

MEMORANDUM

3-1

To: Board of Supervisors *R. David Laurrell 1/4 BOS*

From: Paul E. Harvey, Community Development Director *PEH*  
Sandra M. Shackelford, Planner *SMS*

Subject: Rezoning # 10-00615 (18914 Leesville Road, Lynchburg)

Date: November 24, 2009

---

**BACKGROUND:** This request is to rezone 1.28 +/- acres from Residential – Single Family (R-SF) to Business – Heavy Commercial, Conditional (B-HC,C) to allow the operation of a automobile and trucking repair and body shop.

Public hearings scheduled: P/C: November 23, 2009; B/S: January 4, 2010

Location / Election District: 18914 Leesville Road / Sunburst Election District

Tax map number(s) / total acreage: 21-A-82D / 1.28 +/- acres

Magisterial District and Population: College; 6,365 in 2000 increasing to 6,415 by 2010.

Applicant contact information: Russell Orrison; 17 W. Nelson Street, Lexington, VA 24450; 540-464-9001.

Comments: The property is currently used as a garage for car repairs as part of a used car dealership. The repair shop existed prior to the zoning ordinance and is therefore able to continue operation. However, the client would like to expand the business by constructing a new building which will increase the size of the operation by more than the permitted amount for a non-conforming use, necessitating the rezoning request.

**DISCUSSION:**

Land Use/Floodplain: The area is residential in nature. Zoning in the vicinity is Residential – Multi Family (R-MF) and Residential – Single Family (R-SF). No FEMA 100-yr. floodplains are located on the property.

Access and Traffic: The property is accessed from Leesville Road (Route 682 – avg. daily traffic 9,000 vehicles). The request will have minimal impact on the daily traffic flow and does not require a traffic study.

Utilities: This property is served with public water and a private septic system.

Proffers: The client has submitted proffers to limit the permitted B-HC use to automobile and truck painting, repairing, upholstering, rebuilding, body and fender work if done within enclosed buildings or otherwise screened from view from surrounding properties and public right-of-ways; otherwise permitted B-GC uses apply.

Comprehensive Plan: The property is located in an area designated for medium to high density residential use.

**RECOMMENDATION:** This planning commission **recommended approval** of this request, by a vote of 7-0, citing good zoning practice. It was also recommended that the Zoning staff require additional landscape buffering during final site plan approval if the project moves forward.

§ 15.2-2200. Declaration of legislative intent.

This chapter is intended to encourage localities to improve the public health, safety, convenience and welfare of its citizens and to plan for the future development of communities to the end that transportation systems be carefully planned; that new community centers be developed with adequate highway, utility, health, educational, and recreational facilities; that the need for mineral resources and the needs of agriculture, industry and business be recognized in future growth; that residential areas be provided with healthy surroundings for family life; that agricultural and forestal land be preserved; and that the growth of the community be consonant with the efficient and economical use of public funds.

§ 15.2-2283. Purpose of zoning ordinances.

Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of § [15.2-2200](#). To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to protect against destruction of or encroachment upon historic areas; (vi) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (ix) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; (x) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and (xi) to provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard. Such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in § [62.1-255](#).