

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: December 12, 2018
Re: **Conditional Use Permit – Lightning McClean Car Wash, 7616 Timberlake Road**

I. PETITIONERS

Mustard Seed Chesterfield, LLC, 2945 South Miami Blvd. Suite 203, Durham, NC 27703
Representative: Mr. Tommy Brogden/Scott Hamre, Mustard Seed Chesterfield, LLC, 2945 South Miami Blvd. Suite 103, Durham, NC 27703

II. LOCATION

The subject property is located at 7616 Timberlake Road and is one and four-hundred and fourteen hundredths acres (1.414).

Property Owner: Bluestone Land, LLC, 1821 Avon Street, Ext. Suite 200, Charlottesville, VA 22902-8721

III. PURPOSE

The purpose of the petition is to allow the construction of a car wash facility in a B-3, Community Business District.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends High-Density Residential use for the area.
- The subject property is zoned B-3, Community Business District. Car wash facilities are permitted in the B-3, Community Business District upon approval of a conditional use permit (CUP) by City Council.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends High-Density Residential use for the area. High Density Residential areas are developed or planned to be developed into high density townhouse or multifamily housing. Densities can range up to 30 units per acre. They may include public, institutional, private recreation, and private open space uses. Limited retail and service uses may be established as part of mixed-use developments and within high density residential projects.

Although the proposed use differs from the use indicated by the Comprehensive Plan, it does fit in with the nearby commercial uses and could create a transition area between Timberlake Road and the existing adjacent apartments. Timberlake Road has transitioned into a commercial corridor over the past several decades. The proposed CUP would not change the underlying B-3, Community Business District zoning.

2. **Zoning.** The subject property is currently zoned B-3, Community Business District. The existing B-3 zoning was established on February 14, 1989 with the adoption of the Timberlake Road Corridor Land Use Study. The property was annexed from Campbell County in 1976.

Car washes are permitted in a B-3, Community Business District upon approval of a conditional use permit by City Council.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.

4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On May 22, 1979, Council approved the rezoning of several parcels to B-1, Limited Business District along Timberlake Road when council amended the official zoning map for both Timberlake Road and Old Forest Road areas.
- On July 10, 1979, Council approved the CUP petition of George Fralin, Jr. at 7705 Timberlake Road for a family billiards center.
- On February 14, 1989, Council approved the rezoning of a number of parcels clustered around Timberlake Road from R-1 to B-3 with the adoption of the Timberlake Road Corridor Land Use Study – Study Area Boundaries.
- On April 9, 2002, Council approved the rezoning of Lynchburg Computer Systems, Inc. from B-1, Limited Business District, to B-3C, Community Business District (Conditional) at 7605 Timberlake Road to allow the use of an existing building for computer sales and repair.
- On February 13, 2007, Council approved the petitions of James Higgenbotham, II for a CUP and rezoning to allow fill in the 100-year floodplain and the construction of forty-eight (48) apartments at 7424 Timberlake Road.
- On April 8, 2008, Council approved the petition of M.B. Long at 7426 Timberlake Road to allow fill in the 100-year floodplain for an access road to future apartment buildings.
- On July 13, 2010, Council approved the CUP petition of Brooke's Bros., LLC at 7802 Timberlake Road for a consolidated sign plan to provide for one (1) wall mounted sign and one (1) monument sign.
- On November 9, 2010, Council approved the rezoning petition of Dr. Jeffrey Widmeyer at 7626 Timberlake Road from R-1, Low Density Single-Family Residential District, to B-1C, Limited Business District (Conditional), to allow for the renovation of an existing building as a professional office and the construction of an associated parking area.
- On February 10, 2015, Council approved the rezoning petition of Adams Investment Properties, LLC, at 7708 Timberlake Road from B-1, Limited Business District, to B-2, Local Neighborhood Business District to allow a bakery and other limited retail within the existing building.
- On February 23, 2016, Council approved the rezoning at 7708 Timberlake Road from B-2, Local Neighborhood Business District, to B-1, Limited Business District, with the adoption of a new zoning ordinance.

5. **Site Description.** The property at 7616 Timberlake Road consists of one and four-hundred and fourteen hundredths (1.414) acres and is currently undeveloped.

