

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: SP201600026 LL Bean Outdoor Display	Staff: Margaret Maliszewski, Chief of Planning/Resource Management
Planning Commission Public Hearing: March 7, 2017	Board of Supervisors Public Hearing: TBD
Owners: OCT Stonefield Property Owner LLC c/o John O'Connor	Applicant: Bill Tomala of Cuhaci & Peterson Architects for LL Bean
Acreage: 36.21 acres	Special Use Permit for: Outdoor storage, display and/or sales serving or associated with a permitted use within the Entrance Corridor Overlay under Section 30.6.3 of the zoning ordinance.
TMP: 061W00300019A0 Location: 2015 Bond Street, Suite 110, at the southwest corner of the intersection of Rt. 29 and Bond Street	Zoning/By-right use: NMD Neighborhood Model District – residential (3-34 units/acre) mixed with commercial, service and industrial uses; 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.
Magisterial District: Jack Jouett	Conditions: Yes
Proposal: To install four wall-mounted kayaks on the Rt. 29-facing wall of the building	Requested # of Dwelling Units: N/A
DA (Development Area): Neighborhood 1 – Places 29	Comp. Plan Designation: Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space uses in Neighborhood 1 – Places 29.
Character of Property: The property is located on the main commercial strip of the Stonefield mixed-use development among shops and restaurants.	Use of Surrounding Properties: Mix of commercial, residential and industrial
Factors Favorable: The ARB supported the proposal with the condition that the display be located on the Bond Street elevation of the building, west of the store entrance.	Factors Unfavorable: The ARB determined that the display, in the proposed location, does not meet the Entrance Corridor Design Guidelines and did not support the use as proposed.
RECOMMENDATION: Staff recommends approval with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS

MARGARET MALISZEWSKI
March 7, 2017
TBD

PETITION

PROJECT: SP2-1700026: LL Bean Outdoor Display

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL: 061W00300019A0

LOCATION: 2015 Bond Street, Suite 110

PROPOSAL: Establish outdoor display of kayaks

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: NMD Neighborhood Model District – residential (3-34 units/acre) mixed with commercial, service and industrial uses; 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: Urban Mixed Use (in Centers) – retail, residential, commercial, employment, office, institutional, and open space uses in Neighborhood 1 – Places 29.

CHARACTER OF THE AREA

The immediate context of the site is the shops and restaurants along Bond Street in the Stonefield Town Center. Surrounding Stonefield is a mix of residential, commercial and industrial uses. (See Attachment A.)

SPECIFICS OF THE PROPOSAL

As part of the renovation of the tenant space previously occupied by Blue Ridge Mountain Sports to accommodate an LL Bean store, the applicant proposes to display four kayaks on the Rt. 29-facing wall of the building. The kayaks would be bolted to two wooden framework trellises; the trellises would be bolted to the wall. The color of the kayaks is a highly visible shade of green. Total display area is 120 sf. (Attachment B is a plan illustrating the details of the applicant's proposed kayak display.)

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant states that the outdoor display is an essential component of LL Bean's branding identity and is standard throughout the country.

PLANNING AND ZONING HISTORY

The site plan for the Shops at Stonefield was approved in January 2012. The Architectural Review Board (ARB) reviewed the request for the outdoor display of kayaks on January 17, 2017. The ARB did not support the request for the Special Use Permit in the proposed location, noting that the proposal did not meet Entrance Corridor Design Guidelines #5, 9, 10 and 12. (See Attachment C for the action letter from the ARB meeting.)

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

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 intent of the special use permit requirement for outdoor sales, storage and display is to mitigate the negative visual impacts of display uses on the aesthetics of the Entrance Corridors and to mitigate the potential for development that is incompatible with the historic resources of the County.

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. At its meeting on January 17, 2017, after applying the guidelines to the review of this request, the ARB voted 5:0 to forward a recommendation of no support to the Planning Commission for this proposal. (See Attachment C for the ARB's action letter.) The ARB noted that the proposal did not conform to guidelines #5, 9, 10 and 12.

