

Project Narrative For: Flow Hyundai Special Exception (5.1.31(b))

Parcel Description: Tax Map 45-68C

Submitted: April 11, 2025

	ACREAGE	EXISTING ZONING	COMP PLAN DESIGNATION
TMP 45-68C	5.718	HC, EC, AIA, Steep Slopes (managed)	Commercial Mixed Use

Background:

Flow 2110 Seminole LLC is the owner and applicant of tax parcel 45-68C (the “property”). The applicant proposes the establishment of an auto dealership with outdoor display of vehicles for sale. Pursuant to Sec 5.1. (a) of the Albemarle County Zoning Ordinance, the owner requests the Board of Supervisors waive Sec. 5.1.31(b), requiring “no vehicles 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.”

Special Exception SE2023-00046 was previously approved by the Albemarle County Board of Supervisors on August 7, 2024, which waived the requirements of Sec.5.1.31(b) subject to certain conditions. The conditions of that approval reference a landscape buffer and wooded area to remain “*as identified on the Flow Hyundai Concept Plan + Exhibits by Shimp Engineering last revised June 19, 2024.*” Preserving this existing wooded area was contingent upon the entrance location that was shown in the previous concept plan. During the review process for the final site plan for Flow Hyundai (SDP-2024-00052), the Virginia Department of Transportation (VDOT) issued comments requiring the Flow Hyundai entrance to be located across from the new entrance to the Victorian Heights subdivision. This required relocation of the entrance prohibits preservation of the existing wooded area as previously shown. With this new submission for a special exception, the applicant requests that the previously referenced concept plan be replaced with the new attachment titled “*Flow Hyundai Revised Concept Plan for SE2025-000XX – Page 2 of SE2025-00XX Exhibits*”

In reviewing the special exception request outlined below, please consider the following approvals that have been issued related to the proposed development. The Initial Site Development Plan, SDP2023-00066, was approved on February 2, 2024. Special use permit SP202300021 was approved on August 7, 2024, to allow for the use of outdoor sales, storage, and display within the Entrance Corridor Overlay District. The Virginia Erosion and Stormwater Management Plan, WPO 2024-00048, was approved on February 6, 2025. The final site development plan, SDP2024-00052 is currently under review and will be approved once the easement plat is received.

Project Proposal:

The applicant requests a waiver from the requirement that vehicles awaiting repair not be visible from public streets or residential property. The requirement for vehicles awaiting repair to not be *visible* from public streets is incredibly onerous, especially for this property which has frontage along two public streets as well as grade change across the property which makes it nearly impossible to entirely remove visibility of vehicles awaiting repair from public streets. The applicant is willing to screen areas where

vehicles are awaiting repair however, some visibility from certain points along public streets and from residential properties will remain.

In accordance with Sec 5.1 (a), supplementary regulations may be waived upon finding that such requirements would not serve the public health, safety or welfare. The owner requests a waiver from Sec 5.1.31(b). Our justification for waiving these regulations under Sec 5.1 (a) is as follows.

Sec. 5.1(a) states. *“The Board of Supervisors may modify or waive any such requirements upon finding that such a requirements 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.”*

Sec. 5.1.31(b), supplementary regulation for automobile or truck repair shops, prohibits visibility of any vehicle awaiting repair from any public street. The property is located with the south property line fronting US 29 North and the north most property line fronting Berkmar Drive. TMP 45-A2-35 is located across Berkmar Drive from the property and is currently zoned R-15, residential. Given the layout of the property and its proximity to these public roads, locating all vehicles awaiting repair to be out of sight from any public street and residential property is infeasible. The site layout shown in the attachment titled *“Flow Hyundai Revised Concept Plan for SE2025-000XX – Page 2 of SE2025-00XX Exhibits”* shows the area vehicles will be parked awaiting repair. Because the property lies within the County’s Entrance Corridor, adequate screening will be provided along US Route 29, following the landscaping guidelines under the County’s Entrance Corridor Design Guidelines in order to minimize the visual impact from US Route 29. As shown in the exhibit, the applicant is willing to provide additional landscape along the area designated *“Berkmar Landscape Buffer.”* The landscape shown in this area on the Initial Site Plan, SDP2023-00066, has been approved, and will be approved on the final site plan, SDP2024-00052, pending finalization of the easement plat.

The property is located in a heavily commercialized location with frontage on some of the County’s most heavily traveled corridors. Visibility of vehicles awaiting repair will not compromise the public health, safety, and welfare in the vicinity of the property as several similar business enterprises operate in the immediate vicinity of the property, some having been in operation for decades, without substantial detriment to the surrounding area. Permitting this property to operate as an automobile dealership with automobile repair will better serve the public health, safety, and welfare as this business will create economic development activity and create employment opportunities within a property that is completely appropriate to serve such a use.