

PROJECT PROPOSAL

Malloy Properties III LLC (the "Applicant") is the owner of Tax Map Parcels 04500-00-00-068C1 and 04500-00-00-068A0. On December 14, 2016, the Board of Supervisors approved Special Use Permit SP2016-00018 (the "2016 Body Shop SUP") to allow a body shop on Tax Map Parcel 04500-00-00-068C1 (the "Existing SUP Parcel") and Special Use Permit SP2016-00011 (the "Outdoor Storage and Display SUP") to allow outdoor storage and display on the Existing SUP Parcel (together with the Body Shop SUP, the "Approved SUPs"). The Existing SUP Parcel is highlighted in purple in Figure 1 below. The Applicant requests an amendment to the Body Shop SUP to relocate portions of the body shop to Tax Map Parcel 04500-00-00-068C1 (the "Proposed SUP Parcel"), highlighted in blue in Figure 1 below.



Figure 1

Description of the properties to be developed

TMP	Acreage	Recent Use	Future Use	Zoning	Comprehensive Plan Designation
45-68C1 Existing SUP Parcel	5.19	Better Living Building Supply Company	Car Dealership	Highway Commercial	Commercial Mixed Use
45-68A Proposed SUP Parcel	2.06	Better Living Furniture Store	Body Shop (on portion)	Highway Commercial	Commercial Mixed Use

With the Approved SUPs, the Applicant plans to operate an automobile dealership with sales and a service center within the former Better Living Building Supply structure, and a body shop within another Building Supply structure located at the back of the Existing SUP Parcel, adjacent to Berkmar Drive.

With this request, the Applicant would like to still utilize the back of the Existing SUP Parcel to store vehicles awaiting repair, in the location shown as "Body Shop Location #1" on the enclosed Concept Plan. However, the Applicant would also like to utilize the existing structure in the back of the Proposed SUP Parcel for the location in which the actual repair of the vehicles will occur, as well as the storage of parts, materials and equipment (shown as "Body Shop Location #2" on the Concept Plan). The reason for this request is that the Applicant has determined that it would be far more expensive to renovate the existing building at Body Shop Location #1 for the body shop use than initially expected. The Applicant believes the existing warehouse building at Body Shop Location #2, which is under common ownership, would also be appropriate for the indoor, servicing portion of the body shop use.

The service at the Proposed SUP Parcel will occur completely indoors, shielding any visibility from any public road or adjacent parcels. Therefore, no outdoor storage and display uses are proposed on the Proposed SUP Parcel. The only change to the existing buildings will be to update the doors to serve the proposed use. No new buildings will be constructed and no changes to the parking lot or travel ways are being proposed. In addition, the sole change to the Body Shop SUP is to allow Body Shop Location #2.

While it is unlikely that two body shops at Body Shop Location #1 and Body Shop Location #2 would ever be in operation at the same time, the Applicant would like to retain the flexibility for such an arrangement in the event it ever became necessary for the efficient and effective operation of the business and to respond to customer demand. The Applicant would still be restricted to five (5) service bays, as previously. However, the Applicant would like the flexibility of being able to utilize such service bays in either body shop location. Because this application does not request the addition of service bays, the number of required parking spaces will remain the same and therefore such requirement is satisfied pursuant to the Concept Plan, which shows no changes to the parking layout from the Concept Plans of the Approved SUPs.

This special use permit request will only apply to the 9,120 square foot warehouse building (shown as Body Shop Location #2 on the Concept Plan). The special use permit will not include the remaining portion of the existing, vacant building on the Proposed SUP Parcel, which includes 30,096 square feet, and is attached to the warehouse building. The Applicant intends to lease such remaining portion of the existing building on the Proposed SUP Parcel to future tenant(s).

Section 5.1.31 of the Albemarle County Zoning Code regulates body shop uses as follows: "Each automobile or truck repair shop, body shop, motorcycle and off-road vehicle sales and service shop, and public garage shall be subject to the following:

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

As stated earlier, the proposal includes the addition of Body Shop Location #2, where parts, materials and equipment are intended to be stored. All such storage will occur within the existing, enclosed 9,120 square foot warehouse building. The larger attached building is not part of this special use permit request.

- (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 Applicant does not propose changing the location of the vehicles awaiting repair area from the location shown on the 2016 Body Shop SUP, which was determined to be sufficiently screened from any public street or residential property.

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

The additional Body Shop Location #2 is intended to be an area where the servicing of vehicles for the body shop will occur. As with (a) related to the storage of materials and equipment, the servicing that occurs within this area will take place within the existing, enclosed 9,120 square foot warehouse building. The larger attached building is not part of this special use permit request.

