

**Albemarle County Planning Commission
October 18, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, October 18, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Rachael Falkenstein, Senior Planner; Margaret Maliszewski, Principal Planner; Elaine Echols, Acting Chief of Planning; Sharon Taylor, Clerk to Planning Commission; Andrew Gast-Bray, Assistant Director CDD & Director of Planning and John Blair, Senior Assistant 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. He welcomed the students that are here to watch this process.

Public Hearing Items.

SP-2016-00011 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.

AND

SP-2016-00018 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. (Margaret Maliszewski)

Ms. Maliszewski summarized the staff report for SP-2016-00011 Malloy Ford Outdoor Storage and Display and SP-2016-00018 Malloy Ford Body Shop in a PowerPoint presentation.

- This is a request for two special use permits. One is for the outdoor sales, storage and display in the Entrance Corridor and the other is for the body shop use. The parcel in question as highlighted in the slide is the Better Living Building Supply site that fronts on the Route 29 Entrance Corridor and extends all the way west to Berkmar Drive. It is not readily visible at this time from Berkmar Drive due to the wooded area on site and on adjacent parcels. However, there is a clear view from Route 29 all the way back to the Berkmar end of the parcel.
- The next slide is the applicant's proposed concept plan. The existing showroom building would be converted to the new Ford showroom. The area shown in pink along Route 29 is the area proposed for vehicle display. The other structures that are shown in light gray would be converted to service buildings. The building all the way at the back is the structure that would be converted to the body shop. The proposed vehicle storage area is shown in light brown and the area for vehicles awaiting repair is shown in the darker brown.
- Next is a detail of the area along the Route 29 side of the site that shows the striped display parking spaces at the 29 side. There is landscaping shown around the perimeter of that display parking area and trees at the interior of the parking area. There are also customer spaces along the front of the building and a row to the side of the pink rectangle, which is the proposed addition to the showroom building that would be the service drop off area.
- The vehicle display and customer parking spaces would occupy what is now already a parking lot in front of the building. The next slide is another view of part of that parking lot. With this proposal, as you saw on the concept plan, the parking within the lot will be reconfigured and there would be landscaping added around and in that paved area.
- The special use permit for outdoor sales, storage and display is required specifically because this site falls within the Entrance Corridor Overlay District. Although the special use permit is required for the sales, storage and display, the use is considered accessory to motor vehicle sales, which is one of the commercial uses that is permitted by right within the Highway Commercial (HC) District. So you are not considering the general motor vehicle sales use today; it is the outdoor display aspect that is under consideration. The purpose for requiring a special use permit for the outdoor sales, storage and display is to allow for review of the potential visual impacts of the outdoor storage on the Entrance Corridor. The intent of the Entrance Corridor Overlay District is to ensure quality development that is compatible with the county's important scenic, cultural, historical and architectural resources; and Entrance Corridor Design Guidelines have been adopted to help meet that intent. The Architectural Review Board (ARB) has applied the Entrance Corridor Design Guidelines to their review of this request; and, the ARB had no objection to the request for the special use permit with conditions. Those conditions are related primarily to the location of parking and the method of screening, which are typical conditions for this type of proposal.
- The next slide is a detail of the west part of the concept plan where the body shop would be located. The supplemental regulations in the ordinance require that body shop services be

performed within an enclosed building and that all parts, materials and equipment will be stored in an enclosed building. So, the westernmost building would be converted for the body shop use and would be enclosed to meet those requirements. The next photo shows the westernmost building all the way at the back. This photo was taken from about halfway into the site facing the west; and Berkmar Drive is beyond. That building, again, would be converted and enclosed to meet the supplemental regulations.

- The supplemental regulations also require that the vehicles awaiting repair in the body shop be located so that they won't be visible from any public street or any residential property. The structure shown straight ahead in the photo is the one that would be removed to create the parking area for those vehicles awaiting repair. Currently, you can see that there is wooded area nearby and that wooded area does currently screen the storage area; but, much of that wooded area is on the adjacent site. Since the wooded area is not on the site in question the screening plants would be added onsite to ensure that vehicles won't be visible even if the wooded nature of that adjacent parcel changes. The details on the number and kind of plants to be used can be handled with the future site plan submittals.
- Staff recommends approval of both special use permits with the conditions listed in the staff report as listed on the screen. The Commission will be taking two actions today for each of the special use permit requests.

