



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP202100003 Caliber Collision	<b>Staff:</b> Mariah Gleason, Senior Planner II
<b>Planning Commission Public Hearing:</b> December 7, 2021	<b>Board of Supervisors Hearing:</b> TBD
<b>Owner:</b> Tap Investments LLC	<b>Applicant:</b> Bret Flory, Cross Architects, PLLC
<b>Acreage:</b> 1.02 acres	<b>Special Use Permit for:</b> Body shop use under Zoning Ordinance 18-24.2.2(17)
<b>TMP:</b> 04500-00-00-10600 <b>Location:</b> 1720 Seminole Trl, Charlottesville, VA, 22901	<b>By-right use:</b> HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)
<b>Magisterial District:</b> Rio	<b>Conditions:</b> Yes <b>EC:</b> Yes
<b>Proposal:</b> Request for a body shop use in an existing building on a 1.02-acre parcel.	<b>Requested # of Dwelling Units:</b> None
<b>DA:</b> X <b>RA:</b>	<b>Comp. Plan Designation:</b> Core Area within Rio 29 Small Area Plan – area intended to have a mixture of uses including residential, commercial, retail, office, institutional and employment uses. Buildings with heights of 3-6 stories, built close to the street, with pedestrian access and relegated parking.
<b>Character of Property:</b> The property consists of an approximately 9,200 square foot, single-story commercial/retail building. The building is an “L” shape with an elongated warehouse lying along the northern property boundary and a showroom area extending along the front of the parcel. The showroom is highly transparent with windows lining the street-facing sides of the building. The parcel is surrounded by paved areas containing vehicular travelways and parking. A front lawn area, located between northern and southern site entrances lies between the building front and the public sidewalk adjacent to Rt 29/Seminole Trl. Grass strips run along the side and rear property edges with a few mature trees located in the southwest corner of the site. A topographic grade change also physically separates this property from the neighboring property to the south.	<b>Use of Surrounding Properties:</b> Surrounding properties are generally zoned for commercial uses. Directly abutting parcels are zoned Highway Commercial and include the following businesses: Storage Solution Center, located to the north and west of the subject property, and Jefferson Coin, to the south. Albemarle Square Shopping Center is located across Rt 29/Seminole Trl from the subject property and is zoned Planned Development Shopping Center (PDSC).
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The proposed use will not create substantial detriment to adjacent properties.</li> <li>2. The proposed use is consistent with the existing character of the nearby area.</li> <li>3. The proposed use is consistent with the purpose and intent of the Highway Commercial zoning district.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. The proposed use is not fully consistent with the recommendations of the Rio29 Small Area Plan.</li> <li>2. The proposed form is not consistent with the recommendations of the Rio29 Small Area Plan.</li> </ol>
<b>Recommendation:</b> Staff recommend denial of SP202100003 Caliber Collision.	

**STAFF PERSON:** Mariah Gleason, Senior Planner II  
**PLANNING COMMISSION:** December 7, 2021  
**BOARD OF SUPERVISORS:** TBD

**PETITION:**

PROJECT: SP202100003 Caliber Collision

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 04500000010600

LOCATION: 1720 Seminole Trl, Charlottesville, VA, 22901

PROPOSAL: Special Use Permit request for a body shop use in an existing 9,200 square foot building on a 1.02-acre parcel.

PETITION: Body shop use allowed by special use permit under Section 24.2.2.17 of the Zoning Ordinance. No new dwelling units proposed.

ZONING: HC Highway Commercial – commercial and service; residential by special use permit (15 units/ acre)

OVERLAY DISTRICT(S): AIA – Airport Impact Area Overlay, EC – Entrance Corridor, Managed Steep Slopes

COMPREHENSIVE PLAN: Core Area within Rio 29 Small Area Plan – area intended to have a mixture of uses including residential, commercial, retail, office, institutional and employment uses. Buildings with heights of 3-6 stories, built close to the street, with pedestrian access and relegated parking.

