

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

<b>Project Name:</b> SP2023-21: Flow Hyundai Outdoor Storage, Display, and Sales SE2023-46: Flow Hyundai Special Exception	<b>Staff:</b> Khris Taggart, Senior Planner I Margaret Maliszewski, Planning Manager
<b>Planning Commission (PC) Hearing:</b> May 28, 2024	<b>Board of Supervisors (BOS) Hearing:</b> TBD
<b>Owner:</b> Flow 2110 Seminole LLC	<b>Applicant:</b> Kelsey Schlein, Shimp Engineering
<b>Acreage:</b> Approximately 5.73	<b>Special Use Permit for:</b> Outdoor storage, display and sales serving or associated with a permitted use in accordance with Section 30.6.3.a.2(b) of the Zoning Ordinance on approximately 5.73 acres. No dwelling units proposed.
<b>Tax Map Parcel (TMP):</b> 04500-00-00-068C0	<b>Zoning/by-right use:</b> Highway Commercial (HC) – commercial and service; residential by special use permit (15 units/acre), Entrance Corridor (EC) overlay
<b>Magisterial District:</b> Rio	<b>Location:</b> Vicinity of 2070 and 2150 Seminole Trl.
<b>School Districts:</b> Agnor-Hurt – Elementary, Burnley – Middle, and Albemarle – High	<b>Conditions:</b> Yes
<b>Development Area:</b> Neighborhood 1 – Places 29	<b>Requested # of Dwelling Units/Lots:</b> N/A
<b>Proposal(s):</b> Establish outdoor storage, display, and sales of automobiles. Associated with this is a request for an exception from the supplementary regulation (5.1.31) that requires vehicles awaiting repair to be located where they will not be visible from any public street or residential property.	<b>Comp. Plan Designation:</b> Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers and residential (3 – 34 units/ acre) in Neighborhood 1 in the Places 29 Master Plan.
<b>Character of Property:</b> The property is vacant and mostly wooded.	<b>Use of Surrounding Properties:</b> Commercial uses predominate in the area along Rt. 29, automobile dealerships are adjacent to the north and south, and residential properties are located across Berkmar Drive to the west and across Rt. 29 to the east.
<b>Factors Favorable:</b> <b>SP</b> 1. The proposed outdoor storage, display and sales use is consistent with the EC Design Guidelines if the ARB's recommended conditions are upheld. <b>SE</b> 1. None	<b>Factors Unfavorable:</b> <b>SP</b> 1. None. <b>SE</b> 1. Methods for screening vehicles awaiting repair are available but have not been used to a sufficient degree to minimize impacts.
<b>Recommendation:</b> Staff recommends approval of SP202300021 with conditions. Staff recommends denial of SE202300046.	

**STAFF CONTACT:**

Khris Taggart, Senior Planner I;  
Margaret Maliszewski, Planning Manager  
May 28, 2024  
TBD

**PLANNING COMMISSION:  
BOARD OF SUPERVISORS:**

**PETITION:**

PROJECT: SP202300021 Flow Hyundai Outdoor Storage, Display, and Sales; SE2023-46: Flow Hyundai Special Exception

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 04500-00-00-068C0

LOCATION: Between 2070 and 2150 Seminole Trail

PROPOSAL: Establish outdoor storage, display, and/or sales of vehicles within the Entrance Corridor

PETITION: Outdoor storage, display, and sales serving or associated with a permitted use in accordance with Section 30.6.3.a.2(b) of the Zoning Ordinance on approximately 5.73 acres. No dwelling units proposed. Associated with this is a request for an exception from the supplementary regulation (5.1.31) that requires vehicles awaiting repair to be located where they will not be visible from any public street or residential property.

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

SECTION: 30.6.3.2.b Outdoor storage, display, and/or sales in the Entrance Corridors

COMPREHENSIVE PLAN LAND USE/DENSITY: Urban Mixed Use (in areas around Centers) – commercial and retail uses that are not accommodated in Centers and residential (3 – 34 units/ acre) in Neighborhood 1 in the Places 29 Master Plan.

