

Planning Commission Staff Report

Case: C-20-2
Applicant: Brian Johnson
CUP Request: To operate a business repairing automobiles and equipment when screened from view and 200 feet from the State and road right-of-way
Property Location: 5213 Whitmore Rd. McKenney, VA
Tax Map Parcel #: 65-4-3
Property Size: approx. 34.47 acres
Current Zoning: Agricultural, General, A-2
Magisterial District: Darvills
Planning Commission Mtg.: March 11, 2020
BOS Mtg.: July 21, 2020

CUP REQUEST

The applicant, Brian Johnson, is seeking a conditional use permit to operate a business that repairs automotive and equipment, screened from view and 200 feet from state road right-of-way, on property containing approximately 34.47 acres. The property is located at 5213 Whitmore Rd., McKenney, VA, and is further designated as Tax Map No. 65-4-3. The property is zoned A-2, Agricultural General, which may be changed to allow such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, service development at the Ordinance defined density.

RELATED ATTACHMENTS

- CUP Application
- Location Map

ZONING ANALYSIS

All adjacent properties are zoned Agricultural, General, A-2. The surrounding properties consist of a single-family dwelling to the east and additional single-family dwellings are located north across Whitmore Road are the remainder of the surrounding property consists of large acreage farmland and forestal land uses.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to develop as agricultural and forestal, low density single-family residential, and natural conservations areas.

OVERVIEW OF IMPACTS

This request is not expected to introduce new impacts to the surrounding properties as the business will be located approximately 450 feet inward to the property from Whitmore Road (Route 651) and any outdoor operations and storage will be screened from view.

Public Utilities, School System, & Public Safety Impacts

The existing utilities are handled on-site and there is no expected impact to the school system, as related to the subject business. Public safety or community issues related with the proposed use are minimized by the proposed conditions associated with this permit.

Transportation Impacts

VDOT has reviewed the request and the proposed business activity does not present detrimental impacts on the transportation network, and the applicant's current entrance is to be utilized. Conditional use permit condition #3 requires the applicant meet all VDOT standards for vehicle access to the proposed business site.

SITE AND USE ANALYSIS

The request to operate a business on the subject property repairing automobiles and equipment, screened from view and 200 feet from state road right-of-way is an appropriate use of the property, and given the configuration of the surrounding land uses and given the surrounding zoning pattern, the use is appropriately located.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to develop as low density residential, agricultural and natural conservations areas.

Although the Comprehensive Land Use Plan does not specially recommend commercial activities within the Rural Conservation Area, staff believes that the impacts of operating the automotive and equipment repair business on the subject property will be minimized based on the proposed location of the proposed business on the subject property with the existing building to house repair operations, and with adherence to the proposed conditions of the conditional use permit.

Planning Staff Recommendation:

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of operating a business repairing automobiles and equipment a minimum of 200 feet from the road right-of-way when screened from view on the subject property will be minimized based on adherence to the proposed conditions.

Staff's recommendation of APPROVAL of the conditional use permit to operate a business repairing automobiles and equipment when screened from view is subject to the following conditions:

C-20-2 Conditions:

1. The use shall be limited to the repair of automobiles and equipment when screened from view and 200 feet from the right-of-way associated with Whitmore Road (Route 651) with a conditional use permit as identified in the Land Use Amendment Application.
2. Buildings constructed as part of the business repairing automobiles and equipment shall meet the applicable Fire Code requirements as set forth in the Fire Code, as amended, and Building Code requirements as set forth in the Building Code, as amended;
3. All vehicle access to the subject property shall meet Virginia Department of Transportation (VDOT) design and construction standards;
4. The property shall meet all required development standards for this type of business as required by Chapter 22 of the Dinwiddie County Code, as amended;
5. Site lighting installed shall be directed downward and inward to the subject property to preserve the night sky and shall not directly cast light onto the adjoining properties;
6. All outdoor activities associated with the repair of automobiles and equipment shall be conducted between the hours of 7:00 AM and 10:00 PM;

7. All repair and/or storage of automobiles and equipment will either be conducted indoors or screened from public view;
8. All activities associated with the repair and/or storage of automobiles and equipment shall comply with all applicable federal, state, and local codes; and
9. This conditional use permit is subject to be reviewed by the Zoning Administrator of Dinwiddie County on an annual basis from the date of issuance of the conditional use permit. Failure to abide by these conditions may result in legal action.

PLANNING COMMISSION RECOMMENDATION

Mr. Bassett asked if there were any questions from the Commissioners.

Mr. Tucker asked Mr. Bassett to elaborate on what kind of equipment the applicant wants to repair.

Mr. Bassett said from what the applicant has indicated, it is very similar to our last case involving tractors and other heavy equipment associated with agricultural type uses and some vehicles.

Mr. Simmons asked Mr. Bassett how many days a week will the applicant's operation will be open.

Mr. Bassett said we did not address that in the conditions, which means he could be operational seven days a week.

The Chairman asked if there were any more questions for Mr. Bassett. He said if not would the applicant like to come forward and add anything.

Mr. Brian Johnson said he did not have anything to add to what Mr. Bassett said. He said he would answer any questions the Commissioners may have.

The Chairman asked if there are any questions for the applicant. He said since there are none he was opening the public hearing portion of the case. He asked if anyone signed up to speak.

Granville Maitland 13410 Butterwood Land, Wilsons VA said he does not have a problem with what Mr. Johnson wants to do and fully supports the proposed business as it contributes greatly to the community.

William Webb, 5217 Whitmore Road, McKenney VA said he too does not have a problem with what Mr. Johnson wants to do.

The Chairman said since there is no one else signed up to speak he is closing the public hearing portion of the case. He opened the discussion among the Commissioners. The Chairman said if there is no more discussion, he would entertain a motion.

Mr. Cunningham made a motion and read the following: BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-20-2, as presented to repair automobiles and equipment when screened from view and 200 feet from the State and road right-of-way be recommended for approval with conditions to the Board of Supervisors.

It was seconded by Mr. Titmus and with Mr. Titmus, Mr. Prorise, Mr. Cunningham, Mr. Harvell, Mr. Simmons, Mr. Tucker and Mr. Hayes voting "AYE." C-20-2 was recommended for approval with conditions to the Board of Supervisors.

BOARD ACTION

Since this is a zoning matter, the standard statement regarding the Board of Supervisors action on this zoning matter must be read. In order to assist, staff prepared the following statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-20-2, as presented to repair automobiles and equipment when screened from view and 200 feet from the State and road right-of-way be (approved with conditions, OR disapproved) by the Board of Supervisors.