May 16, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SR0258

John F. Squires

Bermuda Magisterial District
13125 Old Stage Road

REQUEST: Renewal of Conditional Use (Case 03AR0113) to permit a business (motor vehicle storage and towing low) incidental to a dwelling unit.

PROPOSED LAND USE:

Continued and expanded commercial uses incidental to a dwelling unit is intended.

RECOMMENDATION

Recommend denial for the following reasons:

A. The land uses do not conform to the Consolidated Eastern Area Plan which suggests the property is appropriate light industrial use.

B. The land uses are not representative of, or compatible with, existing and anticipated area development.

C. The applicant has failed to comply with previous conditions of zoning.

(NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.

B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE

SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE PROFFERS.)

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for John F. Squires, exclusively, and shall not be transferable or run with the land. (P)

2. This Conditional Use shall be limited to the operation of a motor vehicle towing and storage lot business, exclusively. (P)

3. A minimum six (6) foot high solid board fence or evergreen plantings having an initial height of six (6) feet, shall be located to screen the activity associated with this use from view of all adjacent properties and rights of way as depicted on the plan submitted with this request. (P)

4. The storage area shall not be larger than one (1) acre and shall be located to the rear of the existing dwelling. (P)

5. Within sixty (60) days from the date of approval of this request by the Board of Supervisors, forty-five (45) feet of right-of-way on the east side of Old Stage Road, measured from the centerline of that part of Old Stage Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

GENERAL INFORMATION

Location:

East line of Old Stage Road, south of Ware Bottom Spring Road and better known as 13125 Old Stage Road. Tax ID 803-651-7892.

Existing Zoning:

A with Special Exception

Size:

3.6 acres

Existing Land Use:

Residential and Motor Vehicle Storage and Towing Lot

Adjacent Zoning and Land Use:

North – I-1 ; Commercial or vacant
South – I-1 and I-3; Residential or vacant
East - I-3; Industrial or vacant
West -I-2; Industrial or vacant

UTILITIES

Public Water System:

There is an existing twelve (12) inch water line at the intersection of Ware Bottom Spring Road and Old Stage Road, approximately 930 feet north of this site. The public water system is not available to serve this site. Use of the public water system is not required.

Public Wastewater System:

There is an existing twenty-four (24) inch wastewater trunk line extending across the eastern portion of this site. The public wastewater system is available to serve this site. The existing structure is not connected to the public wastewater system; however, should a new structure be built or an addition made to the existing structure, then connection to the public wastewater system will be required by County Code.

Health Department:

Use of the existing well must meet Health Department requirements.

ENVIRONMENTAL

This use will not have an impact on these facilities.

PUBLIC FACILITIES

Fire Service:

Dutch Gap Fire Station, Company Number 14, and Bensley Bermuda Volunteer Rescue Squad currently provide fire protection and emergency medical service (EMS). This request will have a minimal impact Fire and EMS.

Transportation:

The proposed business (motor vehicle storage and towing lot) will have a minimal impact on the existing transportation network. The Thoroughfare Plan identifies Old Stage Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way, measured from the centerline of Old Stage Road, in accordance with that Plan. (Proffered Condition 5)

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for light industrial use.

Area Development Trends:

While some scattered residential development exists in the area, the area is characterized primarily by industrial zonings and land uses. It is anticipated that the area will continue to experience industrial development, as recommended by the Plan.

Zoning History:

Currently, the applicant is operating a motor vehicle storage and tow lot from his home. The use was first permitted by a Special Exception which was granted by the Board of Supervisors in 2000 (Case 00AN0252). Staff had recommended denial of the request; however, the Board of Zoning Appeals granted the original permit for two (2) years. Subsequently, in 2002, again with a recommendation of denial from staff, the Special Exception was renewed for three (3) additional years subject to the following conditions (Case 03AR0113):

1. Special Exception shall be granted to and for John F. Squires, exclusively, and shall not be transferable nor run with the land.

2. Special Exception shall be granted for a period not to exceed three (3) years from date of approval. Renewal of this use may be permitted upon satisfactory reapplication and demonstration that this motor vehicle towing and storage business lot has not proved a detriment to the adjacent property.

