## Agenda Item V. A.



**Meeting Date:** 

June 20, 2017

Department:

Planning/Zoning

Topic:

Special Exception Request (2017-04) - Stinnett

**Board Action:** 

The Board is being asked to approve a special exception request for a

used automobile sales lot.

**Attachment:** Special Exception packet

**Summary:** Kevin Scott Stinnett submitted a request for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow a used automobile sales lot. Currently, the applicant repairs vehicles at the location, which is 121 Highview Drive. On May 18, 2017 the Amherst County Planning Commission approved the request with the following conditions.

- 1. <u>Trash Disposal:</u> If an outdoor trash facility is used, the trash disposal facility shall be placed in an area that is not visible from a public right-of-way and in an area that is not objectionable to neighboring properties. If it is visible from a public right-of-way (as determined by the Zoning Administrator) or objectionable to a neighboring property owner, a wooden privacy fence shall be erected around the trash facility. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total height.
- 2. <u>Lighting</u>: Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- 3. <u>Sight Distance:</u> The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.
- 4. <u>Outdoor storage:</u> No miscellaneous items shall be stored outside the building other than vehicles that are for sale.
- 5. Operative Motor Vehicles: All vehicles for sale must be in operating condition.
- 6. <u>Vehicles for Sale:</u> The maximum number of vehicles for sale shall not exceed the minimum required parking spaces required in Section 602 of the Amherst County Zoning Ordinance.
- 7. <u>Health Department:</u> The applicant shall receive confirmation from the Virginia Department of Health that the drain field will not be adversely impacted from the change in use.

**Recommendation:** That the Board approve Special Exception 2017-04 with the conditions recommended by the Planning Commission.

### Notice of Public Hearing of the Amherst County Board of Supervisors

The Amherst County Board of Supervisors will conduct a public hearing during its regular meeting on Tuesday, June 20, 2017 at 7:00 P.M., or as soon thereafter as may be heard, in the Amherst County Administration Building, 153 Washington Street, Amherst, Virginia, 24521, to consider the following request:

#### SPECIAL EXCEPTION REQUEST, NO. 2017-04

Request by Kevin Scott Stinnett for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow a used automobile sales lot. The parcel is located at 121 Highview Drive and is further identified as tax map number 148-A-24.

The proposed hearing packet is available for review Monday through Friday from 8:30 A.M. to 5:00 P.M. in the Office of the County Administrator at the above address.

Accommodations for disabled persons may be made with the Office of the County Administrator by calling 434-946-9400 or (TTD) 434-946-9335 at least three (3) days prior to the hearing date.

Dean C. Rodgers Amherst County Administrator

#### SPECIAL EXCEPTION STAFF REPORT JUNE 2017

**ZONING REQUEST: 2017-04** 

PETITIONER: Kevin Scott Stinnett

**OWNER:** Paul Peters

**REQUEST:** Request by Kevin Scott Stinnett for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow a used automobile sales lot.

LOCATION/ MAP NUMBER: 121 Highview Drive / 148-A-24

SIZE: 2.4 Acres

**ZONING:** B-2 General Commercial District (front)

R-2 General Residential District (Rear)

EXISTING LAND USE: Automotive Repair

#### SURROUNDING ZONING/LAND USES:

NORTH: B-2 – Office/Gym SOUTH: B-2 – Residential EAST: R-2 – Residential

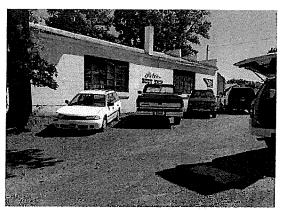
WEST: B-2 – Automobile Sales Lot

LAND USE PLAN DESIGNATION: Commercial

SEWER AND WATER CONDITIONS: Public Water and On-Site Septic



View of area cars will be parked



Second building on parcel

#### **ANALYSIS**

According to Section 707.03 (2) "automobile sales, used" is listed as a special exception uses in the B-2 General Commercial District. The special exception application states that the proposed use will be: "small auto used car sales". The property is currently used as an automotive body and mechanical repair shop that performs state inspections.

