



**COUNTY OF ALBEMARLE
STAFF REPORT SUMMARY**

Project Name: SP201600021 Shull's Wrecker and Repair	Staff: J.T. Newberry, Senior Planner
Planning Commission Public Hearing: December 13, 2016	Board of Supervisors Public Hearing: TBA
Owner: Montague or Barbara Dixon	Applicant: Tommy Shull
Acreage: 0.67 acres	Special Use Permit: Automobile, truck repair shop as permitted under Section 26.2 "General commercial use" via Section 24.2.1(2)
TMP: 09000-00-00-035Q0 Location: 1815 Avon Street Extended	Existing Zoning and By-right use: LI – Light Industry - industrial, office, and limited commercial uses (no residential use)
Magisterial District: Scottsville	Conditions: Yes
Development Area: Southern and Western Neighborhoods Master Plan	Requested # of Dwelling Units: N/A
Proposal: Request to permit commercial auto repair.	Comprehensive Plan Designation: Office/R&D/Flex/Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use.
Character of Property: The subject property contains one 2,560 square foot industrialized building with a chain link fence around the perimeter. The parking and storage areas are graveled.	Use of Surrounding Properties: A wide variety of light industrial uses. The entrance to the Lake Reynovia subdivision is across Avon Street Extended, approximately 200 feet north of the entrance to the subject property.
Factors Favorable 1. The request is consistent with the Comprehensive Plan. 2. The proposed uses utilize an existing building, which provides for a more economical use of land. 3. The requested use is viewed as compatible with and supportive of the industrial use of the property. 4. Approval of the special use permit will help to mitigate an existing zoning violation.	Factors Unfavorable None identified.
RECOMMENDATION: Staff recommends approval of this special use permit, with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

J.T. Newberry, Senior Planner
December 13, 2016
TBA

PETITIONS:

PROJECT: SP201600021 Shull's Wrecker and Repair

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 09000-00-00-035Q0

LOCATION: 1815 Avon Street

PROPOSAL: To permit automotive repair in conjunction with existing towing and body shop uses

PETITION: General commercial use under Section 26.2(a) of the Zoning Ordinance (via Section 24.2.1(2) "Automobile, truck repair shops")

ZONING: LI – Light Industry – industrial, office, and limited commercial uses (no residential use)

OVERLAYS: Entrance Corridor, Steep Slopes (Managed)

COMPREHENSIVE PLAN: Office/R&D/Flex/Light Industrial – professional office, commercial; research and development, design, development of prototypes, engineering; light manufacturing, fabrication, distribution if with a non-industrial use in Neighborhood 4 of the Southern and Western Neighborhoods Master Plan

CHARACTER OF THE AREA:

The subject parcel is located on the east side of Avon Street Extended and lies within a corridor of various light industrial users. Adjacent to the site are the offices and storage areas for a special event company and construction company. Also located nearby are Snow's Garden Center and Snow's Business Park, which currently contains a small glassworks company and a body shop among other tenants.

Other types of uses in the area include a church and several large residential subdivisions. Mill Creek and Lake Reynovia lie across Avon Street Extended from the subject parcel. The Avinity subdivision is located on the same side of the street approximately 700 feet to the north.

The property is improved with one 2,560 square foot industrialized building that was constructed in 1974. A gravel area used for outdoor storage of approximately 15,000 square feet lies to the side and rear of the building (see Attachment A).

PLANNING AND ZONING HISTORY:

- ZMA197200259 – Rezoned from A-1 to M-1 to permit a certified welding shop
- SP197300289 – Special use permit approved for a certified welding shop
- SDP197300066 – Final site plan approval for a certified welding shop
- CLE200000257 – Zoning Clearance to store trucks related to Dixon Disposal

DETAILS OF THE APPLICANTS' PROPOSAL AND JUSTIFICATION:

The applicant requests special use permit approval to establish commercial auto repair in conjunction with the existing by-right body shop and towing uses currently operating on the site. According to the applicant, there are many circumstances where it would be beneficial to their customers to have the

ability to provide auto repair. At present, the applicant has no ability to repair towed vehicles that require service beyond the limits of what is permitted under the by-right body shop.

As a result, the applicant has said that the inability to provide this service results in increased costs to customers and lost business. The applicant has said that he provides contract towing services for all three police departments in the area (Albemarle County, City of Charlottesville and the University of Virginia) and there often is not much time or information available for customers to decide where their vehicle should be towed.

The applicant also believes there is a growing market of customers seeking auto repair because people are keeping their vehicles longer (see Attachment B).

