December 16, 2024
Revised February 20, 2025

400 Rio Road West
Special Use Permit Application Narrative
Outdoor Storage and Display
SP 2024-025

Owner: Charlottesville Rio Rd LLC (Previously: Brightspeed of Virginia, LLC f/k/a Central Telephone Company of Virginia)

Tax Map Parcels: 45-25C and 45-25C1 (less and except that portion of 45-25C1 containing approximately 4.058 acres that was conveyed to the Commonwealth of Virginia for the Virginia Department of Transportation's now-cancelled Western Bypass project by deed from Central Telephone Company of Virginia dated March 24, 2000, recorded in Deed Book 1946, page 49)

Current Zoning: Light Industrial (LI); Entrance Corridor Overlay (EC); Airport Impact Area (AIA); Critical Slopes

Current Use: Brightspeed of Virginia, LLC f/k/a Central Telephone Company of Virginia

Historic Use: Industrial, Office, Outdoor Storage of vehicles, trailers, and various materials and equipment

Proposed Use: By-right Ferguson Enterprises wholesale waterworks office with outdoor storage and display

Comprehensive Plan Designation: Rural Area

Parcel Size: Approximately 8.524 acres (adjusted to account for ownership by the Commonwealth of Virginia of approximately 4.058 acres of parcel 45-25C1)

Adjacent Parcel Zoning: Rural Area, Light Industrial, Planned Residential Development, and R-6 Residential

Project Description and Background:

Charlottesville Rio Rd LLC is the owner (the "Applicant") of parcels 45-25C and 45-25C1 (except for approximately 4 acres of parcel 45-25C1 that is owned by the Commonwealth), located at 400 Rio Road West (the "Property"). The Property is located on the north side of Rio Road West, is zoned Light Industrial, and consists of approximately 8.524 acres (adjusted to account for the portion of parcel 45-25C1 owned by the Commonwealth).

4.352 acres of the Property was rezoned in 1970 from R-3 to M-1 for "Office and Equipment Storage" (Exhibit A). Since that time, the Property has been used for storage of the telephone company's fleet of vans, trucks and other equipment on site, including bucket trucks and trailers (Exhibit B). The telephone company has also stored a variety of materials and equipment along the western side of the Property for many decades, including industrial sized spools of cable and telephone poles awaiting installation. In August 1999, the Commonwealth acquired a portion of parcel 45-25C1 for the construction of the now cancelled Western Bypass project (Exhibit F). The portion of the parcel is still owned by the Commonwealth and is not a part of this special use permit request, although the Commonwealth's ownership is not reflected on the County's GIS maps. The prior owner of the Property was Brightspeed of Virginia, LLC f/k/a Central Telephone Company of Virginia which provides internet

to customers in Charlottesville who were previously served by CenturyLink. The applicable approved site plan is SDP 1986-00047, and is attached as Exhibit C.

A preapplication meeting with County staff was held on November 4th, 2024 to discuss the existing non-conforming status for outdoor storage and display of the Property as well as the process for approval for the proposed changes to the site, including new fencing. While the Property has historically been used for the storage of trucks, trailers, supplies, materials, and equipment, Zoning staff has determined that a special use permit is needed for outdoor storage, display, and/or sales for the proposed materials.

The Applicant will continue to store items on site, although in addition to storing vehicles and trailers, the Applicant will also store materials for wholesale. The Applicant also proposes to replace the existing chain link fence with a new taller fence for security and safety purposes as conceptually shown on a Concept Plan. The proposed Concept Plan includes enhanced landscaping comprised of a mixture of trees and shrubs and a 3 foot berm for screening, street trees, a new 8 foot black aluminum fence, and vegetative screening of the existing mechanical equipment to mitigate any impact of the stored materials on the EC.

The Applicant proposes to reuse the existing office building for a wholesale waterworks tenant, Ferguson Enterprises, LLC, who will also store the listed items below on the Property, outside of the building. The materials will be sold to wholesale contractors only, and not to the general public. In addition, the hours of operation would be from 7am-4pm, Monday through Friday. Attached in Exhibit D are photos of the types of materials proposed to be stored at the Property and Exhibit E are google street view photos of the existing Property. Ferguson's employees and customers would park in the existing lot on the eastern side of the Property.