**CHARACTER OF SURROUNDING AREA:**

The subject property is located on Rt 29/Seminole Trl and is surrounded by commercially zoned properties that are largely oriented toward Rt 29. Directly adjacent businesses include Storage Solution Center, located to the north and west of the subject property, and Jefferson Coin, to the south. Albemarle Square Shopping Center, zoned Planned Development Shopping Center (PDSC), is located across Rt 29/Seminole Trl from the subject property.

Several businesses north and south of the subject property provide auto-related services. For example, north of the property about 300 feet, or a one minute walk, is Carter Myers Automotive, CMA’s Colonial Nissan, and CMA’s Volvo. South of the property, at the intersection of Rt 29/Seminole Trl and Rio Rd about 750 feet from the property, is a recently approved Auto Dealership, NTB National Tire & Battery, Enterprise Rent-A-Car, and a by-right application is currently under review by staff for the redevelopment of the neighboring Wendy’s site into a Discount Tire. Businesses in this area are forming a cluster of auto-oriented services.

Attachment 1 provides an aerial map of the subject property and surrounding areas.

**PLANNING AND ZONING HISTORY:**

- SDP000000413 Wonder Bread Site Plan
  - On November 19, 1973, the County approved a site plan for this lot. Development included a 9,200 square foot building, parking, and paved areas.
- SP197300305 Star Realty Systems, Inc. – Wholesale Bakery Special Use Permit
  - On November 28, 1973, the Board of Supervisors approved a special use permit for the wholesale operations of the bakery facility.

**DETAILS OF THE PROPOSAL:**

The applicant is requesting a special use permit to allow body shop uses on a 1.02-acre parcel along Rt 29/Seminole Trl. The applicant proposes to occupy the existing 9,200 square foot

building on the subject property for the establishment of a Caliber Collision. The existing building was previously used for commercial/retail uses and was last occupied by Goodwill.

As stated in the applicant's Project Narrative, provided in Attachment 2, all repair and work activities associated with the proposed use will occur indoors and all vehicles awaiting repair will be parked towards the side and rear of the lot, behind a screening fence.

According to the submitted Conceptual Plan, provided in Attachment 3, the applicant is proposing to maintain the current footprint of the building. Exterior changes to the building façade, frontage, and parking areas are proposed. Additional fencing, including screening fencing, are also proposed.

### **COMMUNITY MEETING:**

In light of COVID-19, community input on this project was solicited through several means including phone, email, and a virtual community meeting held via Zoom. The virtual community meeting was held at 7:00pm on Thursday, March 25, 2021 as part of a Places29 Rio Community Advisory Committee meeting. Mailed letters were sent to nineteen (19) surrounding property owners inviting them to participate in the meeting and share comments, concerns, and questions. A recording of the virtual community meeting is available via the County calendar and Albemarle County's YouTube account.

During the community meeting, significant concern was expressed about the inconsistency of the proposal with the recommendations of the Rio29 Small Area Plan. Additional concerns were heard around the following topics: environmental contamination associated with the use, conflicts created by the site's two entrances and traffic – including towing/flatbed trucks – accessing the property, the project's coordination with future pedestrian connections, proposed signage, and sidewalks.

Community members also voiced support for the project, citing that the proposal was a good use for the property, able to provide jobs, and an improvement to a vacant site.

Staff received two comments from the public via email following the community meeting. Those comments are provided in Attachment 4.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:**

Special Use Permits are evaluated under reasonable standards, based on zoning principles which includes the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions and those conditions must be reasonably related and roughly proportional to the impacts.

***Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40 (B):***

- 1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

#### Traffic

The 1973 site plan approved a single entrance to the site that was shared with the neighboring parcel to the north, TMP 45-105. When road widening and improvements were made to Rt 29/Seminole Trl, around 2016, areas in front of the existing building were made part of the public right-of-way and the site was redesigned with two separate entrances on either side of the building.

Both entrances are right-in/right-out and located on the Rt 29/Seminole Trl southbound exit lanes to Rio Rd. The northern entrance remains shared with the abutting property to the north but only allows a one-way traffic flow to the subject property. The southern entrance serves only the subject property and provides two-way vehicular access, such that vehicles can both enter and exit the site from this location.

