~~March 15, 2005 CPC~~
~~April 27, 2005 BS~~
~~July 27, 2005 BS~~
~~September 21, 2005 BS~~
~~April 18, 2006 CPC~~
June 20, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05SR0171
(AMENDED)

Timothy J. Hauler

Matoaca Magisterial District
Northwest quadrant of Woodpecker Road and John Winston Jones Parkway

REQUESTS: (Amended)

I. Renewal of Conditional Use (Case 03AN0226) to operate a bed and breakfast and special events business incidental to a dwelling unit on 14.5 acres;

II. Conditional Use to operate a special events business on an adjacent 6.1 acre parcel;

III. Conditional Use to allow the sale of alcoholic beverages on 20.6 acres.

PROPOSED LAND USE:

Continued and expanded operation of a bed and breakfast facility and a special events business, incidental to a dwelling unit, is planned. In addition, in association with the special events and bed and breakfast uses the sale of alcoholic beverages for on-premises consumption is planned.

RECOMMENDATIONS

I. Recommend approval of the renewal of the Conditional Use for the bed and breakfast and the special events business for the following reasons:

A. The request allows for the continued adaptive reuse and preservation of a historic structure.

B. The operation has existed for approximately four (4) years with no apparent adverse impact on area development.

C. The recommended conditions further ensure compatibility with existing and anticipated area development.

II. Recommend approval of the Conditional Use to operate a special events business on an adjacent 6.1 acre parcel for the following reasons:

A. The use has operated on this property with no apparent adverse impact on area development.

B. The recommended conditions further ensure compatibility with existing and anticipated area development.

III. In December 1993, the Board of Supervisors adopted an Ordinance amendment requiring approval of Conditional Use for all commercial establishments seeking to sell alcoholic beverages for on-premises consumption within 500 linear feet of a school owned or operated by the County and built after December 15, 1993. After receiving public input, if it is determined the selling of alcoholic beverages for on-premises consumption will not adversely impact the area school, approval of this request may be appropriate.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

<u>CONDITIONS</u>

1. This Conditional Use shall be granted to and for Timothy J. and/or Patricia Hauler, exclusively, and shall not be transferable or run with the land. (P)

2. There shall be no additions or exterior alterations to the existing structures to accommodate this use. (P)

3. The special events business shall not be open to the public on Sunday through Tuesday, except during nationally recognized holidays, during which time the use may be open to the public as early as two (2) days before and as late as two (2) days after such holiday. On days the special events business is open to the public, the hours open to the public shall be restricted to between 9:00 a. m. and 11:00 p. m. (P)

4. Special events shall be limited to the following:

    a. Corporate retreats
    b. Church retreats
    c. Weddings (including rehearsal dinners and bridal luncheons)
    d. Receptions (P)

5. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function. (P)

6. A minimum of one (1) security officer for each one hundred (100) persons shall be provided at all special events to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (P)

7. Sound equipment shall not exceed a noise level of 50 dB(A), as measured at the boundaries of Tax Ids 780-625-272; 790-625-5356; 780-625-7340;780-625-32729023; 781-624-3595; 781-624-6083; 781-625-1011 and 782-625-4259. Within sixty (60) days of approval of this request, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)

GENERAL INFORMATION

Location:

Northwest quadrant of the intersection of Woodpecker Road and John Winston Jones Parkway. Tax ID 781-626-8240; 782-625-Part of 1888, 782-626-Part of 4544, and 782-627-Part of 1927 and Part of 6898 (Sheet 41).

Existing Zoning:

A with Conditional Use and A

Size:

20.6 acres

Existing Land Use:

Single-family residential, commercial and vacant

Adjacent Zoning and Land Use:

North - A; Single family residential or vacant
South - A; Single-family residential or vacant
East - A; Public/semi-public (Matoaca High School) and vacant
West - A; Vacant

UTILITIES

Public Water System:

The public water system is available to serve this site. A sixteen (16) inch water line extends along the north side of Woodpecker Road adjacent to the request site. The existing structure is served by a private well, and it is the intent to continue to utilize the well. While the County Code requires the use of the public water system for most uses, those uses allowed by Conditional Use which are incidental to a principal use that was previously allowed with a private well are exempt from the mandatory connection.

Public Wastewater System:

The public wastewater system is not available to serve the request site. County Code allows the use of private septic systems with approval of the Health Department.

Private Septic System:

Continued and expanded use of the private septic system must be approved by the Health Department.

ENVIRONMENTAL

Drainage and Erosion:

The requested amendment will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Ettrick Fire Station, Company Number 12, and Ettrick Matoaca Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will not impact fire and EMS.

Transportation:

The property (20.6 acres) is located in the northwest corner of the Woodpecker Road/John Winston Jones Parkway intersection. The applicant is requesting renewal of a conditional use to permit a bed and breakfast and special events business plus Conditoa Use to permit expansion of the special events business. Condition 4 will limit the days these uses are open to the public to Wednesday through Saturday and two (2) days before and after national holidays. Due to this limitation, this request will have a minimal impact on the transportation network.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan, which suggests the property is appropriate for residential use on 1-5 acre lots, suited to R-88 zoning.

Area Development Trends:

The area is characterized by single-family residential uses on large lots or is vacant. In addition, a public/semi-public use (Matoaca High School) is located on adjacent property to the east. Single-family residential development is expected to continue in the area for the foreseeable future.

Zoning History:

On April 3, 2002, the Board of Zoning Appeals approved a Special Exception to operate a bed and breakfast and special events business from the home on the request site (Case 02AN0207). The uses were permitted to operate for a period not to exceed three (3) years.

