

REZONING-1-02. Baker Farmer's Market
Staff Report for June 11, 2002, 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: May 6, 2002, 7:00 p.m.
 Board of Supervisors: June 11, 2002, 7:00 p.m.

SUMMARY FACTS

Applicant: Michael H. Brooks
 Land Owner: Teamsters Local 95

Proposed Use: Allow the operation of a farmer's market from approximately mid-June until the end of September.

Location: 7294 Merrimac Trail; Roberts District

Tax Map and Parcel Nos.: (50-2)(8-1A) & (50-2)(1-10)

Primary Service Area: Inside

Parcel Size: .715 acres

Existing Zoning: B-1, General Business

Proposed Zoning: M-1, Limited Business/Industrial, with Proffers

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North, South and East: R-2, General Residential District
 West (across the CSX railroad tracks and Route 60): B-1, General Business

Staff Contact: David Anderson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends approval of the application with the attached proffers. The farmer's market operation does not require any new construction or improvements, and staff believes the farmer's market operation will have minimal impact on the surrounding property. It will operate as a secondary use, while the Teamsters Local 95 office facility will remain as the primary use. The proffers are written such that the uses allowed on the property are limited to the uses which are generally and specially permitted in the B-1 zoning district - the only change being the addition of the farmer's market as a generally permitted use. Staff found this proposal to be compatible with surrounding zoning and development, will cause very little impact on surrounding residential

development, and will minimally alter the current character of the property. At the May 6, 2002, public hearing, the Planning Commission voted 5-1 to recommend approval of the rezoning.

Description of Project

Michael H. Brooks of Teamsters Local 95, has applied to rezone the property located at 7294 Merrimac Trail, further identified as Parcel Nos. (8-1A) and (1-10) on James City County Real Estate Tax Map No. (50-2), from B-1, General Business, to M-1, Limited Business/Industrial. The property is currently used as an office facility for Teamsters Local 95, and this will remain the primary use. The intent of the rezoning is to permit the additional use of a farmer's market. The farmer's market will be operated by James Baker, a local farmer who requested that Mr. Brooks of Teamsters Local 95 allow him to sell his farm produce and farm products on the property. Mr. Baker has funded the cost of the rezoning and intends to operate the farmer's market from approximately mid-June until the end of September.

Surrounding Zoning and Development

North, South and East of the property are mainly zoned R-2, General Residential, consisting primarily of single-family homes. However, there are pockets of property zoned B-1, General Business, located adjacent to Merrimac Trail. West of the property is zoned B-1, General Business, with Car Quest Auto Parts located directly across the railroad tracks and Route 60. Approximately 1,500 feet east of the property, at the intersection of Route 199 and Merrimac Trail, is property zoned M-1, Limited Business/Industrial.

Although the proposed M-1 zoning designation is not consistent with the surrounding R-2 zoning, the proffers are written such that the uses allowed on the property are limited to the uses which are currently, generally and specially permitted in the B-1 zoning district - the only change being the addition of the farmer's market as a generally permitted use. The character of the property will remain largely unchanged and lie well within the intent of the current B-1 zoning designation. Staff believes the M-1 zoning designation, as limited by the proffer agreement, will be compatible with surrounding residential development and in no way sets a precedent to similarly zone other properties in the area.

Physical Features

The site contains a 2,400-square foot building from which the Teamsters Local 95 operate. There are 17 designated parking spaces as well as a large paved area that is not designated for parking. This area is where Mr. Baker intends to park his truck and sell his goods. He will not require use of the building. No additional structures will be built on the site.

Access

Access to the site is currently limited to one entrance/exit off of Merrimac Trail. An additional entrance/exit exists also off of Merrimac Trail, but is chained off. This additional entrance will not be required with the addition of the farmer's market.

Comprehensive Plan

The property is designated Low-Density Residential on the James City County Comprehensive Plan Land Use Map. Low-Density Residential areas are located inside the PSA where natural characteristics such as terrain and soils are suitable for residential development and public services exist or are expected to be expanded to serve the site over the next twenty years. Very limited commercial establishments are acceptable under the low-density residential designation. The Comprehensive Plan states that nonresidential uses should not alter, but rather complement the residential character of the low-density residential area in which they are located. The current use of the property as an office facility can be classified as a very limited commercial establishment and the farmer's market would also be classified as such; however, the permitted and specially permitted uses that are allowed under the current B-1 zoning designation and proposed M-1 zoning cannot all be classified as very limited commercial uses. Staff believes the current proposal to be consistent with the Comprehensive Plan, but other B-1 and M-1 uses may not be consistent with the Comprehensive Plan. In summary, the property is not currently consistent with the Comprehensive Plan but the addition of the farmer's market as a generally permitted use does not effect the level of consistency.

Recommendation:

Staff recommends approval of the application with the attached proffers. The farmer's market operation does not require any new construction or improvements, and staff believes the farmer's market operation will have a minimal impact on the surrounding property. It will operate as a secondary use, while the Teamsters Local 95 office facility will remain as the primary use. The proffers are written such that the uses allowed on the property are limited to the uses which are generally and specially permitted in the B-1 zoning district - the only change being the addition of the farmer's market as a generally permitted use. Staff believes this proposal to be compatible with surrounding zoning and development, will cause very little impact on surrounding residential development, and will minimally alter the current character of the property. At the May 6, 2002, public hearing, the Planning Commission voted 5-1 to recommend approval of the rezoning.

David Anderson

CONCUR:

O. Marvin Sowers, Jr.

DA/g
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Attachments:

1. Minutes of the May 6, 2002 Planning Commission
2. Location Map
3. Current Zoning Map
4. Comprehensive Plan Designation Map
5. Proffer Agreement
6. Resolution