The property is bound to the north (across Timberlake Road) by office uses, to the south by an apartment use, to the east by vacant land and to the west by an office use (the Social Security Administration).

6. **Proposed Use of Property** The purpose of the petition is for a conditional use permit to allow the operation of a car wash facility on the site.
7. **Traffic, Parking and Public Transit.** A traffic study was not required by the City’s Transportation Engineer. No additional curb cuts are proposed along Timberlake Road.

The Greater Lynchburg Transit Company Bus Route 6 loops around the parcel. There are two nearby bus stops located at the Vistas Apartments (150’ away) and the Social Security Office Parking Lot (300’ away).
8. **Stormwater Management.** An Erosion & Sediment Control Plan/Stormwater Management Plan will be required for the development of the property as proposed. The concept plan notes the use of underground detention facilities. Stormwater Quality will be addressed by the purchase of offsite nutrient credits.
9. **Emergency Services:** The City’s Fire Marshal noted the need to identify a fire access route to farthest part of property with a turnaround capable of supporting fire apparatus. This comment will be addressed prior to final site plan approval. The City’s Police Department had no comments of concern.
10. **Impact.** Car wash facilities are permitted in a B-3, Community Business District upon approval of a conditional use permit by City Council. Development of the site should have little to no foreseen impact on the surrounding area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on November 6, 2018. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Mustard Seed Chesterfield, LLC for a conditional use permit at 7616 Timberlake Road to allow the construction of a car wash, subject to the following condition:

1. **The property shall be developed in substantial compliance with the concept plan entitled “Proposed Lightning McClean Car Wash” dated November 30, 2018 as prepared by Berkley Howell & Associates, PC**

This matter is respectfully offered for your consideration.

William T. Martin, AICP

City Planner

- pc: Ms. Bonnie M. Svrcek, City Manager
 Mr. Reid Wodicka, Deputy City Manager
 Mr. Walter C. Erwin, City Attorney
 Mr. Kent L. White, Director of Community Development
 Mr. J. Lee Newland, City Engineer
 Ms. Cynthia Kozerow, Lynchburg Police Department
 Battalion Chief Thomas Goode, Fire Marshal
 Mr. Doug Saunders, Building Official

Mr. Kevin Henry, Zoning Administrator
Mr. Tommy Brogden
Mr. Scott Hamre

VII. ATTACHMENTS

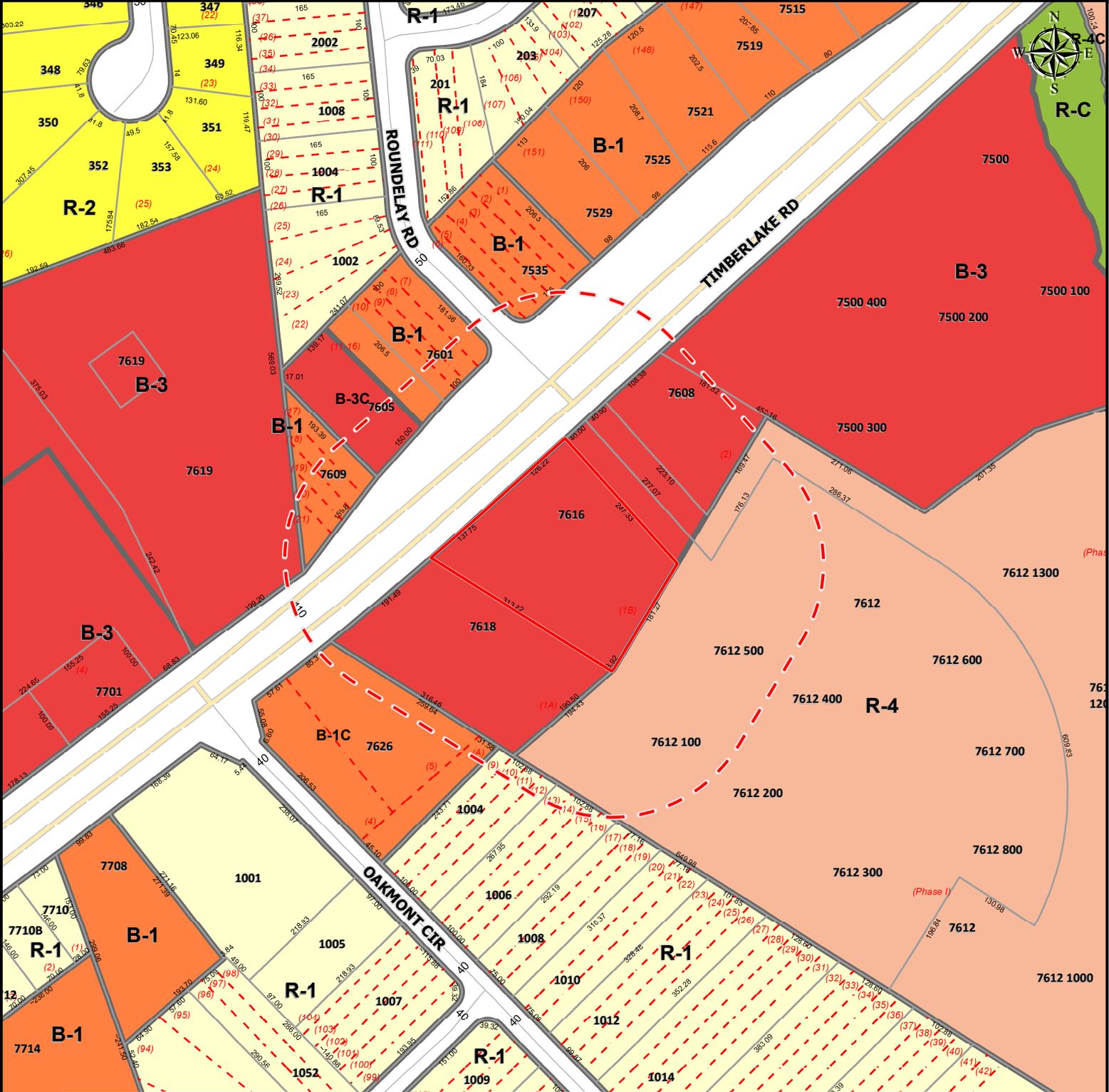
- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Property Photograph**