According to the submitted drawing, the applicant will display the used cars in the front of the building (121 Highview). The applicant wishes to sell five (5) vehicles. The applicant is working with the Virginia Department of Health to determine that the location of the proposed parking areas will not affect the septic system.

## HISTORY ON USED AUTOMOBILE SALES LOTS IN THE B-2 GENERAL COMMERCIAL DISTRICT

#### Zoning Case #2015-05 Joseph Cruz

Request by Joseph Cruz to operate a used automobile sales lot in the B-2 General Commercial District. The applicant wishes to continue to operate an automotive repair garage as well as the proposed use of automobile sales on the same lot. The property is located at 5363 South Amherst Highway and is further identified as tax map number 160A1-A-2.

- 1. <u>Trash Disposal:</u> If an outdoor trash facility is used, the trash disposal facility shall be placed in an area that is not visible from a public right-of-way and in an area that is not objectionable to neighboring properties. If it is visible from a public right-of-way (as determined by the Zoning Administrator) or objectionable to a neighboring property owner, a wooden privacy fence shall be erected around the trash facility. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total height.
- 2. <u>Lighting:</u> Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- 3. <u>Sight Distance</u>: The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.
- 4. <u>Outdoor storage:</u> No miscellaneous items shall be stored outside the building other than vehicles that are for sale.
- 5. <u>Property Owner Consent</u>: Written permission from the property owner to change the use.
- 6. Operative Motor Vehicles: All vehicles for sale must be in operating condition.
- 7. <u>Vehicles for Sale:</u> The maximum number of vehicles for sale shall not exceed the minimum required parking spaces required in Section 602 of the Amherst County Zoning Ordinance for the combined uses permitted on tax map number 160A1-A-2.

#### Zoning Case #2013-17 Royal Chevrolet Cadillac Inc.

Request by Royal Chevrolet Cadillac Inc., for a special exception in the B-2 General Commercial District. The purpose of the special exception was to allow an automobile used car sales lot and an automotive repair garage. The property was located at 4454

South Amherst Highway. The request was recommended for approval by the Planning Commission on November 21, 2013 and was approved by the Board of Supervisors on December 17, 2013 with the following conditions:

- 1. <u>Trash Disposal</u>: If an outdoor trash facility is used, the trash disposal facility shall be placed in an area that is not visible from a public right-of-way and in an area that is not objectionable to neighboring properties. If it is visible from a public right-of-way (as determined by the Zoning Administrator) or objectionable to a neighboring property owner a wooden privacy fence shall be erected around the trash facility. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total height.
- 2. <u>Lighting:</u> Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- 3. <u>Sight Distance:</u> The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.
- 4. <u>Outdoor storage:</u> No miscellaneous items shall be stored outside the building other than vehicles that are for sale and or waiting repair.
- 5. Hours of operation:
  - i. Monday Saturday 7AM 9 PM
  - ii. Closed on Sunday

#### Zoning Case #2013-10 - Virginia Select Auto

This was a request by Virginia Auto Select for a special exception request in the B-2 General Commercial District. The purpose of the special exception was to allow used automobile sales and an automotive repair garage. The property is located at 1873 South Amherst Highway (former Amherst Motors). The request was recommended for approval by the Planning Commission in May of 2013 and approved by the Board of Supervisors on June 18, 2013 with the following conditions:

- 1. <u>Drainfield:</u> The applicant shall consult with the Department of Health to ensure that the drainfield serving the parcel can accommodate the proposed use.
- 2. <u>Trash Disposal:</u> If an outdoor trash facility is added, a wooden privacy fence shall be erected around the dumpster and shall be placed in the rear yard. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total height.
- 3. <u>Lighting:</u> Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- 4. <u>Sight Distance:</u> The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.
- 5. <u>Outdoor storage:</u> No miscellaneous items shall be stored outside the building other than vehicles that are for sale and or waiting repair.
- 6. Operative Motor Vehicles: All vehicles for sale must be in operating condition. Vehicles that are waiting repair should be stored in a fenced in area that is fully screened from Route 29 Business. The maximum time any vehicle that is not for sale can be on the parcel is 120 days.
- 7. Hours of operation:
  - i. Monday Saturday 7AM 9 PM

- ii. Closed on Sunday
- 8. <u>Entrances:</u> The applicant should contact the Virginia Department of Transportation to ensure that the entrances provide safe access to and from the site.