CORE PRODUCTS

Ferguson Waterworks is your source for a wide variety of products that are needed to meet your local requirements and specifications. Some of the core products that we carry include:

- Ductile iron, PVC & HDPE pipe
- Valves
- Fittings
- Fire hydrants
- Joint restraints
- Valve boxes
- Saddles, clamps and couplings
- Service brass
- Water meters
- Meter boxes
- Municipal castings
- Geosynthetics
- Corrugated metal pipe
- Carbon steel and stainless steel pipe
- Backflow devices
- Pumps
- Storm drainage products
- Geotextiles, grids and liners
- Porous pavement systems
- Precast structures
- Erosion control
- Irrigation systems
- Tools and jobsite supplies
- Concrete pipe
- Precast concrete manholes
- Safety equipment

During the preapplication meeting Zoning staff provided feedback that the area shown as "Proposed Outdoor Storage (Existing Legal Non-conforming)" on the Conceptual Plan is considered existing non-conforming for outdoor storage and display given the historic photographs showing continuous storage of materials in that area. Ferguson would like to continue to store materials for its business in that area, as well as the area shown as "Proposed Outdoor Storage" on the Concept Plan. This application proposes to bring the Existing Legal Non-conforming area into conformance by having it be subject to the Application, including any conditions of approval, along with the area newly proposed for outdoor storage.

Consistency with the Surrounding Area, Comprehensive Plan, and Entrance Corridor Overlay:

As stated above, the Property has been used for storage of vehicles, equipment, trailers, materials, and supplies for over 50 years as shown on Exhibit B. Property to the south is zoned Light Industrial and is occupied by Comfort Source, an HVAC company, to the south across Rio Road are single family residential homes, and to the east adjacent to the existing employee parking lot are single family residential homes. The proposed continuation of outdoor storage and display is consistent with the current use of the site and will continue to operate in a similar manner that has been in place without issue on land zoned Light Industrial for over five decades.

The purpose and intent of the Entrance Corridor Overlay is to "implement the comprehensive plan's goal to preserve the county's scenic resources because they are essential to the county's character, economic vitality and quality of life." The Comprehensive Plan designates this Property as Rural Area, although it is located immediately adjacent to the Development Area boundary. The location for this type of use on existing light industrial property is ideal, as the infrastructure along Rio Road is in place to accommodate the trucks that will be coming to and from the site. This use has been in place since before the first County Comprehensive Plan was adopted, and prior to the creation of the Entrance Corridor Overlay District. Further, no expansion of the use is expected, and the areas currently used for storage and/or parking will continue to be used as such.

Chapter 2 of the Comprehensive Plan (Natural Resources and Cultural Assets) establishes the goals for preserving the scenic resources that are essential to the County's character, economic vitality, and quality of life. The Entrance Corridor Overlay District is intended to support those goals by maintaining the visual integrity of the County's roadways. The Architectural Review Board addresses potential adverse aesthetic impacts along the Entrance Corridors by applying the County's Entrance Corridor Design Guidelines during the review of development proposals. The proposed design will significantly enhance this area of the Entrance Corridor with additional landscaping and attractive fencing to mitigate any impacts of the continued storage to the EC, while continuing to support the light industrial use of the Property in furtherance of economic vitality.

Given the historic use of the Property for outdoor storage for vehicles, trailers, materials, and equipment, as well as the proximity of the Property immediately adjacent to the Development Areas, the proposed use will remain consistent with the surrounding area and provide an enhanced design creating a substantially more attractive frontage along the EC.

Special Use Permit Criteria:

The proposed use for the outdoor storage, display, and sales of products associated with the by-right Ferguson Enterprises Wholesale Waterworks center would be consistent with the scope of review of Special Use Permit applications pursuant to Section 30.6.3.a.2.b and it will satisfy the criteria for approval of a Special Use Permit as detailed below.

The Special Use will not be a substantial detriment to adjacent lots:

> The proposed use will not be a detriment to adjacent lots, as it has been consistently used as an industrial and commercial site for over 50 years, and the proposed use is similar to the existing use on the property.

The character of the zoning district will not be changed by the proposed special use:

> The intent of the special use permit requirement for outdoor sales, storage and display is to review the potential impacts of the activity on the Entrance Corridor. As noted earlier, the proposed use will be similar to the use that has continuously existed at the Property since 1970 – a period of over 50 years.

