SHIMP ENGINEERING, P.C.
Design Focused Engineering

Project Narrative For: **Flow Hyundai Special Exception (5.1.31(b))**

Parcel Description: **Tax Map 45-68C**

Submitted: **December 18, 2023**

Revised: **May 8, 2024**

	ACREAGE	EXISTING ZONING	COMP PLAN DESIGNATION
TMP 45-68C	**5.718**	**HC, EC, AIA, Steep Slopes (managed)**	**Commercial Mixed Use**

Project Proposal:

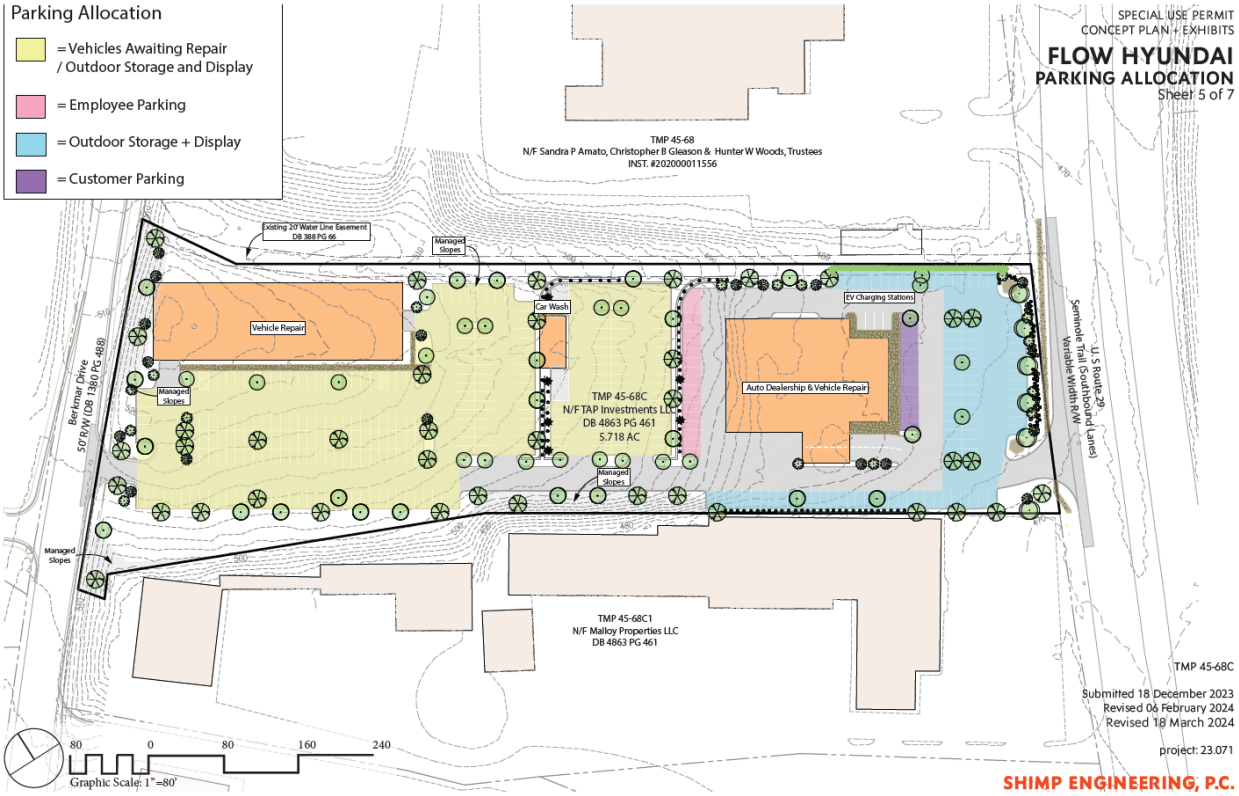
Flow 2110 Seminole LLC is the contract purchaser of tax parcel 45-68C (the "property"). Flow 2110 Seminole LLC (the "applicant") proposes the establishment of an auto dealership and with outdoor display of vehicles for sale. Concurrent with this special exception request, a special use permit application has been submitted to allow for the use of outdoor sales, storage, and display within the Entrance Corridor Overlay District. Pursuant to Sec 5.1. (a) of the Albemarle County Zoning Ordinance, the owner requests the Board of Supervisors waive Sec. 5.1.31(b), requiring "no vehicles 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 requirement for vehicles awaiting repair to not be *visible* from public streets is incredibly onerous, especially for this property which has frontage along two public streets as well as grade change across the property which makes it nearly impossible to entirely remove visibility of vehicles awaiting repair from public streets. The applicant is willing to screen areas where vehicles are awaiting repair however, some visibility from certain points along public streets will remain. The applicant requests a waiver from the requirement that vehicles awaiting repair not be visible from public streets or residential property however, the applicant can still commit to adhering to limiting the areas where vehicles are awaiting repair to locations shown on a future approved site plan.

In accordance with Sec 5.1 (a), supplementary regulations may be waived upon finding that such requirements would not serve the public health, safety or welfare. The owner requests a waiver for Sec 5.1.31(b). Our justification for waiving these regulations under Sec 5.1 (a) are as follows.

Sec. 5.1(a) states. "*The Board of Supervisors may modify or waive any such requirements upon finding that such a requirements would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in section 4 or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.*"

Sec. 5.1.31(b), supplementary regulation for automobile or truck repair shops, prohibits visibility of any vehicle awaiting repair from any public street. The property is located with the south property line fronting US 29 North and the north most property line fronting Berkmar Drive. TMP 45-A2-35 is located across Bermark Drive from the property and is currently zoned R-15, residential. Given the layout of the

property and its proximity to these public roads, locating all vehicles awaiting repair to be out of sight from any public street and residential property is infeasible. The site layout shown below and included in the Special Use Permit application for the use of outdoor sales, storage, and display shows the area vehicles will be parked awaiting repair. Because the property lies within the County's Entrance Corridor, adequate screening will be provided along US Route 29, following the and landscaping guidelines under the County's Entrance Corridor Design Guidelines in order to minimize the visual impact from US Route 29. Additional screening requirements for vehicles awaiting repair may be imposed to further limit visibility from public streets and residential properties.



The property is located in a heavily commercialized location with frontage on some of the County's most heavily traveled corridors. Visibility of vehicles awaiting repair will not compromise the public health, safety, and welfare in the vicinity of the property as several similar business enterprises operate in the immediate vicinity of the property, some having been in operation for decades, without substantial detriment to the surrounding area. Permitting this property to operate as an automobile dealership with automobile repair will better serve the public health, safety, and welfare as this business will create economic development activity and create employment opportunities within a property that is completely appropriate to serve such a use.