

Index File

UP-779-10

Affordable Luxury LLC

Assessor's Parcel No. 2-9-2

Application No. UP-779-10, Affordable Luxury LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 12, No. 5), to authorize automobile sales in an existing contractor building/storage yard located at 525 East Rochambeau Drive (Route F-137). The 4.4-acre parcel, located approximately 700 feet southeast of the northern intersection of East Rochambeau Drive and Oaktree Road (Route 786) and further identified as Assessor's Parcel No. 2-9-2, is zoned GB (General Business) and is designated General Business in the *Comprehensive Plan*.

Attachments:

- Staff Report
- Zoning Map
- Aerial Photo
- Sketch Plan
- Parking Lot Detail from Approved 2002 Site Plan Amendment
- Applicant's Project Narrative
- Proposed Resolution No. PC10-12

COUNTY OF YORK

MEMORANDUM

DATE: July 27, 2010 (PC Mtg. 8/11/10)
TO: York County Planning Commission
FROM: Timothy C. Cross, AICP, Principal Planner
SUBJECT: Application No. UP-779-10, Affordable Luxury LLC

ISSUE

This application seeks a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 12, No. 5a), to authorize automobile sales (without auto body work and painting) in an existing contractor's shop located at 525 East Rochambeau Drive (Route F-137). The 4.4-acre parcel, located approximately 700 feet southeast of the northern intersection of East Rochambeau Drive and Oaktree Road (Route 786) and further identified as Assessor's Parcel No. 2-9-2, is zoned GB (General Business) and is designated General Business in the Comprehensive Plan. Existing development consists of a 1,668-square foot office building, a 5,000-square foot shop/warehouse building, and a fenced storage yard.

DESCRIPTION

- Property Owner: Jeanette B. Brady, Trustee
- Location: 525 East Rochambeau Drive (Route F-137)
- Area: 4.4 acres
- Frontage: 693 feet on East Rochambeau Drive; 700 feet on Oaktree Road (Route 786)
- Utilities: Private well and septic system
- Topography: Moderate slopes
- 2025 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: Multi-tenant contractor shop and storage yard
- Surrounding Development:

North: Vacant parcel; Oaktree Road beyond
East: East Rochambeau Drive; Interstate 64 beyond

South: Single-family detached home (across Oaktree Road)
West: 131-acre parcel with a one-acre home site (across Oaktree Road)

- Proposed Development: Auto sales within an existing contractor shop/storage yard

CONSIDERATIONS/CONCLUSIONS

1. The subject property is occupied by a multi-tenant contractor's shop (which is currently vacant) with outdoor storage that was authorized by a Special Use Permit approved by the Board of Supervisors in 1997 (Application No. UP-519-97). Existing development consists of a 1,668-square foot office building, a 5,000-square foot shop/warehouse building, and a fenced storage yard. The owner wishes to lease a portion of the property – including approximately 500 square feet of office space, two warehouse bays, and space in the existing parking lot for auto storage/display and customer/employee parking – to the applicant for automobile sales. There would be no auto body work or painting and, at least initially, no servicing of vehicles. The applicant plans to use the service bays only for minor cosmetic work such as vacuuming vehicles and preparing them for delivery to the customer; however, under the terms of the Zoning Ordinance, minor auto repairs and servicing (e.g., engine tune-ups, oil changes, brakes, wheel alignments, etc.) would be permitted if the application is approved and the applicant wanted to offer such services.
2. The subject parcel is located in a sparsely developed area of East Rochambeau Drive. Adjacent development consists of a one-acre home site on a 131-acre parcel and a single-family detached home on a 6.2-acre parcel. Like the other parcels located in the relatively narrow strip of land between East Rochambeau Drive and Oaktree Road – which includes Pierce's Pitt Bar-B-Que and European Cars of Williamsburg (authorized by a Special Use Permit approved in 2002) – the property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.
3. The applicant has indicated that if this application is approved, fewer than ten (10) vehicles will be offered for sale, at least initially, and that the row of parking spaces directly in front of and adjacent to the building will be used as a display/sales lot. In order for the applicant to obtain a dealer's license from the Virginia Motor Vehicle Dealer Board, he will need to provide enough space to display at least ten vehicles (§46.2-1510 of the *Code of Virginia*). The site has nineteen (19) striped parking spaces toward the front of the property, including one handicap space. According to the parking standards set forth in the Zoning Ordinance, a minimum of twelve (12) spaces are required for the existing development (1 space per 350 square feet of office space plus 1 space per 700 square feet of shop space). The addition of the auto dealership would increase the parking requirement by six (6) spaces (2 per service bay plus 1 per 2,500 square feet of open sales or rental display lot area) while reducing existing parking by ten spaces (for the sales/display lot), resulting in a net shortage of nine (9) parking spaces.

