



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP-2017-00024 By Word of Mouth Automotive; motor vehicle sales and rental	Staff: Tim Padalino, AICP, Senior Planner
Planning Commission Public Hearing: February 6, 2018	Board of Supervisors Hearing: To be determined
Owner(s): Challenger Way LLC	Applicant(s): Matt Stimart and Stewart Wright
TMP: 061W0-01-0C-00100 Acreage: 0.76 acres	Special Use Permit for: Motor vehicle sales and rental under Zoning Ordinance Section 22.2.2(8)
Location: 442 Westfield Rd., 446 Westfield Rd.	Zoning/by-right use: C-1 Commercial
Magisterial District: Rio	Proffers/Conditions: Yes
School District: Albemarle High School, Burley Middle School, Agnor-Hurt Elementary School	
DA (Development Area): Places29 – Hydraulic	Requested # of Dwelling Units/Lots: N/A
Proposal: Motor vehicle sales and rental	Comp. Plan Designation: Urban Mixed Use – Neighborhood Service Center in Neighborhood 1, which allows for commercial, retail, employment uses with supporting residential (3-20 units/acre).
Character of Property: Existing one-story structure (8,400 SF) containing multiple commercial enterprises, including By Word of Mouth Automotive vehicle maintenance and repair shop, and paved parking lot (approx. 35 spaces).	Use of Surrounding Properties: Various commercial, retail, and office uses including a motel, a clothing and sporting goods store, a hair salon, a veterinary clinic, an office building, and an automobile repair shop.
<u>Factors Favorable:</u> <ol style="list-style-type: none"> 1. The proposed use is consistent with the Places29 Master Plan. 2. The proposed use is very similar to the existing use; no new impacts have been identified. 	<u>Factors Unfavorable:</u> <ol style="list-style-type: none"> 1. On-site safety and access are intermittently compromised whenever travelways are blocked by parked vehicles; however, this situation can be overcome if the applicant establishes and enforces a “no parking” area in the parking lot.
Recommendation: Staff recommends approval of this special use permit with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Tim Padalino, AICP, Senior Planner
February 6, 2018
TBD

PETITION:

PROJECT: SP201700024 By Word of Mouth Automotive

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 061W0-01-0C-00100

LOCATION: 442 Westfield Road and 446 Westfield Road

PROPOSAL: Motor vehicle sales and rental

PETITION: Motor vehicle sales and rental under Section 22.2.2(8) of the Zoning Ordinance

ZONING: C-1 Commercial, which allows retail sales and service; residential by special use permit (15 units/ acre)

OVERLAYS: Entrance Corridor, Airport Impact Overlay, Managed Slopes

COMPREHENSIVE PLAN: Urban Mixed Use – Neighborhood Service Center in Neighborhood 1, which allows for commercial, retail, and employment uses with supporting residential (3-20 units/acre).

CHARACTER OF THE AREA:

The 0.76 acre property is on the north side of Westfield Road, about 600 feet west of the southbound lanes of Route 29.

Adjacent properties all consist of commercial uses including an auto-repair shop with motor vehicle sales, a veterinary clinic, a retail clothing and sporting goods store, an office building, and a motel. The Berkley subdivision, though not directly adjacent to the property, is about 200 feet to the northeast. The subject property is screened from the subdivision by the adjacent motel, mature canopy trees, and topography (Attachments A1 and A2).

The subject parcel is zoned C-1 Commercial as are all adjacent parcels. The Berkley subdivision is zoned R-2 Residential.

PLANNING AND ZONING HISTORY:

- SDP1981-040 – “Motor Specialty” Site Plan approved by the Planning Commission on September 22, 1981. A Minor Amendment was approved administratively on June 15, 1982.
- SDP1982-040 – A Letter of Revision (LOR #1) for this site development plan was administratively approved on September 27, 2016 to: modify the landscaping plan with different species and locations of plant materials; add a six (6) foot screening fence and low retaining wall along Westfield Road; and remove two parking spaces to allow for the addition of a ramp in front of the existing bay doors.

DETAILS OF THE PROPOSAL:

The applicant currently operates a vehicle maintenance and repair shop on the site in an existing one-story structure. The structure also contains a separate, unrelated commercial enterprise. The property shares an existing commercial access with the neighboring property to the southeast, which is also an auto-repair shop and which also obtained a special use permit for motor vehicle sales and rental (SP-2017-00006), as referenced above in the “Character of the Area” section.

With this request, the applicant is asking for permission to conduct “motor vehicle sales and rental” use, which requires a special use permit in the C-1 zoning district. The concept plan shows three (3) existing parking spaces designated for the display of used vehicles for sale (Attachments B and C).

The site has an existing one-story structure with a footprint of 8,400 square feet, consisting of office space and an auto repair shop. The existing paved parking area contains 35 parking spaces, 4 of which are designated for employee parking on the approved site plan and on the proposed concept plan. The applicant is not proposing any building additions or other new development for the proposed new use.

The existing landscaping materials along Westfield Road, consisting of three river birch trees, several inkberry holly shrubs, and one cornelian cherry tree, are to remain in place. A mature medium canopy tree in the parking lot area is also to remain.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

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 site currently operates as a motor vehicle repair shop and regularly has customers visiting the site, with the existing parking area accommodating customer parking, employee parking, and vehicles awaiting repair. The addition of automobile sales and rental on this property (by designating three existing parking spaces for motor vehicle sales and rental) is not likely to be a substantial detriment to adjacent lots.