Furthermore, with the proposed vegetation, berming, and new attractive fencing along Rio Road, it is anticipated that the visibility of these outdoor display areas will be minimal along the Entrance Corridors. As such, the proposed use will maintain and enhance the existing character and visual integrity of the area, and not create any impacts on the Entrance Corridor.

The special use will be in harmony with the 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." Allowing the Property parcel to be used for outdoor display areas will benefit the local economy by allowing a use to continue on a Light Industrial zoned property. In addition, the added landscaping, berming, and new fencing will create an attractive Entrance Corridor in this location.

The special use will be in harmony with the uses permitted by right in the zoning district

The proposed use is complimentary to, and in harmony with, the other uses permitted by-right in the existing Light Industrial zoning district. In fact, the proposed use is far less intense than other uses permitted by-right in the existing Light Industrial zoning district.

The special use will be in harmony with the regulations provided in Section 5 as applicable:

There are no additional regulations in Section 5 of the Zoning Ordinance related to outdoor sales, storage, or display of materials for sale.

The special use will be in harmony with the public health, safety, and general welfare

The intent of the special use permit requirement for outdoor sales, storage and display is based on the need to mitigate the potential negative impact of the use on the aesthetics of the Entrance Corridor, and to mitigate the potential for development that is incompatible with the historic resources of the County. The proposed vegetation, berming, and fencing will help reduce the visibility of the outdoor display items. The current use of the Property includes the storage of vehicles, trailers, and bucket trucks, which can be seen from the EC due to the lack of screening and vegetation. The proposed use and enhanced landscaping and fencing will not have any potential negative impact on the Entrance Corridor or the County's historic resources.

No Impacts on Public Facilities and Public Infrastructure:

The Proposed Use will have no material adverse impact on public facilities or public infrastructure. The site plan will conform with all requirements of the ordinance, and will be reviewed by Albemarle County Engineering, Albemarle Parks and Recreation, Albemarle County Fire & Rescue, Virginia Department of Transportation, Albemarle County Service Authority, and the Rivanna Water and Sewer Authority.

No Impacts on Environmental Features:

The Proposed use will be limited to those areas on the Property that are already paved and/or disturbed. No additional disturbance, grading, or impact will occur to the existing environmental features on site.

Exhibits:

A. 1970 Rezoning Action Letter

B. Historic Aerial Photographs
C. Approved 1986 Site Development Plan (SDP 1986-00047)
D. Photographs of Typical Storage Areas
E. Google Street View Images of Site
F. March, 2000 Deed to the Commonwealth of Virginia for approximately 4 acres of parcel 45-25C1

107034068_3

COUNTY OF ALBEMARLE

Planning Department

COUNTY OFFICE BUILDING
CHARLOTTESVILLE, VIRGINIA 22901

JOHN L. HUMPHREY
County Planner

October 16, 1970

Mr. W. Sterling Carter
P. O. Box 1414
Charlottesville, Virginia

Dear Mr. Carter:

This is to inform you that on October 15, 1970 during the regular meeting of the Albemarle County Board of Supervisors, your application for rezoning 4.352 acres from R-3 to M-1 was approved.

If this approval is for a Conditional Use Permit, please come to this office to obtain your Zoning Permit.

Sincerely,

John L. Humphrey

John L. Humphrey
Zoning Administrator

JLH/bct

ALBEMARLE COUNTY, VIRGINIA
APPLICATION FOR REZONING

Date of application 9/18/70

No. ZMP-~~130~~ 141

I/~~We~~ Elkcar, Incorporated, as Owners, ~~contract purchasers~~, of the property mentioned below, hereby petition the Albemarle County Board of Supervisors to amend the Zoning Map of Albemarle County as hereinafter requested.

Location of property Rio Road (State Route 631)

Frontage on State Route 631

Map Location 45-25C Acreage 4.352

Proposed use Office and Equipment Storage

Present Owner Elkcar, Incorporated D B 328 - 251

It is requested that the foregoing property be rezoned

_____ acres from R-3 to M-1

Adjacent Owners

Woodlake Corp.

Roy B. and Anne M. Bondurant

G. Benton and Clarice B. Patterson

Daley Craig, Inc.

Arthur M. Smith

Mobile Parks of Charlottesville, Inc.

