

ORDINANCE NUMBER 2013-1

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT
TO ALLOW A VEHICLE SERVICE, LIMITED USE TO BE OPERATED
IN AN L-B (LOCAL BUSINESS) DISTRICT AT 1800 EAST MAIN STREET
(TAX MAP NUMBER 67-1-Q3),
WAYNESBORO, VIRGINIA**

WHEREAS, upon application of Barry Schmidt, public hearings were held, pursuant to notice thereof as required by § 98-577 of the Code of this City and § 15.2-2204 and 15.2-2205 of the Code of Virginia, both as amended; and

WHEREAS, the proposed use is specifically permitted as a conditional use in a L-B (Local Business) District in which subject property is located; and,

WHEREAS, the proposed use, if conditioned as below, will have no more adverse effect on the health, safety, or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the L-B (Local Business) District.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Waynesboro, Virginia, that the applicant, Barry Schmidt, be and hereby is granted a conditional use permit to amend the previous approved conditional use permit (CUP 11-001) Vehicle Services, Limited use to allow auto sales in an L-B (Local Business) District on a parcel (Tax Map Number 67-1-Q3) at 1800 East Main Street in Waynesboro, Virginia, in accordance with the application (#12-067), the staff report dated October 16, 2012, and further subject to the following conditions:

1. Any outdoor automobile repair or servicing of vehicles shall not be visible from the public right of way.
2. Outdoor storage of tires, car parts and supplies, and other vehicle service related materials shall not be visible from the public right of way and shall be either stored within a structure or behind a screen meeting the requirements of City Code Chapter 98, Section 5.4.8.
3. Vehicles for display shall be limited in the area as shown on the sketch plan as attached.
4. In the existing grass area in front of the vehicle display area, the applicant shall provide shrubs on ten-foot center along the edge of the right of way..
5. In the event of a flood, all vehicles within the floodplain shall be removed from the floodplain prior to the event.
6. One van accessible parking space with appropriate pavement marking and above grade signage shall be provided on the site.

INTRODUCED: ON DECEMBER 12, 2012 BY VICE MAYOR TIM WILLIAMS
ADOPTED: ON JANUARY 14, 2013
EFFECTIVE: JANUARY 24, 2013

/s/ Julia Bortle
CLERK

/s/ Bruce Allen
MAYOR



CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
CONDITIONAL USE
#12-067
November 20, 2012

SUMMARY SHEET

<i>Applicant:</i>	Barry Schmidt
<i>Address/Legal Description:</i>	1800 East Main Street Waynesboro, VA 22980
<i>Tax Map Number:</i>	Tax Parcel Map # 67-1-Q3
<i>Area</i>	0.961 acres
<i>Real Estate Owner of Record:</i>	Barry Schmidt 251 Old Stony Ridge Afton, VA 22920
<i>Current Zoning:</i>	L-B (Local Business) and -CO (Corridor Overlay District)
<i>Comprehensive Plan Designation:</i>	Mixed Use Area C
<i>Attachments:</i>	1) Application 2) Applicant's letter 3) Applicant's sketch plan 4) Approved Conditions from CUP 11-001
<i>Flood Plain:</i>	Yes
<i>Enterprise Zone:</i>	Yes
<i>Action Requested:</i>	Conditional Use to allow vehicle sales in the L-B Local Business District
<i>Authorizing City Code Section(s):</i>	Section 2.4 (Use Table)
<i>Summary Recommendations:</i>	<ol style="list-style-type: none"> 1. The automobile repair or servicing work shall be limited to the garage bay doors on the southern side of the building. No automobile repair work shall be conducted in the two garage bay doors facing East Main Street. 2. Any outdoor automobile repair or servicing of vehicles shall not be visible from the public right of way. 3. Outdoor storage of tires, car parts and supplies, and other vehicle service related materials shall not be visible from the public right of way and shall be either stored within a structure or behind a screen meeting the requirements of City Code Chapter 98, Section 5.4.8. 4. Vehicles for display shall be limited in the area as shown on the sketch plan as attached. 5. In the existing grass area in front of the vehicle display area, the applicant shall provide shrubs on ten-foot center along the edge of the right of way.. 6. In the event of a flood, all vehicles within the floodplain shall be removed from the floodplain prior to the event.

	<p>7. One van accessible parking space with appropriate pavement marking and above grade signage shall be provided on the site.</p> <p>8. The Conditional Use Permit shall expire 10 years after water infrastructure, which is currently identified in the Capital Improvement Plan for East Main Street, has been installed provided for Tax Map Parcel 67-1-Q3.</p>
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1. Nature of Request

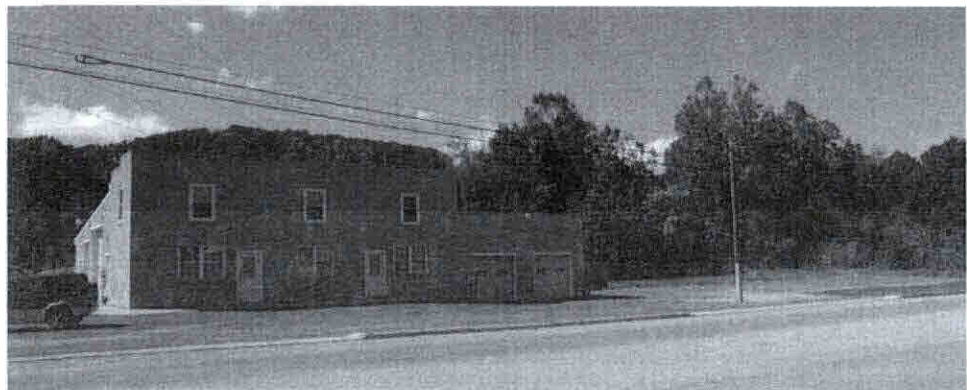
Barry Schmidt, the property owner of 1800 East Main Street, has applied to amend the Conditional Use Permit (CUP 11-001) that was approved last year. The previously approved Conditional Use Permit allowed for Vehicle Service, Limited uses (i.e. auto repair) with conditions (See Attachment 4). The current request, if approved, would allow for Vehicle Service, Limited and add a second conditional use, Vehicle Sales.

The application has been generated, in part, by the applicant’s intent to lease the site to a potential tenant, Catherine Benson, who will operate a vehicle sales business on the site. Ms. Benson also owns Talcott Limo Service in Fishersville. It is her intent to repair and/ or service the limos at the site, but not necessarily operate the limo service from this building nor provide vehicle repair service to the general public.

The applicant has provided a letter describing the proposed use (Attachment 2). Additionally, staff has worked with the applicant to create a sketch plan showing where the uses and improvements listed in the conditions will exist (Attachment 3). In these supporting documents, the applicant indicates that the cars for sale will be displayed in the paved area to the north side of the building with a limited landscaped hedge for screening. An additional three to four vehicles can be displayed in the front of the building itself (i.e. not in the right of way). While the tenant intends to perform repair work in the two garage doors on the southern side of the building (where the doors do not face the road), Mr. Schmidt would like to retain the right to use the two garage bay doors fronting East Main Street for any potential future auto repair business.

2. Background

The site is flat and it contains a single, large building. The structure is an old service station with garage bay doors on the southern side of the building and two more garage bay doors facing towards East Main Street. There is an apartment on the second floor.



View of the site from East Main Street

