



ORDINANCE NUMBER 2012-87

**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 430 EAST MAIN STREET
(TAX MAP NUMBER 46-1-63-7 TO 11),
WAYNESBORO, VIRGINIA**

WHEREAS, upon application of Amy B. Campbell, owner of All Season Tire, Inc., 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, Amy B. Campbell, owner of All Season Tire, Inc., be and hereby is granted a conditional use permit to allow a the Vehicle Service, Limited use to be operated in an L-B (Local Business) District on parcels (Tax Map number 46-1-63-7 to 11) owned by Free Bridge Auto Sales Inc. at 430 East Main Street in Waynesboro, Virginia, in accordance with the application (#12-065), the staff report dated October 16, 2012, and further subject to the following conditions:

1. The site (Tax Map 46-1-63-7 to 11) shall be used only for the repair, storage and servicing of tires. No other vehicle repairs shall be allowed.
2. No outdoor repair or servicing of vehicles shall be allowed on the subject parcels, except for vehicles that would not normally fit into a garage.
3. No outdoor storage of tires shall be allowed on the subject parcels except for display purpose.
4. The outdoor display shall be limited to the area shown on the sketch plan (as provided within the staff report). Items on display shall be brought indoors overnight and be displayed in accordance to City Code, Chapter 98, Section 5.7.2.
5. The existing shed shall be removed from the site within thirty (30) days of Council's action to approve this Conditional Use Permit and no additional temporary buildings shall be added to the subject parcels.

INTRODUCED: ON NOVEMBER 26, 2012 BY MR FRANK LUCENTE
ADOPTED: ON DECEMBER 10, 2012
EFFECTIVE: DECEMBER 20, 2012

/s/ Julia Bortle

CLERK

/s/ Bruce Allen

MAYOR



**CITY OF WAYNESBORO, VIRGINIA
STAFF REPORT
CONDITIONAL USE
#12-065
October 16, 2012**

SUMMARY SHEET

<i>Applicant:</i>	Amy B. Campbell
<i>Address/Legal Description:</i>	430 East Main Street Waynesboro, VA 22980
<i>Tax Map Number:</i>	Tax Parcel Map # 46 1 63- 7 to 11
<i>Area</i>	0.313 Acres
<i>Real Estate Owner of Record:</i>	Free Bridge Auto Sales Inc. Attn: Charles F M Fadeley II 1400 Richmond Road Charlottesville, VA 22911
<i>Current Zoning:</i>	L-B Local Business and -CO (Corridor Overlay District)
<i>Comprehensive Plan Designation:</i>	Downtown Area
<i>Attachments:</i>	1) Application 2) Applicant's sketch plan
<i>Flood Plain:</i>	Yes
<i>Enterprise Zone:</i>	Yes
<i>Action Requested:</i>	Conditional Use to allow Vehicle Services, Limited use 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 site (Tax Map 46-1-63-7 to 11) shall be used only for the repair, storage and servicing of automobile tires. No other vehicle repairs shall be allowed. 2. No outdoor repair or servicing of vehicles shall be allowed on the subject parcels. 3. No outdoor storage of tires shall be allowed on the subject parcels except for display purpose. 4. The outdoor display shall be limit to the area shown on the sketch plan (Attachment 2). Items on display shall be brought indoors overnight and be displayed in accordance to City Code, Chapter 98, Section 5.7.2. 5. The existing shed shall be removed from the site within thirty (30) days of Council's action to approve this Conditional Use Permit. And no additional temporary buildings shall be added to the subject parcels.

1. Nature of Request

Amy B. Campbell, the owner of All Season Tire Inc., has applied for a Conditional Use Permit to allow for storage of tires and tire installation on vehicles. All Season Tire Inc. is renting to own the property from Free Bridge Auto Sales. The property is located at 430 East Main Street at the intersection of East Main Street and DuPont Boulevard.

The business owner's intent is to maintain the same business at 430 East Main Street and use the building primarily as storage, while renting Mr. Ritchie's property across DuPont Boulevard for vehicle services and tire storage. They also plan to remove the shed besides the building and keep all tires inside except for a small display area in front of the building along East Main Street (Attachment 2). Finally, there is a small garage bay in the rear of the building that may be used for tire repairs.

2. Background

The existing use is grandfathered under the current zoning ordinance. Since the business owner proposes for business expansion, it triggers the need for a Conditional Use Permit to allow the expansion of the use to be continued on the site.



View of the site from East Main Street.

The site is located within the East Main Street entrance corridor. It is also located in the floodplain and in the Enterprise Zone.

In the past a few months, the applicant has made great efforts in cleaning up the site. All tires were moved indoor and a few temporary structures were removed from the site.

Surrounding Land Use

The site is located in the L-B Local Business District.

North: Fitzgerald Tires and Taste Freeze are located across East Main Street in the L-B Local Business District.

East: Mr. Ritchie's property is located across DuPont Boulevard in the L-B Local Business District.