Zoning-TRC Map

CAR WASH

TRC

Mustard Seed Chesterfield, LLC



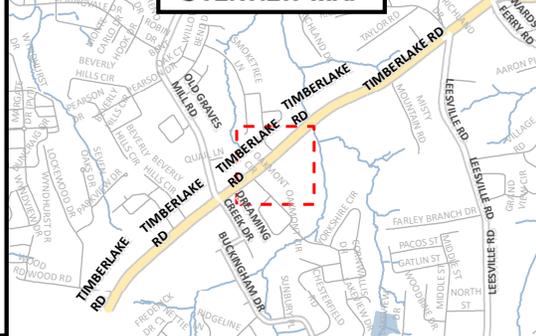
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25401001	7616 TIMBERLAKE RD

LEGEND

- Subject Property
- 215' Buffer
- B-1
- B-2
- B-3
- B-4
- B-5
- B-6
- I-1
- I-2
- I-3
- R-1
- R-2
- R-3
- R-4
- R-5
- R-C
- IN-1
- IN-2

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 10/31/2018

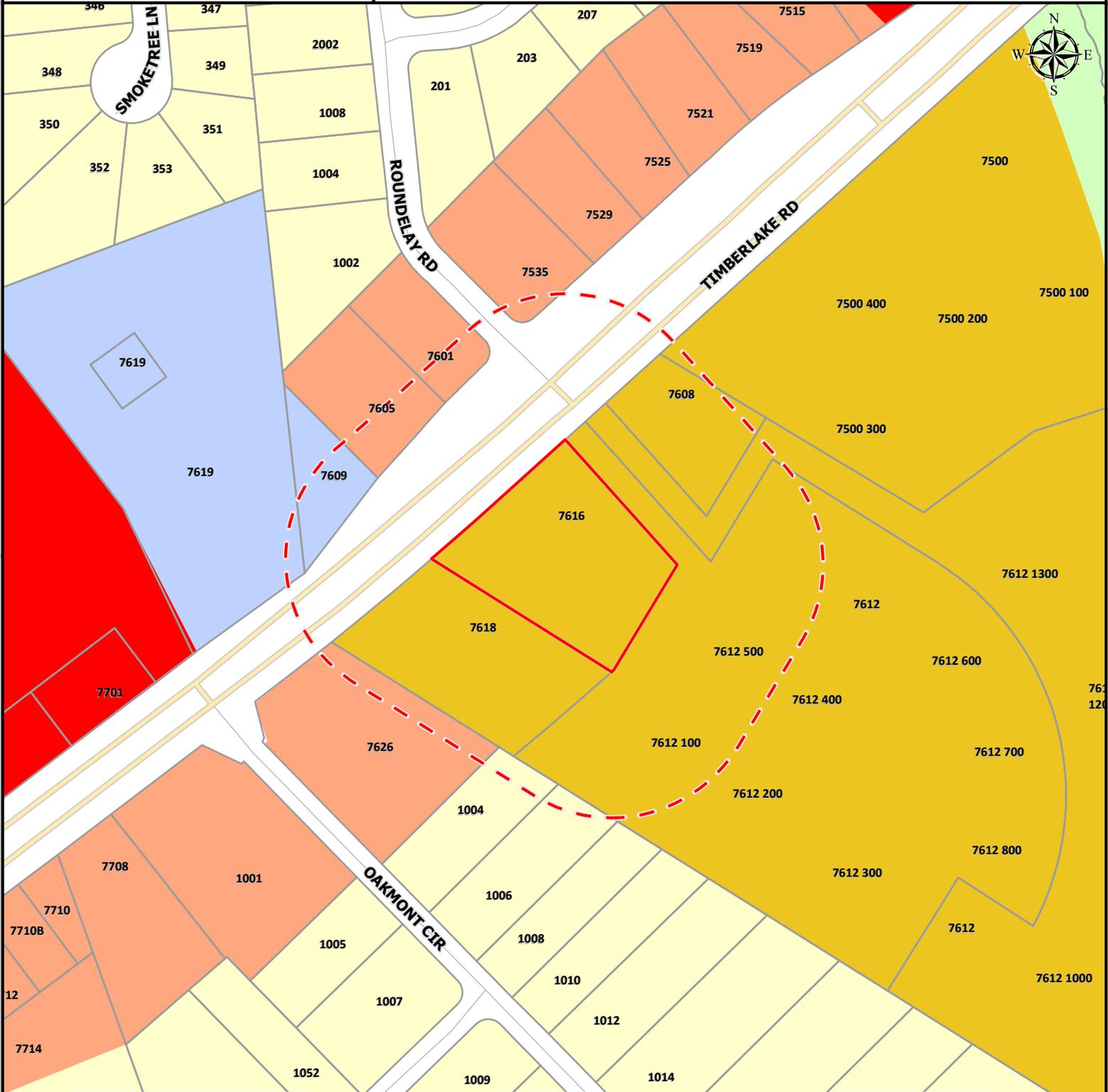
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

FLUM Map

CAR WASH

TRC

Mustard Seed Chesterfield, LLC