3. Special Exception shall be limited to the motor vehicle towing and storage lot business, exclusively, and only one (1) employee other than the applicant shall be engaged in this business.

4. Special Exception shall not permit mechanical or body repair service for automobiles and trucks. No repair parts may be sold from this property.

5. No junk automobiles, automobile parts, or other miscellaneous debris associated with this operation shall be stored on this lot.

6. A solid board fence, having a height of not less than six (6) feet, or evergreen planting, shall be located to screen the activity associated with this use from view of all adjacent properties and rights of way as depicted on the plan submitted with this request. This screen must provide 100% closure.

7. The parking areas for vehicles shall be at least graveled.

   (NOTE: The Zoning Ordinance requires parking areas for more than four (4) vehicles to be paved.)

8. Only two (2) tow trucks (flatbed or tow truck) shall be used for this operation.

9. The storage area shall not be larger than one-half (½) acre with a fifty (50) foot buffer on the sides and rear yard, and shall be located to the rear of the existing dwelling. Any existing vegetation within this fifty (50) foot buffer shall be preserved and maintained, unless removal is approved by the Planning Department. This condition shall not be applicable to the removal of dead or diseased trees.

10. No sign shall be permitted for this use.

11. No vehicles shall remain on the property for more than sixty (60) days.

12. No deliveries shall be permitted to or from this use by a tractor trailer truck.

13. All tow trucks entering and exiting the subject property shall use only that portion of Old Stage Road to the north of the subject property.

14. No vehicles shall be advertised for sale on the property and displayed outside the board fence to the rear of the property.

Development Standards:

The applicant has offered proffered conditions limiting the area of storage to one (1) acre surrounded by a solid board fence. This one (1) acre storage area represents an expansion of the use from what has previously been approved The applicant proposes to relocate the storage area further east on the site. Other than these standards, the applicant has offered no design criteria to mitigate the impact of the use on the area.

It is significant to note that to date the applicant has failed to comply with many of the conditions imposed on the existing permit. Specifically, vehicles are being stored outside the enclosure; debris and unlicensed vehicles are located on the site; and since more than four (4) vehicles are located on the site, the Ordinance requires paving. In addition, while a solid board fence exists to enclose the storage yard, the fence is in a state of disrepair.