Mr. Keller invited questions for staff. There being no questions, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Valerie Long, with the law firm of Williams Mullen representing the applicant Malloy Properties, said Justin Shimp, civil engineer for the project with Shimp Engineering, and Nicole Shrubs, a colleague, were also present. First, she wanted to thank Margaret Maliszewski for all of her assistance and guidance throughout this process. We started back in March with our pre-application meeting and are happy to have these issues before the Commission today. She pointed out these are pretty non-controversial requests that Margaret has covered a lot of. She said since a lot of my slides are duplicates that she will be very quick. She reminded the Commission, as noted in the staff report, that the property that is outlined and marked is under the comprehensive plan in the Places29 plan designated for a commercial and mixed use; and, an automobile sales and service facility is a primary use under that designation. The next slide is an aerial of the site that gives you a good feel for it; but, again you saw some of these in a close up. She thinks there are a number of benefits of this site; but, in particular it is an opportunity for the adaptive reuse of an existing commercial site and the retention of the local business. As many of you may know Malloy Ford currently operates out of a facility at Pantops on Route 250 and they are proposing to relocate their dealership here. The other good news is that Better Living is proposing to redevelop the majority of its business on an adjacent site actually to the south. It is right next to it, and she can show you where that is. She said it will provide the opportunity for two local businesses to be in this area, which we think is great.

Ms. Long pointed out as you can see from the aerial photo and some of the photos that staff showed that there is not a lot of landscaping on the site at the moment because this site was developed prior to all of the current standards in the Entrance Corridor Review Guidelines. The redevelopment of this site will result in a much more attractive facility along the county's Entrance Corridor. The next slide is another view showing the site in its current condition and the sort of absence of landscaping and screening from the Entrance Corridor. She pointed out in a blow up of the concept plan that they were slightly reducing the amount of impervious area, and it is an increase by a very small amount of 3,600 square feet that we are pleased to see. The Commission saw the blow-up of the body shop area and the way that we propose to

comply with the supplemental regulations that require that the vehicles awaiting repair be screened from all adjacent properties and roads. Next, is a close-up shot of the display area along Route 29. As you can see the proposed addition to the building will be for a service drop off, which will help screen some of the parking areas in the back from the Entrance Corridor. Ms. Long said originally the County Service Authority wanted us to make certain there was sufficient space to plant the proposed additional landscaping without impacting the water line. Therefore, we wanted to show that in case anyone was concerned about it.

Ms. Long said we are agreeable to the staff recommended conditions of approval with one fairly minor change. She noted that condition 6e talks about having a row of planting along the full southern side of this vehicle storage area. So that is just a parking lot and the area as shown in pink are the display areas along the Entrance Corridor. Those have to be striped and there are more intense landscaping requirements for that area given its proximity to the Entrance Corridor. This area in the tan and the other area here are where they will have additional storage. Obviously, a car dealership's inventory would be their vehicles for sale, and so they are anxious to have as much storage space for their vehicles as possible while also meeting the requirements of the Entrance Corridor on landscaping. The Architectural Review Board conditions asked for trees along this entire perimeter. We are asking for relief so that we can just avoid having them in this one area so that we don't lose any additional parking spaces as a result. We are hopeful that you might agree given the significant amount of additional landscaping that is being provided in the display area when there is none now with the addition of these trees on this side and the added landscaping to screen this.

Ms. Long pointed out that the storm water management facility is existing, but right now there is no landscaping around it. Therefore, we are proposing to add some in the areas shown that will help further screen this display area, employee parking area and the rest of the service buildings in the body shop area. We think that given the very brief views into the site that the addition of the landscaping in these areas will be sufficient to screen the rest of this vehicle display area. So if you are agreeable to that we are proposing a minor modification to that condition to just say screening a portion of that southern border in the areas shown on the concept plan. With that change, we are agreeable to the conditions and she would be happy to answer any questions or address any comments from the public.

There being no questions for the applicant, Mr. Keller invited public comment.

Mr. Keller invited questions for the applicant. There being none, he invited public comment. Hearing none, he invited the applicant back for further discussion.

Ms. Long said she did not have any further comments other than to perhaps respond to any questions, issues or concerns that may come up. She would appreciate the opportunity to address them if so.

Mr. Dotson said he had a question and a comment; but, the question is just a matter of curiosity. He asked will the entire Malloy operation move from its current operation to this site for both autos and trucks. He pointed out that it looks bigger where it is now than this looks.

Ms. Long replied that it is bigger at its current location on Pantops. She pointed out there is a lot more space there than you might realize, which she realized when doing a site visit with Mr. Malloy. However, she was not sure about all of the trucks. She knows they are planning to retain that space on Pantops and perhaps have another dealership of some kind; but, they are

certainly moving the Ford area over here but did not know the full extent of it. She said the point of our request is that every space for every vehicle is critical for them and is vital from their perspective.

