

**Albemarle County Planning Commission
February 6, 2018**

The Albemarle County Planning Commission held a public hearing on Tuesday, February 6, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Other officials present were Scott Clark, Senior Planner; Margaret Maliszewski, Chief of Community Development; Elaine Echols, Chief of Community Development; David Fox, Neighborhood Planner; Rachael Falkenstein, Senior Planner; Tim Padalino, Senior Planner; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum

Mr. Keller, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

The meeting moved to the next agenda item.

Public Hearing Items

SP-2017-00024 By Word of Mouth Automotive

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 061W0010C00100

LOCATION: 442 Westfield Road and 446 Westfield Road, Charlottesville, VA 22902

PROPOSAL: Motor vehicle sales as an accessory use to automobile repair service on 0.76-acre parcel.

PETITION: Motor vehicle sales and rental under Section 18-22.2.2-(8) of the zoning ordinance. No new dwellings proposed.

ZONING: C1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT(S): Entrance Corridor (EC), Airport Impact Area (AIA), and Steep Slopes – Managed.

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).

(Tim Padalino)

Mr. Padalino presented a PowerPoint presentation to summarize the staff report that would include a brief description of the proposal, information about the subject property,

a summary of the staff analysis, and staff recommendations for the Commission's consideration. He offered to answer questions.

Mr. Padalino said the applicant is Mr. Matt Stimart, the master technician at By Word of Mouth Automotive; and his request is to conduct motor vehicle sales and rental as it is listed in the ordinance at an existing vehicle maintenance and repair shop in the C-1 Commercial district. The proposal includes no new development or additions to the existing structure. The applicant proposes to designate three existing parking spaces to be used for the display of motor vehicles for sale.

With regards to the subject property, it is located in the development areas in the Rio Magisterial District in Neighborhood 1, which is Places29/Hydraulic. More specifically the subject property's location is at 446 Westfield Road and is identified by tax map/parcel 061W0-01-0C-00100. It is a 0.76- acre property. The property is also within the Entrance Corridor Overlay; however, ARB staff have indicated several months ago that it is not subject to ARB review due to not being visible from Route 29.

Mr. Padalino said with regards to the future land use map in the Places29 Master Plan this area is designated as Urban Mixed Use Neighborhood Service Center as shown on the screen. Looking a little more closely you can see the subject property highlighted with purple highlights around the property boundaries. The adjacent uses includes a motel, a clothing and sporting goods store, a hair salon, a veterinary clinic, an office building, and an auto repair shop, which also is permitted for motor vehicle sales.

Mr. Padalino pointed out the existing uses on site include a one-story approximately 8,400 square foot structure containing two commercial operations - a baseball training academy as well as By Word of Mouth Automotive Vehicle Maintenance and Repair only at this time. Looking at a couple of images of the existing conditions, Mr. Padalino noted an image taken of the existing entrance where you can see the signage, which would not be altered or enlarged, and the existing structure. Looking at the rear of the property he pointed out the mature landscaping and the topography that help to screen the existing conditions from the Berkley Subdivision, which is somewhat adjacent but not really touching this portion of the property. This image shows the approximate location of the three spaces proposed for the display of used motor vehicles for sale. As you can see on the concept plan, those spaces are also delineated in the rear of the property.

The travelway exhibit was included in the staff report as Attachment D, but Mr. Padalino explained that it is no longer pertinent. In working with the applicants, they have been extremely proactive in addressing the concerns articulated in the staff report. The applicants have provided photographs showing how they have recently painted the curbs bright yellow and installed several new no parking signs in the area of concern. Mr. Padalino said he believed this addresses staff's concerns about keeping travelways open for safe and convenient access as shown on the approved site plan, and now the conditions on site match that and ensure that it will not be an issue.

With that in mind, Mr. Padalino said he could provide a summary of staff's analysis, and noted that a detailed analysis is in the staff report. However, by way of summary and with those recent updates on site, there are no unfavorable factors remaining.

A summary of favorable factors includes:

- This proposal is consistent with the Comp Plan; and
- Relative to the existing uses, this proposal represents a rather minor change in the appearance and the use of the site; and
- The proposed new use should not create any significant new impacts.