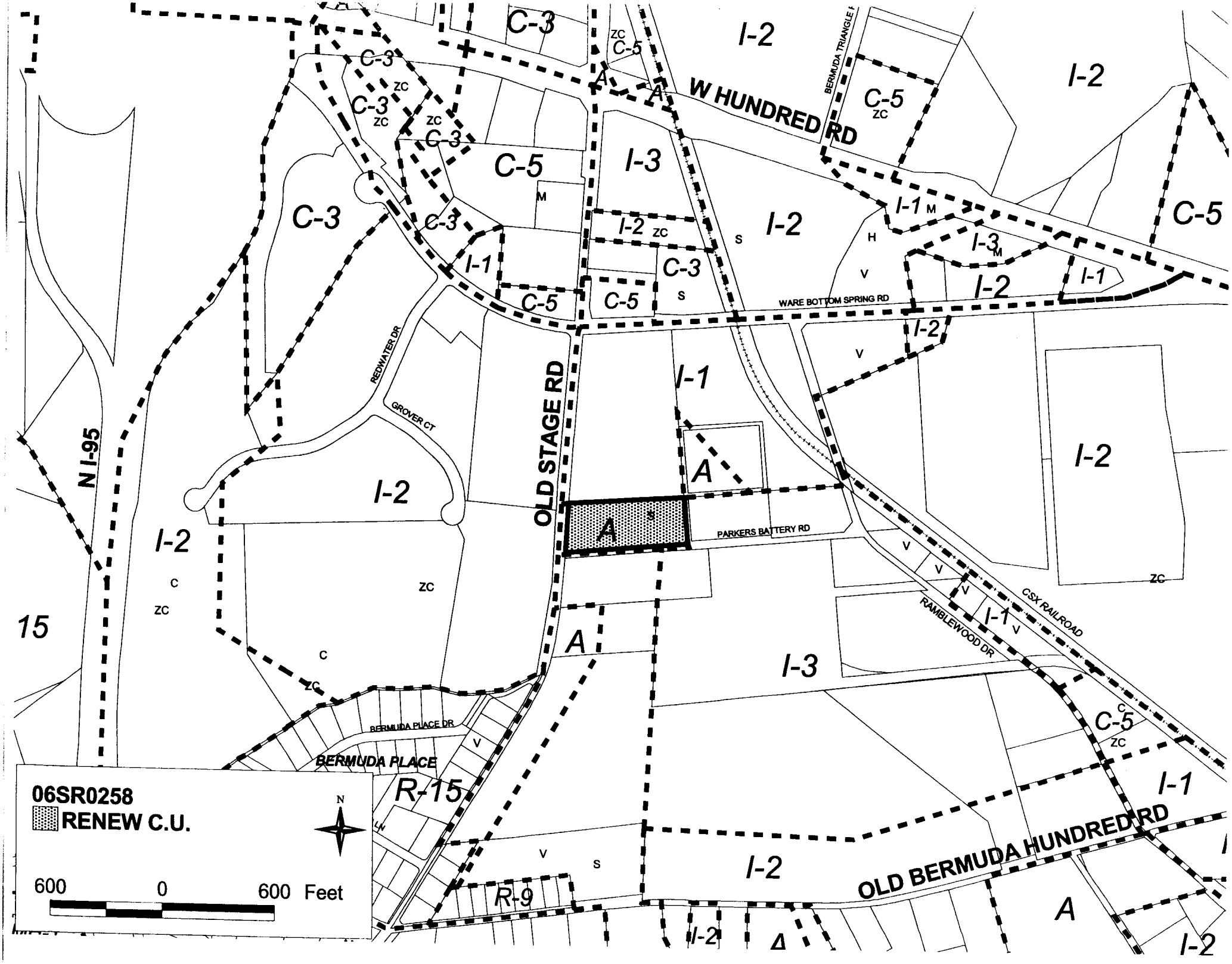
The subject property lies in an Emerging Growth District area. If the property were zoned for commercial or industrial use, rather than Agricultural (A), development would be subject to the requirements of the Zoning Ordinance for such uses. Specifically, those requirements currently address landscaping, parking, architectural treatment, setbacks, signs, utilities and screening of loading and outside storage areas.

As previously noted, the area is designated for light industrial use by the Plan. The use proposed by the application is more intense than uses permitted in light industrial areas. Should there be some sentiment on the part of the Commission or Board to approve this request, it would be appropriate to consider requiring compliance with Zoning Ordinance standards for uses located in industrial districts. This would at least insure that the use is required to comply with the same standards that other area and adjacent properties are subjected to.

CONCLUSION

The proposed land use does not conform to the Consolidated Eastern Area Plan, which designates the property for light industrial use. The proposed zoning and land uses are not representative of, or compatible with, existing and anticipated area development. Perhaps more importantly, the applicant has failed to comply with requirements of the previously granted permit.