ENTRANCE CORRIDOR: Yes

**CHARACTER OF THE AREA:**

This parcel is located on the west side of Rt. 29, just north of Carrsbrook Drive and extends westward to Berkmar Drive. The property is vacant and mostly wooded with a waterline easement running along the north side of the site. Commercial uses predominate in the general vicinity. Among them are the Malloy (Chevrolet and Ford) and Flow (Subaru and Chrysler, Dodge, Jeep, Ram) auto dealerships on Rt. 29, both of which include showrooms and outdoor vehicle display areas.

**PLANNING AND ZONING HISTORY:**

The Initial Site Plan (SDP2023-66) for this development was approved on February 2, 2024. On February 19, 2024, the ARB reviewed the related Special Use Permit request. The ARB had no objection to the request, with revisions to the concept plan and with recommended conditions. The action letter from the ARB meeting is included as Attachment F to this report.

**COMMUNITY MEETING**

The applicants conducted the required community meeting on February 22, 2024, as part of the Places29-Rio Community Advisory Committee meeting. There were questions about the general development of the property but no comments about the special use permit.

**DETAILS OF THE SPECIAL USE PERMIT PROPOSAL:**

The applicant proposes to establish an automobile dealership with a total of 372 parking spaces. 93 spaces are identified for outdoor storage/display/sales at the Rt. 29 end of the parcel (approximately 9%

of the site area, shown in blue in Figure 1). All 93 spaces would be visible from the Rt. 29 EC. 248 spaces are identified for vehicles awaiting repair/outdoor storage/display/sales. These spaces extend from the Berkmar end of the parcel eastward beyond the middle of the parcel (approximately 30% of the site area, shown in yellow in Figure 1). Many of these spaces would be visible from Rt. 29 at a distance. 31 additional spaces for employees, customers, and EV charging (not subject to the special use permit) are proposed around a dealership building at the east end of the parcel. (See Attachments 1-3 for a location map, project narrative, and proposed concept plan.)