Merle G. and Mary C. Bickel

I/We understand the fact that all adjacent property owners, including those across any street are to be notified by registered/certified mail not less than ten (10) days prior to the first public hearing date and evidence of having accomplished this is to be submitted to the Zoning Administrator's office no later than five (5) days prior to the first public hearing date. Applicant or representative must be present at both public hearings.

P. O. Box 1414, Charlottesville, Va.
Address

Elkcar, ~~Incorporated~~
By [signature]
Signature of Owner, ~~contract purchaser~~

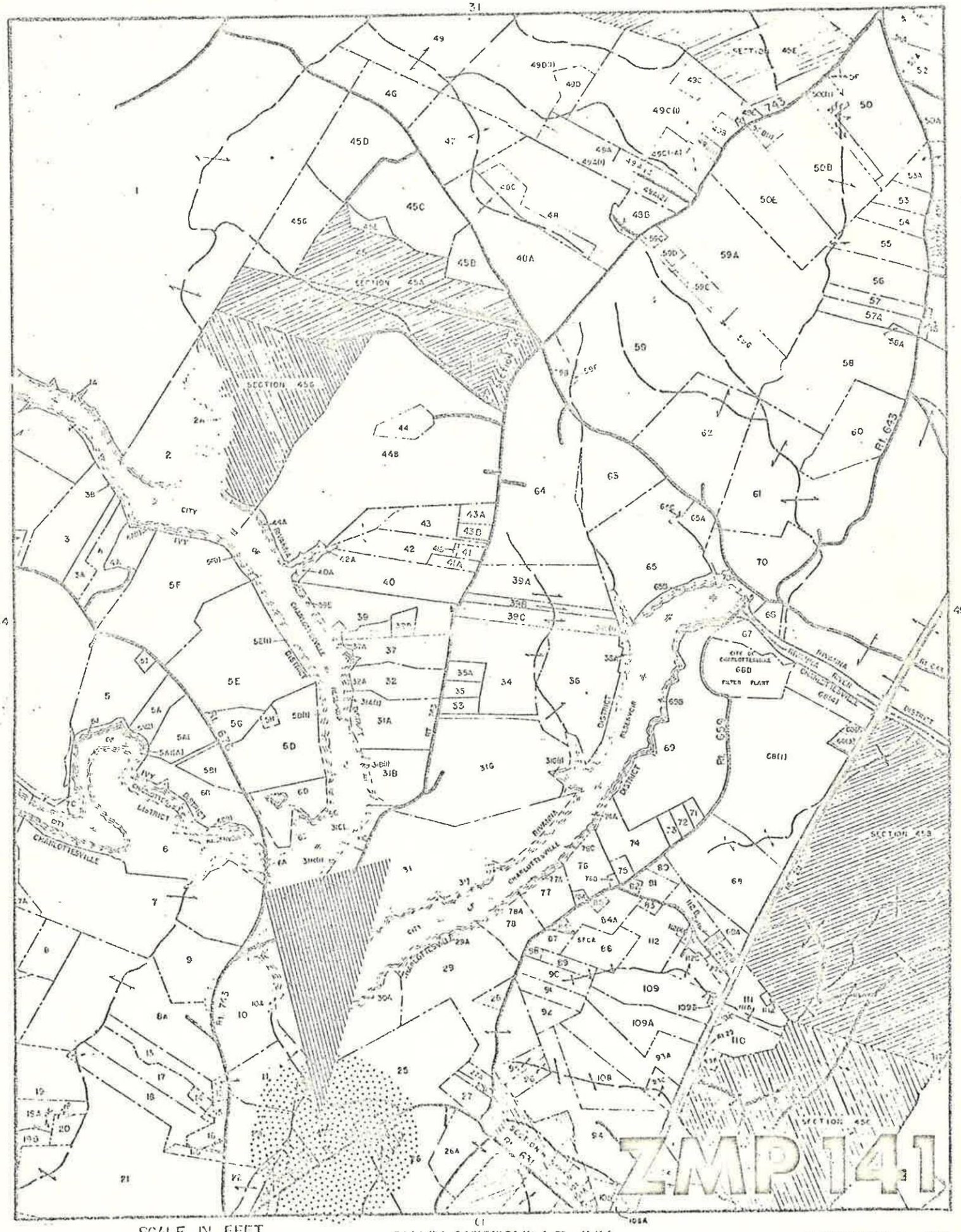
Planning Commission public hearing October 12, 1970 7:30 P.M. Deferral
Oct. 14, 1970 7:30 P.M. Approval
Date Time Action