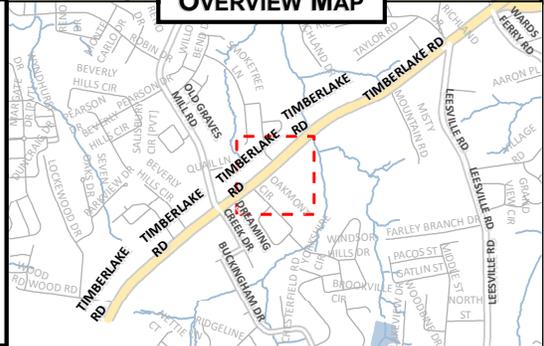
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25401001	7616 TIMBERLAKE RD

LEGEND

- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Employment 1
- Employment 2
- Downtown
- Institution
- Public Use
- Public Parks
- Resource Conservation
- Mixed Use

OVERVIEW MAP



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Watershed Map

CAR WASH

TRC

Mustard Seed Chesterfield, LLC



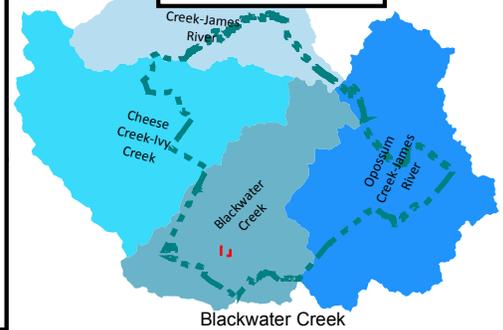
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25401001	7616 TIMBERLAKE RD