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

Both Body Shop Location #1 and Body Shop Location #2 are located at a distance greater than fifty (50) feet from any residential or agricultural district.

Public Need or Benefit

As discussed in more detail in the section of this Narrative entitled "Consistency with the Comprehensive Plan," a body shop use is an essential component for many automobile dealerships as it provides revenue when the economy is doing poorly and thus the demand for new vehicles is low. Therefore, the approval of a body shop use as part of the future Malloy Ford automobile dealership located on the Existing SUP Parcel encourages the success of a business that provides an important service to the public.

No Substantial Detriment to Adjacent Lots

The proposed amendment to the Approved SUPs will not adversely impact adjacent lots, as there will be no increase in the intensity of use as compared to the uses of the Approved SUPs. The Applicant is not proposing to increase the number of allowable vehicle service bays. In addition, as stated earlier, vehicles awaiting repair related to the body shop uses will occur solely at the location designated in the 2016 Body Shop SUP, which it was determined had adequate screening from adjacent roadways and parcels.

No Change in the Character of the Zoning District

The proposed body shop use will not change the character of the zoning district. As stated earlier, the same use was approved with the 2016 Body Shop SUP and is complimentary of the future automobile dealership to be located on the Existing SUP Parcel, adjacent to the Proposed SUP Parcel. It is also consistent with similar uses within the Highway Commercial Zoning designation.

Harmony with the following list:

Purpose and Intent of the Zoning Ordinance

Section 1.4 of the Zoning Ordinance states that the purpose of the ordinance is to promote the public health, safety, convenience and welfare, including: "(C) facilitate creating a convenient, attractive, and harmonious community...(G) encourage economic development activities that provide desirable employment and enlarge the tax base." As stated earlier, allowing for the body shop use will encourage the success of the automobile dealership to be located on the Existing SUP Parcel. The existing Malloy Ford automobile dealership greatly contributes to the tax base and it will continue to do so in its new location. The proposed body shop use will also provide a convenient public service to those individuals who purchase cars at the dealership.

Uses Permitted By-Right in the Zoning District

The body shop use is complimentary and critical to an automobile dealership use, which is allowed by-right in Highway Commercial districts.

Regulations Provided in Section 5 of the Zoning Ordinance

The relevant regulations in Section 5 of the Zoning Ordinance were discussed above. The proposed body shop will utilize the vehicles awaiting repair area location of the 2016 Body Shop SUP, which was determined to have adequate screening from any public streets or residential properties. All storage and services related to the body shop use will occur within enclosed buildings and will not be closer than fifty (50) feet from any residential or agricultural district.

Public Health, Safety and General Welfare

As stated earlier, the body shop use will provide an important service to the public at a convenient location, especially to those who purchased their automobiles at the future automobile dealership located on the Existing SUP Parcel. The intensity of the use will not increase compared with the Approved SUPs and therefore there will be no increased traffic or additional parking spaces required.

CONSISTENCY WITH COMPREHENSIVE PLAN

Both the Proposed SUP Parcel's and Existing SUP Parcel's primary designation is Commercial Mixed Use. Primary uses within this designation include: community and regional retail, commercial service, auto commercial service, and office uses.

Secondary uses include: office, research & development (R&D), flex, residential, open space, and institutional uses. The Applicant's approved auto dealership is harmonious with the vision and uses intended for this commercial site within the Places 29 Masterplan, as auto commercial service is specifically identified. A body shop is an essential component for many automobile dealerships. Revenue generated from a body shop often has an indirect correlation with revenue generated from new vehicle sales, such that as sales of new cars increase, service on older cars decreases. Accordingly, as sales of new cars decrease during economic downturns, customers hold onto their older cars longer, which results in increases in the revenue from service and body shop work. Thus, the addition of a body shop in an auto dealership allows for financial stability through economic downturns. Body shops also provide a convenient service to the public and are compatible with automobile dealerships.

The project also is an example of sustainability through the repurposing of existing commercial buildings and sites.

IMPACTS ON PUBLIC FACILITIES & PUBLIC INFRASTRUCTURE

The proposed project has no negative impact on public facilities and public infrastructure. This application does not request additional service bays and therefore no traffic will be generated that is in addition to the Approved SUPs and no additional parking spaces will be required.

IMPACTS ON ENVIRONMENTAL FEATURES

The proposed project has no negative impacts on environmental features, as the use is proposed to be carried out inside an existing structure.

Enclosed:

Conceptual Special Use Application Plan for Malloy Ford, dated May 21, 2018, prepared by Shimp Engineering, P.C.

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