

**COUNTY OF ALBEMARLE
STAFF REPORT SUMMARY**

Project Name: SP201600011 Malloy Ford Outdoor Storage and Display SP201600018 Malloy Ford Body Shop	Staff: Margaret Maliszewski, Principal Planner
Planning Commission Public Hearing: October 18, 2016	Board of Supervisors Public Hearing: TBA
Owner: B Properties LC	Applicant: Malloy Properties III, LC
Acreage: 5.19 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; Section 24.2.2.17 - Body shop
TMP: 04500-00-00-068C1 Location: 2070 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 and a body shop	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: The subject property currently houses Better Living Building Supply with a showroom at the east end of the property and storage buildings located behind the showroom, west towards Berkmar Drive.	Use of Surrounding Properties: Commercial uses predominate in the area along Rt. 29, a vacant parcel is adjacent to the north and southwest, and residential properties are located across Berkmar Drive to the west.
Factors Favorable SP201600011: Malloy Ford Outdoor Storage and Display <ol style="list-style-type: none"> 1. The request is consistent with the Comprehensive Plan. 2. The ARB has reviewed the request and has recommended no objection, with conditions. SP201600018 Malloy Ford Body Shop <ol style="list-style-type: none"> 1. The request is consistent with the Comprehensive Plan. 2. An existing building would be renovated to accommodate the use. 	Factors Unfavorable SP201600011: Malloy Ford Outdoor Storage and Display None Found SP201600018 Malloy Ford Body Shop None Found
RECOMMENDATION: Staff recommends approval of SP201600011 and SP201600018 with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Margaret Maliszewski
October 18, 2016
TBA

PETITIONS:

PROJECT: SP201600011 Malloy Ford Outdoor Storage & Display

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000068C1

LOCATION: 2070 Seminole Trail

PROPOSAL: Establish outdoor sales/storage/display of vehicles on 5.19 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 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.

PROJECT: SP201600018 Malloy Ford Body Shop

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000068C1

LOCATION: 2070 Seminole Trail

PROPOSAL: Establish body shop on 5.19 acres

PETITION: Body shop under Section 24.2.2.17 of the Zoning Ordinance which allows body shops by special use permit. 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:

This parcel extends from Rt. 29 at the east to Berkmar Drive at the west, and is located on the west side of Rt. 29, across from Carrsbrook Drive. It is occupied by the showroom and supporting structures of the Better Living Building Supply. An access easement, drainage easement and wooded area occupy the west end of the parcel. Commercial uses predominate in the general vicinity. Among them are the Jim Price and Brown auto dealerships on Rt. 29, both of which include showrooms and outdoor vehicle display areas. (See Attachment A – Aerial Map.) The parcel adjacent to the north is vacant. Better Living furniture and three other parcels owned by B Properties LC are located to the south and southwest. Some residential properties are located across Berkmar Drive to the west. These parcels stretch approximately 800' north and 800' south of the site. Two additional residential properties are located on the east side of Berkmar beginning approximately 200' south of the site.

PLANNING AND ZONING HISTORY:

- ARB201600090: On September 6, 2016 the Architectural Review Board (ARB) completed a review of a conceptual architectural design to renovate the existing Better Living showroom building to accommodate a new Malloy Ford automobile showroom.
- ARB201600053: On June 6, 2016 the ARB completed a review of the request for a Special Use Permit to establish outdoor sales, storage and display at this site. The action letter from that meeting is included as Attachment B to this report.
- Several site plans and site plan amendments have been approved for this sit over the years, beginning with SDP000000042 in 1975. The various plans and amendments track the expansion of the business on the property.

DETAILS OF THE APPLICANT'S PROPOSAL:

The applicant proposes to renovate the existing Better Living building supply site to accommodate the Malloy Ford automobile dealership, which will be relocating from its current Pantops location. The proposal includes vehicle display area along the Rt. 29 frontage, a renovated showroom building, a new service drop-off addition on the south side of the existing showroom, two vehicle storage areas – one at the middle of the site and one at the back, renovated service buildings behind the showroom, a body shop at the rear of the property, parking area for vehicles awaiting repair in the body shop, and an employee parking area. A shed located near the middle of the property and another structure located near the west end of the site would be removed from the site. See Attachment C for the applicant's Concept Plan.

