



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202200026 Shull Property	Staff: Cameron Langille, Principal Planner
Planning Commission Hearing: March 12, 2024	Board of Supervisors Public Hearing: To be scheduled
Owner: Thomas F. Shull II & Tracy R. Shull	Applicant: Thomas F. Shull II & Tracy R. Shull
Acreage: 6.41 acres	Special Use Permit: Section 18-10.2.2 (37) for a public garage
TMP: 12100-00-00-08610 Location: Immediately southeast of the intersection between Scottsville Road (State Route 20) and Coles Rolling Road (State Route 712)	By-right use: Rural Areas (RA). Allows agricultural, forestal, and fishery uses as well as residential uses (maximum density of 0.5 unit/acre in development lots). Up to six single family dwellings could be developed.
Magisterial District: Scottsville	Conditions: Yes EC: Yes
Proposal: A request for a public garage use which is designed or used for servicing or repairing motor driven vehicles.	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots) in Rural Area 4 in the Comprehensive Plan.
DA (Development Area): N/A	Requested # of Dwelling Units: 0
Character of Property: The site is 6.41 acres and is undeveloped. It is wooded with mature vegetation but does not feature any water-associated environmental features (streams or floodplains). The property is triangular in shape and is surrounded by public roads on two sides.	Use of Surrounding Properties: All surrounding properties are zoned Rural Areas. Across Coles Rolling Road to the north is the Green Mountain Country Store and residential properties. The Keene VDOT Area Headquarters facility is located to the northeast across Coles Rolling Road. Properties across Scottsville Road to the west include the Keene Post office, single-family residential dwellings and undeveloped parcels. To the south/southeast is a mixture of undeveloped parcels and residential properties.
Factors Favorable: 1. The proposal is consistent with the review criteria for special use permits contained in the Zoning Ordinance. 2. Located in an area of the RA with nearby non-residential uses.	Factors Unfavorable: 1. The proposed public garage does not actively support agricultural or forestall activities in the Rural Area.
Recommendation: Staff recommends approval of SP202200026 Shull Property with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Cameron Langille, Principal Planner
March 12, 2024
To be scheduled

PETITION:

PROJECT: SP202200026 Shull Property

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 12100-00-00-08610, 6.41 acres

LOCATION: Southeast corner of the intersection between Scottsville Road, Plank Road, and Coles Rolling Road

PROPOSAL: Request for approval of a special use permit for a public garage use.

PETITION: Request for special use permit to allow a public garage in the RA Rural Areas Zoning District per Section 18-10.2.2 (37) of the Zoning Ordinance. No dwelling units proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots).

OVERLAY DISTRICT: EC Entrance Corridor Overlay District

COMPREHENSIVE PLAN: Rural Area 4 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots).

CHARACTER OF THE AREA

The subject property is located on the southeastern corner of the intersection between Scottsville Road (State Route 20) and Coles Rolling Road (State Route 712). Scottsville Road borders the entire western parcel boundary, and Coles Rolling Road borders the entire northern/northeastern parcel boundary (Attachment 1).

The parcel is an undeveloped 6.41-acre parcel that is wooded with a mixture of mature deciduous and evergreen trees that vary in height. The property has two small areas of critical slopes immediately adjacent to Scottsville Road (approximately 4,600 sq.ft.) at the northern and southwestern property corners (approximately 700 sq.ft.), which will remain undisturbed. No water features exist within the property.

The surrounding properties are zoned Rural Areas and feature a mixture of uses. Across Scottsville Road to the west are undeveloped and residential properties. The Keene Post Office and the Piedmont Veterinary Service clinic are also located to the west and front on Esmont Road and Plank Road, respectively. Across Coles Rolling Road to the north is the Green Mountain Country Store, which includes retail sale of convenience goods and four gas pumps. To the north/northeast are residential properties as well as the Keene VDOT Area Headquarters facility. Further east along Coles Rolling Road are larger properties currently used for agricultural and equestrian purposes. Immediately south of the subject property is a mixture of undeveloped land and properties that feature single-family detached residences. Properties further to the southwest include single-family homes and the Southern Albemarle Convenience Center which are accessed directly from Esmont Road.