Given these considerations, denial of this request is recommended. Should the Commission or Board wish to consider approval of this request, it would be appropriate to require compliance with developments standard consistent with that required for other area and adjacent properties zoned and/or developed for non-residential uses.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RENEW C.U.
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600 0 600 Feet
W HUNDRED RD
BERMUDA TRIANGLE
WARE BOTTOM SPRING RD
OLD STAGE RD
REDWATER DR
GROVER CT
PARKERS BATTERY RD
CSX RAILROAD
RAMBLEWOOD DR
BERMUDA PLACE DR
BERMUDA PLACE
OLD BERMUDA HUNDRED RD
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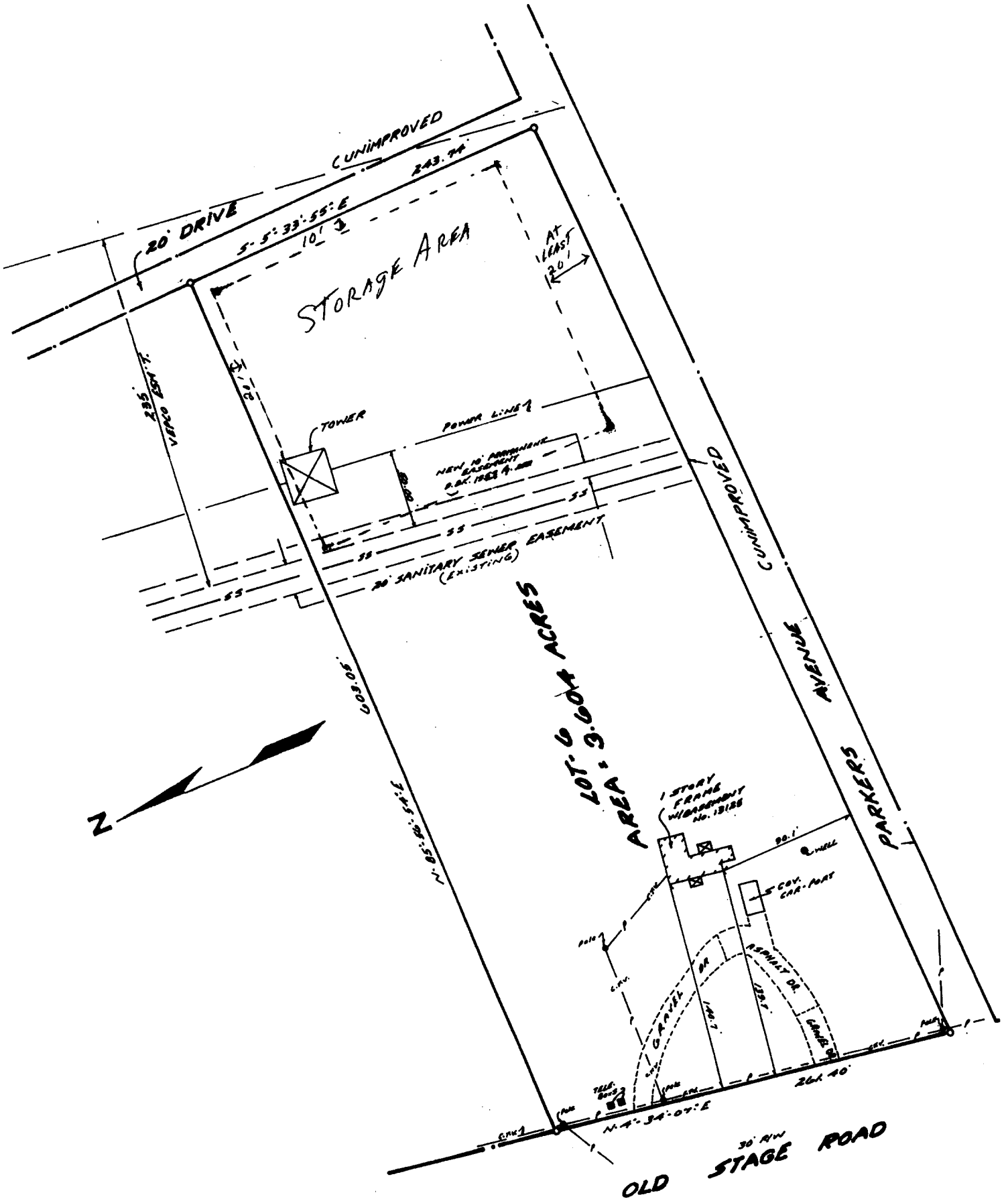

20' DRIVE
CUNIMPROVED
243.74'
S-5°-33'-55"-E
10'
STORAGE AREA
AT LEAST 20'
TOWER
POWER LINE
NEW 10' PERMANENT EASEMENT
20' SANITARY SEWER EASEMENT (EXISTING)
SS
LOT-6
AREA = 3.604 ACRES
603.05'
N-85°-56'-54"-E
CUNIMPROVED
PARKERS AVENUE
1 STORY FRAME W/EASEMENT No. 13125
90.1'
WELL
5 COV. CAR-PORT
GRAVEL DR.
ASPHALT DR.
GRAVEL DR.
140.7'
139.7'
264.40'
N-4°-34'-07"-E
30' R/W
OLD STAGE ROAD
N

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