SUMMARY OF THE COMMUNITY MEETING:

A community meeting was held as part of the joint Rio and Hydraulic Community Advisory Committees meeting on the evening of May 16th, 2016. The applicant's representative summarized the project and answered questions. Questions were asked about the review process and concerns were expressed about lighting in the general vicinity of the site. Meeting minutes state, "The consensus of the CAC was that the project was fine and the improvement in landscaping along Route 29 was a plus."

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.

Outdoor sales, storage and display use: Although there are a few parcels in the immediate vicinity of the subject parcel that are vacant and wooded or partially wooded, the predominant character of the Rt. 29 North corridor is that of a commercial strip. Retail development in the area includes Lowe's, the Rivanna Plaza Shopping Center, Schewel's, Better Living Furniture and Walmart. The commercial corridor also includes the Jim Price and Brown Dodge Chrysler Jeep auto dealerships. The existing Price and Brown developments include outdoor sales, storage and display of vehicles. The sales, storage and display proposed with Malloy Ford dealership is compatible with them. The ARB has reviewed this request for impacts on the Entrance Corridor and has recommended approval with conditions to limit negative impacts on the Rt. 29 corridor.

Body shop use: The body shop is proposed to be located in an existing building. This will limit impacts on adjacent property. Prior to issuing a zoning clearance for the use, the Zoning Division will require approvals from other agencies to ensure that impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions, water discharges, or impacts from paint booths, or flammable, hazardous or explosive materials are sufficiently mitigated. This will ensure that the use will not impose any substantial detriment to adjacent property.

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

Outdoor sales, storage and display 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 Entrance Corridor. Section 30.6 of the Zoning Ordinance states that the intent of the EC Overlay District is, in part, to ensure a quality of development that is compatible with the county's important natural, scenic, historic and architectural resources through the architectural review of new development. 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.

Body shop use: The proposed body shop is to be located in an existing building that will be renovated to accommodate the use. The body shop use is an integral component of many auto dealerships and is similar in character to auto dealerships and vehicle service centers. The applicant has explained that current day body shops differ significantly from those of several decades ago, noting that today's examples are typically much cleaner and have a more organized and less objectionable appearance. The body shop is to be located at the west end of the site. In this location, topography helps limit the view from Berkmar Drive, and distance and other buildings will help limit visual impacts on the Rt. 29 Entrance Corridor.

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,

Both uses: One of the purposes of this chapter (Section 1.4.3) is "to facilitate the creation of a convenient, attractive and harmonious community." The proposed use will achieve this by satisfying the ARB's recommended conditions of approval, as outlined elsewhere in this report, and by meeting the regulations in Section 5, as outlined below. Although a special use permit is required for the proposed areas of outdoor sales, storage and display 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 Entrance Corridor, not on the use itself. Body shops are integral components of many auto dealerships. Both uses are similar in character to auto dealerships and vehicle service centers, which exist nearby. Consequently, the proposed uses are 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,

Outdoor sales, storage and display use: There are no additional regulations in section 5.0 related to vehicle sales, storage or display.

Body Shop use: Section 5.1.31 of the zoning ordinance states that body shops shall be subject to the following:

a. All parts, materials and equipment shall be stored within an enclosed building.

The applicant proposes to use the building shown at the west end of the property to house the body shop and all parts, materials and equipment. That building is an enclosed structure.

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.

The concept plan shows that vehicles awaiting repair in the body shop are to be parked between the northeast corner of the body shop and the west end of the western service building. The existing buildings and the landscape screening proposed to be added on the north side of the parking area will eliminate views from Rt. 29, Berkmar Drive, and from the parcels with R6 and R15 residential zoning located north and west of the site across Berkmar Drive. The concept plan shows the screening as a double staggered row of evergreen trees planted 15' on center with a minimum height of 4', but details of plant size and species will be resolved with future site plan submittals.

c. All services shall be performed within an enclosed building.

The applicant proposes to perform all body shop services within the westernmost building on site and that building will be enclosed.

d. No buildings in which services are performed shall be located closer than fifty (50) feet from any residential or agricultural district.

The body shop building is located more than 100' away from the closest residential or agricultural district.

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

Both uses: 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 Entrance Corridors and to mitigate the potential for development that is incompatible with the historic resources of the County. This intent is directly related to the promotion of 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 manner in which 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 of approval, the visual integrity of the corridor will be maintained, thereby protecting the quality of life.

