

**SPECIAL USE PERMIT-0006-2009. Sale/Repair of Lawn Equipment and Garden Supplies Staff Report for the May 12, 2009, Board of Supervisors Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

Planning Commission:  
Board of Supervisors:

**Building F Board Room; County Government Complex**

April 1, 2009, 7:00 p.m.  
May 12, 2009, 7:00 p.m. (tentative)

**SUMMARY FACTS**

Applicant: Mr. Nick Cianelli of Toano NCC Investments LLC

Land Owner: Toano NCC Investments LLC

Proposal: The applicant has applied for a Special Use Permit (SUP) to allow for the construction of a lawn equipment sale and repair and retail sales of plant and garden supplies shop (with major repair limited to a fully enclosed building) on site.

Location: 8231 Richmond Road

Tax Map/Parcel No.: 1240100007

Parcel Size: 2.11 acres

Zoning: A-1, General Agricultural, District

Comprehensive Plan: General Industry

Primary Service Area: Inside

**STAFF RECOMMENDATION**

This development is generally consistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation. Staff recommends that the Board of Supervisors approve this project with the attached conditions to the resolution.

Staff Contact: Jose Ribeiro, Planner Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On April 1, 2009, the Planning Commission recommended approval of this SUP request by a vote of 7-0.

**Proposed Changes Made Since Planning Commission Meeting**

Per the guidance of the Planning Commission, Condition No. 2-Spill Prevention and Control Plan has been amended to include the following language (revised language in **bold**):

Spill Prevention and Control Plan: Prior to final site plan approval, a spill prevention and control plan, which addresses chemical handling, shall be submitted to the Environmental Director and the Fire Chief for their respective review and approval. Such plan shall include, but is not limited to, fertilizers, pesticides,

herbicides, diesel fueling container solvents, oil, and gasoline. **Underground storage tanks shall only be permitted for the catchment, storage, and reuse of stormwater. Storage tanks for any other use or intention shall not be permitted on the property.**

The purpose of the amendment is to ensure that underground fuel storage tank will not be allowed on the property therefore reinforcing the intent of this condition. The applicant has agreed to this amendment during the last Planning Commission meeting. Staff finds this amendment to Condition No. 2 acceptable.

## **PROJECT DESCRIPTION**

Mr. Nick Cianelli has applied for an SUP to allow for the construction of lawn equipment and garden supplies sales and repair shop at 8231 Richmond Road. The sale and repair of lawn equipment (recently approved by the Board of Supervisors as an amendment to the zoning ordinance - ZO-004-2008) and sale of plant and garden supplies are specially permitted uses in the A-1, General Agriculture, zoning district. The applicant is proposing to remove the existing dilapidated residential structure, accessory buildings, and litter from the property, and redevelop the eastern end of the parcel with a single-story 7,500-square-foot structure, 2,100 square feet of outdoor lawn equipment display area, and 19 parking spaces.

According to information provided by the applicant and as shown on the binding master plan, 5,100 square feet of the proposed building area will be made into a storage/shop area while 2,000 square feet of the building area will be used as a showroom for lawn and garden equipment/products. The applicant has indicated that if approved, the proposed store will sell and repair medium-sized riding lawn machinery, chippers, tillers, blowers, etc. Additionally products such as fertilizers and plants will also be available for sale at the proposed store.

The applicant has proposed a 50-foot building setback and Community Character Corridor (CCC) landscape buffer (please refer to SUP Condition No. 10). The property fronts on Route 60 and is located near the approved Villages at Whitehall development and the Hickory Neck Church, an eighteenth century structure included on the National Register of Historic Places. Residential properties bordering the site to the north and south are all zoned A-1, General Agriculture, and designated General Industry by the Comprehensive Plan. The site is also located approximately 934 linear feet west of the CSX railroad line. Although this parcel is not included in the Toano CCC, it is located approximately 1,600 linear feet from its northern perimeter.

## **PUBLIC IMPACTS**

### **Archaeology**

**Staff Comment:** The subject property is a previously disturbed site and is not located within an area identified as a highly sensitive area in the James City County archaeological assessment “Preserving Our Hidden Heritage: An Archaeological Assessment of James City County, Virginia.”

**Planning Division Comment:** Staff finds that given the size and nature of the site, no archaeological studies are necessary.