LEGEND

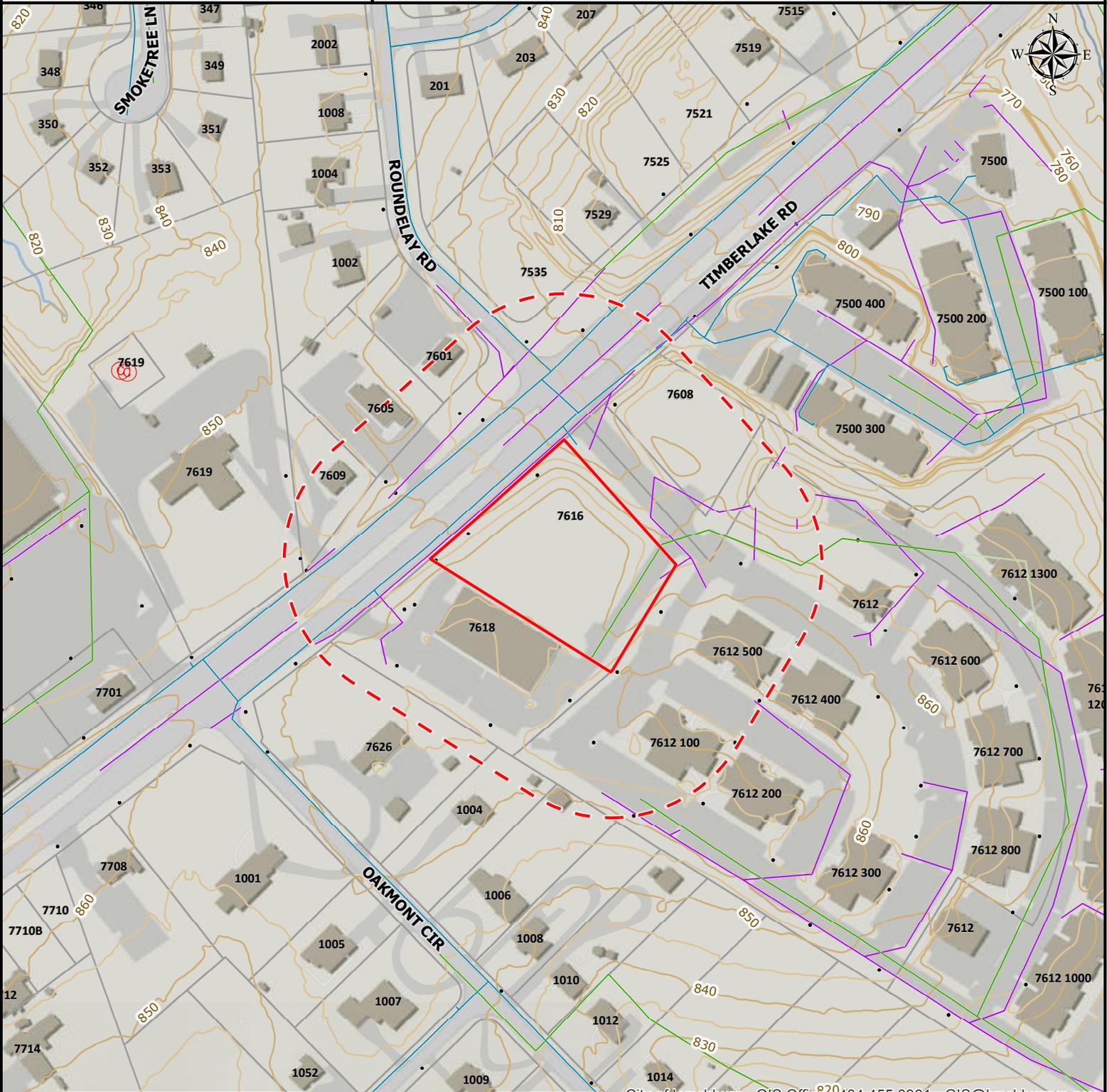
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