VDOT has recommended that the entrances to the Better Living Building Supply and Better Living Furniture sites be consolidated to meet current access management regulations. This issue will be addressed during the site plan review process. Also during that process, 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. The 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 and the following criteria apply.

1. *Buildings should not be taller than 2 stories.*

The applicant proposes to renovate existing buildings to accommodate the automobile dealership. Some of the existing buildings that are to be renovated are two-story structures. Others are buildings of comparable height with open interiors. A small portion of the renovated showroom building will have second-story offices. The height of the renovated showroom is comparable to that of the existing showroom. A service drop-off building would be added on the south side of the existing showroom. Its height is comparable to that of the renovated showroom.

2. *Evidence should be provided that noise, odors, and other potential nuisances do not adversely affect surrounding uses.*

Potential nuisances of this type will be addressed with the zoning clearance, as described above under “No Substantial Detriment.”

The Comprehensive Plan (Chapter 2, 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 Entrance Corridor Overlay District is intended to support that goal by maintaining the visual integrity of the County’s roadways. The Architectural Review Board addresses potential adverse aesthetic impacts in the Entrance Corridors by applying the County’s Entrance Corridor Design Guidelines during the review of development proposals. The Architectural Review Board has reviewed the subject request for conformance with the Entrance Corridor Design Guidelines. At its meeting on June 6, 2016, the ARB voted 3:0 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.

By reusing and renovating existing buildings, 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 auto dealership 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.

Unfavorable factors to this request include: None found.

Staff has identified factors which are favorable to the body shop request. Factors favorable include:

3. The request is consistent with the Comprehensive Plan.
4. An existing building would be renovated to accommodate the use.

Unfavorable factors to this request include: None found.

RECOMMENDATIONS:

Staff recommends approval of **SP201600011 Malloy Ford Outdoor Sales Storage and Display** based upon the analysis provided herein, subject to the following conditions:

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised August 30, 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 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 shall be displayed or stored only in areas indicated for display or storage on the plan entitled "Conceptual Special Use Application Plan for Malloy Ford" last revised on August 30, 2016 (the Concept Plan).
3. Vehicles for display shall be parked in striped parking spaces.
4. Vehicles shall 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), shall not exceed 20'. Maximum light levels shall not exceed 30 footcandles in the display lot and 20 footcandles in all other locations. Nonconforming pole lights shall be removed or fixtures shall be replaced with full cutoff fixtures to match other proposed fixtures.
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 and/or the Zoning Ordinance to mitigate visual impacts of the proposed use, and shall include, but not be limited to, the following:
 - a. Planting area along the Entrance Corridor frontage shall be increased, if necessary, to accommodate planting outside of easements.
 - b. Large shade trees shall be evenly distributed at the interior of the display lot at a rate of 1 tree for every 10 spaces.
 - c. Ground cover shall be provided continuous throughout the north, east and south sides of the front display area.
 - d. Shrubs provided at the perimeter of the display area shall be a minimum of 30"-36" high at planting.
 - e. Large shade trees spaced 40' on center shall be provided in new planting beds or islands along the south perimeter of the middle vehicle storage area.

Staff recommends approval of **SP201600018 Malloy Ford Body Shop** based upon the analysis provided herein, subject to the following conditions:

1. Use of this site shall be in general accord with the concept plan “Conceptual Special Use Application Plan for Malloy Ford” last revised August 30, 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 parking area for vehicles awaiting repair. 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. There shall be no storage of parts, materials or equipment except within an enclosed building;
3. No vehicle awaiting repair shall be located on any portion of the property so as to be visible from any public road or any residential property, and shall be limited to locations designated on the approved site plan. Landscape screening or other measures added to eliminate visibility shall be shown on a site plan and are subject to approval of the Director of Planning or his designee.

PLANNING COMMISSION MOTIONS:

A. Should a Planning Commissioner **choose to recommend approval** of the special use permit for the outdoor sales, storage and display use:

Move to recommend approval of SP201600011 Malloy Ford Outdoor Sales Storage and Display with conditions outlined in this staff report.

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

Move to recommend denial of SP201600011 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.

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

Move to recommend approval of SP201600018 Malloy Ford Body Shop with conditions outlined in this staff report.

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

Move to recommend denial of SP201600018 Malloy Ford Body Shop. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS:

[Attachment A](#) – Aerial Map

[Attachment B](#) – ARB June 6, 2016 action letter

[Attachment C](#) – Concept Plan