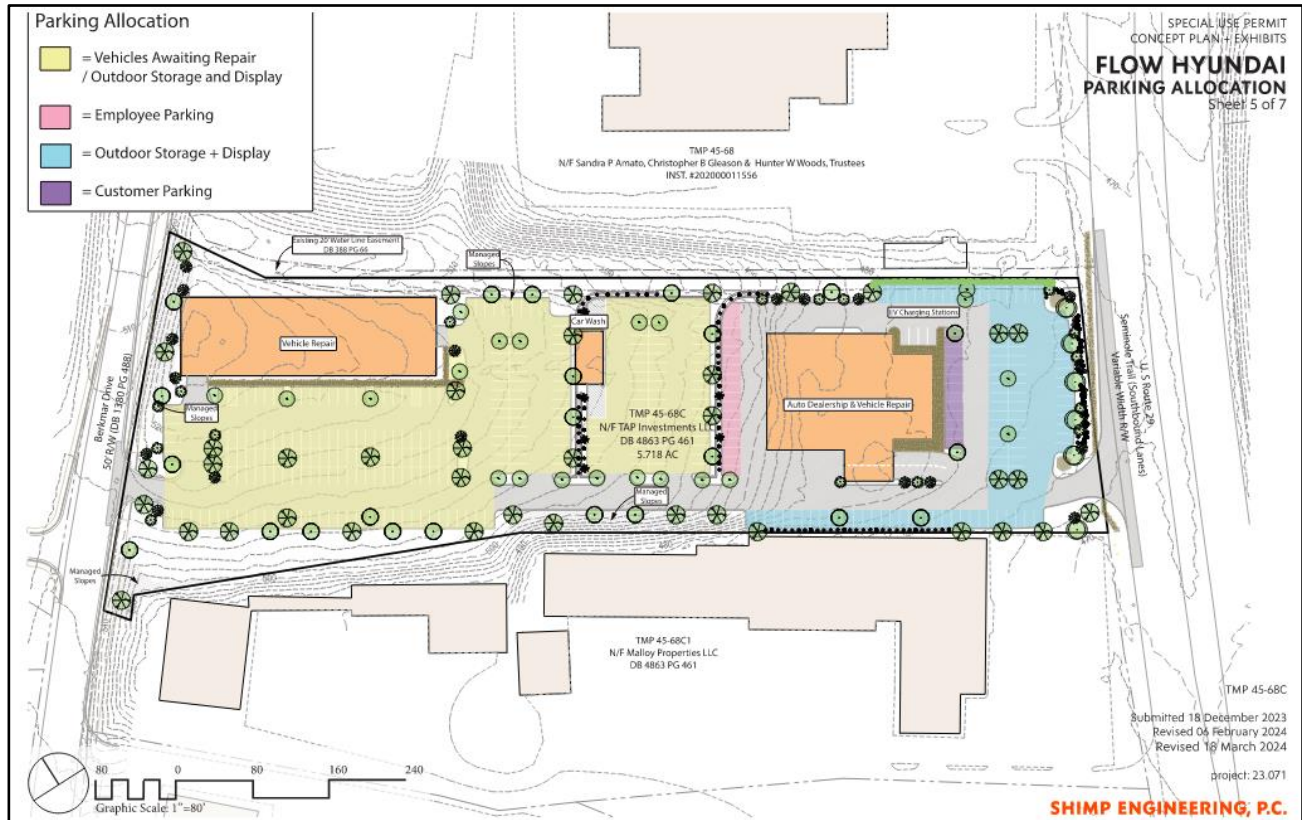


Fig. 1: Proposed parking allocation

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

Special Use Permits (SP) for outdoor storage, display and/or sales are reviewed under Sec. 30.6.3.a.2.b of the Zoning Ordinance and factors to be considered are limited to “determining whether the outdoor storage, display and/or sales is consistent with the applicable design guidelines”. The applicable design guidelines are the EC Design Guidelines (the Guidelines). The Architectural Review Board (ARB) applies those Guidelines in its review of development proposals within the County’s ECs. The ARB applied those Guidelines in its review of this request on February 19, 2024. Staff’s detailed analysis of the consistency of the proposal with the Guidelines is found in the ARB staff report (Attachment E). The ARB considered the analysis in the staff report and voted unanimously to recommend no objection to the request with revisions to the concept plan (which can be resolved during final site plan review) and with recommended conditions of approval. The conditions are standard for this type of request and are listed in the ARB action letter (Attachment F) and at the end of this report.

## **SUMMARY:**

After review of this request, staff have identified the following factors of this proposal which are favorable and unfavorable:

### **Factors favorable to this request include:**

1. The proposed outdoor storage, display and sales use is consistent with the EC Design Guidelines if the ARB's recommended conditions are upheld.

### **Factors unfavorable to this request include:**

1. None.

## **DETAILS OF THE SPECIAL EXCEPTION REQUEST**

### **PROPOSAL**

The applicant proposes 248 parking spaces for vehicles awaiting repair/outdoor storage/display/sales. These spaces extend from the Berkmar end of the parcel eastward beyond the middle of the parcel (shown in yellow in Figure 1). The applicant requests to waive the requirement that vehicles awaiting repair not be visible from public streets or residential properties. Some trees are shown along the street frontages and in and around the parking lot.

### **ANALYSIS**

Supplementary regulation 5.1.31(b) requires that "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." With this proposal, vehicles awaiting repair could be parked across nearly one-third of the parcel and would be visible from both public streets and residential properties, as follows:

1. Visibility from Berkmar Drive: The elevation of Berkmar Drive ranges from 504' to 512' along the frontage of the property. Berkmar is elevated above the site and approximately 40' above Rt. 29. A site section included in the applicant's exhibits clearly shows that the building proposed near the Berkmar end of the property would block views of the parked cars from vantage points directly in front of the building. South of the building, the view from Berkmar would be down into the parking lot. Trees proposed along Berkmar would not form a screen. An open view would be available at the Berkmar entrance to the site, down the travelway through to Rt. 29, with parked cars visible on both sides of the travelway.
2. Visibility from Rt. 29: The elevation of Rt. 29 is 468' along the frontage of the property. An open view would be available at the Rt. 29 entrance to the site, up and along the travelway to Berkmar Drive, with vehicles awaiting repair visible at a distance beginning at approximately 630' from Rt. 29.
3. Visibility from residential properties: The Victorian Heights residential development is under construction across Berkmar Drive to the west of the subject property. Units in this development will have finished floor elevations ranging from 527' to 548'. These raised elevations would allow views down onto the vehicles awaiting repair.