#### Zoning Case #2012-16 - Ronnie Wright

Request by Ronnie Wright for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow a used automobile sales lot and an automotive repair garage. The parcel is located at 2079 South Amherst Highway and is further identified as tax map number 124-A-62. The request was approved by the Board of Supervisors with the following conditions:

- 1. <u>Drainfield</u>: The applicant shall consult with the Department of Health to ensure that the drainfield serving the parcel of land will not be affected by the proposed increase in vehicles. The applicant shall provide a written letter from the Department of Health to the Amherst County Planning Department confirming that the vehicles will not affect the drainfield.
- 2. <u>Paving or Surface Treating:</u> In accordance with Section 602.02 the parking area shall be surface treated or paved to eliminate dust.
- 3. <u>Parking:</u> All vehicles shall be parked in a designated parking area that is 9' x18' in size. The parking lot shall have an isle width of at least twenty-two (22) feet.
- 4. <u>Trash Disposal:</u> If an outdoor trash facility is added, a wooden privacy fence shall be erected around the dumpster and shall be placed in the rear yard. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total height.
- 5. <u>Lighting:</u> Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- 6. <u>Sight Distance</u>: The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.
- 7. Outdoor storage: No miscellaneous items shall be stored outside the building other than vehicles that are for sale and or waiting repair.
- 8. Operative Motor Vehicles: All vehicles for sale must be in operating condition. Vehicles that are waiting repair shall be stored in a fenced in area that is fully screened from Route 29 Business. A maximum of five (5) vehicles waiting repair may be stored outside. The maximum time any vehicle that is not for sale can be on the parcel is 120 days.
- 9. Hours of operation:
  - i. Monday Saturday 7AM 7 PM
  - ii. Closed on Sunday
- 10. <u>Entrances:</u> Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation to determine if the existing entrances will require further review and to determine if they are adequate.
- 11. <u>Vehicles for Sale:</u> Maximum of seventeen (17) vehicles for sale at any one time, the vehicles shall be located on the property as indicated on the site plan.

#### Zoning Case #2011-01 - Satya Narayan

Request by Sajal Narayan for a special exception that would amend conditions that were placed on a previous special exception hearing. The condition was imposed on April 20, 2010 which allowed a maximum of fifteen (15) vehicles for sale at any one time. The request was to extend the number of vehicles for sale to a maximum of forty-two (42).

On May 17, 2011 the Amherst County Board of Supervisors approved the special exception modification to the original condition to allow a maximum of forty-two (42) vehicles.

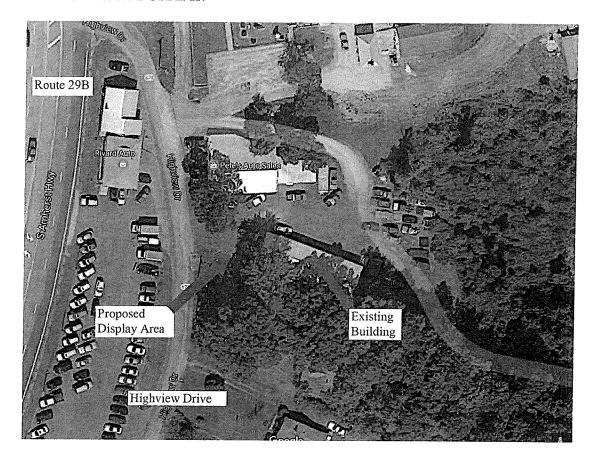
#### Zoning Case #2010-22 - William T. Masencup

Request by William T. Masencup for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow an automotive repair garage, mechanical and/or body shop. Additionally, the request is for a change in an existing condition that allowed a maximum of twelve (12) vehicles for sale. The condition was made on September 7, 1999 stated: "no more than twelve (12) vehicles for sale be out front". The request is to extend the number of vehicles for sale to a maximum of thirty-five (35) vehicles. The parcel is located at 1340 North Amherst Highway and is further identified as tax map number 83-A-16A.