There is, however, additional parking to the rear of the property (behind the security gate) which is labeled as parking on the applicant's sketch plan. This lot has an

asphalt surface but no striping and, according to an expansion plan that was approved but never fully implemented in 2002, can accommodate up to approximately 26 vehicles (see attached parking lot detail). Staff has proposed conditions of approval requiring the rear parking lot to be striped for at least twelve spaces as shown on the sketch plan and the security gate to be kept open during business hours, which will ensure ample parking for both the contractor's shop and the auto dealership as well as accommodate future growth. In fact, if 26 spaces were added in the rear lot, there would be more than enough parking to allow the entire front parking lot to be converted to an auto display/sales lot sometime in the future.

4. The proposed auto dealership would not generate a significant amount of traffic. According to the ITE (Institute of Transportation Engineers) *Trip Generation* manual (8th edition), an auto dealership of this size can be expected to generate an average of eleven (11) trips per day, including no more than one or two in the AM and PM peak hours. In fact, according to the ITE average trip rates, the proposed change in use of a portion of the existing contractor office/warehouse space would increase the total amount of traffic generated by the site by only six (6) trips per day, none of them in the peak hours. The actual amount of traffic generated will probably be lower since no servicing of vehicles would be offered.
5. There are no special environmental regulations applicable to this site. The subject parcel is over 2,000 feet from the nearest tributary stream that feeds into the City of Williamsburg's Waller Mill Reservoir and is not located in the Watershed Management and Protection Area overlay district or in any Chesapeake Bay Preservation Area.

RECOMMENDATION

Staff is of the opinion that the proposed use is appropriate in this location; indeed, there are two other auto dealerships within a two-thirds mile radius of the subject parcel. The shortage of off-street parking can be easily addressed by striping the rear parking area, which staff has proposed as a condition of approval. While parking is not an immediate concern since the building is currently vacant, safeguards need to be in place to prevent it from becoming a problem in the event that the remainder of the building is leased and/or the auto dealership grows. Staff believes the proposed conditions of approval accomplish this and therefore recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC10-12.

TCC

Attachments:

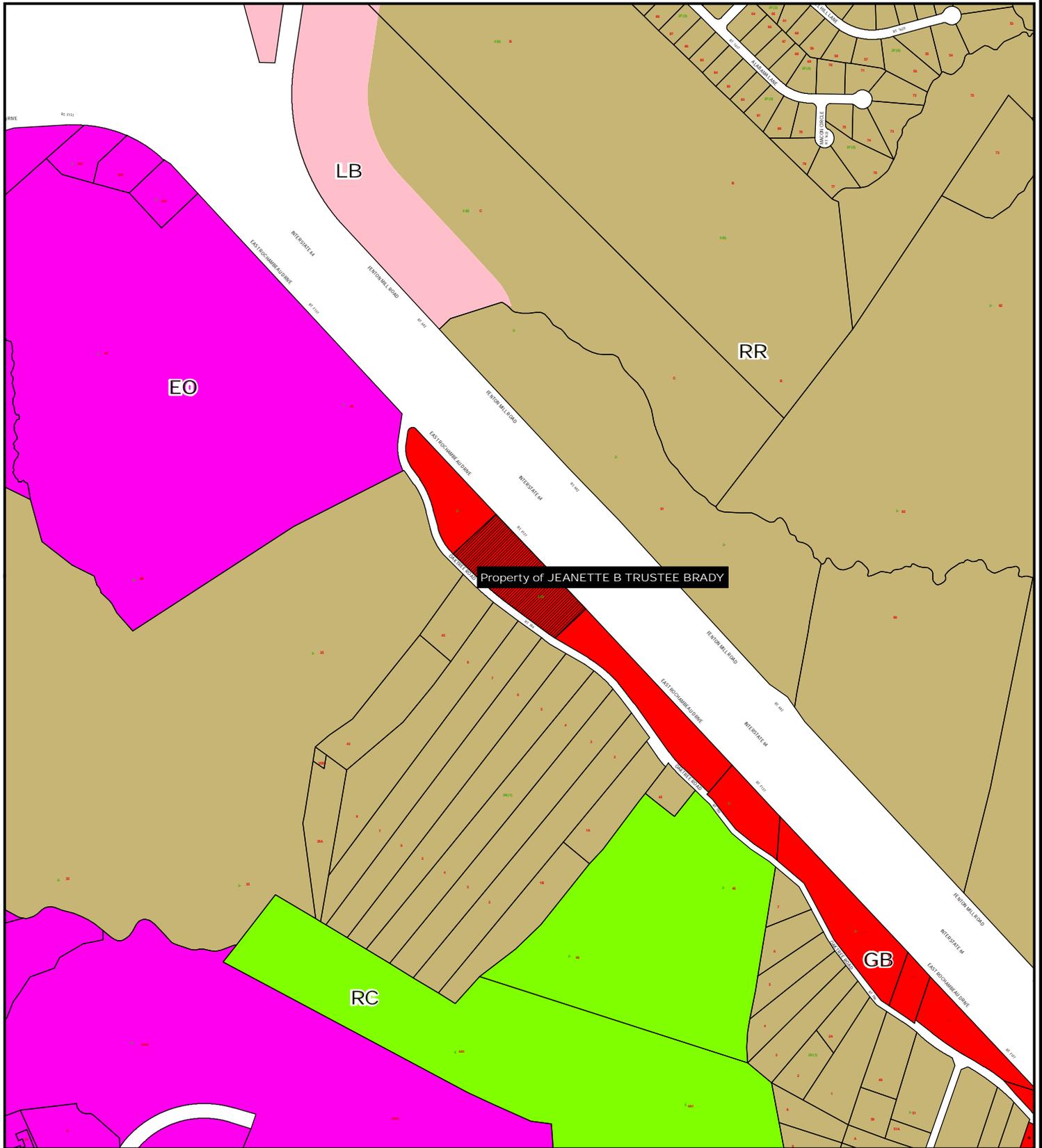
- Zoning Map
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APPLICANT
Affordable Luxury LLC

