

**Albemarle County Planning Commission
August 7, 2018 Regular Meeting**

The Albemarle County Planning Commission reconvened from the joint work session with the Board of Supervisors to their regular public hearing on Tuesday, August 7, 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, Pam Riley, Vice-Chair; Daphne Spain, and Bruce Dotson. Absent was Karen Firehock, Jennie More and Bill Palmer, UVA representative.

Other officials present were Margaret Maliszewski, Chief of Planning; Heather McMahon, Senior Planner; Chip Boyles, Executive Director of Thomas Jefferson Planning District Commission; Megan Nedostup, Principal Planner; Elaine Echols, Chief of Planning; Bill Fritz, Manager of Special Projects; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, County Attorney.

Call to Order and Establish Quorum

Mr. Keller, Chair, called the regular meeting to order at 6:02 p.m. and established a quorum.

The meeting moved to the next agenda item.

Public Hearing Item.

SP-2018-00005 Amendment to Malloy Ford Body Shop

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000068A0 and 045000000068C1

LOCATION: 2060 and 2070 Seminole Trail

PROPOSAL: Expand previously approved body shop use on TMP 45-68C1 with new body shop within the existing building on the 2.06-acre parcel 45-68A

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.
(Heather McMahon)

Heather McMahon summarized the staff report in a PowerPoint presentation.

- This is a request to amend SP-2016-18, which was approved in 2016 for a body shop use at the Malloy Ford property on Route 29North. The vicinity map highlights the subject property that includes two parcel, both properties are owned by Malloy Properties, III LLC and combined they encompass 7.03 acres.
- The southern parcel addressed 2060 Seminole Trail is occupied by the showroom of the former Better Living Furniture Store, which is now vacant. The northern parcel 2070 Seminole Trail was formerly the Better Living building supply store and it is currently being converted into an auto dealership and automotive repair facility for Malloy Ford. Both parcels are zoned Highway Commercial. Commercial uses predominate in this area along Route 29 and the body shop use is considered accessory to motor vehicle sales.
- Motor vehicle sales is a commercial use permitted by right within the Highway Commercial zoning district and the body shop use is similar in character to vehicle sale centers at nearby auto dealerships including the Jim Price, the Umansky and Colonial as well as Brown's Collision Center.

Ms. McMahon said that consequently the proposed use is expected to be in harmony with the other by right uses in the district.

- The next slide is the applicant's concept plan; the previously approved body shop use is labelled body shop #1 at the top left of the concept plan. This request is to expand that use with a new 9,120 square foot body shop that would be located within the rear portion of the existing building at the southern parcel that is labelled body shop #2 on the concept plan.
- The approval for body shop #1 would be retained giving the applicant the flexibility to use either space for body shop use.
- Body shop #2 would be located in the rear warehouse addition of the existing building which would also leave the showroom space as it is and available as future tenant space. The warehouse would be renovated to accommodate the use.
- The noise and emission consequent of body shop work will be contained within the building.
- All repair and storage will be confined to the indoors so the use will not create a negative visual impact on the Entrance Corridor or neighboring parcels.
- Prior to issuing a zoning clearance for the use the Zoning Division will require approvals from other agencies to ensure that impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions, water discharges or impacts from paint booths or flammable, hazardous or explosive materials are sufficiently mitigated. This is to ensure that the use will not impose any substantial detriment to adjacent property.

Ms. McMahon said the only renovation to the exterior of the warehouse would be an alteration to the doors on the north elevation. She said there is no vehicular storage or display of vehicles proposed at body shop #2 in the outdoors. She said the applicant's proposal indicated that no changes are proposed to the previously approved parking configuration travel ways, storage and display or the number of service bays and that the sole change was to allow a second body shop location.

Ms. McMahon noted after the staff report was prepared the applicant verbally asked that the proposed limit to five body shop stalls be eliminated from the recommended special use permit conditions. She said the number of stalls has an impact on parking since two parking spaces are required per service stall so any increase in the number of stalls in the future would need to be accommodated in a site plan amendment. She said it was not the intent of the original approval of the special use permit to limit the number of stalls and because the impact of any increase would be addressed in a future site plan amendment, staff is not opposed to the elimination of that second condition.

The factors favorable found:

1. The request is consistent with the Comprehensive Plan.
2. A portion of an existing building would be renovated to accommodate the use.

No unfavorable factors were found.

Staff recommends approval of **SP-2018-00005 Amendment to Malloy Ford Body Shop** with condition #1 as listed in the staff report. Ms. Mahon said staff is not opposed to eliminating the second condition limiting the number of service bays and that condition as shown has been struck through.

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised July 11, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. Permitted modifications may include those required by the ARB, those necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.
- ~~2. The total number of service bays for Body Shop #1 and Body Shop #2 combined shall not exceed five (5).~~

Mr. Keller invited questions for staff.

Mr. Bivins said that he wanted a clarification of one of the attachments - Attachment C that says it is an existing access easement and that does not have anything paved on it and asked if that is correct. He asked is there a rear entrance to this property.

Ms. McMahon replied no, there is not a rear entrance and thinks that is to the adjacent parcel that Malloy Properties also owns to the south.

Mr. Bivins asked if there is a Berkmar Drive entrance to the property, and Ms. McMahon replied no.

