

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	November 7, 2022
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Matthew Alfele, City Planner
Staff Contacts:	Matthew Alfele, City Planner
Title:	Considering a Special Use Permit request at 1113 5th Street SW (1 reading)

Background

Green Clean Albemarle LLC (Contract Purchaser) represented by Williams Mullen Law Firm has submitted an application requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-796 and 34-358 at 1113 5th Street SW or the Subject Property. The Subject Property is identified as Tax Map and Parcel 21B004400 and is owned by Patriot Bank. The Subject Property has street frontage on Harris Road and 5th Street SW. The applicant is proposing the SUP for the construction of an automatic Car Wash. The proposed Car Wash will have a main building fronting on 5th Street SW with parking, pay stations, vacuums, a dumpster, and an ingress/egress from Harris Road. Offsite improvements include pedestrian markings across the entrance to Willoughby Square Shopping Center. The Subject Property is zoned HW (Highway Mixed Use Corridor) with an Entrance Corridor overlay.

Discussion

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on October 11, 2022, on this matter. In addition to the Public Hearing, the Planning Commission, in the role of Entrance Corridor Review Board (ERB), also deliberated on this proposal. The Planning Commission and City Council had the following comments on concerns:

- Level of noise created by the vacuum compressors.
- Ways to mitigate any noise from the vacuum compressors, such as moving them to an enclosure near the center of the site.
- How this development, or any development, could impact the intersection of Harris Road and 5th Street SW.
- The environmental impact of a Car Wash and the amount of water that is recycled (80% was the amount provided by the applicant).
- Lighting from cars leaving the site could impact residential units on the north side of Harris Street.

The Planning Commission and City Council had a long conversation related to this project and the

public good threshold for SUPs in general. There was a long conversation about whether a car wash would benefit City residents at this location and if it was the best use for the site. For the most part, the Planning Commission felt any noise generated from the vacuum compressors could be mitigated with conditions. Although traffic is a major concern at this intersection, the Planning Commission, and City Traffic Engineer, believed the Car Wash would not create an undue burden. Safety was a concern and a condition was proposed that would update traffic markings if warranted by the Traffic Engineer. Two City Councilors voiced concerns as to the adverse impacts a Car Wash could have on the surrounding residential neighborhood. These concerns included noise, traffic, lighting, and lack of a public benefit.

The Planning Commission did not discuss the information in the ERB packet related to the SUP and passed the materials on the consent agenda.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 01:00 mark.

[Link to the recording of the October 11, 2022 Public Hearing](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 59.

[Link to the application and staff report from the October 11, 2022 Public Hearing](#)

Alignment with City Council's Vision and Strategic Plan

If City Council approves the Special Use Permit request, the project could contribute to Goal 4: A Strong, Creative and Diversified Economy, 4.2 Attract and cultivate a variety of businesses.

Community Engagement

The applicant held a community meeting on September 8, 2022 which was attended by five (5) members of the public. A recording of the meeting can be found at the link below.

[Link to the September 8, 2022 Community Meeting](#)

Staff has received a few emails and phone calls expressing concerns about the development. These concerns include:

- The Car Wash will create too much noise.
- Light from cars will shine into people's homes.
- The intersection of Harris Road and 5th Street SW cannot handle more traffic.
- It is already hard to turn left out of Willoughby Townes and this development will make it worse.

Any emails received by staff regarding this project have been forwarded to the Planning Commission and City Council.

On October 11, 2022, the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting with the public able to attend online and in person. During the Public Hearing, two (2) members of the public participated. Below is an outline of their comments:

- Noise will be an issue.
- This is not the right location for a Car Wash.
- The intersection is already dangerous and cannot handle more cars from a development like this.
- The back and sides of the building, along with the parking lot, will not be attractive.
- It will devalue the surrounding residential homes.

Budgetary Impact

This has no impact on the General Fund.

Recommendation

The Planning Commission voted 4-2 to recommend the application be approved.

Alternatives

City Council may deny or indefinitely defer the requested Special Use Permit:

- (1) Denial: "I move to deny the Special Use Permit requested within zoning application no. SP22-00007"
- (2) Deferral: "I move to defer Council action on zoning application no. SP22-00007"

Attachments

1. Resolution_2022 Special Use RES - 1113 5th St SW
2. Updated Layout per Public Hearing Meeting_8x11