Automobile sales in an existing contractor shop
525 EAST ROCHAMBEAU DR

ZONING MAP

APPLICATION NUMBER: UP-779-10



★ = Conditional Zoning



Printed on July 02, 2010



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

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



E ROCHAMBEAU DR

OAKTREE RD

525 East Rochambeau Drive

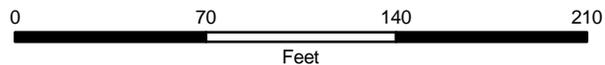


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Commonwealth of Virginia.

HORIZONTAL ACCURACY: +/- 2.5 feet DATUM: VA State Plane South, NAD 83
VERTICAL ACCURACY: +/- 1 foot DATUM: NAVD 1988
DATE OF ELEVATION INFORMATION: 2007

This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained herein or derived here from. The buyer and/or user assumes all risks and liabilities whatsoever resulting from, or arising out of the use of this map.

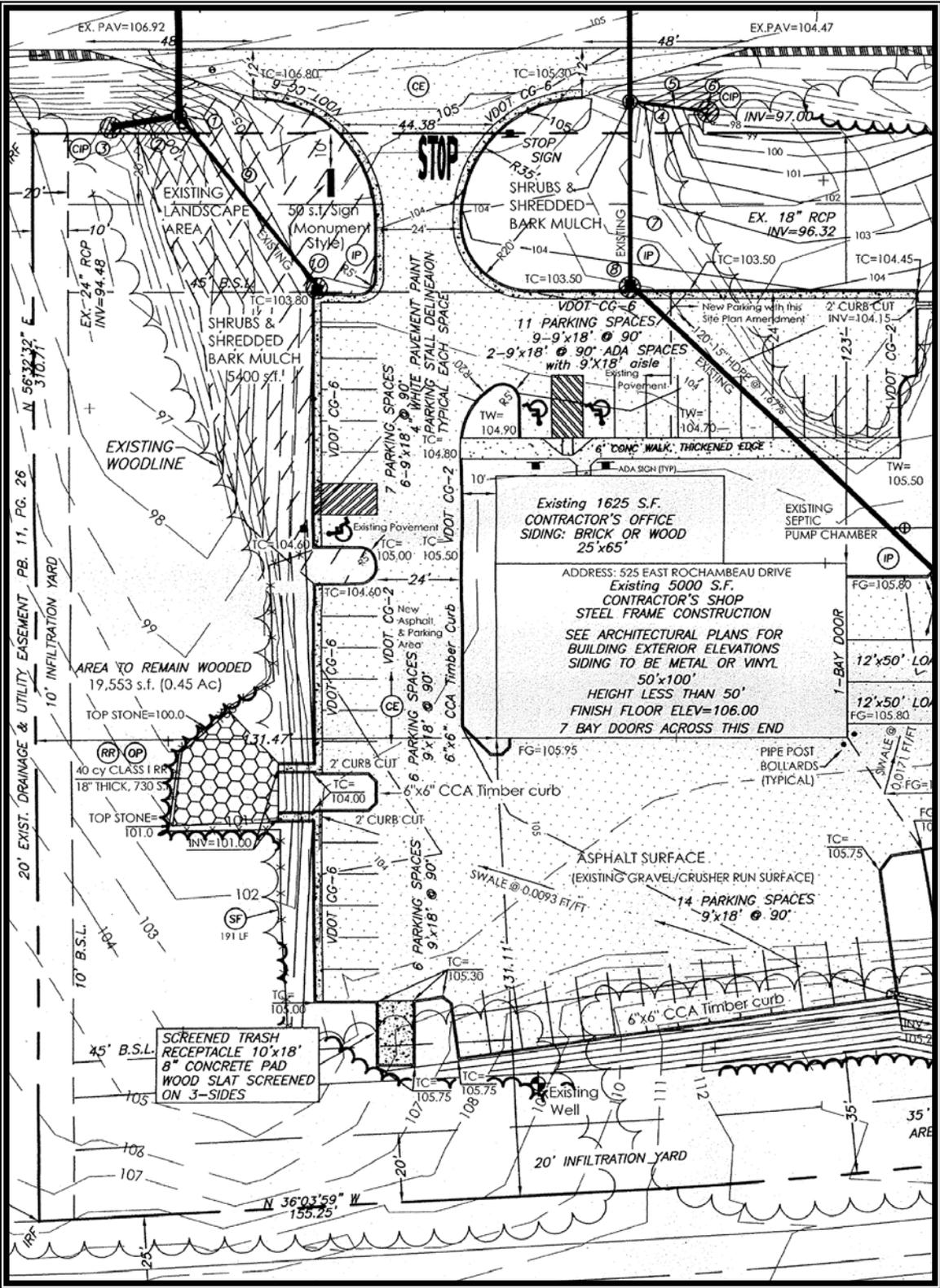
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THIS IS NOT A LEGAL PLAT.
This map should be used for information purposes. It is not suitable for detailed site planning.

Flood Information Courtesy of:
Federal Emergency Management Agency (FEMA)
This flood data has not been certified.

Parking Lot Detail from Approved 2002 Site Plan Amendment (Site Plan #200100812)



We propose to use the property at 525 E Rochambeau as a dwelling for the sale of automobiles. We seek permission to house our records, sell our vehicles, and conduct ordinary business at the said location. As the location is currently vacant, we are confident that upon occupancy the County will benefit not only aesthetically, but from a financial standpoint as well. We anticipate remaining in York County for years to come. We hope to forge a close working relationship with the County and seek its approval of our proposed business.

We fully understand the requirements set forth by the County and the Commonwealth regarding the nature of our business and its stringent qualifications pertaining to its physical location. We fully intend to comply 100% with all County and State Rules and Regulations.