Therefore, staff recommends approval with the conditions as outlined in the staff report and as summarized on the screen. Mr. Padalino offered to answer questions now or after the hearing.

Mr. Keller invited questions from the Commission for staff.

Mr. Dotson said he had a question of staff and then the same question for the applicant when they step up. Regarding the concern with the intermittent compromised travelways, he asked if the yellow curb and no parking signs are effective and working.

Mr. Padalino replied that, to his knowledge, yes; however, he thinks this was done within the past seven days, was recommended in the staff report and he thinks the recent on-site improvements would be sufficient.

There being no further questions, Mr. Keller opened the public hearing and asked the applicant to come forward.

Steward Wright, representing Mathew Stimart the proprietor of By Word of Mouth Automotive, said he could not add much to Mr. Padalino's staff report since it is very thorough. There are a few things he would like to point out, while Section 22.2 in the Zoning Ordinance calls this out as two uses – motor vehicle sales and rental – my client has no desire to get in the car rental business whatsoever. The reason why we are requesting this is just because, by the nature of the business, frequently you have customers who have an older car that they get tired of sinking money into and don't want to keep it running any more and just want to sell it and get rid of it. He said that the cars are frequently offered to my client to purchase and he is more than capable of fixing and cleaning them up to turn around as a nice inexpensive used car. He said it is a good service to people who cannot afford a \$40,000 new car.

Mr. Wright said again, there would be no change to the site whatsoever because you have a parking lot right now with cars waiting to be repaired and you will still have a parking lot with cars waiting to be repaired with three cars that will be for sale from time to time. He pointed out this is not a constant thing and occasionally a vehicle worth keeping on the road comes up. He added that the county has approved almost two identical special use permit requests in the past two years. The most recent one was approved in August 2017 and is actually located on the abutting property at 450

Westfield Road. The one before that was USA Auto Sales that was special use permit 2015-31 that was approved in July of 2016. Therefore, this is not an unusual request and they keep coming. He said if there were any questions, he would be happy to answer them.

Mr. Dotson said he just had the question asked of the staff that apparently in the past there had been some people leaving, parking and stopping their cars in the travel way and he just learned that within the last week you have put some yellow paint on the curb and no parking signs. He asked if just in that one week has that proven effective.

Mr. Wright replied yes, that has proven to be effective. He noted he did see the photograph that Mr. Padalino took that showed a car and pickup truck parked illegally, showed it to my client and we promptly got on that. It appeared that was just a parent who was picking up their kid from the baseball training facility and he was just too lazy to park in a correct parking space. He said he had been to the site numerous times over the years and had not observed that before. Again, Mr. Stimart is being proactive about it and they are walking the parking lot better to make sure nobody is parking there. He pointed out that it needs to be kept open especially if a tow truck is coming in bringing in a broken down vehicle so it is crucial to my client that travel way stays open also.

Mr. Dotson said that was helpful and thanked Mr. Wright.

Mr. Keller invited public comment. Hearing none, he invited the applicant for rebuttal. Hearing none, he closed the public hearing to bring the matter before the Commission for discussion and action.

Mr. Dotson said he was prepared to make a motion. He said for the reasons outlined in the staff report and with the analysis, he recommends approval of SP-2017-00024 By Word of Mouth Automotive – Motor Vehicle Sales/Rental with the conditions outlined in the staff report.

Ms. More seconded the motion.

Mr. Keller invited further discussion.

Ms. Firehock said she did not think condition #2 is necessary anymore since it is the one condition already met.

Ms. Echols noted that condition #2 needs to stay just so there is a record that needs to be kept.

Ms. Firehock agreed that condition #2 needs to stay.

The motion was approved by an unanimous vote of 7:0.

Mr. Keller said that the recommendation for SP-2017-24 By Word of Mouth Automotive – Motor Vehicle Sales/Rental would be forwarded to the Board of Supervisors to a date to be determined. He thanked staff for the presentation.

The meeting moved to the next agenda item.