During review by County staff and partner agencies, it was found that the one-way travel lane along the northern property line and building side is necessary and must remain for fire and rescue services to have adequate access to the existing building. In addition, an Access Management Exception Request was also needed to allow the existing site entrances to remain, as the separation between the entrances is less than the standard spacing required by VDOT. The applicant submitted the required Access Management Exception to VDOT and VDOT has approved that request (Attachment 5). Additional requirements related to onsite travelways and vehicular flow – including those by larger vehicles (i.e. towing/flat-bed trucks) that are typically associated with this use – will be evaluated by staff and partner agencies with the review of a site plan.

In VDOT's review of the Access Management Exception Request, it was noted that the proposed use is expected to generate fewer vehicular trips to/from the site than the previous active, commercial use.

Therefore, as there are no outstanding concerns related to existing onsite travelways, entrances, or estimated vehicular trips, staff find that traffic associated with the proposed body shop use will not create substantial detriment to adjacent parcels.

#### Sound

The applicant has indicated that all work associated with the use will occur indoors. The supplemental regulations for body shop uses, contained Section 5.1.31 of the zoning ordinance, also requires that all services associated with body shops be performed within an enclosed building. Thus, the proposed use is not likely to be a source of substantial or excessive noise, odor, or dust.

Also, the proposed use will be required to abide by Section 4.18 of the zoning ordinance, which regulates maximum sound levels for commercial areas. Should sound generated by this use exceed the maximum noise levels permitted on the property, adjacent property owners would be protected by this provision of the ordinance.

Therefore, as the use will take place indoors and have regulated noise levels, staff find that sound associated with the proposed body shop use will not create substantial detriment to adjacent parcels.

#### Visual

As mentioned above, work associated with the proposed use will take place indoors and, as a result, will not be visible. Also, parking on the subject property will be relegated to the rear and side of the existing building. Vehicles awaiting repair will be parked in the rear corner of the property behind a screening fence. The requirements of the zoning ordinance and Architectural Review Board will also ensure that vehicles awaiting repair will not be visible from the Rt 29/Seminole Trl Entrance Corridor at the site planning stage. In addition, the Conceptual Plan submitted by the applicant depicts an intention to improve the existing landscaping on the subject property currently. Staff, therefore, find that visual impacts created by the proposed body shop use will not create substantial detriment to adjacent parcels.

To preserve the findings contained in the evaluation of this Factor, staff recommend Condition #1 regarding the extent and configuration of the proposed use.

**2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.**

In addition to the findings contained in Factor #1, the proposed body shop use is located in a diverse commercial area which includes several auto-oriented businesses, such as Carter Myers Automotive, CMA's Colonial Nissan, CMA's Volvo, NTB-National Tire & Battery, and others. As such, staff find the proposed body shop use to be consistent with the current, existing character of the nearby area.

**3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,**

Albemarle County Code states that the intention of the Highway Commercial (HC) district is to permit the development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations. The intention for this district is to be located within the urban areas of the comprehensive plan, and further intended that this district limit sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets. The applicant's proposal is consistent with the purpose and intent of this zoning district.

**...with the uses permitted by right in the district,**

The subject property and surrounding parcels are zoned Highway Commercial. The proposed body shop use will not restrict current or other by-right uses available on surrounding properties.

**...with the regulations provided in Section 5 as applicable,**

The proposal demonstrates compliance with the supplemental regulations related to body shops contained in Section 5.1.31 of the zoning ordinance.

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

Based on the review of information provided by the applicant and evaluation against the zoning ordinance and supplemental regulations, County staff and partner agencies did not find evidence that the proposed body shop use would be detrimental to public health, safety, or general welfare.

As mentioned previously in Factor #1, additional safety-related matters, such as those regarding internal traffic flow and site frontage and entrance characteristics, will be evaluated by staff and partner agencies, including VDOT, at the site planning stage.