The text of those guidelines and a detailed analysis of the proposal based on those guidelines are included in the ARB staff report (Attachment D). The relevant sections of the report are highlighted in yellow. In summary, the ARB determined that the kayak display would not be appropriate because it would take the place of architectural elements on a prominent building elevation, and it would diminish the visual cohesiveness of the shopping center rather than enhance the integration of the building with the surrounding land and vegetation along the corridor. Furthermore, this type of display could set an undesirable precedent in which other businesses request similar wall-mounted displays (for example, tires for an auto store, toys for a toy store, or paint cans for a paint store). Attaching merchandise to the building diminishes compatibility, cohesiveness and connection to historic architecture.

The ARB was, however, able to support the display if located on the Bond Street elevation of the building, west of the store entrance. With the original approval of the Stonefield development, the ARB agreed to reduced oversight of signage and awnings on Bond Street based on reduced visibility from the Entrance Corridor. The proposed kayak display is more consistent with the treatment of building elevations along Bond Street where there is a greater variety of architectural details, materials and colors. Whereas the neon green color of the kayaks would not be appropriate for the Rt. 29 side of the building, the color would be acceptable west of the entrance on Bond Street. ARB approval of a Certificate of Appropriateness for the kayak installation will be required if the use is approved.

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.

The ARB reviewed this request and determined that the kayak display on the EC-facing elevation would have a negative visual impact on, and therefore be a detriment to, the Entrance Corridor. If relocated to the Bond Street elevation, west of the store entrance, the use would not be a detriment.

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

The ARB determined that the proposed display would have a negative visual impact on the Entrance Corridor. Consequently, the visual character of the district would be changed. If the display is relocated to the Bond Street elevation, west of the store entrance, the use would not change the character of the district.

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,

One of the purposes of this chapter (Section 1.4.3) is “to facilitate the creation of a convenient, attractive and harmonious community.” The ARB determined that the proposed use would have a negative visual impact on the Entrance Corridor. Consequently, the proposed use is not considered attractive and is not expected to be in harmony with the other uses in the district or with the intent of this chapter. If the display is relocated to the Bond Street elevation, west of the store entrance, the use would support an attractive and harmonious community.

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

There are no supplemental regulations in section 5 relevant to this use.

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

The intent of the special use permit requirement for outdoor display - mitigation of negative visual impacts on the aesthetics of the Entrance Corridors - is directly related to the promotion of public welfare and the general quality of life in the County. The ARB determined that the proposed display would constitute a negative visual impact. Consequently, the proposed use would not promote public welfare and quality of life. If relocated to the Bond Street elevation, west of the store entrance, the visual integrity of the corridor will be maintained, and the quality of life will be protected.

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

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 ARB determined that the proposed display would have a negative visual impact on the Entrance Corridor. Consequently, the proposal is not consistent with the Comprehensive Plan. If relocated to the Bond Street elevation, west of the store entrance, the use would be consistent with the Comprehensive Plan.

SUMMARY

Staff has found the following factor unfavorable to this request:

The ARB determined that the proposed display does not meet the Entrance Corridor Design Guidelines and did not support the display as proposed. Based on the ARB's determination, the proposed use is considered a detriment to adjacent property, it will change the character of the district, it is not in harmony with the purpose and intent of the Zoning Ordinance or the Comprehensive Plan, and it will not support the visual integrity of the Entrance Corridor.

Staff has identified the following factor favorable to this request:

The ARB supported the proposed display if located on the Bond Street elevation, west of the store entrance. In that location, the display would be consistent with the character of the area, the purpose and intent of the Zoning Ordinance and Comprehensive Plan, and the visual integrity of the Entrance Corridor. The applicant can accept the Bond Street location, but prefers the EC-facing location.

RECOMMENDATION

Staff recommends denial of SP201600026 LL Bean Outdoor Display, as proposed, based upon the analysis provided herein. Should the Commission be interested in pursuing the display in an alternate location, staff supports the use in the location recommended by the ARB.

MOTIONS

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

I move to recommend denial of SP 2016-26 LL Bean Outdoor Display because it does not meet the Entrance Corridor Design Guidelines.

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

I move to recommend approval of SP 2016-26 LL Bean Outdoor Display with the following condition:

1. The display shall be located on the Bond Street elevation of the building, west of the store entrance. The revised location is subject to ARB approval of a Certificate of Appropriateness.

ATTACHMENT A: [Location Map](#)

ATTACHMENT B: [Kayak Display Details](#)

ATTACHMENT C: [Architectural Review Board Action Letter](#)

ATTACHMENT D: [Architectural Review Board Staff Report](#)