On February 17, 2011 the Amherst County Planning Commission recommended approval of the special exception with four (4) staff recommended conditions. On March 15, 2011, the Amherst County Board of Supervisors approved the request with the four (4) recommended conditions, they were:

- 1) Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
- 2) The maximum number of vehicles that will be allowed for sale is thirty-five (35). Each vehicle must be located in a designated parking space that is 9'x18' in total size.
- 3) All vehicles needing repairs be kept in the fenced-in area with the exception of towed vehicles dropped off at night. However, vehicles that were dropped off at night must be placed in the fenced in area by 12 noon of the next business day. All other equipment shall be stored inside.
- 4) The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.

#### **AERIAL PHOTOGRAPH:**



**TRAFFIC IMPACT:** Access to the property is provided by Highview Drive. Highview Drive connects to Route 29 Business at its terminus on both ends. Route 29 Business is classified as a Principle Arterial. According to aerial imagery, two existing entrances provide access to the property from Highview Drive.

#### REQUIREMENTS OF A SPECIAL EXCEPTION

- The proposed special exception should be harmonious with and in accordance with the general objectives of the comprehensive plan;
- The proposed manufactured home should be designed, constructed, operated, and maintained so as to be harmonious with the intended character of the general vicinity;
- The proposed use should be served adequately by essential public facilities and services such as streets, police and fire protection, schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- The proposed use will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;

- The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by the reason of excessive production of traffic, smoke, fumes, glare, odors, or water pollution;
- The proposed use should not have vehicular approaches to the property which shall be so designated as not to create any interference with traffic on surrounding public streets or roads; and
- The proposed use does not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

#### PLANNING COMMISSION RECOMMENDATION:

On May 18, 2017, the Amherst County Planning Commission recommended approval with the following conditions:

- 1. <u>Trash Disposal:</u> If an outdoor trash facility is used, the trash disposal facility shall be placed in an area that is not visible from a public right-of-way and in an area that is not objectionable to neighboring properties. If it is visible from a public right-of-way (as determined by the Zoning Administrator) or objectionable to a neighboring property owner, a wooden privacy fence shall be erected around the trash facility. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total height.
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- 4. <u>Outdoor storage:</u> No miscellaneous items shall be stored outside the building other than vehicles that are for sale.
- 5. Operative Motor Vehicles: All vehicles for sale must be in operating condition.
- 6. <u>Vehicles for Sale:</u> The maximum number of vehicles for sale shall not exceed the minimum required parking spaces required in Section 602 of the Amherst County Zoning Ordinance.
- 7. <u>Health Department:</u> The applicant shall receive confirmation from the Virginia Department of Health that the drainfield will not be adversely impacted from the change in use.



# APPLICATION FOR A ZONING PERMIT / SPECIAL EXCEPTION Amherst County, Virginia

The undersigned applicant wishes to petition Amherst County for an amendment, supplement, or change in the district boundaries or zoning classification on the Official Zoning Map. Please refer to Section 1004 of the zoning ordinance regarding changes to the Official Zoning Map. Please call the Department of Planning and Zoning at 434-946-9303 if you have any questions regarding the County zoning map or zoning ordinance.

