within an enclosed building.
- (d) No buildings in which services are performed shall be located closer than fifty (50) feet from any residential or agricultural district.

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

During review of these two special use permits, VDOT raised concerns about traffic management for the site. There are two points of ingress and egress on this 3.23 acre parcel and a total of six entrances in the 550 feet between the Hibachi Grill site and the intersection at Greenbrier Drive. Each of these entrances creates a “conflict point” where vehicles leaving a site intersect with traffic heading northbound on Route 29, which creates additional opportunities for accidents. An abundance of entrances can also impede traffic flow as drivers choose between multiple options to make their turning movement. For these reasons, VDOT recommended the applicant consolidate this site’s two entrances into one point of access.

The Places29 Master Plan contains both near-term and long-term access management strategies for the Route 29 corridor. The entrance most likely to serve the subject area has a near-term recommendation to change from a “right-in, right-out” entrance to an “out only” entrance (see Entrance 3F in Attachment C).

While consolidating entrances is a goal for the Route 29 corridor, to do so would have required substantial site work that is disproportionate to the impacts created by the proposed uses, especially in a case where no other changes to the site were proposed. A conservative estimate of the traffic generated by the proposed uses from the Institute of Transportation Engineers (ITE) Manual yielded an average of just 42.5 daily vehicle trips. This impact is quite small on a corridor carrying approximately 46,000 vehicles per day (VDOT, 2013).

At the proposed scale, staff found this size of an impact could not justify the structural improvements required to implement the near-term access management strategy. In this case,

the proposed uses are not new, but complimentary to the existing use and the traffic impact is accordingly minimal.

Staff finds that the proposed use should not adversely impact the public health, safety and general welfare of residents of the County.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The Places29 Master Plan designates this site as a Neighborhood Service Center (NS) within Urban Mixed Use (in Centers) (see Attachment D). A primary use for NS areas is “auto commercial sales and service” under certain criteria: activities within a building, potential nuisance impacts do not adversely impact surrounding uses and a maximum building footprint of 7,500 square feet.

The proposed uses meet these criteria. The building footprint is 3,000 square feet. The body shop will be operated within a portion of the existing building. The proposed storage areas for vehicles awaiting body work and for vehicles awaiting to be sold will use the existing storage area associated with the by-right auto repair use. Staff finds the proposed use is consistent with the Comprehensive Plan.

Because the proposed use does not involve any physical improvements to the site, provision of a full Neighborhood Model analysis is not provided in this staff report.

**SUMMARY AND ACTION:**

Staff has identified factors which are favorable and unfavorable to the motor vehicle sales proposal, SP201500031. Favorable factors include:

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.

Unfavorable factors include:

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

Staff has identified factors which are favorable and unfavorable to the body shop proposal, SP201500034. Favorable factors include:

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.

Unfavorable factors include:

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

**RECOMMENDATIONS:**

Staff recommends approval of SP201500031 (Motor Vehicle Sales) and SP201500034 (Body

Shop) based upon the analysis provided herein, with the following conditions:

1. Use of site shall be in general accord with the concept plan "Concept Plan for Salam, LLC" 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 at any time.
3. Not more than five (5) vehicles may be stored for body shop work at any time.

**PLANNING COMMISSION MOTION:**

A. Should a Planning Commissioner **choose to recommend approval** of the special use permit for motor vehicle sales:

**Move to recommend approval of SP201500031 (Motor Vehicle Sales) with the following conditions:**

1. Use of site shall be in general accord with the concept plan "Concept Plan for Salam, LLC" 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. 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 at any time.

B. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

**Move to recommend denial of SP201500031 (Motor Vehicle Sales).** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

C. Should a Planning Commissioner **choose to recommend approval** of the special use permit for a body shop:

**Move to recommend approval SP201500034 (Body Shop) with the following conditions:**

1. Use of site shall be in general accord with the concept plan "Concept Plan for Salam, LLC" 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 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 stored for body shop work at any time.

D. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

**Move to recommend denial of SP201500034 (Body Shop).** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

E. Should a Planning Commissioner **choose to recommend approval** of both special use permits:

**Move to recommend approval of SP201500031 (Motor Vehicle Sales) and SP201500034 (Body Shop) with the conditions outlined in the staff report.**

F. Should a Planning Commissioner **choose to recommend denial** of these special use permits:

**Move to recommend denial of SP201500031 (Motor Vehicle Sales) and SP201500034 (Body Shop).** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

**ATTACHMENTS:**

**Attachment A** – [Area Map](#)

**Attachment B** – [Concept Plan](#)

**Attachment C** – [Access Management Strategy](#)

**Attachment D** – [Comprehensive Plan Map](#)