

**SPECIAL USE PERMIT-0010-2009. Michael J. Hipple Contractor’s Office
Staff Report for the May 26, 2009, 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 F Board Room; County Government Complex

Planning Commission:
Board of Supervisors:

May 6, 2009, 6:30 p.m.
May 26, 2009, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Michael J. Hipple

Land Owner: Mr. Michael J. Hipple

Proposal: To allow for the continued operation of a contractor’s office and shed, with associated parking area and two rental residential units. Contractors’ warehouses, sheds, and offices are specially permitted uses in the A-1, General Agricultural, zoning district.

Location: 7426, 7424, and 7428 Richmond Road (Route 60)

Tax Map/Parcel Nos.: 2320200003, 2320200003A, and 2320200002, respectively

Parcel Size: 0.215 acres, 0.239 acres, and 0.241 acres respectively; (0.695 acres total)

Zoning: A-1, General Agricultural

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

This proposal is generally consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and is generally compatible with surrounding land uses and zoning. Based on its analysis, staff recommends that the Board of Supervisors approve this application with the Special Use Permit (SUP) conditions listed at the end of this staff report.

Staff Contact: David W. German Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On May 6, 2009, the Planning Commission voted 7-0 to recommend approval of this application to the Board of Supervisors.

Proposed Changes Made Since Planning Commission Meeting

The Planning Commission was concerned about possible confusion in using the word “impoundments” in Condition #6 recommended in this staff report, as the term is often applied by the Environmental Division in a different manner than it was being used in the condition. The phrase “collection devices, (such as cisterns, rain barrels, etc.)” has been substituted for the word “impoundments” to add better clarity to this condition.

PROJECT DESCRIPTION

Mr. Michael J. Hipple has applied for an SUP to allow for the continued operation of a contractor's office and storage shed, with an associated parking area on the subject lots located at 7426, 7424, and 7428 Richmond Road (Route 60). The subject property is zoned A-1, General Agriculture, and is designated Low Density Residential on the James City County 2003 Comprehensive Plan Map.

There are three lots included in this application, which are collectively listed at 0.695 acres in the County's Real Estate Assessment Records. Two of the lots have structures built upon them. The first of these, 7424 Richmond Road, abuts the road right-of-way and contains a two-story brick residence, approximately 2,000 square feet in size. The second lot, 7426 Richmond Road, contains a one-story aluminum-sided residence of approximately 750 square feet in size and a garage building of approximately 1,600 square feet in size. The third lot, 7428 Richmond Road, contains no buildings and is predominantly a grassy area used for the parking of vehicles and small work trailers. The three lots are generally level and contain no Resource Protection Area (RPA) or riparian areas. There are large mature trees along the rear (northeastern) boundary of the 7428 and 7426 lots located on the adjacent Bradshaw property. Mature trees are also located along the northwestern side of the 7428 lot, which effectively screen it from adjacent properties to the northwest. Wooden privacy fences at the front boundary of the 7426 and 7428 lots screen these lots from the 7424 lot and from Richmond Road. There is also a wooden privacy fence along the southeastern side of the 7424 and 7426 lots, as well as the northeastern side of the 7426 lot.

The garage building, approximately 1,600 square feet in size on the 7426 lot, contains a small-office space accessed by a pedestrian door and two garage bays to either side of the office space, which are each accessed by a roll-up vehicular door. The applicant proposes to use this structure as the contractor's office and shed. The applicant further proposes to use the two residential houses on the 7424 and 7426 lots as rental living units that would typically be rented to workers hired by the contractor. The two houses would be used for residential purposes only; no office, storage, or other business uses would be housed in them. The 7428 lot would continue to be used only for the parking of work vehicles, as needed. The applicant is proposing no outdoor storage of materials, and any outdoor storage of ladders, tools, or vehicles will be kept behind and screened by the privacy fences. No maintenance of equipment or vehicles will take place outside. The application proposes no additional buildings or structures or the removal of any existing vegetation.

Currently, a large portion of all three lots is covered in densely packed gravel. The applicant has agreed to substantially reduce this impervious cover and to replace it with grass, mulch, or other pervious landscaping materials. Additionally, the applicant has agreed to plant trees and landscaping in front of the wooden fence that separates the 7424 lot from the 7426 lot to further screen the lots and to improve the appearance of the contractor's office from Richmond Road.

Mr. Hipple is intending to sell the three properties, contingent upon approval of this SUP application, to Buhl Electric Company, Inc. Mr. Hipple has discussed the conditions of the SUP with this intended buyer, and all parties are in agreement with the terms of the conditions.

