

## **Index File**

**UP-855-15**

**Bella Towing**

**5800 and 5812 Mooretown Road**

**Assessor's Parcel Nos. 5-14-B and 5-29A**

Request for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 18), to authorize the establishment of a towing service/automobile storage yard on a 4,000-square foot portion of land, with ingress/egress on Mooretown Road, on two parcels (13.24 and 1.24 acres) located at 5800 and 5812 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 5-14-B and 5-29A. The 5812 Mooretown Road property is zoned IL (Limited Industrial) and designated Limited Industrial in the Comprehensive Plan. The 5800 Mooretown Road property is split- IL along Mooretown and RR (Rural Residential) to the rear and designated Limited Industrial and Conservation.

### **Attachments:**

- Staff Report
- Zoning Map
- Sketch Plan
- Narrative
- Proposed Resolution No. PC15-1

# COUNTY OF YORK

## MEMORANDUM

**DATE:** February 2, 2015 (PC Mtg. 2/11/15)  
**TO:** York County Planning Commission  
**FROM:** Earl W. Anderson, AICP, Planner  
**SUBJECT:** Application No. UP-855-15, Bella Towing

### ISSUE

This application is a request for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 18), to authorize the establishment of a towing service/automobile storage yard on a 5,100-square foot portion of land, with ingress/egress on Mooretown Road, on two parcels (13.24 and 1.24 acres) located at 5800 and 5812 Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 5-14-B and 5-29A.

### DESCRIPTION

- Property Owner: Peter V. Henderson
- Location: 5800 and 5812 Mooretown Road (Route 603)
- Area: 5,100 square foot portion of two parcels (13.24 and 1.24 acres)
- Frontage: 400 feet along Mooretown Road
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Limited Industrial and Conservation
- Zoning Classification: IL – Limited Industrial and Rural Residential
- Existing Development: Fenced storage yard
- Surrounding Development:
  - North: Various barns and sheds
  - East: Contractor storage yard
  - South: Contractor storage yard
  - West: Industrial warehousing/office complex and across Mooretown Road  
George's Auto Repair Garage

- Proposed Development: Automobile storage lot/impound yard

## **CONSIDERATIONS/CONCLUSIONS**

1. The subject parcel is located in the Henderson Business Park on the east side of Mooretown Road. The park consists of three parcels, two of which are zoned IL (Limited Industrial) while the largest (13.24 acres) – which includes the site of the proposed storage lot – is zoned IL to a depth of 680 to 730 feet and RR (Rural Residential) beyond. Similarly, the Comprehensive Plan designates the property along Mooretown Road for Limited Industrial development and the areas to the rear for Conservation to provide some buffering for the Waller Mill Reservoir. The existing approximately 5,100-square foot grassed and fenced area is adjacent to the Henderson contractor yard. The lot is accessed via a 20-foot wide drive aisle that extends from Mooretown Road and weaves through the subject properties to the storage lot. The fenced storage yard is located on the northeast side of the property and would be leased to the applicant for use as an automobile storage/impound yard. The applicant's sketch plan shows a 30-foot by 125-foot storage lot; however, the existing dimensions as measured by staff are approximately 30 feet by 170 feet, so those have been used.
2. The adjacent properties have various zoning classifications and land uses. The zoning to the north is RR and consists of two large lots, one with a single-family detached home and the other with various sheds, barns, and other storage. Directly next to the proposed storage lot to the east and south is the Henderson contractor storage lot, which is zoned IL, then beyond the subject property to the south are two lots zoned RC (Resource Conservation) with a single-family detached home. To the west, directly adjacent to the proposed storage lot are warehouse/office space buildings within the Henderson Business Park zoned IL, then across Mooretown Road is George's Auto Repair Garage, which is in James City County and designated Limited Industry in the 2009 James City County Comprehensive Plan and zoned for industrial use.
3. In October 2001, the Board of Supervisors adopted an extensive series of Zoning Ordinance text amendments, one of which made towing services and auto storage/impound yards a special use in the IL and IG zoning districts. As stated in the County Administrator's September 28, 2001 memorandum to the Board, the rationale for this change was that such uses "are not automobile graveyards, but they could transform to that if not carefully monitored." The Zoning Ordinance defines an automobile storage lot as "*an operation involving the temporary storage (typically ninety (90) days or less) of operable motor vehicles... [specifically including] vehicle impound areas.*" An automobile graveyard, in contrast, is defined as "*an operation involving the dismantling or wrecking of used motor vehicles or trailers, or the storage, sales, or dumping of dismantled or wrecked vehicles or their parts.*" The definition goes on to state that "*the presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been removed for reuse or sale, shall constitute prima-facie evidence of an automobile graveyard.*"

Since the applicant tows various vehicles, staff has proposed a condition of approval prohibiting storage of wrecked vehicles for more than thirty (30) days.