We propose to operate a small automobile dealership at 525 E Rochambeau that will have more than adequate space to house the required number of vehicles set forth by the Commonwealth. Ample parking spaces have been designated for customer and employee use. In addition, there is a dedicated handicapped space and ramp directly in front of the building.

As mentioned, the building is currently vacant, however, extensive landscaping has been completed at the property. We commit to maintain the mulch and flower beds surrounding the property, as well as commit to maintaining the exterior of the building and proper cleaning of the sidewalks and paved areas.

We anticipate having a minimal amount of traffic in the beginning of our proposed business, due to the amount of vehicles that will initially be offered for sale (less than 10), as well as the fact that a large portion of our business in the beginning stages will be primarily wholesaling (which will include no customer interaction).

Furthermore, it is desirous that we give the County a little bit better understanding of the type of business that will be conducted at 525 E Rochambeau. Please understand that we are aware of the nature of business that we will be participating in. We hope to reassure the County of our proposed business practices. While this will be a sales location, we fully understand the expectations and guidelines that have set forth in regards to day to day operations. This dealership will be operated ethically and professionally. There need not be any worry concerning how the property will look visually upon County approval. We will comply with all ordinances that have set forth. There will be no loud speakers or other such items that unfortunately sometimes are

associated with automobile sales. This will simply be a location where business is conducted in a low key family like environment.