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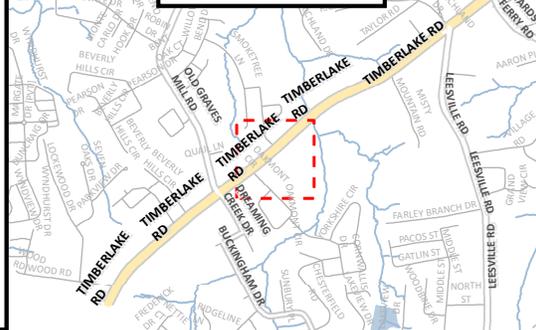
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25401001	7616 TIMBERLAKE RD

LEGEND

	Active	Proposed	Abandoned
Utilities	Water		
	Sanitary		
	Storm		
Planimetrics	Structure		
	Roadway		
	Parking		
	Sidewalk		
	Driveway		
Towers & Trans. Lines	Elec. Trans		
	Trans. Tower		
	Comm. Tower		
Other	100'		
	50'		
	20'		
	10'		
	5'		
1'			
Pole			
Cemetery			

OVERVIEW MAP



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LOT 2
BLUESTONE LAND, LLC
D.B. 1129, PG. 89
PID: 25401004
ZONED: B-3
USE: VACANT

LOT 2
VISTAS II, LLC
INSTR. #: 070003208
PID: 25402002
ZONED: B-3, R-C, & R-4

ENGINEER
BERKLEY-HOWELL & ASSOCIATES
306 ENTERPRISE DRIVE
SUITE C
FOREST, VA 24551
434-385-7548

WILLIAM O. BERKLEY, P.E.
WBERKLEY@BERKLEYHOWELL.COM

DEVELOPER / CONTRACT PURCHASER

MUSTARD SEED CHESTERFIELD, LLC
2945 SOUTH MIAMI BLVD.
SUITE 203
DURHAM, NC 27703
919-730-5714
TOMMY BROGDEN
TOMMY.REDHAWK@YAHOO.COM

OWNER
BLUESTONE LAND, LLC
1821 AVON STREET
EXT SUITE 200
CHARLOTTESVILLE, VA 22902-8721

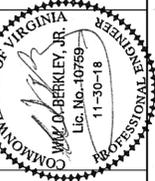
PROPERTY INFORMATION
LOT 1B - THE VISTAS SUBDIVISION
ADDRESS: 7616 TIMBERLAKE ROAD
LYNCHBURG, VA 24502
ACREAGE: 1.414 ACRES
SOURCE: D.B. 1129, PG. 89
PARCEL ID: 25401001
EXISTING ZONING: B-3
EXISTING USE: VACANT

CURVE DATA CHART

CURVE	DELTA	RADIUS	LENGTH	CHORD	BEARING
C1	001°22'11"	5762.58'	137.76'	137.76'	N48°34'40"E
C2	000°02'14"	6062.58'	3.93'	3.93'	S48°22'16"W