Board of Supervisors public hearing October 15, 1970 1:30 P.M. Approval
Date Time Action

Requirements to be attached to Petition

A. Site or plat plan
B. Justification

ALBEMARLE COUNTY



SCALE IN FEET

1600 0 1600

CHARLOTTESVILLE, IVY AND RIVANNA DISTRICTS

SECTION 45

Exhibit B



1974


Aerial Imagery
Operational Layers
Albemarle Aerials 1996
Albemarle Aerials 1990
Albemarle Aerials 1980
Albemarle Aerials 1974
Albemarle Aerials 1966
Albemarle Aerials 1957
Albemarle Aerials 1937
1980


Aerial Imagery
Operational Layers
Albemarle Aerials 1996
Albemarle Aerials 1990
Albemarle Aerials 1980
Albemarle Aerials 1974
Albemarle Aerials 1966
Albemarle Aerials 1957
Albemarle Aerials 1937
POWERED BY esri
1990


Identify / Pan
45-11A
45-11F
45-11C
45-11G
45-30C
45-30B
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45-11E
306
45-11
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Pine Cone Ct
45-11H
1877
45-30B1
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45-30
45-30J
45-11X
Squirrel Path
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45-11W
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Leaflet | Albema

1996

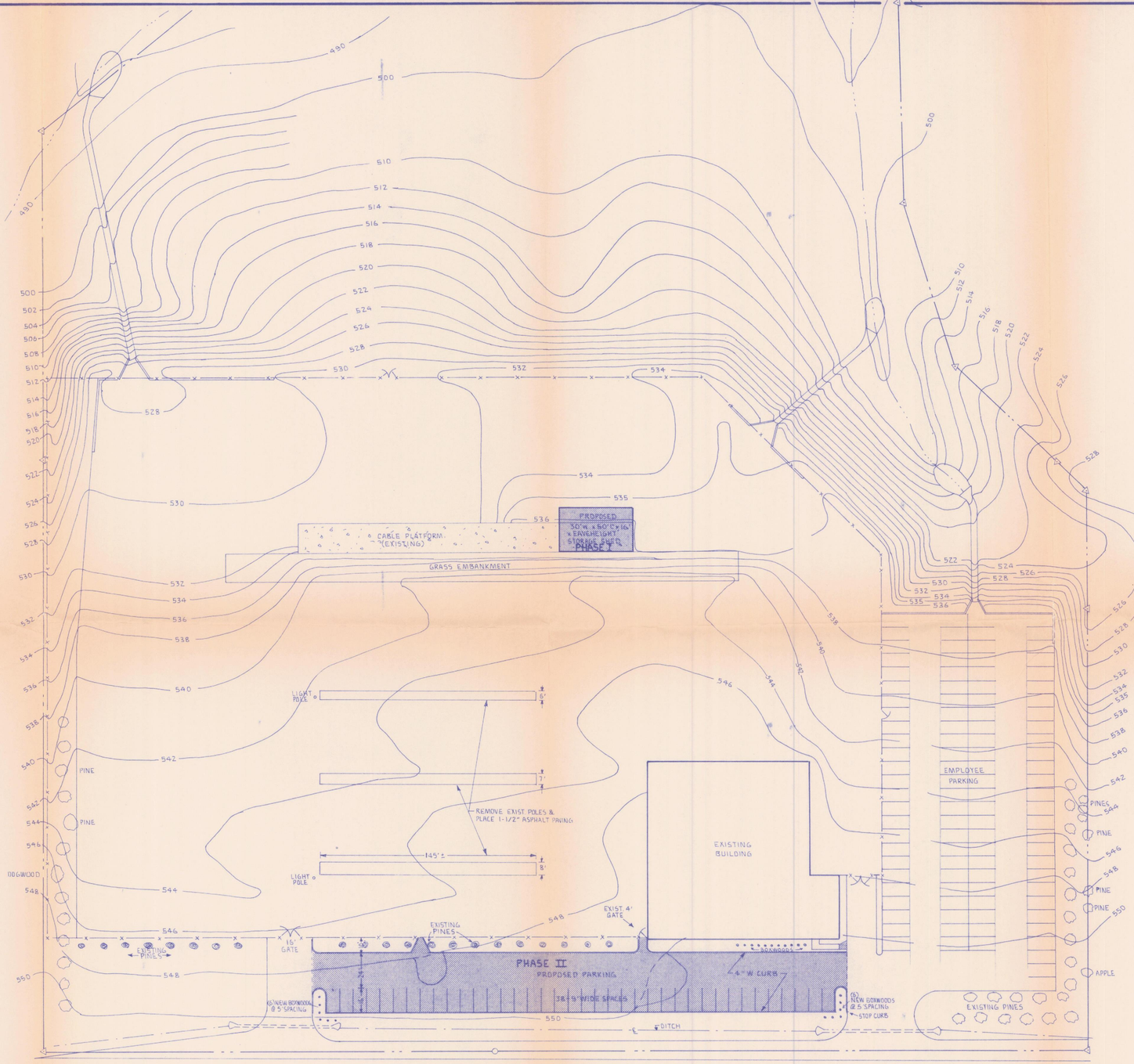

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Squirrel Path
Rio Rd W
Rio R
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Rio Rd W
1448
1453

2018



APPROVED
ADMINISTRATIVELY
County of Albemarle
Department of Planning
Date: 10-30-86 By: AMP

Phase I only approved by Planning
administratively
10-30-86
AMP

CENTRAL TELEPHONE CO. VA	
PLOT PLAN 400 RIO ROAD	
ADD STORAGE SHED & PARKING	
CHARLOTTESVILLE, VA.	
ENG: ACR III	DRN JM 10-8-86
SCALE: 1"=40'	SHEET 1 OF 1

DRAWING NO.