The automobiles that will be located on the property will be displayed in a clean orderly fashion. There will not be debris of any type on the exterior or the interior of the property. We will maintain the property both on the inside and out at a level that will be greatly appreciated by the County.

In addition to the exterior and office space of the property, we seek approval for the use of 2 bays connected to the property that can be found in the back left hand corner of the property. Although it is not anticipated that these bays will be used for a period of time, we seek approval of their use as we anticipate their use will be needed sometime in the future.

In conclusion, we (Jeanette Brady-Property owner, Affordable Luxury LLC-Leasee) wish to convey our sincere desire to gain approval for the operation of business in York County at 525 E Rochambeau Avenue. We are confident in our ability to adhere to all rules and regulations set forth, as well as communicate professionally with the county throughout not only this process, but throughout the future as we conduct business in York County. Thank you for your consideration. We look forward to a situation where we all can benefit from doing business together.


BEN REDFERN
AFFORDABLE LUXURY LLC

RECEIVED
York County

JUN 30 2010

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 _____, 2010:

Present

Vote

Christopher A. Abel
Alexander T. Hamilton
M. Sean Fisher
Mario C. Buffa
Richard M. Myer, Jr.
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE AUTOMOBILE SALES IN AN EXISTING CONTRACTOR’S SHOP LOCATED AT 525 EAST ROCHAMBEAU DRIVE

WHEREAS, Affordable Luxury LLC has submitted Application No. UP-779-10 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5a), to authorize automobile and light truck sales (without auto body work and painting) in an existing contractor’s shop on a 4.4-acre parcel of land located at 525 East Rochambeau Drive (Route F-137) and further identified as Assessor’s Parcel No. 2-9-2 (GPIN C19b-4285-3748); and

WHEREAS, said application has been forward 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 this the ____ day of _____, 2010 by the York County Planning Commission that Application No. UP-779-10 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5a), to authorize the establishment of automobile and light truck sales (without auto body work and painting) in an existing contractor's shop on a 4.4-acre parcel located at 525 East Rochambeau Drive (Route F-137), further identified as Assessor's Parcel No. 2-9-2 (GPIN C19b-4285-3748), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5a), of automobile and light truck sales (without auto body work and painting) in an existing contractor's shop on a 4.4-acre parcel located at 525 East Rochambeau Drive (Route F-137) and further identified as Assessor's Parcel No. 2-9-2 (GPIN C19b-4285-3748).
2. A site plan amendment, 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 auto sales activity on the site. Said site plan amendment shall clearly delineate all vehicle display areas and be in general conformance with the sketch plan submitted by the applicant on July 1, 2010, a copy of which shall remain on file in the office of the Planning Division.
3. Off-street parking for the auto and light truck sales establishment shall be provided in accordance with the standards set forth in Section 24.1-606 (Category 12 – Motor Vehicle Transportation) of the Zoning Ordinance. Said parking spaces shall be exclusive of all automobile sales/display areas and in addition to required parking spaces for the remainder of the existing contractor's shop.
4. The asphalt parking area located behind the existing building shall be striped in accordance with the provisions of Section 24.1-607 of the Zoning Ordinance to provide a minimum of twelve (12) additional parking spaces as depicted on the sketch plan.
5. The auto and light truck sales establishment shall be operated in conformance with the provisions of Section 24.1-473, *Standards for all motor vehicle and transportation related uses*, of the Zoning Ordinance.
6. Auto body work and painting shall not be permitted on the subject property.
7. All vehicles displayed for sale on the property shall be parked on a paved surface and no vehicle display shall be permitted in any required buffer area or infiltration yard.

8. All customer parking areas shall be accessible to the general public at all times during the hours of operation of the auto and light truck sales establishment.
9. No portion of the site shall be used as an automobile graveyard or junkyard as defined in Section 24.1-104 of the Zoning Ordinance or for storage of inoperable motor vehicles.
10. Expansion of the auto and light truck sales establishment shall be subject to the requirements for Special Use Permit amendments set forth in Section 24.1-115(d) of the Zoning Ordinance, provided, however, that the use of any existing paved parking area for vehicle display (other than the parking area designated as vehicle display on the referenced sketch plan) shall be considered a minor shift in location that can be authorized by the Zoning Administrator rather than an increase in lot coverage requiring approval by the Board of Supervisors.
11. 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 prior to application for site plan approval.

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