

**Department of Community Development
Staff Report**

PROPERTY OWNERS: Vint Hill Village, LLC

APPLICANT(S): VonCannon General Store

LOCATION: 7167 Lineweaver Road

DISTRICT: Scott

PIN(S): Portion of 7915-74-7317-000

ACREAGE: Portion of 1.93 acres

ZONING: Planned Commercial Industrial Development (PCID)

LAND USE: Planned Industrial Development – New Baltimore Service District

MEETING DATE: November 17, 2016

REQUEST: SPEX-16-005872 – VonCannon General Store: The Applicants are seeking approval of a Special Exception to allow retail sales in the Planned Commercial Industrial Development (PCID) zoning district in accord with Sections 5-006 and 4-605.f of the Zoning Ordinance.

OUTSTANDING ISSUES: There are no outstanding issues identified by staff.

RECOMMENDATION: Staff advises the Planning Commission to recommend approval of Special Exception SPEX-16-005872, subject to the conditions below. The application satisfies the standards of Zoning Ordinance Sections 5-006.

STAFF RECOMMENDED CONDITIONS:

1. This Special Exception is granted only for the purpose(s), structure(s) and/or uses approved with this application, as qualified by these development conditions.
2. The Special Exception shall be granted for retail and antique sales. These uses shall be clearly delineated on the Site Plan.

3. Parking, lighting and landscaping shall be addressed with the required Site Plan.

Topic Description:

The Applicants, VonCannon General Store, are requesting approval of a Special Exception to allow retail sales in the Planned Commercial Industrial Development (PCID) zoning district in accord with Sections 5-006 and 4-605.f of the Zoning Ordinance.

VonCanon General Store recently purchased the merchandise and leased the building that Vintage Hill Marketplace occupied for three years at 7167 Lineweaver Road. It is their intention to continue the sale of vintage home furnishings and expand to offer general store merchandise. The new owners believed that the property and building had all of the appropriate approvals to continue the use, and were not aware that a Special Exception and certificate of occupancy were never obtained.

The store typically operates from 6:00 a.m. to 10:00 p.m. seven days per week. The Applicants employ two to three individuals to manage the store on a daily basis. According to the Statement of Justification, the current operators have a business background with retail management experience.

Staff would note the retail use has been operating without incident for the past three years. Approval of this Special Exception would be the first step in bringing the property into conformance with the Zoning Ordinance.

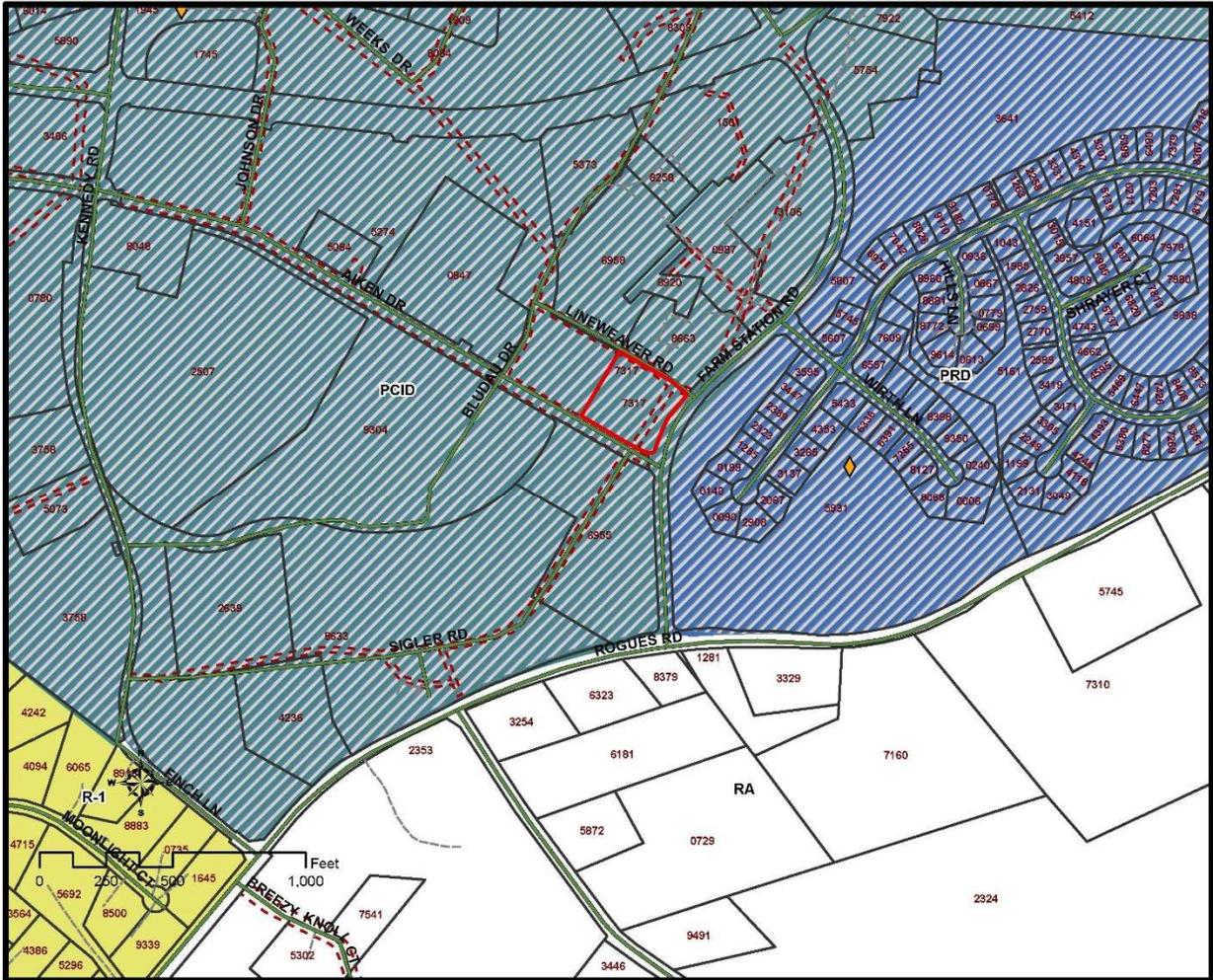
Current Location, Zoning and Land Use:

The property is located at 7167 Lineweaver Road in Vint Hill. The property is zoned Planned Commercial Industrial District (PCID) and contains the retail store with an attached garage, parking, and sidewalk. There is also a vacant building on the parcel that was previously used as a residence.

Neighboring Zoning and Current Land Use:

Adjacent properties to the north, south and west are also zoned Planned Commercial Industrial District (PCID) and contain a variety of businesses. Property to the east is zoned Planned Residential Development (PRD) and is used for residential and open space purposes.

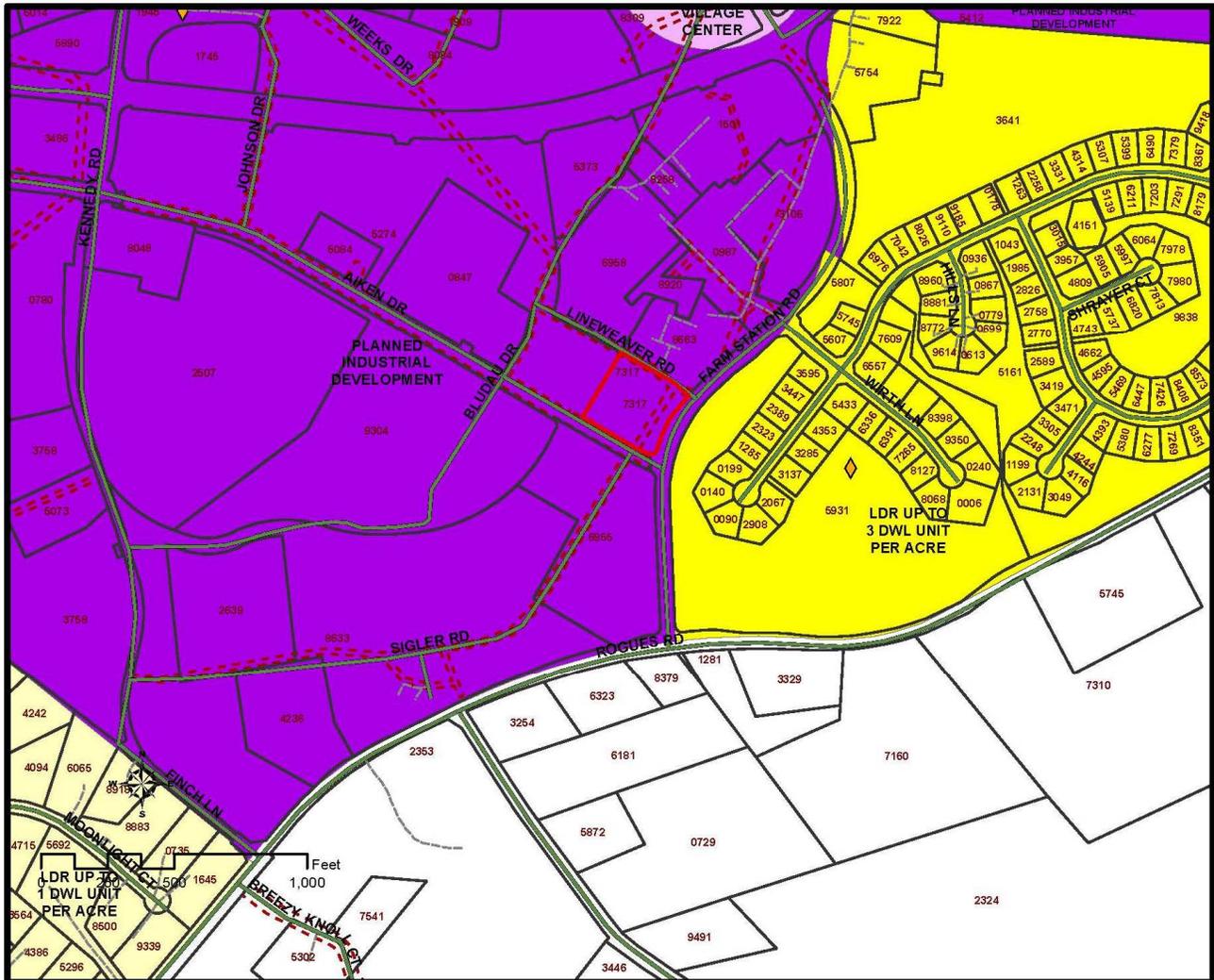
Zoning Map



Comprehensive Plan:

The subject property is designated as Planned Industrial Development within the New Baltimore Service District. Specifically in Vint Hill, this area is planned to be a mixed-use planned community with commercial office, industrial retail, residential and continuing care components on a campus-type setting. With appropriate conditions, this proposal is in conformance with the Comprehensive Plan.

Land Use



Special Exception Analysis:

The Special Exception must comply with General Standards for Special Permits and Special Exception Uses, found in Section 5-006 and Section 5-2700, Standards for Reduction of Common Open Space. Staff's analysis of the standards are provided below in italics.

5-006 General Standards for Special Permits and Special Exception Uses

In addition to the special standards set forth hereinafter for specific uses, all Special Permit and Special Exception uses shall also satisfy the following general standards.

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height

of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

The proposal will not adversely affect the use or development of neighboring properties. A retail use has operated successfully in this space for the past three years.

2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

The proposed use will generate minimal traffic. The Applicants estimate between 25 and 40 patrons per day will visit the store.

3. In addition to the standards which may be set forth in this Article for a particular category or use, the BZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.

Staff is not recommending additional landscaping or screening of the site. Landscaping will be reviewed during the site plan process.

4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.

No open space is required for this use.

5. Adequate utility, drainage, parking, loading, and other necessary facilities to serve the proposed use shall be provided. Low impact development techniques are encouraged by the County and shall be incorporated into the site and facility design when deemed appropriate by the applicant after consultation with appropriate county officials. Parking and loading requirements shall be in accordance with the provisions of Article 7.

No new land disturbance or construction is proposed with this application; therefore, this standard does not apply.