4. The subject parcel is wholly located within the Watershed Management and Protection Area (WMP) overlay district for the Waller Mill Reservoir. The proposed storage lot will require the addition of new impervious surface, which will necessitate compliance with the watershed protection provisions of the Zoning Ordinance. For any motor vehicle-related uses, the Zoning Ordinance typically requires the applicant to outline the proposed methods to be employed to ensure that no oil, gas, or other potentially hazardous fluids will infiltrate into groundwater or surface water resources.
5. The subject parcel was developed prior to the adoption of transitional buffer requirements and does not meet the County's current buffer requirements. This Special Use Permit application presents an opportunity to address this nonconformity with the installation of the required Type 35 transitional buffer. Section 24.1-243, *Transitional Buffers*, of the Zoning Ordinance will require a Type 35 transitional buffer along the northern property line as it abuts the proposed development. The section does allow the buffer to be split between the two properties (17.5-feet from each property line) or where the property has been developed and the full implementation of the buffer cannot be accomplished the alleviation of some part of the buffer can be accomplished.

### **RECOMMENDATION**

In staff's opinion, an interior parcel within an existing industrial area, surrounded on three sides by industrial uses and one side by a large Rural Residential zoned parcel, is an appropriate location for an automobile storage lot/impound yard. The property is not visible from Mooretown Road or any existing residential structures, and proposed conditions of approval will enhance the site aesthetically while preventing the establishment of an auto graveyard/junkyard on the property. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC15-1.

EWA

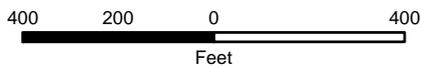
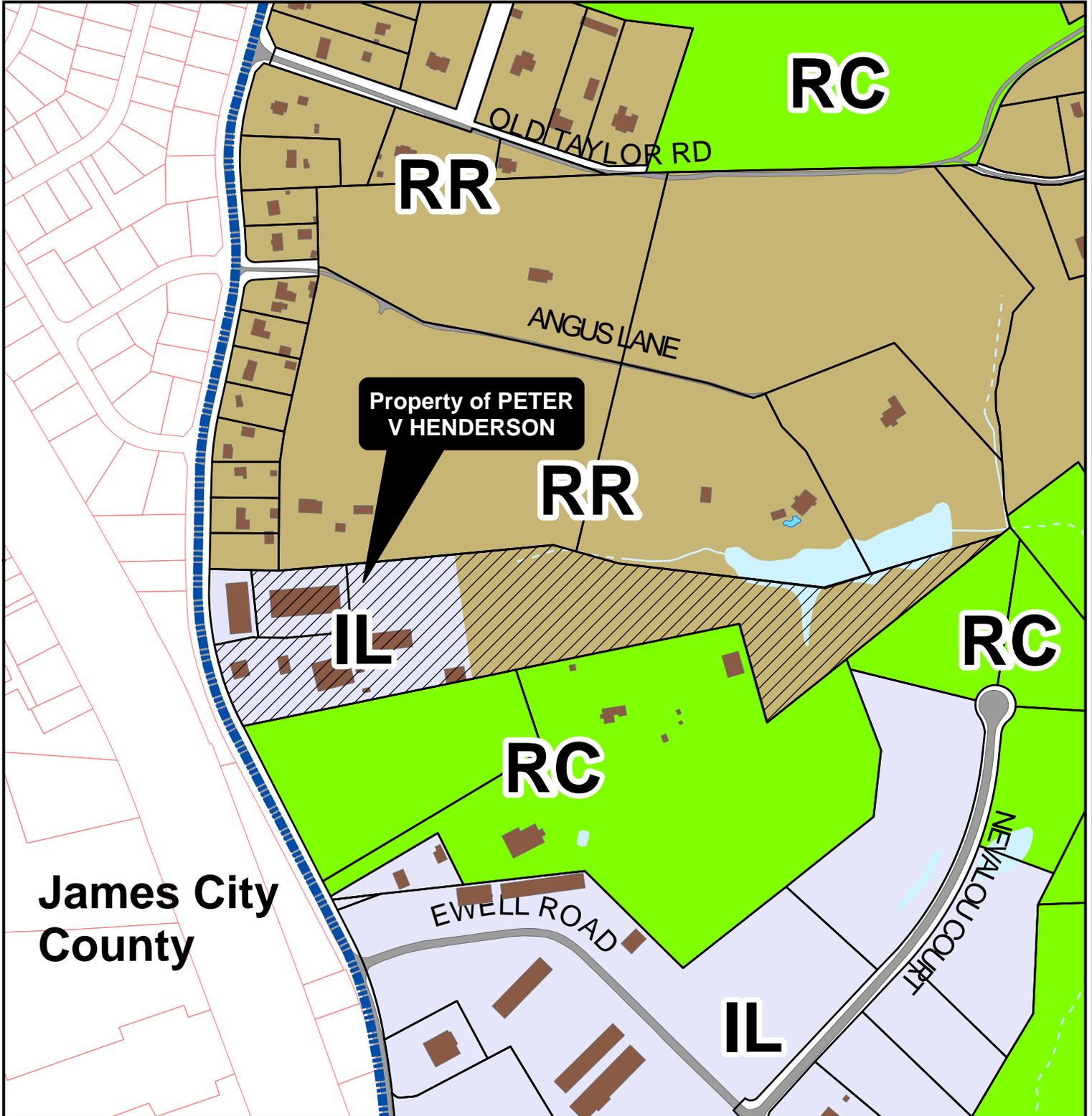
Attachments:

- Zoning Map
- Sketch Plan
- Narrative
- Proposed Resolution No. PC15-1

**APPLICANT** Bella Towing  
Special Use Permit request to establish a  
towing service/automobile storage yard  
5800 & 5812 MOORETOWN RD

# ZONING MAP

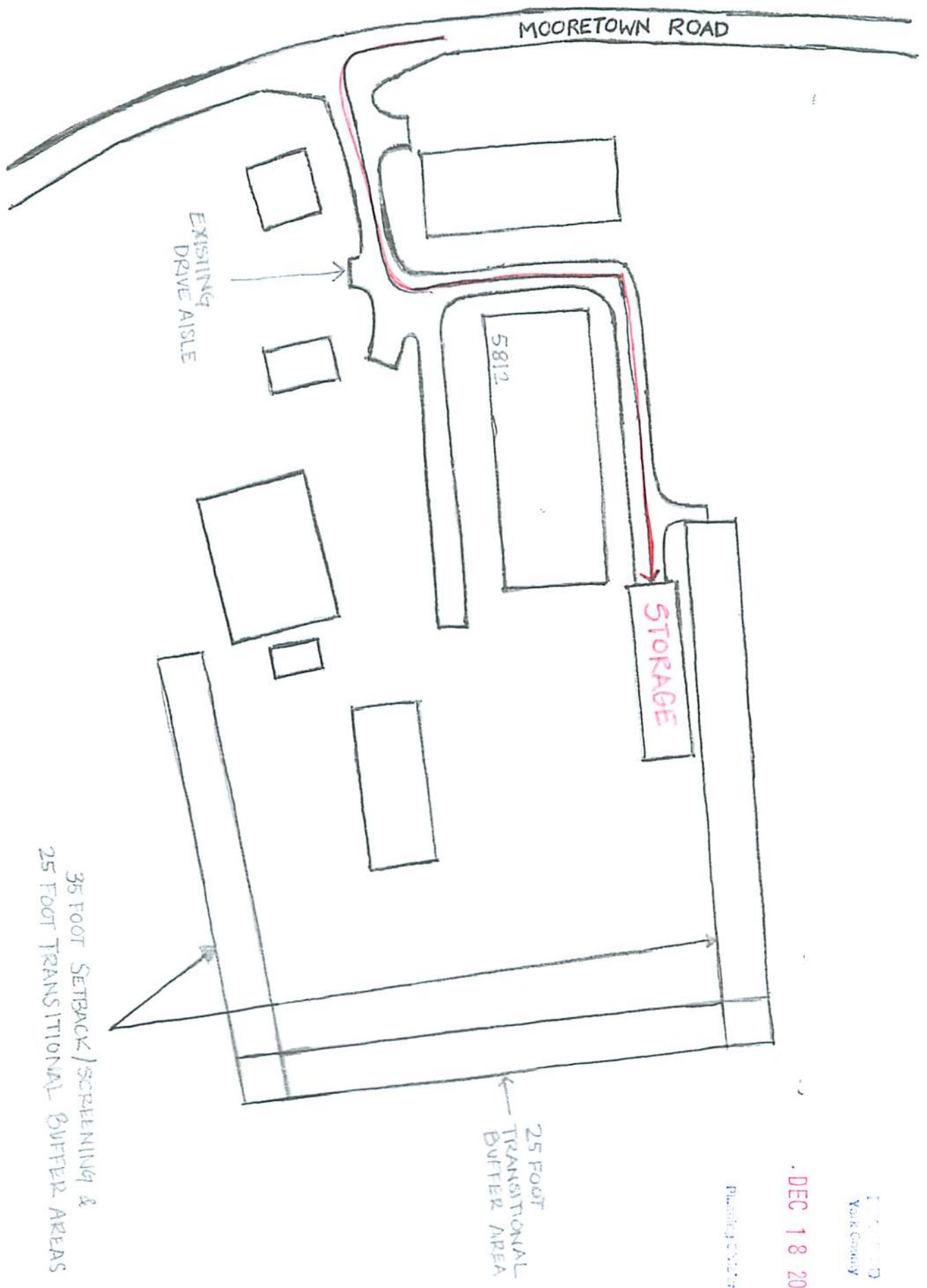
**APPLICATION NUMBER:** UP-855-15



Printed on January 6, 2015

SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.  
This map should be used for  
information purposes. It is not  
suitable for detailed site planning.