Finally, the applicant is seeking to bring the overall site into compliance with the Zoning Ordinance. He became aware of several required County permits after opening at this location in February of 2015. The property is currently in violation of several zoning requirements, including the need to amend the site plan, obtain an approved zoning compliance clearance and receive final approval for a building permit for a paint booth.

SUMMARY OF THE COMMUNITY MEETING:

The community meeting was held at the Monticello Fire/Rescue Station on October 26th, 2016. The applicant outlined the proposal and answered questions from about 10 attendees. Some community members shared that they felt there would be “no significant impact” from the proposal, but others expressed concerns with potential noise associated with the use. Staff provided information on requirements for addressing impacts such as noise, which are described later in this report.

ANALYSIS OF THE SPECIAL USE PERMIT REQUESTS:

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.

While there are not any major external improvements to the site included with this request, there will be an intensification of the existing use of the property. As indicated earlier, most of the adjacent lots are developed with light industrial-type uses. A largely undeveloped property to the east of the site is currently used residentially.

Visibility along the Entrance Corridor is one of the most important issues to be addressed. The applicant is improving the security fencing at the front of the property to meet ARB guidelines (see Attachment C). The conceptual plan shows the detail for a sliding wooden fence that will obscure visibility of towed vehicles and vehicles awaiting repair from Avon Street Extended. The plan also shows the parking area for vehicles will be located at the rear of the site, behind the existing building to the greatest extent possible.

Staff believes this request will not be a substantial detriment to adjacent lots.

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

The approval of the 1972 rezoning on this property from A-1 zoning (agricultural) to M-1 zoning (industrial) was among the first formal recognitions that the character of this area was shifting towards a more industrial character. The comprehensive rezoning in 1980 called for an even larger industrial presence along this corridor.

The proposed use will locate within an existing building and both the applicant and staff expect that there will not be a noticeable difference in the day-to-day operation on this site. Staff finds the proposed use to be in keeping with the character of the existing site and surrounding area.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter, with the uses permitted by right in the district.

Section 1.4.4 of the zoning ordinance states that one of the purposes of this chapter is “to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.” The proposed uses are in harmony with this intent.

The County’s industrially-zoned districts permit a variety of uses by-right. Although the proposed use has many similar characteristics to other nearby industrial uses, which include a body shop, vehicle storage, etc., it is technically considered a commercial use. The Zoning Ordinance doesn’t differentiate between the auto repair provided in addition to a body shop and the auto repair provided by national companies like Jiffy Lube or Safelite AutoGlass. Therefore, the proposed use is subject to Section 26.3 – “Independent Office and General Commercial Uses: Additional Factors When Considering Special Use Permits.” The following provides staff analysis of these additional factors:

- a. *The purpose of the industrial district in which the use is proposed.* The industrial district in which the use is proposed is a vital district due to its proximity of access to the Interstate and location to the central downtown district and university area.
- b. *The proposed use and its proposed size should be consistent with the intent of the applicable industrial district.* The intent of the industrial districts is to provide places of employment and strengthening the local economic base in furtherance of the economic development policy of the comprehensive plan. The district encourages 1) the establishment and continuation of industrial uses and their supporting uses in the locations and at the levels of intensity designated for those uses in the comprehensive plan; (ii) the establishment of new industrial uses that are appropriate for the character of the industrial districts; and (iii) the enlargement and expansion of existing industrial uses. The proposed auto repair use is viewed as compatible with the industrial uses on the property and not expected to alter those uses.
- c. *The use proposed should not be located on the lowest floor of any building having direct exterior access to the ground surface in order to allow that floor to be used for industrial purposes.* As this is a one story building, the proposed use will be located on the lowest floor providing exterior access, but it will not interfere with the existing industrial uses.

- d. *The gross floor area of each establishment should not exceed three thousand (3,000) square feet. The proposed area for the use is less than 1,000 square feet. As such, the gross floor area for the proposed use does not exceed 3,000 square feet.*
- e. *The aggregate gross floor area of the independent offices or general commercial uses, or both, should not exceed twenty-four thousand (24,000) square feet and should not exceed 25 percent of the gross floor area of the building. The aggregate gross floor area of the proposed use will utilize 25% or less of the gross floor area.*
- f. *Whether the structure or structure expansion will be constructed to the standards required for industrial structures, regardless of its intended use. This is not applicable since there are expansion plans associated with this proposal.*

The proposed use is viewed to be in harmony with the purpose and intent of the zoning ordinance and with the uses permitted by right in the district.

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

Section 5.1.31 contains four supplemental regulations applicable to the proposed auto repair use and existing body shop use. Adherence to the proposed concept plan will ensure compliance with these regulations:

- (a) All parts, materials and equipment shall be stored within an enclosed building.
- (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.
- (c) All services shall be performed within an enclosed building.
- (d) No buildings in which services are performed shall be located closer than fifty (50) feet from any residential or agricultural district.