PUBLIC IMPACTS

Environmental

Watershed: York River Watershed

Staff Comments: The Environmental Division staff has reviewed the application and concurs with the effort to decrease the impervious coverage that currently exists on the three subject lots. The Environmental Division notes that a formal site plan, to be submitted if this SUP is approved, will ensure that proper buffers, erosion and sediment control measures, and stormwater management features are utilized on the site. Staff further notes that proposed Condition #8, which works to reduce the impervious surface of the project site, will significantly improve the site's stormwater handling characteristics.

Public Utilities

This site is currently connected to the public water and sewer utilities of the James City Service Authority

(JCSA).

Staff Comments: As the site is already connected to JCSA’s infrastructure and is already in use as a contractor’s warehouse and two residential units, no additional impact would be expected with the approval of this SUP. Staff further notes that proposed Condition #5, which addresses water conservation, will help minimize any impact to the potable water supply.

Transportation

Road Improvements: This project proposes fewer than 100 vehicle trips per day and does not require a traffic study or specific road improvements.

VDOT Comments: VDOT staff has reviewed the application and has no objection to the proposed project. VDOT would typically require the construction of a commercial entrance for this type of application, but was willing to waive this requirement with the addition of a condition of the SUP prohibiting heavy truck traffic into and out of the site (proposed Condition #9).

Staff Comments: The proposal should have minimal traffic impacts, due to the low number of trips-per-day that this use currently, and potentially, generates. Most of the traffic coming to and leaving the site will be at off-peak hours at the very early part of the morning rush hour and before the evening rush hour. The recommended Conditions #10 and 11 help limit the traffic impact of the development by establishing when trips to and from the site will be made during hours of operation and by directly limiting the number of vehicles parked on the site. While hours of operation ending at 5 p.m. might suggest increased traffic being added to the evening rush hour, the typical contractor’s day ends in the 3 to 4 p.m. timeframe.

COMPREHENSIVE PLAN

Land Use Map

Land Use Designation	Low Density Residential (Pages 120-121): <i>“Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwelling units in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan... Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community oriented public facilities, and very limited commercial establishments.”</i>
	Staff Comment: The contractor’s warehouse represents a very limited commercial establishment that mimics the scale and intensity of the surrounding area. Further, the use, as currently configured, is in keeping with the Norge and Toano Community Character Area guidelines (pages 86-87). Examples of this include: 1) By maintaining the long-standing brick residence on the 7424 lot abutting Richmond Road, the architecture and building setbacks are kept in harmony with other Norge area buildings; 2) parking will be behind buildings or screened with wooden privacy fences; 3) A mix of uses for residential and commercial is being fostered with the current layout of the site.
Goals, strategies and actions	Strategy #1 (Page 138): <i>Promote the use of land in a manner harmonious with other land uses and the environment.</i>
	Staff Comment: The proposed use has been in place for a long period of time and has demonstrated a harmonious existence with surrounding properties and land uses. This use should not adversely affect adjacent properties with undue sound or light pollution, vibration, dust, or other nuisances, and should result in a lesser impact to the environment than currently represented by the existing configuration due to the planned reduction in impervious area.

RECOMMENDATION

This proposal is generally consistent with the Comprehensive Plan Land Use Map designation for the subject parcel and is generally compatible with surrounding land uses and zoning. Based on its analysis, staff recommends that the Board of Supervisors approve this application with the SUP conditions listed below:

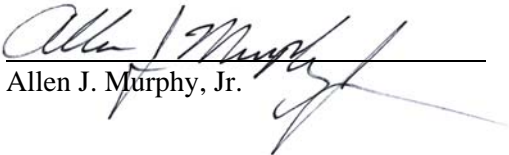
- 1) ***Permitted Use:*** This SUP shall be valid for the operation of a contractor's office/shed (limited to the existing 1,600-square-foot garage/office building), with associated parking area and two residential houses, (collectively, "the Project"). The Project shall be located at 7426, 7424, and 7428 Richmond Road, further identified as James City County Real Estate Tax Map Nos. 2320200003, 2320200003A, and 2320200002, respectively (the "Property"). Development of the Property shall be generally in accordance with, and as depicted on, the drawing entitled "Binding Master Plan for Michael J. Hipple, Builder Contracting Office," prepared by LandTech Resources, Inc., and dated April 15, 2009, (hereafter referred to as "the Master Plan") as determined by the Planning Director of James City County ("Planning Director"). The two houses shall remain on the Property as shown on the Master Plan and be used only for residential purposes. Minor changes may be permitted by the Planning Director, as long as they do not change the basic concept or character of the development.
- 2) ***Lighting:*** Any exterior lighting installed on the Property shall be comprised of recessed fixtures with no bulb, lens, or globe extending below the fixture housing. The housing shall be opaque and shall completely enclose the light source in such a manner that all light is directed downward and that the light source is not visible from the side of the fixture. Pole-mounted fixtures shall not be mounted in excess of 15 feet in height, as measured from the finished grade beneath them. Light spillage, defined as light intensity measured at 0.1 foot-candle or higher extending beyond any property line, shall be prohibited.
- 3) ***Site Plan Approval:*** A site plan shall be required for this project. Final approval of the site plan shall be obtained within 18 months of issuance of this SUP, or the SUP shall become void.
- 4) ***Certificate of Occupancy:*** A Permanent Certificate of Occupancy for the contractor's office/shed shall be obtained within 36 months of issuance of this SUP, or the SUP shall become void.
- 5) ***Water Conservation:*** The applicant shall be responsible for developing and enforcing water conservation standards for the Property, to be submitted to and approved by the James City Service Authority (JCSA), prior to final site plan approval. The standards may include, but shall not be limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants, warm-season grasses, and the use of water-conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.
- 6) ***Irrigation:*** As part of the site plan, the applicant shall include provision of stormwater systems that can be used to collect stormwater for outdoor water use for the entire development. Only surface water collected from surface water collection devices, such as cisterns, rain barrels, etc., may be used for irrigating common areas on the Property ("the Irrigation"). In no circumstances shall the JCSA public water supply be used for irrigation.
- 7) ***JCSA Utility Easements:*** Prior to final site plan approval, all JCSA utility easements located on the subject property shall be upgraded to meet current JCSA easement standards, as applicable. This shall be accomplished with an easement plat and/or deed deemed suitable by the JCSA and the County Attorney.
- 8) ***Landscaping and Fencing:*** The applicant shall install landscaping along the Richmond Road side of the wooden privacy fence that separates the 7424 and 7426 lots. A landscape plan for this area, subject to the review and approval of the Planning Director or his/her designee, shall be submitted for the

Property (in accordance with “Article II. Special Regulations Division 4. Landscaping” of the Zoning Ordinance). All privacy fencing shall be maintained in good repair as shown on the Master Plan. Requests to amend the landscaping and/or fencing on the Property may be permitted by the Planning Director or his/her designee, as long as they do not degrade the aesthetics or character of the development, or reduce the effectiveness of the screening being offered.

- 9) **Outdoor Storage:** No tools, materials, or equipment may be stored outside on-site, unless it is fully screened from the view of Richmond Road and adjacent properties by landscaping and/or fencing. This condition excludes work trailers, such as a mobile generator trailer.
- 10) **Impervious Area:** The impervious area of the Property shall be minimized to the greatest extent practical. If the impervious area of the Project site exceeds 10 percent, Low Impact Development (LID) or other suitable measures will be provided to mitigate the effects of stormwater runoff from the Property.
- 11) **Heavy Vehicles:** Traffic to and from the site related to the contractor’s office shall be limited to light-to medium-duty passenger vehicles, work trucks, and similar vehicles. Larger, heavier vehicles such as tractor-trailers, stake-bed trucks, dump trucks, and heavy construction vehicles (e.g., bulldozer, backhoe, etc.) are prohibited. Deliveries of supplies shall be made by small-box delivery trucks or smaller vehicles.
- 12) **Hours of Operation:** The hours of operation for the Project, including the loading or unloading of deliveries to/from the site, shall be limited to 6:30 a.m. to 5:00 p.m., Monday through Friday.
- 13) **Parking of Vehicles:** No more than ten vehicles associated with the contractor’s office, to include employee vehicles, work trucks, and work trailers, may be parked on the Property at any given time. While only four parking spaces have initially been shown on the Master Plan, the applicant may add up to six other stalls on the 7426 and/or 7428 lots with an approved site plan that properly addresses all stormwater management concerns. All vehicles associated with the contractor’s office shall be parked on the 7426 and 7428 lots and shall be screened from Richmond Road and from surrounding properties by privacy fencing, buildings, and/or landscaping. For purposes of this condition, vehicles belonging to tenants of the two rental houses, including employee vehicles, if applicable, shall not be counted against the ten-vehicle limitation. Interpretations of the counting of vehicles on the Property shall be at the sole discretion of the Zoning Administrator. Requests to amend this parking restriction shall be submitted to the Development Review Committee (“DRC”) of the Planning Commission in writing for consideration to approve or deny the request.
- 14) **Severance Clause:** This SUP is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

David W. German

CONCUR:



Allen J. Murphy, Jr.

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ATTACHMENTS:

1. Planning Commission Meeting Minutes
2. Board of Supervisors Resolution
3. Location Map
4. Master Plan