### **Environmental**

**Watershed:** Diascund Creek

**Environmental Staff Comments:** Environmental staff has reviewed the application and believes all remaining issues can be resolved at the site plan stage. The proposed infiltration-type Best Management Practice (BMP) relies on the infiltration capacity of on-site soils. During the site plan review, should the soils be found unsuitable for an infiltration-type BMP, outflows must be discharged to an adequate and well-defined channel. If no receiving channel is present at the BMP outfall, offsite down streams improvements and/or drainage easements may be necessary on adjacent parcels. If no surface discharge is proposed, a full geotechnical investigation would be required to show that the underlying soils beneath the trench are permeable and will infiltrate all increased runoff from the proposed development.

**Planning Division Comments:** Staff notes that SUP Condition No. 3 BMP Discharge has been designed to address the Environmental Division concerns regarding offsite runoff discharge. Staff further notes

that in order to ensure that hazardous materials (e.g., pesticides, herbicides, petroleum by-products, etc.) do not infiltrate into the site’s drainage system or soil, an SUP Condition (SUP Condition No. 2 Spill Prevention and Control Plan) has been designed which requires that a spill prevention and control plan be submitted to the Environmental Division for review and approval prior to final site plan approval.

**Public Utilities**

**JCSA Staff Comment:** The site is located within the Primary Service Area (PSA) and will be served by public water and sewer. The JCSA staff has provided the applicant with preliminary comments to consider during the site plan process and guidelines for developing the water conservation standards.

**Planning Division Comments:** Staff notes that water conservation and irrigation standards are part of the SUP conditions for this proposal (SUP Conditions Nos. 4 and 5).

**Transportation**

- 2007 Traffic Counts: From Route 30 (Andersons Corner) to Forge Road-Route 610, approximately 10,915 average daily trips.
- 2026 Volume Projected: From Route 30 to Croaker Road (Route 607) projected 24,000 vehicles per day on a four-lane divided road-“OK” category in the 2003 Comprehensive Plan.
- Road Improvements: There have been no road improvements proposed.

**VDOT Comments:** According to the Virginia Department of Transportation (VDOT), the proposed use does not have the potential to generate substantial trips during the peak hours, and impacts to the surrounding roadway network will be negligible. A standard entrance approved by VDOT will be required to provide access to the site from Route 60.

**Planning Division Comments:** Staff notes that an existing median crossover is located parallel to the proposed entrance to the property. Further, staff notes that this area of Richmond Road is not in the watch category according to the 2003 Comprehensive Plan. Staff finds that this section of Route 60 does provide good mobility due to its divided nature and low number of intersections and driveways and believes that this proposed use would have a minimal impact on this section of Richmond Road.

**COMPREHENSIVE PLAN**

**Land Use Map**

Designation	<p>General Industry-Page 123:  The James City County Comprehensive Plan Land Use Plan designates this property as General Industry. General Industry describes areas within the PSA that are suitable for industrial uses which, because of their potential for creating dust, noise, odor and other adverse environmental effects, require buffering from adjoining uses, particularly residential uses. Secondary uses in General Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.</p> <p><b>Staff Comment:</b> Staff has consulted with the Office of Economic Development regarding this application and the current Land Use designation. The parcels in this vicinity were designated General Industry primarily due to their proximity to the CSX railroad. However, due to significant Resource Protection Area (RPA) buffers paralleling the railroad, future proposals to access the property from the railroad are unlikely without encroaching into an RPA buffer; therefore it is staff’s belief and the belief of the Office of Economic Development that although parcels in this area are designated for General Industry, it would not be economically practical to develop them for industrial uses requiring rail access. This particular parcel, as currently configured, is not directly adjacent to the railroad tracks. Staff notes that properties adjacent to this site are generally residential dwellings, which are neither primary nor secondary uses for land designated as General Industry. Further, the proposed use (the majority of the proposed operation will be dedicated to the repair and storage of equipment) constitutes only a small portion (2.11 acres) of the industrially designated area, which includes the 157-acre Hankins Industrial Park and the 7-acre Toano Business Center.</p>
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**Economic Development**

Goals, strategies and actions	<p><i>Strategy # 1-Page 20:</i> Promote and encourage development of James City County as a premier location for business and industry that is compatible with the character and image of the area and has a positive fiscal impact for the County.</p> <p><i>Action #1-Page 20:</i> Continue to maintain an active and effective Economic Development strategy which includes existing business retention and expansion, the formation of and assistance to new business, and new business recruitment.</p>
	<p><b>Staff Comment:</b> Staff finds that the proposed lawn and garden equipment sales and repair shop would be compatible with the rural character of the Toano area. Further, staff finds that the creation and retention of local small business is in keeping with the intent of the Economic Development Section of the Comprehensive Plan.</p>