Ke U. N Scott 5' Applicant Name		·	
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121 Highview DR Applicant Address Ci	MADA HISKIS	VA	24577
Applicant Address Ci	ity/Town	State	Zip Cod
434 929-7271	SAMA		Peres Body Shope
Applicant phone number	Applicant fax number		Applicant E-Ma
ou are the ( ) property owner; ()	agent for the property owner.		
you are the agent for the property	owner, do you have concent	of the or	trace attached). Diam
rcle one: Yes/No	do jou nave consent	or me or	viiet attached? Please
PAUL R. PETERS SR			
roperty Owner Name			
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Proposed Use(s) of Property .
(SMAIL AND USED CM' SAKS) NO MORE THAN 5 CARS Appling Fusak
Total Acreage: Applox 2
Check all categories that apply for the parcels requesting to be heard for special exception:  Public water Private wells  Public sewer On-site septic systems Mass drainfield(s)
Comprehensive Plan Land Use Designation: Buismas Commencial
Current Zoning: (please circle one)
P-1 A-1 R-1 R-2 R-3 V-1 B-2 M-1 FH Other
Requested Special Exception Code Section: 707.03.2
VDOT Review: Will the proposed development require Chapter 527 review? YES (NO)
Petitioner Comments (Continue on separate sheets if necessary.)
How will the proposed special exception affect adjacent property?
NO AFFRET
NO Attack
How will the proposed special exception affect the character of the district(s) surrounding the property?
NO AFFEAT
How is the use in harmony with the purpose and intent of the Zoning Ordinance?
Property had prevously been used an Dealer since 1973
How is the use in harmony with the uses permitted by right in the district?

		-	
How will the use promote the pu	blic health, safety, an	d general welfare of the commu	nity?
Property has been	a Carrose s.	ince 1950 Actobo	dy Shap
- Since 1968 wil	th original a	when 1950 Auto be	esting busen
Has the Planning Commission and this property within twelve (12) m	d/or Board of Super conths of the date of	visors heard a request for special this application? Yes/No	exception of
Proffers and Conditions List any conditions or proffers cur	rrently associated wit	h this property.	
Any zoning permit shall automatic persons, firm, or corporation to who permit is being exercised for the prosuspended or discontinued for a permit is being exercised for the prosuspended or discontinued for a permit permit for the and other required as \$300.00 application fee must be application for the cost of advertising publishing,	nich the permit was is urpose for which it we eriod of twelve (12) n uirements paid to the County of ng and for expenses	ssued has not clearly demonstrate as issued, or if the work so authononths.  f Amherst upon submission of the following the adjacent property in the property of notifying the adjacent property.	ed that the prized is
survey plat of the property by a coust be 1"=100'.			on. The scale
Coning Permit  Ias a zoning permit been filled	out and attached wi	th this application? Yes	No
ignatures The undersigned Applicant herel to the best of his/her knowledge astructions and has paid all fees to Applicant related to this Appli andowner, if applicable) also au dministrator, Planning Director upervisors during the normal di	and confirms that currently due and i cation process. Th thorizes entry onto and/or Board of 2	he/she has read the Applicati s aware of costs which may be e undersigned Applicant (and the subject property by the Z Zoning Appeals and/or Board	on and its e assessed coning of
Paul R Potero 5.	4-21-17	-	
coperty Owner Signature	Date	Property Owner Signature	Date

Kerni Scou	Stimet	4.21-17
Agent Signature	Date	

Agent Signature

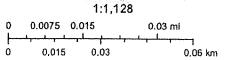
Date

## \*\*\*\*\*DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY\*\*\*\*\*

For use by the County of Amberst Department  Case No. 2017 - 04	of Planning and Zoning
Actions Taken:    January Official Receiving Application	Date:
Application returned for correction/additional information	Date
Amended application received by	Date
Public Ficaring advertised in	Date(8)
Adjacent property owner(s) notified by mail	Date
Action by Planning Commission	Date
Action by Board of Supervisors	Date:



April 21, 2017





## <u>AMHERST COUNTY TREASURER - PROPERTY TAXES FORM</u>

Case #:
Case Request for: Kovin Scott Palers Cowner: Paul R. Polers
Date Contacted Treasurer Department: <u> </u>
Caller: Stacey Stenned
Spoke with: Kay Rowe
Has Owner Paid All Property Taxes with Amherst County: YES 🗷 NO 🗆
If Not Please Include Comments:





#### ZONING COMPLIANCE CERTIFICATION

Purpose: Use this form to certify that proper zoning is in effect for your business location and the dealer license for which you are applying. Section 46.2-1510 of the Code of states in part, "No license shall be issued to any motor vehicle dealer unless he has an established place of business, owned or leased by him where a substantial portion of the sales activity of the business is routinely conducted and which: (1) Satisfies all local zoning regulations." Instructions: Applicants complete the business information section and check each dealer license type for which your are applying. Request the Zoning Official to complete and sign the zoning compliance certification. The zoning certification must be completed and signed within the 30 days before dealership opening. Submit this form to MVDB. **BUSINESS INFORMATION** Full Name Suffix (Jr., Sr., I) Keun 3000 Trade As Name **Business Street Address** Zip Code 121 High View DR MADISON HOBATS VA 24577 Primary Contact Telephone Number Date of Application (mm/dd/yyyy) 928-7271 Dealer License Type and Zoning Compliance (check all that apply) Instructions for Zoning Officials: The section below is to be completed and signed by the Zoning Official verifying the applicant has complied with all zoning requirements from the City or County in which the dealership is located and properly zoned for the sale and display of all applicable dealer license types checked below. Zoning Official Signature Automobile/Truck **Zoning Official Signature** Motorcycle Zoning Official Signature Recreational Vehicle **Zoning Official Signature** Trailer Special Conditions/Comments (To be completed by Zoning Official if applicable) **Zoning Official Certification** I certify that the above named business is in compliance with the zoning ordinance of this locality for each use for which the applicant is applying (checked above and signed by me). Zoning Official Name (print) Zoning Official Name (title) Zoning Official Name (signature) Date (mm/dd/yyyy)



April 20, 2017

1:1,128

Cars at any time 0 0.0075 0.015 0.03 mi

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Carpts to have a liverse Source: Esri, Digital Globe, GeoEye, Earthster Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, KIN, and the GIS User Community

So he could Sell

#### **ZONING PUBLIC NOTIFICATION**

Case: 2017-04

Board/Commission:

Planning Commission

**Board of Supervisors** 

Public Hearing Dates:

May 18, 2017 - Planning Commission June 20, 2017- Board of Supervisors

Applicant:

Kevin Scott Stinnett

Property Owner

121 Highview Drive

Paul Peters Sr.

Madison Heights, VA 24572

c/o Petes Body Shop

121 Highview Drive

Tax Map Number:

148-A-24

Madison Heights, VA 24572

Adjoining Property Owners:		
Tax Map # 148-A-6	Tax Map # 148F1-10-12	Tax Map # 148-A-29,30
James Price	Eric Robertson	Rivard Auto LLC
166 Green Hill Rd	203 Odins Bow Rd	3789 S. Amherst Hwy
Monroe, VA 24574	Madison Heights, VA 24572	Madison Height, VA 24572
Tax Map# 148-A-9	Tax Map # 148-A-13	
Earl E Jr. & Margaret D. Huffman	Donald & Betty Tyree	
170 Dixle Airport Rd	200 Dixie Airport Rd	
Madison Heights, VA 24572	Madison Heights, VA 24572	
Tax Map# 148-A-10	Tax Map # 148-A-24A	
Edwards T. Aileen B. Young	Mary Jane Peters	
176 Dixle Airport Rd	210 Dixie Airport Rd.	
Madison Heights, VA 24572	Madison Heights, VA 24572	
Tax Map# 148-A-11	Tax Map # 148-A-25	
Reagen P. & Andrea D Pitts	Highview Dr LLC	
184 Dixie Airport Rd	169 Lee Dr.	
Madison Heights, VA 24572	Madison Heights, VA 24572	

I hereby make affidavit that the notices of public hearing for this case as required by Section 15.2-2204 of the <u>Code of Virginia</u>, 1950, as amending, have been sent by first class mail to the last known address of the owners of abutting property as shown on the current real estates tax assessment books.

Stacey Stinnett

(Signature)

Planning & Zoning Administrative Assistant

(Title)

May 2, 2017