Exhibit D



Exhibit D



Exhibit D



Exhibit D



Exhibit D



Exhibit D

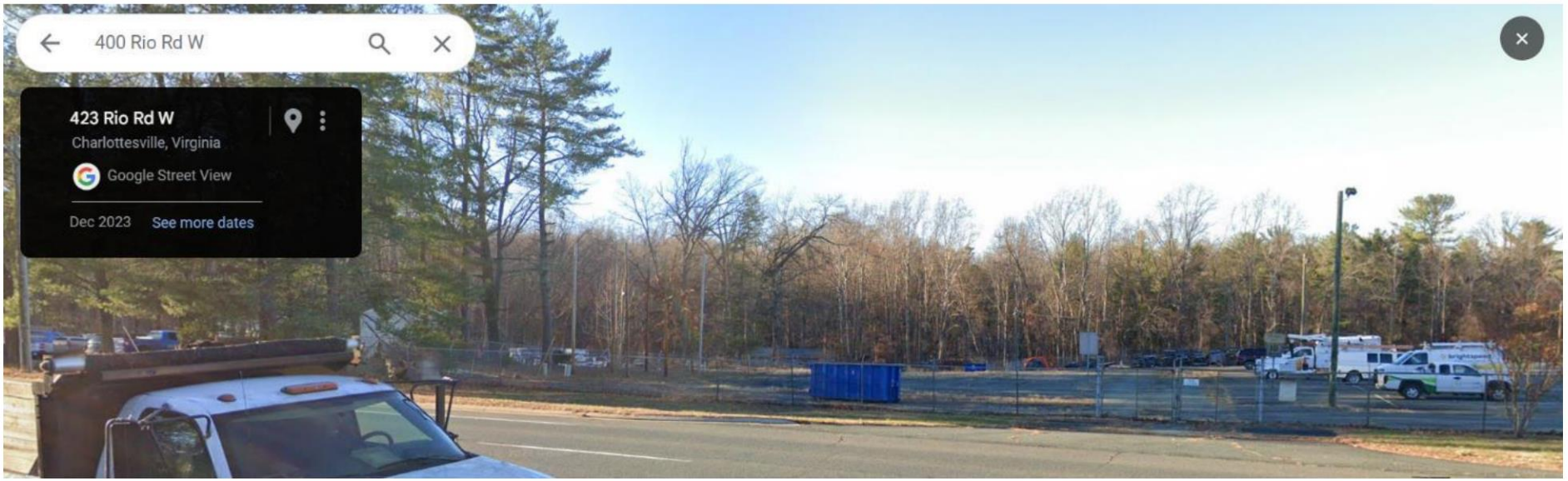


Exhibit E


400 Rio Rd W
400 Rio Rd W
Charlottesville, Virginia
Google Street View
Dec 2023
See more dates
400
brightspeed


400 Rio Rd W
423 Rio Rd W
Charlottesville, Virginia
Google Street View
Dec 2023
See more dates

Exhibit E


400 Rio Rd W
423 Rio Rd W
Charlottesville, Virginia
Google Street View
Dec 2023
See more dates


400 Rio Rd W
370 Rio Rd W
Charlottesville, Virginia
Google Street View
Dec 2023
See more dates

Exhibit E


423 Rio Rd W
Charlottesville, Virginia
Google Street View
Dec 2023
See more dates

Exhibit E


423 Rio Rd W
Charlottesville, Virginia
Google Street View
Dec 2023
See more dates

Exhibit E


423 Rio Rd W
Charlottesville, Virginia
Google Street View
Dec 2023
See more dates

Exhibit E



BK 1946PG0049 010642

PREPARED BY VDOT
UNDER SUPERVISION OF THE
OFFICE OF THE ATTORNEY GENERAL

RW-16 Corp (LA)
Revised 08/99

Exempted from recordation taxes
and fees under Sections 58.1-811(A)(3),
58.1-811(C)(4), 58.1-3315, 25-249, and
14.1-125.2(D).

TM # 045-00-00-025C-1

Assistant Attorney General
Virginia Department of Transportation
Right of Way Section
1601 Orange Road
Culpeper, Virginia 22701-3819

This Deed, made this 24th day of March, 2000, by and between CENTRAL TELEPHONE COMPANY OF VIRGINIA, formerly VIRGINIA TELEPHONE AND TELEGRAPH COMPANY, a Virginia corporation, hereinafter designated as Grantor (even though more than one), and the COMMONWEALTH OF VIRGINIA, Grantee,

WITNESSETH: In consideration of the sum of $436,794.00 paid by the Grantee to the Grantor, receipt of which is hereby acknowledged, the Grantor hereby grants and conveys unto the Grantee in fee simple, with general warranty, the land located in Charlottesville Magisterial District, in the County of Albemarle, and described as follows:

Being as shown on Sheets 21 and 21C of the plans for Route 29, State Highway Project 6029-002-F22, RW-202, and beginning on both sides of the proposed Route 29 Bypass from the lands now or formerly belonging to Lowe Mechanical, Inc., formerly TACCO, Inc., at approximate Route 29 Bypass NBL Construction Baseline Station 218+30 to the lands now or formerly belonging to Mobile Parks of Charlottesville, Inc. opposite approximate Station 220+48, and containing 166,965 square feet (15,511.1 square meters), more or less, land; together with the temporary right and easement to use the additional areas shown as being required for the proper construction of erosion and sediment control as shown on the plans, containing 26,180 square feet (2,431.4 square meters), more or less. Said temporary easement will terminate at such time as the construction of the aforesaid project is completed. Also together with the permanent right and easement to use the additional areas shown as being required for the proper construction and maintenance of erosion and sediment control, left of approximate Route 29 Bypass SBL Construction Baseline Station 219+06 to approximate Station 219+20 and left of approximate Route 29 Bypass SBL Construction Baseline Station 219+43 to approximate Station 220+00, containing 11,718 square feet (1,088.4 square meters), more or less; and being a part of the same land acquired by the Grantor from Elkcar, Incorporated, a Virginia corporation, by Deed dated October 26, 1970, and recorded in Deed Book 478, Page 484, and by Deed dated October 5, 1971, and recorded in Deed Book 495, Page 411, in the Office of the Clerk of the Circuit Court of said County.