Mr. Dotson said he attended the Community Advisory Committee (CAC) Meeting when this was aired and the one concern was from Woodbrook and Carrsbrook residents who live across the street. He said being on an elevated topography their concern was with lighting, not just specifically with this property, but from all the commercial uses there. So he thinks that one of the things with respect to this property is it is sort of in a niche, if you will, that makes it a little further away from the residences than some of the other commercial areas. Also, given the topographic distance and with the county requirement that lights be directed down that people would be looking at the shields of the lights rather than from beneath were this an elevated site; but in fact this is below. He pointed out there was concern with lighting.

There being no further questions Mr. Keller closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Keller invited other questions for staff. There being none, he asked for a motion.

Mr. Dotson said since the project is in his district, he would make the motion. Mr. Dotson moved to recommend approval of SP-2016-11 Malloy Ford Outdoor Sales, Storage and Display with conditions outlined in the staff report. He was not being clear about Ms. Long's comment about some adjustment and the landscaping; and, he just wants to make sure if that is acceptable to the staff with that being part of the motion.

Ms. Maliszewski pointed out the landscaping that was recommended would meet one of the Entrance Corridor Design Guidelines. She said there is a guideline that says there should be trees planted 40' on center at 2 ½" caliper along the perimeter of the parking area so that is where that came from. She said it certainly is an improvement to what is shown there, you may feel like that is enough; but, it does not fully meet the Entrance Corridor guideline.

Mr. Dotson asked if the motion would include that.

Ms. Maliszewski asked Mr. Dotson to be clear if the motion would include that or be as it is.

Mr. Dotson replied he believed the motion was what he described as enhanced landscaping and, asked if he was correct. He pointed out that is why we need to get it clear.

Ms. Long explained we have significantly enhanced landscaping in the display areas closest to Route 29 where it will obviously be the most visible. Those display vehicles will be the most visible to the most people. There is no landscaping there now and obviously substantial for what is proposed to be added. We are proposing landscaping along the southern perimeter of this vehicle storage area, which is just a slight distinction from the display area, and is a parking lot for the cars that are to be sold. As Margaret Maliszewski indicated the Architectural Review Board conditions were to have landscaping along the entire southern perimeter and we are asking for relief. Our concept plan, as you can see, shows trees on about one-half of the perimeter. We are asking for just modest relief so we don't have to add additional trees in this area because when you add the trees in that location you lose 2 to 3 parking spaces, which may not seem like much, but to the business it is a significant impact. Given the amount of landscaping that we are adding in this area we were hoping that the Commission might agree

that would be a fairly modest departure from the standard guidelines in recognition of the substantial increase in landscaping that is being provided throughout the entire site; but, particularly here against the Entrance Corridor where it is so important. Further, that given the views into the site, the distance involved, the most important portion of this lot to screen is the portion closest to the Entrance Corridor; and, that the absence of a few more trees in this location would not deter from the beauty of the Entrance Corridor. She said they may not add that much extra particularly when you also have the additional screening here that helps kind of break up that area and provide some screening of the facilities in the back and those additional lots.

Mr. Dotson asked did the Architectural Review Board (ARB) consider the landscaping shown on this graphic.

Ms. Maliszewski replied this was a plan that the ARB looked at; but, the condition was to continue it along.

Ms. Long said when the ARB saw this she did not think these trees were there. So after the ARB recommendation was made to have the screening along the entire perimeter, we submitted the revised plan to add this landscaping and a cover letter explaining that we were showing it halfway and that we had hoped that there could be minor relief from that.

Mr. Dotson stated that we don't have benefit of a comment from the ARB on this proposal, and Ms. Maliszewski agreed that was correct.

Ms. Long said to be frank they certainly prefer it; and, we understand that. If we have to do that, then we will live with it. We would ask for modest relief, again, in exchange for the significant enhancement improvement to the area up front.

Mr. Dotson said in terms of the depth of the Entrance Corridor do the trees that are shown along that parking area come back to sort of a bright line where you could say well beyond that is outside the Entrance Corridor.

Ms. Maliszewski replied no, the entire parcel falls within the Entrance Corridor Overlay because it is adjacent to the Entrance Corridor street. She thinks when reviewing it and when the ARB looked at it that there was another vehicle storage area further back and that perimeter landscaping requirement was not applied to one that was further back because it is much further back.