A community meeting is required for all special use permit and rezoning requests. However, at the request of the applicant, the community meeting for this project was waived by the Planning Director on December 4, 2017, pursuant to Albemarle County Code Chapter 18 ("Zoning Ordinance"), Section 33.4(J)-2, and in accordance with applicable County policies and procedures, because the change requested by the applicant was considered to be minimal.

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

The adjacent parcels are all zoned C-1 Commercial and contain various service, retail, and office uses. The property is within the Entrance Corridor overlay district; however, ARB staff has determined that the use will not be visible from the Entrance Corridor and therefore does not require ARB review. The addition of automobile sales and rental on this property (by designating three existing parking spaces for motor vehicle sales and rental) is not expected to change character of the district.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.

The intent of the C-1 Commercial District is to permit selected retail sales, service and public use establishments, which are primarily oriented to central business concentrations. The proposed "motor vehicle sales and rental" is an appropriate use within the C-1 zoning district.

...with the uses permitted by right in the district.

"Automobile service stations" and "automobile, truck repair shops (excluding body shops)" are by-right uses in the C-1 zoning district. "Motor vehicle sales and rental," which is a special use in the C-1 zoning district, would have similar impacts as these by-right uses and is expected to be in harmony with other by-right uses in the district.

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

There are no supplemental regulations in section 5 applicable to the proposed "motor vehicle sales and rental" use.

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

Vehicular access to the site will continue to be from the existing shared entrance off Westfield Road. Through site observation and visitation, staff have identified concerns regarding the safe and convenient passage along the existing travelways in the parking lot. Specifically, in an area near the shared entrance and within a designated travelway, there is an intermittent issue of vehicles being parked within the travelway (Attachment D). Although the exact frequency of this issue is unknown, staff believe safe and convenient access must be maintained at all times.

As such, staff recommend that the issue of safe and convenient access be addressed on the applicant's concept plan, site plan, and on site through physical improvements such as pavement striping, curb painting, and/or "no parking" signage".

Reviewers from Zoning, Engineering, Fire-Rescue, and VDOT have all reviewed the request and have no objections to the proposed use and site layout. This use is not expected to cause harm to the public health, safety and general welfare provided the travelway remains clear of parked vehicles at all times.

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

In the Places29 Master Plan, this site is designated as Urban Mixed Use within a Neighborhood Service Center, which allows for commercial, retail, and employment uses with supporting residential. The Plan includes auto commercial sales and service as an allowable use within this area. The Plan recommends a maximum single-building footprint for such uses of 7,500 square feet. The existing structure is 8,400 square feet; however, this proposed use involves no new building additions or other new development.

The Comprehensive Plan also recommends that automobile service uses take place within an enclosed structure. Though the existing automobile service use is by-right and not part of this special use permit review, it is worth noting that vehicle repairs will continue to take place within the existing enclosed structure.

Special Use permit requests in the Development Areas are evaluated for conformity to the Neighborhood Model principles. Not all principles are applicable in every request. Pertinent principles are addressed below:

Pedestrian Orientation	A public sidewalk extends along the frontage of the subject property, providing safe pedestrian connections throughout the designated Neighborhood Service Center. A private sidewalk extends along the front of the existing structure. The existing use and proposed use will inherently rely heavily on vehicular access to the site, with patrons driving their vehicles to the property and walking through the parking lot and into the building, and vice versa.
Mixture of Uses	The project is located in an area of mixed uses and is designated a Neighborhood Service Center.
Neighborhood Centers	The subject property is located in an area designated as a Neighborhood Service Center.
Relegated Parking	The existing site creates an appearance of relegated parking because a fence screens the parking area between the front of the building and the street. Redevelopment of sites provides the most opportunity for coming into conformity with the Neighborhood Model principles. However, in this case only the use would change – no new improvements or additional development are proposed. Staff believes that any future redevelopment of the entire site can provide for relegated parking.

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. The proposed motor vehicle sales and rental use is consistent with the Places29 Master Plan.
2. The proposed motor vehicle sales and rental use is very similar to the existing use, and is expected to create no significant new impacts.

Factors unfavorable to this request include:

1. On-site safety and access are intermittently compromised whenever travelways are blocked by parked vehicles; however, this situation can be overcome if the applicant establishes and enforces a "no parking" area in the parking lot.

RECOMMENDED ACTION:

Staff believes that the concept plan should be revised to include a note that the travelway shall not be used for parking and shall be kept clear of obstructions so as to ensure safe and convenient passage. With this change, and based on the findings described in this staff report and factors identified as favorable, **staff recommends approval of SP-2017-00024 By Word of Mouth Automotive, with the following conditions** (note: minor modifications of wording may take place after County Attorney review):

1. Development and use shall be in general accord with the following revised plans originally prepared by B. Aubrey Huffman & Assoc., Ltd., and updated by Stewart Wright, dated October 30, 2017 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the specified plans, development and use shall reflect the following major elements as shown on the plans:
 - a. Location of proposed vehicle sales and display areas within existing parking lotMinor modifications to the plan that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance.
2. Safe and convenient vehicular access shall be maintained at all times. To accomplish this, the site shall be modified with corresponding physical improvements (pavement striping, curb painting, and/or "no parking" signage) in travelway areas where vehicles are being parked.
3. The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.

MOTIONS:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:
I move to recommend approval of SP-2017-00024 By Word of Mouth Automotive with the conditions outlined in the staff report.
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:
I move to recommend denial of SP-2017-00024 By Word of Mouth Automotive (state reasons for denial).

ATTACHMENTS:

- A1 – Zoning Map (1:400) showing subject property location
- A2 – Map (1:150) showing existing site conditions
- B – Concept Plan
- C – Project Narrative
- D – Travelway Exhibit