**Environmental**

Goals, Strategies. and actions	<p><i>Strategy #2-Page 65:</i> Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p><i>Action #5-Page 66:</i> Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p>
	<p><b>Staff Comment:</b> According to information provided by the applicant, 78 percent of the total area of the parcel will remain pervious, thereby minimizing adverse impacts on the natural environment. Further two Low Impact Development (LID) features are proposed at the site in order to improve the quality of run-off water: five of the 19 parking spaces will be constructed with permeable pavers and four rain barrels (with capacity for 300 gallons of water each) will be used to capture roof water run-off.</p>

**Transportation**

General	<p><i>Richmond Road- Page 77:</i> This section of Route 60 provides good mobility due to the absence of either existing or planned intense development and its divided nature and low number of intersections and driveways. The Comprehensive Plan states that Richmond Road’s role in inter-County travel will become more important as I-64 becomes more congested; therefore a high degree of mobility should be maintained. Future commercial and residential development proposals along Richmond Road should concentrate in planned areas, and will require careful analysis to determine the impacts such developments would have on the surrounding road network. Minimizing the number of new signals and entrances and ensuring efficient signal placement and coordination will be crucial.</p>
	<p><b>Staff Comment:</b> This area of Richmond Road is not in the watch category according to the 2003 Comprehensive Plan. Staff finds that this section of Route 60 does provide good mobility due to its divided nature and low number of intersections and driveways and believes this proposal supports this section of the Comprehensive Plan by being a low traffic generator. Staff believes the proposed use will have a minimal impact on this section of Richmond Road.</p>

**Community Character Area**

Goals, strategies, and actions	<p><i>Strategy #2-Page 95:</i> Ensure that development is compatible in scale, size and location to surrounding existing and planned development.</p> <p><i>Strategy #3-Page 95:</i> Ensure that development along Community Character Corridors and Areas protects the natural views of the area, promotes the historic, rural or unique character of the area, maintains greenbelt networks and establishes entrance corridors that enhance the experience of residents and visitors.</p> <p><i>Strategy #6-Page 95:</i> Ensure that all new development blends carefully with the topography and surrounding vegetation, preserving unique formations, greenery and scenic views.</p> <p><i>Action #11-Page 96:</i> Continue to require underground utilities in all new developments.</p> <p><i>Action #24(g)-Page 98:</i> Encourage development to occur in a manner that does not require changing the character of roads that enhance the small town, rural, and natural character of the County.</p>
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	<b>Staff Comment:</b> Staff finds that the proposed single-story structure with a 50-foot landscaped CCC buffer will be compatible with the surrounding residences on Route 60. Additionally, staff has included an SUP condition that will require at a minimum, 125 percent of the landscaping otherwise required in the Zoning Ordinance. Staff further notes that the site plan for this project will require that all new utilities be placed underground. Lastly, given the low trip generation triggered by the proposed development, staff finds that this use will not have an adverse impact or the traffic on Route 60.
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### **SIDEWALK MODIFICATION REQUEST**

The applicant is proposing a request for modification to the sidewalks requirements in Sections 24-35 of the Zoning Ordinance. According to information provided by the applicant, a five-foot gravel walk is proposed along the front of the property. Staff notes that according to Section 24-35 of the Zoning Ordinance “Sidewalks shall be required for all projects requiring site plan review and residential developments.” However, the ordinance states that upon a favorable recommendation of the Development Review Committee (DRC), the Planning Commission may modify the requirements for sidewalks and issue a waiver. At this point the applicant has not submitted further information regarding how the criteria would be met. Should this application be approved, staff will take this request to the DRC for further consideration.

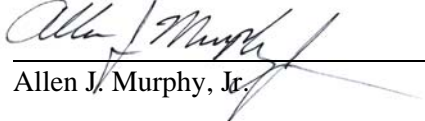
### **RECOMMENDATION**

Staff finds the proposal generally consistent with the 2003 Comprehensive Plan as outlined in the staff report. Staff finds the attached conditions will adequately mitigate impacts from this development. Staff recommends that the Board of Supervisors approve this project with the attached conditions to the resolution.

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Jose-Ricardo Linhares Ribeiro

CONCUR:

  
Allen J. Murphy, Jr.

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ATTACHMENTS:

1. Location Map
2. Master Plan (under separate cover)
3. Unapproved Minutes from April 1, 2009, Planning Commission Meeting
4. Resolution