Mr. Dotson asked if the circular landscaped area around that detention basin was shown to the ARB or has that been proposed since then.

Ms. Maliszewski replied that she did not remember if that was on the first plan or not. She said the ARB did not have concerns about landscaping of that because it was already existing; but, it is certainly an improvement to add landscaping there.

Ms. Long said she did not believe that was on the plans, but asked to be able to consult the cover letter that we sent.

Mr. Dotson said it sort of sounds to be confirmed by your cover letter that maybe this is a trade, and you are saying with this landscaping around the detention basin that might substitute and perform some of the functions in terms of use and to the rear of the site.

Ms. Long pointed out in my cover letter sent in late July it mentions that landscaping was added to the storm water management facility to provide additional screening.

Mr. Dotson said the motion would be for support of the concept plan as shown here.

Mr. Keller asked for a second. There being none, Mr. Keller seconded the motion. He invited further discussion and suggested the discussion would be around the proposed change.

Ms. More asked if you are able to clarify when we talk about it being a modest change what that change means like in the number of trees that are shown here.

Ms. Maliszewski replied it would probably be an additional 4 or 5 trees that would be added to satisfy the ARB condition.

Ms. Firehock commented that she understands the site is definitely being improved in terms of how it looks now, and so that is a wonderful thing on the frontage. But, she has not heard a compelling case for why we can't have the other 4 trees. She understands you would lose a few sites, trees need attention and maintenance and also they also suck up many thousands of gallons of storm water per year. This is a highly impervious site. She also appreciates that a few percentages of additional perviousness have been added, but, she just has not heard a compelling hardship reason. It is not as if it is dramatically blocking the view of a business sign or taking away an entrance or something. So, she just does not feel that a compelling case was made to go against what our ARB Board has already recommended. Therefore, she was not in support of the change, but would like to accept the staff recommendations exactly as proposed.

Mr. Keller asked if she offered that as a friendly amendment and Ms. Firehock suggested that they can discuss it some more.

Mr. Lafferty asked if it was an amendment from what Mr. Dotson said.

Ms. Firehock replied yes, because she would not like to change condition 6e.

Mr. Lafferty said he thought Mr. Dotson left that in.

Ms. Firehock replied no, this says large shade trees spaced 40' on center shall be provided. New planting beds are added along the south perimeter of the middle vehicle storage area and Ms. Long is asking for just a portion of those trees to be provided and it appears to be in the drawing that would be 4.

Mr. Keller asked Mr. Blair to comment.

Mr. Blair pointed out the parliamentary procedure here was Mr. Dotson made the motion and the motion included the conceptual plan as displayed on the screen. He said the conceptual plan appears to have approximately one-half of the southern perimeter with trees and one-half without trees. He would not call it a friendly amendment; but, you can obviously ask for an amendment to reinstate the language of 6e if you wish, which if passed would amend Mr. Dotson's original motion.

Ms. Firehock said she did not know if anyone else would like to comment on that or discuss it.

Mr. Keller invited further discussion.

Mr. Lafferty pointed out that he was confused with Mr. Dotson's motion, but he did not think he was any longer.

Ms. Firehock offered a friendly amendment for 6e to remain as it is in the staff report that large shade trees spaced 40' on center shall be provided and that new planting beds are added along the south perimeter of the middle vehicle storage area.

Mr. Keller asked if we need to vote on that.

Mr. Blair pointed out there would need to be a second.

Ms. More seconded Ms. Firehock's friendly amendment.

Mr. Blair said they need to vote on the amendment first to see if it amends the original motion. Then, depending on that, you would vote on the original motion as amended or in its original form.

Mr. Keller asked for a roll call.

The motion failed by a vote of 2:5. (Lafferty, Spain, Keller, Riley, Dotson nay)

Mr. Keller said now we go back to the original motion.

Mr. Blair said the original motion, which would include all of the conditions in the special use permit except for 6e, which would be modified as shown on the conceptual plan.

Mr. Keller invited further discussion. There being none, he asked for a roll call vote on the motion.

The motion passed unanimously by a vote of 7:0.

Mr. Keller thanked the Commission and asked for a motion on the second item.

Mr. Dotson moved to recommend approval of SP-2016-18 Malloy Ford Body Shop with conditions as outlined in the staff report.

Mr. Lafferty seconded the motion.

The motion passed unanimously by a vote of 7:0.

Mr. Keller said both of the requests carry and will be moving on to the Board of Supervisors in the near future.

The meeting moved to the next agenda item.