PLANNING AND ZONING HISTORY

The 6.41-acre property was created by a plat recorded in Deed Book 564, pages 245-247 on August 28, 1973. This property does not have any subdivision, site plan, or building permit history and has all three of its original development rights. By-right, the property could be developed with up to three single family dwellings/subdivided into three separate lots measuring a minimum of 2 acres each.

DETAILS OF THE PROPOSAL

The applicant has requested a special use permit to establish and operate a public garage on the subject property. The applicant has provided a detailed project narrative and conceptual plan (Attachment 2 – Application Narrative and Attachment 3 – Concept Plan).

The Concept Plan shows the proposed site layout. The primary entrance would be established on Coles Rolling Road near the northeastern property corner, closest to the Keene VDOT Headquarters site. The parcel would be served by private well and septic systems since it is located in the Rural Area where public water and sewer utilities are unavailable.

The perimeter of the property would remain in an undisturbed and vegetated state. This would provide a vegetated screening buffer along the entire perimeter except for where clearing would need to occur for the site entrance. The total canopy area of vegetation to remain would be 3.55 acres, and varies in width on each side of the property. At its widest, the vegetated area to remain would be 260' into the parcel and 40' at its narrowest.

The Concept Plan proposes a single building envelope measuring 4,000 sq.ft. for the public garage. The structure would be located in the northern section of the property, approximately 200' from the property corner at the intersection of Scottsville and Coles Rolling Road. The building would feature approximately four (4) service bays that open to the parking lot to the south of the building.

The center of the parcel would be paved with asphalt and concrete surfaces and would feature parking spaces for employees and customers of the public garage. The Concept Plan shows the location of four storage containers that would be located on the surfaced lot. These containers would contain materials, supplies, and equipment needed to operate the garage. An area for vehicles awaiting repair is proposed at the south end of the surfaced lot, and measures approximately 5,200 sq.ft. All areas proposed to be developed inside of the property would be screened with a fence standing a minimum of 6' in height. This includes an opaque sliding gate along the driveway entrance into parking lot.

Notes on the site plan indicate that a total of 3.02 acres would be disturbed with this proposal. As mentioned later in the report, this is larger than the area that would feature physical improvements such as parking, buildings, and vehicle storage areas. In total, those features would be contained within the central 1.3 acres of the property.

The Concept Plan also identifies where a stormwater management facility (conceptual dry pond) and septic drainfield would be located to the south of the surfaced lot area. These features are located outside of the 1.3 acre area mentioned in the previous paragraph and account in large part for why the limits of disturbance would be 3.02 acres.

The property is located in the Southern Albemarle Rural Historic District.

COMMUNITY MEETING

The required community meeting for the proposal was held at Walton Middle School on Thursday, June 22, 2023, at 6 pm. County staff and the applicant shared details and answered questions regarding the proposal to members of the public who were present. Approximately 30 members of the public were present. There were concerns regarding traffic along Scottsville Road and Coles Rolling Road, noise and visual impacts, and the amount of land disturbance proposed.

Several attendees questioned the need for the size of travelway and parking surface areas shown on earlier versions of the concept plan, which measured approximately 3.5 acres in total and featured a gravel surface. Based on this specific concern, staff advised the applicant that the plan would need to be revised to reduce the amount of internal vehicular travelways and storage areas proposed. The

applicant has since revised the size of the built area to 1.3 acres. This area includes the building footprint, parking for customers, sidewalks, storage of vehicles awaiting repair, and an area for storage containers that would house equipment and materials needed for the garage to operate.