**4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.**

The subject property, TMP 45-106, is located in the Development Area of the County and is guided by the Rio29 Small Area Plan, as part of the Albemarle County Comprehensive Plan. The Rio29 Small Area Plan (Rio29 SAP) designates this property as a "Core" area, which is characterized by a highly urban and pedestrian-friendly environment. Buildings within this area are recommended to be 3-6 stories in height, built close to the street, have windows on

the ground story along the street and active first floor uses. The Rio29 SAP also recommends properties in the Core include pedestrian access and relegated parking.

In comparison with Rio29 SAP, the proposal demonstrates consistency by implementing the street design and frontage recommendations proposed along Rt 29/Seminole Trl. The Conceptual Plan submitted by the applicant proposes an eight (8) foot wide landscaped separation zone, a fourteen (14) foot wide shared-use path, and a frontage zone between the shared-use path and onsite building, in accordance with the recommendations of the Rio29 SAP.

The proposal, however, is not fully consistent with the uses and building form recommended by the Rio29 SAP. The Rio29 SAP, or Plan, explicitly states that auto service uses are not encouraged in the Core. Yet, the Plan also states that these uses may be permitted by exception when the applicant can demonstrate that there will be minimal impacts on surrounding uses. Based on the proposal's adherence to the supplemental regulations for body shop uses, which requires all work to be performed within an enclosed building and the screening of vehicles awaiting repair, in addition to the proximity to other auto-oriented businesses nearby, staff find that there will be minimal impacts on surrounding uses created by the proposed body shop use. Thus, the proposed use could be permitted by exception in this location.

However, the Plan also articulates that auto-oriented uses may be appropriate in mixed uses areas when a certain building form is achieved. Specifically, the Rio29 SAP recommends auto-oriented uses that are relegated behind other uses, or with liner buildings along the street frontage. The proposal is inconsistent with this recommendation as the proposed use will front along a through corridor (Rt 29/Seminole), as opposed to being relegated behind other uses. As previously noted, this proposal is one of many automotive services within an entirely commercial area. However, it is expected that this area will develop into a mixed-use area in the future that has residential, office, and other retail/service uses.

Other aspects of the existing building on the property also do not align with the recommended form and design standards of the Rio29 SAP. Building forms in the Core area are recommended to be 3-6 stories in height and exhibit massing that avoids expansive blank walls, in favor of transparent first floors to create visually interesting pedestrian environments. The existing building on this site is a single story and includes expansive blank walls along the northern side of the building which is visible from the Entrance Corridor.

For these reasons, staff does not find the proposal to be consistent with the recommendations of the Rio29 Small Area Plan.

### **SUMMARY:**

Staff find the following factors favorable to this request:

1. The proposed use will not create substantial detriment to adjacent properties.
2. The proposed use is consistent with the existing character of the nearby area.
3. The proposed use is consistent with the purpose and intent of the Highway Commercial zoning district.

Staff find the following factors unfavorable to this request:

1. The proposed use is not fully consistent with the recommendations of the Rio29 Small Area Plan.

2. The proposed form is not consistent with the recommendations of the Rio29 Small Area Plan.

### **RECOMMENDED ACTION:**

Based on the findings contained in this staff report, staff recommends denial of SP202100012 based on the factors unfavorable.

However, if the Planning Commission wishes to recommend approval, staff recommend the following conditions:

### **CONDITIONS:**

1. Development of the use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the Conceptual Plan titled "Caliber Collision: Conceptual Site Plan 01," prepared by Bret Flory, dated October 1, 2021. To be in general accord with the Conceptual Plan, development must reflect the following essential major elements:
  - Building footprint
  - Parking areas
  - Eight (8) foot wide planting strip
  - Fourteen (14) foot wide shared use path

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

### **ATTACHMENTS**

Attach. 1: [SP2021-03: Caliber Collision Vicinity Map](#)

Attach. 2: [SP2021-03: Caliber Collision Project Narrative](#)

Attach. 3: [SP2021-03: Caliber Collision Conceptual Plans](#)

Attach. 4: [SP2021-03: Caliber Collision Public Comments Received via Email](#)

Attach. 5: [SP2021-03: Caliber Collision Approved Access Management Exception Request](#)