- NOTES:**
- THIS 1.414 ACRE PARCEL IS CURRENTLY ZONED B-3 WITH A CURRENT LAND USE OF VACANT.
 - THIS SITE PLAN HAS BEEN PREPARED TO REQUEST A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A CAR WASH FACILITY MEETING THE LAND BASE CLASSIFICATION STANDARD 2117A.
 - THIS SITE PLAN IS NOT BASED ON A CURRENT FIELD SURVEY. IT IS BASED ON A PLAT OF THE PROPERTY PREPARED BY HURT & PROFFITT DESCRIBED AS "PLAT SHOWING RESUBDIVISION OF THE PROPERTY OF BLUESTONE LAND, LLC LOT 1 THE VISTAS SUBDIVISION CITY OF LYNCHBURG, VIRGINIA" WHICH IS RECORDED AS INSTR # 020010936 DATED 7-31-02 MADE BY KENNETH E. CARLTON, LAND SURVEYOR. THIS PLAN IS SUBJECT TO ALL INFORMATION WHICH MIGHT BE DISCLOSED BY A CURRENT FIELD SURVEY.
 - BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (# 5100930101D), DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
 - SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS PART OF THIS PLAN. THERE HAS BEEN NO DETERMINATION OF WETLANDS NOR DOES THIS PLAN ADDRESS THE EXISTENCE OF ANY ENVIRONMENTALLY SENSITIVE AREAS ON OR AROUND THIS PARCEL.
 - THE SITE IS SERVED BY CITY OF LYNCHBURG WATER AND SANITARY SEWER CONNECTIONS.
 - ALL PROPOSED SERVICES WILL BE UNDERGROUND.
 - ALL EXTERIOR LIGHTING SHALL BE NON-DIRECTIONAL OR GLARE SHIELDED AND DIRECTED AWAY FROM ADJACENT ROADS AND PROPERTY.
 - A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
 - HANDICAP RAMPS AND SIGNAGE MUST BE INSTALLED PER CODE.
 - THE LANDSCAPING AS SHOWN IS SCHEMATIC BY NATURE. ALL LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH LANDSCAPING SECTION OF THE CURRENT LYNCHBURG ZONING ORDINANCE. TREE CANOPY TO BE PROVIDED SHALL BE 10% OF THE ENTIRE SITE.
 - ALL LOADING AREAS, REFUSE AREAS, STORAGE YARDS, HVAC EQUIPMENT, OR OTHER OBJECTIONABLE ITEMS MUST BE SCREENED FROM VIEW OF ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL. SCREENING MAY BE ACCOMPLISHED BY A COMBINATION OF EXISTING VEGETATION, WALLS, FENCES EARTHEN BERMS AND NEW EVERGREEN VEGETATION APPROPRIATE AND OF SUFFICIENT HEIGHT TO SCREEN THE EQUIPMENT OR ACTIVITY.
 - ANY WALLS VISIBLE FROM ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL DISTRICT SHALL BE CONSTRUCTED OF SEGMENTAL BLOCK, BRICK, TREATED WOOD, STONE OR STAMPED OR COLORED CONCRETE THAT GIVES THE APPEARANCE OF BRICK OR STONE. RETAINING WALLS OF ANY OTHER MATERIAL MUST BE SUPPLEMENTED WITH LANDSCAPING AT A RATE AS FOLLOWS: WALLS LESS THAN 8 FEET IN HEIGHT, REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL; WALLS 8 FEET IN HEIGHT OR GREATER, REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL AND 1 ORNAMENTAL TREE PER 20 LINEAR FEET OF WALL.
 - TRASH PICK-UP WILL BE MANAGED BY ONSITE DUMPSTER WITH PRIVATE PICK-UP.
 - PRIOR TO CONSTRUCTION THE DEVELOPER MUST SUBMIT TO THE CITY OF LYNCHBURG AN EROSION AND SEDIMENT CONTROL PLAN AND STORMWATER MANAGEMENT PLAN THAT MEETS ALL STATE AND LOCAL REGULATIONS.
 - THE SITE, WHEN DEVELOPED WILL REQUIRE STORM WATER MANAGEMENT FOR BOTH WATER QUALITY AND QUANTITY. WATER QUALITY WILL BE HANDLED BY THE PURCHASE OF NON-POINT SOURCE NUTRIENT CREDITS. REGARDING STORM WATER QUANTITY, THE DEVELOPMENT WILL MOST LIKELY UTILIZE A SUB-SURFACE STORAGE FACILITIES WHICH HAVE A CONTROLLED DISCHARGE THROUGH ONSITE STORM SEWER TO AN EXISTING STORM SEWER ALONG TIMBERLAKE ROAD. TO ADEQUATELY PROTECT DOWNSTREAM CHANNELS, THE DETENTION FACILITY WILL BE DESIGNED UTILIZING THE ENERGY BALANCE WITH IMPROVEMENT FACTOR FOR CHANNEL PROTECTION AND MAINTAIN PRE-CONDITIONS OR BETTER FOR FLOOD PROTECTION. UNDER THESE DESIGN CONDITIONS, A DOWNSTREAM ADEQUACY STUDY IS NOT REQUIRED.

BERKLEY HOWELL & ASSOC., P.C.
ENGINEERS • SURVEYORS • PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434) 385-7548 FAX: (434) 385-6178



PROPOSED
LIGHTNING MCLEAN CAR WASH
7616 TIMBERLAKE ROAD
CITY OF LYNCHBURG, VIRGINIA

CONCEPT PLAN
FOR
CONDITIONAL USE PERMIT

DATE: 10-11-18

DRAWN:

CHECKED:

REVISIONS

NO.	DATE
1	11-30-18

SCALES
HORIZ: AS SHOWN
VERT: AS SHOWN

COMM. NO.
180130

SHEET NO.
1 OF 1