Several attendees asked for the use type to be defined because they had concerns that the property would become a towing yard used to store disabled vehicles brought to the site. Staff explained that the services permitted at public garages only include the servicing and maintenance of mechanical components of automobiles. Body work, including the repair, replacement and/or restoration of the body and/or chassis parts of motor vehicles, is not permitted. Activities such as the storage of inoperable vehicles, body painting, body work and disassembly, salvaging, or crushing of vehicles would not be permitted. At the meeting, the applicant confirmed that they would not be performing body work, and that the only vehicles towed to the site would be those actually receiving services from the garage.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

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

Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:

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

The applicant has proposed that the entire property be fenced (a detail of the fence is shown on the Concept Plan). In combination with the existing vegetation that would remain, staff expect the public garage to not create any visual impacts to adjacent parcels. Additionally, since the supplemental regulations from the Zoning Ordinance require all work to be done inside closed structures, minimal noise impacts would be expected. A condition that limits hours of operation is proposed to mitigate neighbors' concerns.

As shown on the Concept Plan, there are limited traffic counts in the Institute of Transportation (ITE) manual that would be expected at both peak AM and PM hours (21 trips total). Both the Virginia Department of Transportation and Albemarle County Transportation Planning had no objections to the proposed special use permit. There will be an increase in traffic since this will be a new use, however, the estimated traffic impacts provided by the applicant will not create a significant impact on traffic in the area.

The location of the building envelope, site entrance, parking and travelway areas, screening measures and the minimal traffic impacts are not expected to result in a substantial detriment to adjacent parcels.

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.

The proposed Concept Plan limits clearing of existing vegetation and land disturbance to the construction of the driveway, parking lot, stormwater management facilities and building pad as shown on the Concept Plan. The remainder of the site would maintain its wooded nature, which consists of a mixture of deciduous and evergreen trees. All developed portions of the parcel would be screened to mitigate visual and noise impacts. No building will be located closer than

100' to any lot line. Staff believes this will avoid any change in character that would affect the Southern Albemarle Rural Historic District.

As explained in the "Character of the Area" section of this report, Keene has historically had, and continues to have, a variety of non-residential and non-agricultural uses that provide services to the community. All of those uses are immediately adjacent to the subject property except for the Southern Albemarle Convenience Center, which is within a 1000' radius of the parcel. Using available site plans and available satellite imagery, staff analyzed the size and scale of the land area on adjacent properties that feature built improvements for those non-residential uses. Some of these uses (Green Mountain Country Store, Keene Post Office) feature approximately 0.6 acres of built area (buildings, parking, driveways) on their properties. Others such as the Keene VDOT Area Headquarters feature up to 3 acres of physical built improvements. The Concept Plan for the proposed public garage limits the area of built improvements to approximately 1.3 acres, which falls within the scale and range of developed areas of the surrounding non-residential uses in Keene. Staff believes that the scale of the development would be consistent with the scale called for by this section of the Comprehensive Plan and with existing comparable uses and developments in the immediate area. Furthermore, the public garage use would not result in an expansion of utility infrastructure to Keene that could enable additional new residential development.

Staff believes that the proposed uses will not change the character of adjacent parcels or the nearby area.

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

The proposed public garage is expected to be in harmony with the purpose and intent of the chapter, specifically Section 18-10.1 which states that when development occurs in the RA Zoning District, the use would provide service delivery to rural area residents, but at a lower level than would be expected for a similar use in the development areas.

with the uses permitted by right in the district,

The proposed public garage would not affect the by-right uses in the district on this property or adjacent properties.

with the regulations provided in Section 5 as applicable,

The proposed public garage would be subject to the regulations in Section 5.1.31 listed below:

Each automobile or truck repair shop, body shop, motorcycle and off-road vehicle sales and service shop, and public garage shall be subject to the following:

- 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 50 feet from any residential or agricultural district.

Based on reviews conducted by County staff and partner agencies (VDOT, VDH, etc.) the proposal would be able to comply with all applicable supplemental regulations in Section 5.1.31. The Concept Plan proposes buildings and enclosed containers where parts, materials, and

equipment would be stored. Vegetative and constructed screening measures are provided throughout the parcel and would screen vehicles awaiting repair from adjacent public sites and residential properties. The proposed public garage building where services would take place would be located further than 50' from all lot lines with adjacent residential and agricultural district.