Hearing no further 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, said joining me is Justin Shimp, with Shimp Engineering who is the project civil engineer. She said to clarify Mr. Bivins question the access that you saw on one of the pages of the concept plan is actually an access easement to provide access to a small drop inlet or a stormwater facility. She said because it was far in the back there is a deeded access easement if VDOT ever needed to come in and maintain that in the future and there is no access from Berkmar Drive. Ms. Long said she has a presentation and some slides and photographs; Ms. McMahon's slides were very similar and she would be happy to go ahead and answer any questions since she does not have anything further to clarify although she would be happy to do so if anyone would like me to. She said in the interest of not wasting anyone's time maybe she will take a seat and if there were any comments from the public or any questions she would be happy to do that.

Mr. Keller invited public comment. Hearing none, he asked Ms. Long to come back to the podium to see if there are any questions from Commissioners.

Mr. Dotson commented that he attended the community meeting on this application and there was no community opposition, they were interested in gaining information about it. He said they had been familiar with it because of the earlier approval and the questions that they had tended to be more about county and state regulations of oil and waste disposal from body shops and garages in general, but no specific concerns with this proposal.

Mr. Keller invited further applicant wrap up.

Ms. Long replied that she had no wrap up.

Mr. Bivins said in the front part of the body shop #2 is that proposed to be part of the new dealership too because he read something that it was an additional showroom and then read something that said it was going to be leased out.

Ms. Long replied that it is possible that Mr. Malloy has made some decisions on this since she last spoke with him specifically; however, he gets proposals every once in a while from potential tenants and brokers but she knows of no plans for a dealership there. She pointed out that Mr. Malloy owns other dealerships in the state so it is possible that he will decide to use that as another dealership in the future, but my understanding is that it will not be part of the Ford dealership but that could have changed.

Mr. Keller asked if you have sense of each of the dealerships coming down Route 29 whether there is that rear access on Berkmar because there has been discussions about that road that may or may not happen further up.

Ms. McMahon replied no.

Mr. Keller noted that the reason he brings that up is because the movement along 29North and the alternative flow at some point off Berkmar. He said it would not be a determiner in this for me but just in that longer range planning he thinks you may have been involved in presenting some of those other

dealerships who are doing some kind of creative things. He said it was just a follow-up of whether there could be a benefit to that access.

Mr. Bivins pointed out that Colonial is moving the Volvo dealer down and the entrance to the Volvo dealership will be off Berkmar. He noted that is what prompted my question are we going to start seeing the new motor mile not being on 29 but being Berkmar, which would be okay but he did not believe that Berkmar was designed to be the new motor mile.

Mr. Keller said the Better Living office is going to be off Berkmar but is Better Living warehouse going to be off 29.

Mr. Bivins responded that it was going to be off Berkmar and that having this interesting set of movement to certain activities that Berkmar Drive is taking on this new level of traffic.

Ms. Long said to address that we did work with the owners of Colonial Auto, Carter's Meyers Automotive, when they were working on the zoning for the property that is where they will move the Volvo dealership. She said part of that is they have owned that for a long time and they really wanted to use it and so we helped them be able to get access through to that site. She said that during the construction of the grade-separated interchange they had better circulation patterns for their vehicles. She said they just always knew they are leasing the land where the current Volvo dealership is so they always knew that one day they really needed to find another property so they were able to acquire that land right behind them and it makes for some efficiencies and so forth. Ms. Long noted there is that frontage on Berkmar but thinks that was more just coincidence that the property was there, and again the Malloy Ford dealership is not proposing any connection. To help answer your question, Ms. Long pointed out where the Ford dealership will go and near the back of this building is where the second body shop would go. She pointed out the new Better Living facility but it does not go all the way to the back and this little piece is now part of the Malloy properties so Better Living does not extend all the way to 29.

Ms. Echols asked to add that on that same map if you look at the property just to the south that 2060 Seminole Trail was owned at one time by the people who owned Better Living, but she does not know if they still own it. She said but between that property and the Schwell's property there is a right-of-way, the grade is steep but we have preserved an opportunity for that right-of-way to be used for a potential extension to Berkmar Drive sometime in the future. She said if you look there are 2 parcels if you go north and west along that property line and those 2 parcels that make square right in there at the Berkmar Business Park and that was rezoned 2 or 3 years ago for more of an office park type of development. Ms. Echols said there probably will be an emerging face on Berkmar that is rather mixed but we have been leaving open opportunities for connections to be made in the future at which time they make sense. She said right now they don't because some of the sight distance issues used because some of the topography issues and the little service road that was built in conjunction with the Better Living project, but we are looking towards that and my successors are aware of this and will be looking towards that.

Mr. Dotson said he hates to lose that institutional memory.

Mr. Keller asked Ms. Long if she had anything else, and Ms. Long replied no.

Mr. Keller closed the public hearing to bring the request back to the Planning Commission for discussion and action.

Mr. Dotson moved to recommend approval of SP-2018-00005 Amendment to Malloy Ford Body Shop with condition #1 as outlined in the staff report.

1. Use of this site shall be in general accord with the concept plan "Conceptual Special Use Application Plan for Malloy Ford" last revised July 11, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with this plan, development and use of the site shall reflect the general size, arrangement and location of the parking area for vehicles awaiting repair. Permitted modifications may include those required by the ARB, those

necessary to satisfy the conditions of this special use permit, and additional landscaping/screening approved by the Site Plan Agent.

Mr. Bivins seconded the motion.

The motion was approved by a vote of 5:0. (Firehock, More absent)

Mr. Keller said that SP-2018-00005 Amendment to Malloy Ford Body Shop would move on to the Board of Supervisors with a recommendation for approval.

The meeting moved to the next agenda item.