



ORDINANCE NUMBER 2012-73

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT
TO ALLOW A VEHICLE SERVICE, LIMITED USE TO BE OPERATED
IN AN L-B (LOCAL BUSINESS) DISTRICT ON A VACANT PARCEL
(TAX MAP NUMBER 46-6-B),
WAYNESBORO, VIRGINIA**

WHEREAS, upon application of BSM 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 of the property by the applicant is included specifically as one of the permitted conditional uses in a L-B (Local Business) District in which it is proposed to be 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, BSM 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 a vacant parcel (Tax Map number 46-6-B) situated across from 192 North Charlotte Avenue in Waynesboro, Virginia, in accordance with the application (#12-056) and staff report dated August 21, 2012, and further subject to the following conditions:

1. Only storage of vehicles shall be allowed. No storage of vehicle parts, tires, or similar vehicle accessories shall be stored on the subject parcel (Tax Map 46 (6) Parcel B).
2. No outdoor repair or servicing of vehicles shall be allowed on the subject parcel.
3. The applicant shall provide Class B buffer along the section of fencing that front on 8th Street. Also a Class A buffer shall be provided along the Charlotte Avenue frontage.
4. In the event of a flood, all vehicles shall be removed from the parcel prior to the flood event.
5. The chain link fence shall be kept clear of debris, especially before any flooding events.

INTRODUCED: ON SEPTEMBER 24, 2012 BY MR FRANK LUCENTE
ADOPTED: OCTOBER 9, 2012
EFFECTIVE: OCTOBER 19, 2012

/s/ Julia Bortle
CLERK

/s/ Tim Williams
VICE MAYOR



Waynesboro City Council Agenda Briefing

Meeting Date:	September 24, 2012	Staff/Council Member(s): Michael Barnes, Planning Director
Agenda Item #	3a	
Resolution#		
Department:	Planning	
Subject:	BSM Conditional Use Permit Petition for a Vehicle Services, Limited use in the L-B (Local Business) District	
Attachments	<ol style="list-style-type: none"> 1. August 21, 2012 Staff Report. 2. Draft Ordinance for the Conditional Use Permit 	
Planning Commission Recommendation	<p>The Planning Commission recommends approval of the Vehicle Services, Limited use request by BSM Inc. on a vacant lot (Tax Map Number 46-6-B currently zoned L-B, Local Business) situated across North Charlotte Avenue from R&M Automotive based on the following conditions:</p> <ol style="list-style-type: none"> 1. Only storage of vehicles shall be allowed. No storage of vehicle parts, tires, or similar vehicle accessories shall be stored on the subject parcel (Tax Map 46 (6) Parcel B). 2. No outdoor repair or servicing of vehicles shall be allowed on the subject parcel. 3. The applicant shall provide Class B buffer along the section of fencing that fronts on 8th Street. Also a Class A buffer shall be provided along the Charlotte Avenue frontage. 4. In the event of a flood, all vehicles shall be removed from the parcel prior to the flood event. 5. The chain link fence shall be kept clear of debris, especially before any flooding events. 	

Background:

On August 21st, the Planning Commission held a public hearing and reviewed BSM Inc.'s request for a Vehicle Services, Limited use on a vacant lot (Tax Map Number 46-6-B currently zoned L-B, Local Business) situated across North Charlotte Avenue from R&M Automotive, which is located at 192 North Charlotte Avenue. After the staff presentation and applicant comments, a public hearing was opened and no comments were received. The Commission voted 5:0 to recommend approval of the request with conditions.

Planning Commission Recommendation:

The Planning Commission recommends approval of the Vehicle Service, Limited request on a vacant lot (Tax Map Number 46-6-B currently zoned L-B, Local Business) situated across North Charlotte Avenue from R&M Automotive based on the following conditions:

1. Only storage of vehicles shall be allowed. No storage of vehicle parts, tires, or similar vehicle accessories shall be stored on the subject parcel (Tax Map 46 (6) Parcel B).
2. No outdoor repair or servicing of vehicles shall be allowed on the subject parcel.

3. The applicant shall provide Class B buffer along the section of fencing that fronts on 8th Street. Also a Class A buffer shall be provided along the Charlotte Avenue frontage.
4. In the event of a flood, all vehicles shall be removed from the parcel prior to the flood event.
5. The chain link fence shall be kept clear of debris, especially before any flooding events.

Suggested Motion(s):

Introduce the draft Ordinance as provided in Attachment #3.

**RESOLUTION AND RECOMMENDATION TO THE CITY COUNCIL
FROM THE WAYNESBORO PLANNING COMMISSION
REGULAR MEETING OF AUGUST 21, 2012**

WHEREAS, upon application of BSM Inc., the Waynesboro Planning Commission finds that the aftermentioned conditional use permit is included specifically as one of the permitted conditional uses in an L-B (Local Business) District in which it is located; that the proposed use 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 such District; and, further, that the request is consistent with good planning and zoning practice; is justified by the public necessity, convenience, and general welfare; and is in accord with the comprehensive plan of this City;

NOW, THEREFORE, BE IT RESOLVED by the Waynesboro Planning Commission, by a vote of 5-0, that a recommendation be forwarded to City Council that the request of BSM Inc., for a conditional use permit to allow the Vehicle Service, Limited use to be operated in an L-B Local Business District on a vacant parcel (Tax Map number 46-6-B) situated across 192 North Charlotte Avenue from R&M Automotive, be approved, in accordance with the application (#12-056), and staff report dated August 21, 2012, with the following conditions as recommended by staff:

1. Only storage of vehicles shall be allowed. No storage of vehicle parts, tires, or similar vehicle accessories shall be stored on the subject parcel (Tax Map 46 (6) Parcel B).
2. No outdoor repair or servicing of vehicles shall be allowed on the subject parcel.
3. The applicant shall provide Class B buffer along the section of fencing that front on 8th Street. Also a Class A buffer shall be provided along the Charlotte Avenue frontage.
4. In the event of a flood, all vehicles shall be removed from the parcel prior to the flood event.
5. The chain link fence shall be kept clear of debris, especially before any flooding events.

Michael D. Barnes
Clerk of Planning Commission