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

The public health, safety, and general welfare of the community is protected through zoning requirements and other agency requirements. To mitigate potential impacts from auto repair and to bring the existing body shop into compliance, the applicant will need to obtain additional approvals from other state and local agencies. These agencies and their requirements include:

- 1. The Engineering Division will require a Certified Engineer's Report to address impacts such as noise, vibration, heat, glare, electrical disturbance, air emissions and water discharges.
- 2. The Department of Environmental Quality (DEQ) will lead the review of the paint booth, including the review of necessary air pollution control equipment.
- 3. The Fire Marshal's Office will ensure any flammable, hazardous or explosive materials are properly stored and that wastes are properly disposed. The site may be subject to annual inspections, which are prioritized based on the level of threat posed by the materials being used.
- 4. The Zoning Division will confirm all of the above approvals have been obtained before approving the zoning compliance clearance.

In accordance with Virginia Department of Transportation's access management policies, VDOT would like to consolidate entrances along Avon Street Extended as much as possible. They have

notified the applicant that a spacing exception may be required because Avon Street Extended is considered a collector, but they do not have any objection to the proposed use.

Lastly, the applicants have been working diligently with County staff since submitting the special use permit application to resolve all of the outstanding permits on their site. Resolution as to whether or not auto repair is an acceptable use in this location will enable the applicant to move forward toward compliance with all of the applicable reviewing agencies.

Staff finds that the proposed use should not adversely impact the health, safety and general welfare of residents of the County once all of the required approvals have been obtained.

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

The Southern and Western Neighborhoods Master Plan designates this area for “Office/R&D/Flex/Light Industrial” uses (see Attachment D). More specifically, the plan calls for the “area between Rt. 20 South and Avon Street Extended” to be considered a “priority area” to provide for light industrial uses and employment. This use is complementary to the light industrial uses on the property and is viewed as consistent with the Master Plan.

Because the proposed use does not involve any physical improvements to the site, provision of a full Neighborhood Model analysis is not provided in this staff report. However, staff has provided some discussion of applicable principles below:

Principle 2 – Mixture of Uses

There is a recognized shortage of land zoned Light Industry (LI) in the County. In 2013, the Board adopted new regulations in the Zoning Ordinance to protect industrially-zoned land. These provisions aimed to prevent offices and commercial uses from occupying land that could otherwise serve industrial users.

Although this proposal is considered a commercial use, it will operate concurrently with and support an existing industrial use. By creating a mixture of uses, there can be more economical and efficient use of the land, which supports other land use goals such as relieving pressure to develop land outside of the Development Area.

Principle 10 – Redevelopment

No significant development is included in this proposal, but “redevelopment” can also be viewed as the overall maximization of a site’s potential. Allowing automobile repair as an additional use on the property will increase the utilization of existing development and infrastructure within the Development Areas.

Similarly, Strategy 4c of the Economic Development chapter of the Comprehensive Plan encourages the County to assist with redevelopment of underutilized commercial and industrial zoned properties.

Staff finds that permitting the proposed use is supported by and consistent with the Comprehensive Plan.

SUMMARY AND ACTION:

Staff has identified factors which are favorable to the auto repair proposal, SP201600021. Favorable factors include:

1. The request is consistent with the Comprehensive Plan.
2. The proposed uses utilize an existing building, which provides for a more economical use of land.
3. The requested use is viewed as compatible with and supportive of the industrial use of the property.
4. Approval of the special use permit will help to mitigate an existing zoning violation.

Unfavorable factors include:

1. None identified.

RECOMMENDATIONS:

Staff recommends approval of SP201600021 based upon the analysis provided herein, with the following conditions:

1. Use of site shall be in general accord with the concept plan “Tommy Shull’s Wreck and Repair – Concept Plan” 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 areas for customers, employees (including the service vehicle space), towed vehicles and vehicles awaiting service. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance;
2. The hours of operation for the auto repair use shall begin no earlier than 8:00AM and end no later than 5:00PM, Monday through Friday.

PLANNING COMMISSION MOTION:

A. Should a Planning Commissioner **choose to recommend approval** of the special use permit for motor vehicle sales:

Move to recommend approval of SP201600021 with the conditions outlined above.

B. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

Move to recommend denial of SP201600021. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS:

Attachment A – [Area Map](#)

Attachment B – [Application Narrative](#)

Attachment C – [Conceptual Plan](#)

Attachment D – [Comprehensive Plan Map](#)