For a more particular description of the land herein conveyed, reference is made to photocopies of Sheet Nos. 21 and 21C, showing outlined in RED the land conveyed in fee simple, indicated in GREEN the land conveyed for the permanent easement, and indicated in ORANGE the land conveyed for the temporary easement, which photocopies are hereto attached as a part of this conveyance and recorded simultaneously herewith in the State Highway Plat Book XIV, Page 46+47

AND FURTHER WITNESSETH: THAT WHEREAS, all or part of State Highway Route 29 has been designated as a Limited Access Highway in accordance with the provisions of Article 4, Chapter 1, Title 33.1, of the 1950 Code of Virginia, as amended;

NOW, THEREFORE, for the aforesaid consideration the Grantor doth also hereby grant and convey unto the Grantee with general warranty any and all easements of access, light or air, incident to the lands of the Grantor abutting upon the Limited Access Highway, and/or upon any of its ramps, loops, or connections at and with intersecting highways, the line or lines along which the easements herein conveyed lie being described as follows:

From a point on the northwest proposed right of way and limited access line opposite approximate Station 219+06 (SBL Construction Baseline of Route 29 Bypass), the lands of Cole W. Sandridge, Jr. and Roy Ann Sandridge, thence along said northwest proposed right of way and limited access line to a point opposite approximate Station 219+99, the lands of Mobile Parks of Charlottesville, Inc.

From a point on the southeast proposed right of way and limited access line opposite approximate Station 218+33 (NBL Construction Baseline of Route 29 Bypass), the lands of Lowe Mechanical, Inc., formerly TACCO, Inc., thence along said southeast proposed right of way and limited access line to a point opposite approximate Station 220+48, the lands of Mobile Parks of Charlottesville, Inc.; as indicated in BLUE on the aforesaid plans.

It is covenanted and agreed that this conveyance is made pursuant to the provisions of Article 4, Chapter 1, Title 33.1, of the 1950 Code of Virginia, as amended, which shall be a covenant running with the abutting lands of the Grantor, which abut upon the Limited Access Highway, and/or upon any of its ramps, loops, or connections at or with intersecting highways, along the line or lines hereinabove described, as if the Article, as amended, were herein fully recited. Nothing herein contained shall be

construed to convey any easement of access, light or air, incident to any lands of the Grantor abutting upon any highway other than the Limited Access Highway, ramps, loops, and connections, nor as denying the Grantor the right of ingress to and egress from any of the Grantor's lands which abut upon any service road now or hereafter constructed by the Grantee to provide access to and from the Limited Access Highway.

The Grantor by the execution of this instrument acknowledges that the plans for the aforesaid project as they affect its property have been fully explained to its authorized representative.

This conveyance is subject to all matters of record revealed by a search of the records of the Clerk's Office for the Circuit Court of the County of Albemarle, Virginia.

Subject to the aforesaid, the Grantor covenants that it is seized of the land in fee simple herein conveyed; that it has the right to convey the land to the Grantee; that it has done no act to encumber the land; that the Grantee shall have quiet possession of the land, free from all encumbrances, and that it will execute such further assurances of the land as may be requisite.

The Grantor covenants and agrees for itself, its successors and assigns, that the consideration hereinabove mentioned and paid to it shall be in lieu of any and all claims to compensation for land, and for damages, if any, to the remaining lands of the Grantor which may result by reason of the use to which the Grantee will put the land to be conveyed, including such drainage facilities as may be necessary.

WITNESS the following signature and seal:

Central Telephone Company of Virginia

By _____ (SEAL)

Title Vice President

BK 1946PG0052

STATE OF North Carolina

COUNTY OF Franklin

The foregoing instrument was acknowledged before me this 14th day of July, 2000, by Dwight W. Allen (Name of officer or agent), Vice President (Title of officer or agent) of Central Telephone Company of Virginia (Name of Corporation), a Virginia (State or place of incorporation) corporation, on behalf of the corporation.

My Commission expires August 21, 2000.

Susan Iverson Mullin
Notary Public

BK1946PG0053

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ALBEMARLE:

THIS DEED WAS PRESENTED, AND WITH CERTIFICATE ANNEXED, IS ADMITTED TO RECORD ON Aug 14, 2000 AT 10:00 O'CLOCK A. M.

STATE TAX	$	(039)
LOCAL TAX	$	(213)
TRANSFER FEE	$	(212)
I.T.T.F.	$ ~~1.00~~	(106)
VSLF	$ 1.00	(145)
CLERK'S FEE	$ 12.00	(301)
PLAT	$ 5.00	
SECT.58.1-802:		
STATE TAX	$	(038)
LOCAL TAX	$	(220)
LOCAL TAX	$	(223)
TOTAL	$ 18.00	

See Highway Plat Book XIV p. 46+47

TESTE:
SHELBY J. MARSHALL, CLERK
BY: Penny Monahan
DEPUTY CLERK