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

The public health, safety, and general welfare of the community are protected throughout the special use permit process, which assures that the proposed use is appropriate in the location requested. Architectural Review Board staff (ARB), Zoning, Engineering, Building Inspections, Transportation Planning, the Virginia Department of Transportation (VDOT), Albemarle County Fire Rescue and the Virginia Department of Health (VDH) have all reviewed this application and have provided no objections.

If the special use permit is approved, the use cannot commence without the appropriate site development plans, building permits, and zoning clearances. These processes will ensure that all State and County regulations, special use permit conditions, and all necessary building and fire inspections have been approved.

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

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject properties for this proposal, TMP 12100-00-00-08610, for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources. The proposed public garage would not actively support agricultural or forestal activities in the Rural Area.

The following specific objectives of the Comprehensive Plan are relevant to this site:

- Chapter 4 Natural Resources, Objective 4: Protect the biological diversity and ecological integrity of the County in both the Rural Area and Development Areas.
- Chapter 7 Rural Areas, Objective 2: Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.

Figure 8 “Conservation Focus Area” from Chapter 4 of the Comprehensive Plan does not identify the subject parcel as being within a Conservation Focus Area. Figure 6 from Chapter 4 does identify that the site has existing tree canopy that has ecological value.

The defined extent of development on the site would limit the area of land disturbance to a portion of the site (approximately 3.02 acres), which is likely less than what would be disturbed if the property was developed for separate residential dwellings and associated infrastructure. This means that approximately 55% of the total acreage will remain in its current natural state featuring a mixture of mature deciduous and evergreen trees.

For access to the parcel, the applicant has proposed a single entrance onto Coles Rolling Road. If the property were to be developed as allowed by the existing development rights, three (3) driveway entrances would be needed on either Coles Rolling Road and/or Scottsville Road. Staff believes the impacts which would result from the public garage are less than what would be expected if the property developed residentially. Finally, the development would not impact the existing Critical Slopes on the parcel.

Overall, the applicant's proposal is consistent with the Comprehensive Plan.

SUMMARY

Staff has identified the following factor favorable to this request:

1. The proposal is consistent with the review criteria for special use permits contained in the Zoning Ordinance.

Staff has identified the following factor which is unfavorable to this request:

1. The proposed public garage does not actively support agricultural or forestall activities in the Rural Area and is not located in a designated crossroads community.

RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends approval of the special use permit applications with conditions drafted below:

1. Development of the property must be in general accord with the concept plan titled Shull Property Application Plan, dated 9/15/2022 and last revised October 5, 2023. The following major elements will be developed as shown on the concept plan:
 - General location and sizes of buildings, storage containers, and parking areas;
 - Existing dense vegetation to be maintained in areas shown;
 - Limits of disturbance;
 - Fencing materials and heights;
 - Outdoor locations of vehicles awaiting repair.
2. The following requirements must apply to the public garage use:
 - a. The hours of operation for the public garage must not begin earlier than 8:00 a. m. and shall end not later than 5:00 p. m., each day, Monday through Saturday. These hours of operation do not prohibit customers from dropping off vehicles before 8 A.M. on the days of operation;
 - b. The public garage use must be limited to the repairing and equipping of vehicles. No bodywork or spray-painting of vehicles shall be permitted. The sale of gasoline or sale or rental of vehicles is prohibited;
 - c. No more than four (4) storage containers can be located in the outside area at any one time;
 - d. Vehicles awaiting repair can be stored outside for no more than thirty (30) days;
3. The sliding gate located at the site entrance must be opaque. Details of the sliding gate materials will be determined and approved at time of site plan review by County staff.

POSSIBLE PLANNING COMMISSION MOTIONS:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:

Move to recommend approval of SP202200026 Shull Property with conditions as stated in the staff report.

- B. Should the Planning Commission **choose to recommend denial** of this special use permit:

Move to recommend denial of SP202200026 Shull Property. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS:

Attach 1 [SP2022-26 Shull Property – Location Map](#)

Attach 2 [SP2022-26 Shull Property – Application Narrative](#)

Attach 3 [SP2022-26 Shull Property – Conceptual Plan](#)

Attach 4 [SP2022-26 Shull Property – Public Comments Received via Email](#)