There are no previous requests for Special Exceptions from the requirement for screening vehicles awaiting repair, but there is a long history of screening vehicles awaiting repair through the special use permit and site plan review processes. Typically, the visibility of vehicles awaiting repair is eliminated by positioning the parking spaces so that buildings, topography, fencing, landscaping, or a combination of these features screen the vehicles from public streets and residential properties. This is challenging at this site because of topography; Berkmar Drive and nearby residential properties are positioned above the subject parcel, which increases the visibility of the site.

Sec. 5.1(a) states:

“The Board of Supervisors may modify or waive any such requirement upon a finding that such requirement 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.”

While site conditions may make it impractical to entirely eliminate the visibility of vehicles awaiting repair at this site, changes can be made to the site design that would significantly reduce the visibility of vehicles awaiting repair and support a positive character and attractive appearance for the development. Among the possible changes are 1) positioning the vehicle repair building so that it provides more screening (for example, with the length of the building parallel to Berkmar Drive, between the road and the proposed parking areas), 2) limiting parking areas to locations behind buildings, and 3) providing additional landscaping, including evergreens, along Berkmar Drive and at the perimeter and interior of the parking areas. These changes could significantly reduce the visibility of vehicles awaiting repair, would help change the existing pattern of auto-oriented uses that focuses on paving and parking, would contribute to orderly and attractive development which supports public health and welfare, and would better satisfy the intention of the requirement under Sec. 5.1.31(b).

## **RECOMMENDED ACTIONS:**

### **Special Use Permit**

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP20230021 with the following conditions.**

1. Use of this site must be in general accord with the Flow Hyundai Concept Plan + Exhibits by Shimp Engineering dated March 18, 2024. To be in general accord, vehicles for sales, storage and/or display must be parked only in the spaces indicated for sales, storage and display on the Flow Hyundai Parking Plan.
2. Vehicles for sales, storage and/or display must be parked in striped parking spaces.
3. Vehicles must not be elevated anywhere outside a building on site.
4. Final site plan approval is subject to ARB approval of the landscape plan (submitted with the site plan). Landscaping shown on the plan may be required to be in excess of the minimum requirements of the ARB guidelines and/or the Zoning Ordinance to mitigate the visual impacts of the proposed use and must include additional planting in the island south of the Rt. 29 site entrance.
5. Final site plan approval is subject to ARB approval of the lighting plan (submitted with the site plan). Maximum light levels must not exceed 30 footcandles in the display lot and 20 footcandles in all other locations. The maximum height of pole lights must not exceed 20'. All fixtures must have lamps whose color temperature is between 2000 and 3000 Kelvin.

### **POSSIBLE PLANNING COMMISSION MOTIONS – SP202300021: Flow Hyundai Outdoor Storage, Display, and Sales**

- A. Should the Planning Commission choose to recommend approval of this special use permit:  
I move to recommend approval of SP202300021: Flow Hyundai Outdoor Storage, Display, and

Sales with the conditions outlined in the staff report.

- B. Should the Planning Commission **choose to recommend approval** of this special use permit with revised conditions:  
I move to recommend approval of SP202300021: Flow Hyundai Outdoor Storage, Display, and Sales with the conditions outlined in the staff report, amended as follows (state amendments).
- C. Should the Planning Commission **choose to recommend denial** of this special use permit:  
I move to recommend denial of SP202300021: Flow Hyundai Outdoor Storage, Display, and Sales for (state reasons for denial).

### **Special Exception**

Based on the findings described in this report and factors identified as favorable, **staff recommends denial of the Special Exception request.**

The Planning Commission is not required to make a recommendation on the Special Exception. However, if the Planning Commission chooses to provide comments on the request, staff will include those in the Transmittal Summary to the Board of Supervisors.

### **ATTACHMENTS:**

- Attach 1 – [SP2023-21 Flow Hyundai - Location Map](#)  
Attach 2 – [SP2023-21 Flow Hyundai - Application Materials: Special Use Permit Project Narrative](#)  
Attach 3 – [SP2023-21 Flow Hyundai - Application Materials: Concept Plan + Exhibits](#)  
Attach 4 – [SP2023-21 Flow Hyundai - Application Materials: Special Exception Request Narrative](#)  
Attach 5 – [SP2023-21 Flow Hyundai - ARB Staff Report](#)  
Attach 6 – [SP2023-21 Flow Hyundai - ARB Action Letter](#)