South: Single family houses are located across the alley in the RG-5 General Residential District.

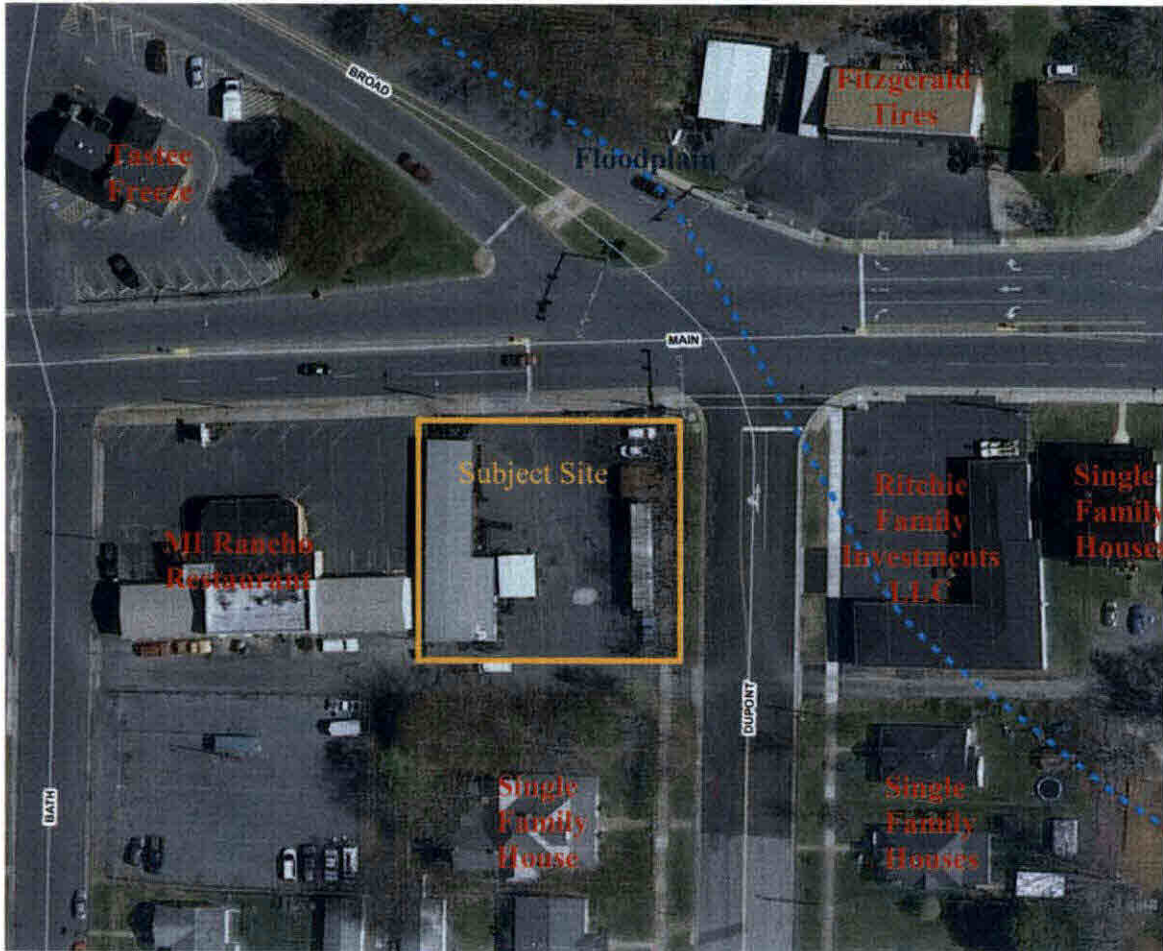
West: Mi Rancho Restaurant is immediately to the west of the site in the L-B Local Business District.

Zoning Requirements

The subject property is zoned Local Business (L-B). The applicant has not proposed any significant modifications to the site, except for removing the existing shed from the site. As a result of these minimal improvements – a major site plan will not be required for the use as

proposed. Therefore, the proposed development is not required to meet the Site Development Standards of the Ordinance (Article 5).

The property is in the East Main Street Entrance Overlay Corridor District (Section 3.3). The Corridor Overlay District requires buildings to be within 95 feet of the parcel's street frontage and for buildings over 60,000 square feet to meet certain massing and building articulation requirements. Again because no building is proposed, these requirements are not applicable. With that said, it is important to consider visual impacts to the Entrance Corridor. The applicant has cleaned up the site and stored all the tires inside the building. The applicant also plans to remove the shed besides the building. The site has four street trees planted along DuPont Boulevard.



Also, the applicant agrees to display tires only in the location (Attachment 2) in the front of the building fronting on East Main Street. The tires for display will stay outside only during daytime and will be brought indoors overnight (Section 5.7).

The building is located in the floodplain (Section 3.3.5). However, as the applicant stated that the building had never been flooded. And as mentioned above, no new building is proposed in this