6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.

The Applicants will be required to obtain any required sign permits.

7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be

necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.

Staff is not recommending any time limit be placed on the permit.

8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

No new land disturbance or construction is proposed with this application; therefore, this standard does not apply.

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

Lot size, bulk regulations and performance standards for the PCID zoning district are being met with this application.

Staff and Agency Review Comments:

Staff and appropriate referral agencies have reviewed this request for conformance with the Comprehensive Plan, the Zoning Ordinance, and other relevant policies and regulations. Findings, comments, and recommendations are summarized below. Following each comment is a staff note in italics stating how the comment has been addressed.

Planning Analysis

Planning analysis is provided within this report.

Zoning

1. The subject property is zoned Planned Commercial Industrial Development District (PCID).

Provided for informational purposes; no action required at this time.

2. Section 4-605 Special Exception Uses allows retail sales with floor area less than 75,000 square feet (Section 4-605(f) of the Zoning Ordinance (ZO)) and antique sales (Section 4-605(a) of the ZO) with the approval of a special exception in the PCID. The use chart, in Article 3, includes separate categories for retail uses and antique sales. For clarification purposes, staff recommends the two separate uses be distinctly identified should the use(s) be approved.

Staff has included this recommendation in the proposed conditions of development.

3. Section 5-006 **General Standards for Special Permits and Special Exception Uses** applies to the subject property. Zoning Staff defers to Planning Staff in the compliance assessment of these standards.

Analysis contained within the staff report.

4. A site plan will be required should the BOS decide to approve the special exception request.

This requirement is included in a recommended condition of development.

5. The site must meet all lighting, parking and landscape standards should the use be approved.

- a. Parking must be provided based on the standards found in Article 7:
 - i. Retail Sales Establishment – one space per 200 sq. ft. on net floor area for the first 1,000 square feet, plus six spaces per each additional 1,000 sq. ft. According to County records, the existing structure is approximately 1,679 gross sq. ft. or 1,260 net sq. ft. which equals 7 required parking spaces. In addition, a loading space must be delineated on the site plan.
- b. Prior to the installation of any new lighting, a photometric plan and details of the light fixtures must be reviewed during the site plan application.

This requirement is included in a recommended condition of development.