

**SPECIAL USE PERMIT-11-01. Carrot Tree Bakery at Jamestown Island
Staff Report for June 26, 2001, Board of Supervisors Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
 Planning Commission: June 4, 2001, 7:00 p.m.
 Board of Supervisors: June 26, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Glen Helseth

Land Owner: The Association for the Preservation of Virginia Antiquities

Proposed Use: Restaurant

Location: Jamestown Island

Tax Map and Parcel No.: (54-2)(1-1)

Primary Service Area: Inside

Parcel Size: 22.5 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Park, Public, or Semi-Public Open Space

Surrounding Zoning: The site is surrounded by Federal land zoned R-8, Rural Residential

Staff Contact: Karen Drake - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be of a scale and location that is compatible with the main use of the property and is consistent with the surrounding property and the Comprehensive Plan. On June 4, 2001, the Planning Commission voted 6-0 to approve this application. Staff recommends the Board of Supervisors approve this special use permit with the attached conditions.

Proposal

Mr. Glen Helseth, owner of the Carrot Tree Kitchens, has applied for a special use permit to operate a seasonal concession stand at Jamestown Island on land owned by the Association for the Preservation of Virginia Antiquities (APVA).

The APVA approached Mr. Helseth earlier this spring about operating a seasonal concession stand at Jamestown Island from April 1, 2001, to September 30, 2001, to provide sandwiches, snacks, and drinks to visitors. An initial one-year lease was signed with a long-term lease through 2007 currently being negotiated. At the time the initial one-year lease was signed, there was a misunderstanding by Mr. Helseth about the concession stand being on Federal property, thus not requiring a special use permit from the County. Mr. Helseth proceeded with constructing the concession stand. It has since been clarified to Mr. Helseth by staff that the concession stand is on APVA land and under the jurisdiction of the County, with a special use permit required to operate a restaurant in a R-8 zoned district.

Given this particular proposal, staff has made an effort to help the applicant by allowing him to continue operating the concession stand while his special use permit application was reviewed. This was contingent upon Mr. Helseth obtaining the necessary Health Department permits and Certificate of Occupancy from Code Compliance. To date, Mr. Helseth has been working and complying with both departments and has a temporary certificate of occupancy.

The existing concession stand is located next to the Dale House Archeological Laboratory near the James River. The majority of the customers are visitors or staff at Jamestown Island who walk-up to the stand. The concession stand has two windows for ordering and pick-up, with picnic tables placed under trees nearby the river. Deliveries are made each morning from the Carrot Tree Kitchen, located at 1782 Jamestown Road, where all cooking and baking is done. The menu offered at the Jamestown Island stand is a scaled down version of the Carrot Tree Kitchen menu. The concession stand is currently open for business from 11 a.m. to 5 p.m. on days when Jamestown Island is open to the public, through September 30, 2001.

Surrounding Zoning and Development

The surrounding property, zoned R-8, Rural Residential, is owned and operated by the National Park Service and borders the James River. The current concession stand is located next to an existing building and does not detract from the overall visitor experience. Mr. Helseth has been negotiating a long-term contract with the APVA, including the possibility of renovating the Dale House for a larger restaurant with indoor seating. Staff believes the proposed concession stand is compatible with the surrounding zoning and development. The National Park Service has submitted the attached letter to the County supporting the proposed Carrot Tree Bakery at Jamestown Island.

Utilities

Currently the concession stand is served by well water and a septic tank. However, discussions have taken place to extend JCSA water and sewer service to APVA land from the National Park Service Visitor Center, which was recently converted to the County system. Mr. Helseth has been working with Code Compliance to obtain the necessary permits and a temporary Certificate of Occupancy has been issued. The Health Department has issued a temporary permit for operating the concession stand that is contingent upon the approval of this special use permit.

Access

Customer access is on foot only with parking available in the existing visitor parking lot.

Comprehensive Plan

The site is located inside the Primary Service Area (PSA) and is designated as Park, Public, or Semi-Public Open Space on the Comprehensive Land Use map. Land with this designation include large, undeveloped areas owned by institutions or the public, and used for recreation or open space. These areas serve to buffer historic sites, as educational resources, and as areas for public recreation and enjoyment. The proposed concession stand is located within the Colonial Heritage National Park and is accessible only when the Park is open. Its purpose is to enhance the Park visitors' enjoyment. For this reason, staff believes the proposal is consistent with the Comprehensive Plan.

RECOMMENDATION:

Staff finds this proposal compatible with existing development at Jamestown Island and consistent with the surrounding property and the Comprehensive Plan. The Colonial Heritage National Park has endorsed this project. At its June 4, 2001, meeting, the Planning Commission voted 6-0 to approve this application. Therefore, staff recommends the Board of Supervisors approve this special use permit application with the following conditions:

1. The concession stand shall operate only when the Colonial Heritage National Park at Jamestown Island is open to the public.
2. Trash cans shall be available for use by customers during all operating hours and the trash cans shall be emptied and cleaned on a regular basis.
3. Final site plan approval, including landscaping, shall be received from the Planning Division for the operation of the restaurant within sixty days from the issuance of this special use permit or the permit shall become void.
4. The final Certificate of Occupancy and all associated approvals needed to operate a restaurant shall be received from the Health Department and Code Compliance within sixty days from the issuance of this special use permit or the permit shall become void.
5. The existing concession stand structure shall not be more than 1,000 square feet in size. Site plan approval shall be obtained prior to making any future renovations to the concession stand.
6. This special use permit allows the future relocation of the restaurant business into the adjacent Dale House. Site plan approval shall be obtained prior to making any renovations to remodel the Dale House to accommodate the residence. Any exterior alterations shall be approved by the Planning Director.
7. The special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Karen Drake

CONCUR:

O. Marvin Sowers, Jr.

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Attachments:

1. Unapproved minutes of the Planning Commission Meeting on June 4, 2001.
2. Location Map
3. Site Plan
4. Photographs
5. Letter of Support
6. Resolution