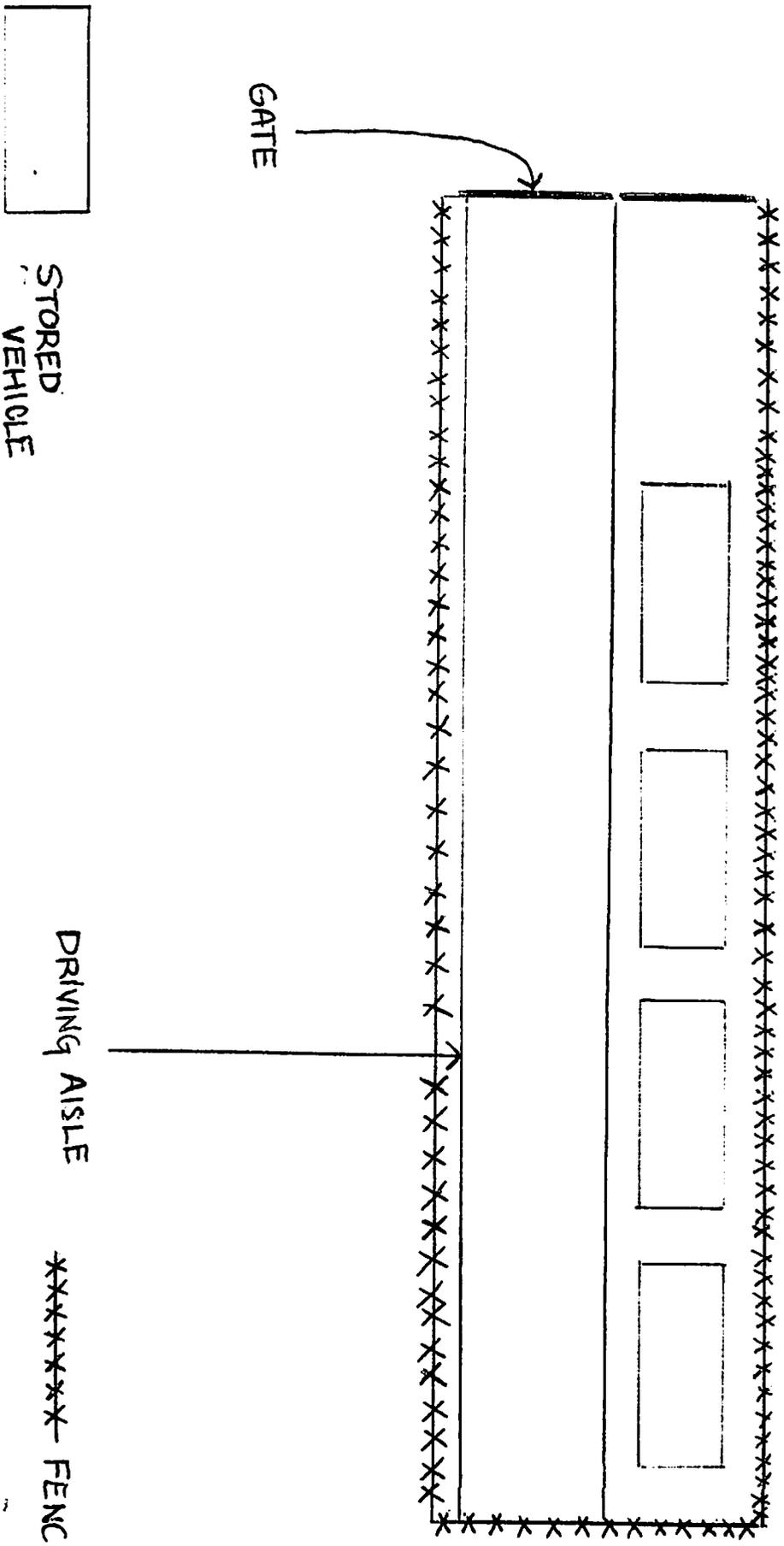


30 FT x 125 FT

10/10/07

10/10/07

10/10/07



15 FT

**Description of Proposed Use**  
**Bella Towing**

The land will be used to store vehicles that have been towed by Bella Towing. On most days, there will be between two and five cars in the lot, as the cars are not held long. The lot is capable of holding up to twenty-five cars. Bella Towing's hours of operation are Monday through Friday 8:00am-4:00pm. On average, three to four trips will be made to the lot per week with towed vehicles. Tow trucks will not be stored on property, as the drivers keep them at home for fast response. We have put up a six foot wire fence around the lot, with a gate at the front for easy access.

PLANNING DIVISION  
York County

DEC 18 2014

Planning Division

PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2015:

Present

Vote

Melissa S. Magowan, Chair  
Timothy D. McCulloch, Vice Chair  
Montgoussaint E. Jons  
Glenn A. Brazelton  
Todd H. Mathes  
Richard M. Myer, Jr.  
Mark B. Suiter

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A TOWING SERVICE AND AUTOMOBILE STORAGE LOT/IMPOUND YARD AT 5800 AND 5812 MOORETOWN ROAD

WHEREAS, Bella Towing has submitted Application No. UP-855-15 requesting a Special Use Permit, pursuant to section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 18), to authorize the establishment of a towing service/automobile storage lot on a 5,100-square foot portion of land, with ingress/egress on Mooretown Road, on two parcels (13.24 and 1.24 acres) located at 5800 and 5812 Mooretown Road (Route 603) and further identified as Assessor’s Parcel No. 5-14-B and 5-29A (GPIN C18c-1888-1048 and C18c-1132-1114); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_\_ day of \_\_\_\_\_, 2015 that Application No. UP-855-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 18), for the establishment of a towing service/automobile storage lot on a 5,100-square foot portion of land, with ingress/egress on Mooretown Road, on two parcels (13.24 and 1.24 acres) located at 5800 and 5812 Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 5-14-B and 5-29A (GPIN C18c-1888-1048 and C18c-1132-1114) subject to the following conditions:

1. This Special Use Permit shall authorize, pursuant to section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 18), the establishment of a towing service/automobile storage lot on a 5,100-square foot portion of land, with ingress/egress on Mooretown Road, on two parcels (13.24 and 1.24 acres) located at 5800 and 5812 Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 5-14-B and 5-29A (GPIN C18c-1888-1048 and C18c-1132-1114).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan prepared by Bella Towing and dated December 18, 2014, except as modified herein.
3. Automobile storage shall be limited to the approximately 5,100-square foot fenced area northeast side of the subject properties.
4. The storage or parking of operable motor vehicles in the storage yard shall be for a period generally not exceeding ninety (90) days.
5. Not more than one (1) vehicle that is not capable of operating under its own power or from which parts have been removed for reuse or sale shall be stored or parked in the storage lot for a period exceeding thirty (30) days.
6. No storage shall be permitted in any required landscape yard.
7. At no time shall vehicles in the storage lot be stored or stacked on top of one another.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.