On December 18, 2002, the Board of Supervisors, upon a favorable recommendation from the Planning Commission and the Preservation Committee, approved landmark designation for the Dellwood structure and foundation located on the request site. (Case 03HP0150)

On April 2, 2003, the Board of Zoning Appeals approved an amendment to Special Exception (Case 02AN0207) to permit an increase in the number of individuals allowed to attend any one (1) function at the special events facility (Case 03AN0226). The uses were permitted to operate for a period not to exceed two (2) years.

Since approval of Case 03AN0226, the Zoning Ordinance has been amended to require that the requested uses (Bed and Breakfast and Special Events Business) may be allowed through the Conditional Use process.

Development Standards:

The site is currently occupied by the Dellwood plantation home, which has also been used as a bed and breakfast and special events business for the last four (4) years. Conditions should be required which would minimize the impact these uses might have on area development. Condition 1 limits the Conditional Use to the applicant and/or his spouse only. Additions or alterations to the existing structure to accommodate the uses should not be permitted (Condition 2). Condition 3 places limitations on the days and hours the special events business may be open to the public.

Conditions 4 through 6 are intended to address concerns of area residents. Enforcement of these conditions will be difficult.

Noise:

In response to concerns of area residents and the Matoaca District Commissioner, Condition 7 is recommended, requiring that the sound equipment will not exceed a noise level of 50 dBa, as measured from the boundaries of some area properties. Proof of such conformance would be submitted to the Planning Department for review and approval. Levels of 65 dBa or lower have been consistently applied to cases where noise-generating uses are neighbored by residential uses.

It should be noted that this proffer addresses only the noise produced by amplified sound equipment; no other noises generated by the operation would be monitored. Further, enforcement of this condition would be difficult, given that noise generators would have to be distinguished.

Alcohol Sales:

In December 1993, the Board of Supervisors adopted an Ordinance amendment requiring approval of a Conditional Use for all commercial establishments seeking to sell alcoholic beverages for on-premises consumption within 500 feet of a school built after December 15, 1993, and which owned or operated by the County. The request property is located within 500 feet of Matoaca High School. Approval of this request would permit the sale of alcoholic beverages for on-site consumption.

CONCLUSION

Approval of the request allows for the adaptive reuse and preservation of a historic structure. In addition, through Special Exception, the bed and breakfast and special events businesses have existed for approximately four (4) years with no apparent adverse impact on area development. The recommended conditions further ensure compatibility with existing and anticipated area development.

Given these considerations, approval of renewal of the Conditional Use for the bed and breakfast and the special events business is recommended. Also, approval of the Conditional Use for the special events business is recommended. After receiving public input, it may be appropriate to approve the Conditional Use to permit the sale of alcoholic beverages for on-premises consumption, provided it is determined not to have an adverse impact on the adjacent school.

CASE HISTORY

Applicant (3/15/05):

The applicant requested that Condition 3 be modified.

Planning Commission Meeting (3/15/05):

The applicant accepted the recommendation. There was opposition present. A request was made for the Commission to defer the request to allow time for the applicant and area residents to develop a list of standards to restrict the intensity of the uses and to limit the Conditional Use for a time period to allow reevaluation of the appropriateness of the use in the future.

Mr. Bass suggested imposition of additional conditions.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission recommended approval subject to the conditions on pages 2 and 3.

AYES: Unanimous.

Board of Supervisors' Meeting (4/27/05):

On their motion, the Board deferred this case to July 27, 2005.

Staff (4/28/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 16, 2005, for consideration at the Board's July 27, 2005, public hearing.

Applicant and Staff (6/1/05):

A meeting was held to discuss the operation.

Applicant and Staff (7/7/05):

A meeting was held to discuss the operation and possible amendment of the application. The applicant submitted a request for the Board to defer this case to January 25, 2006.

Board of Supervisors' Meeting (7/27/05):

At the request of the applicant, the Board deferred this case to September 21, 2005.

Staff (7/28/05):

The applicant was advised in writing that any significant new or revised information should be submitted no later than August 1, 2005, for consideration at the Board's September public hearing. Also, the applicant was advised that a $130.00 deferral fee must be paid.

Applicant (8/1/05):

The request was amended, as stated herein and the deferral fee was paid.

Applicant (9/7/05):

A deferral was requested to the Board's November public hearing.

Board of Supervisors' Meeting (9/21/05):

On their own motion, the Board of Supervisors remanded this case to the Planning Commission.

Staff (9/22/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than October 17, 2005, for consideration at the Commission's December 15, 2005, public hearing.

Board of Zoning Appeals Meeting (11/2/05):

The decision of the Director of Planning that the property located at 6200 Woodpecker Road requires a Conditional Use permit to allow the bed and breakfast and special events business was upheld.

Applicant (11/14/05):

The applicant requested the case be placed on the Planning Commission's March 2006, agenda to allow time to include additional property.

Staff and Applicant (12/14/05):

Meeting held to discuss information needed to amend the request.

Applicant (1/17/06):

Applicant requested case be placed on the April 18, 2006, Planning Commission agenda.

Applicant (2/21/06):

A survey plat was submitted and the application amended.

Applicant, Staff, Area Citizens and Matoaca District Commissioner (3/23/06):

A meeting was held to discuss the request. Concerns were expressed relative to noise; hours of operation; traffic; security; a time limit; current non-compliance; and the selling of alcoholic beverages.

Planning Commission Meeting (4/18/06):

The applicant accepted staff's recommendation. There was opposition present. Concerns were expressed relative to complaints about noise from the operation; impact on planned new area homes and existing residents; operation expanding onto property where not allowed; non-compliance with conditions of approval; and the potential impact on the area of the sale of alcohol at this location.

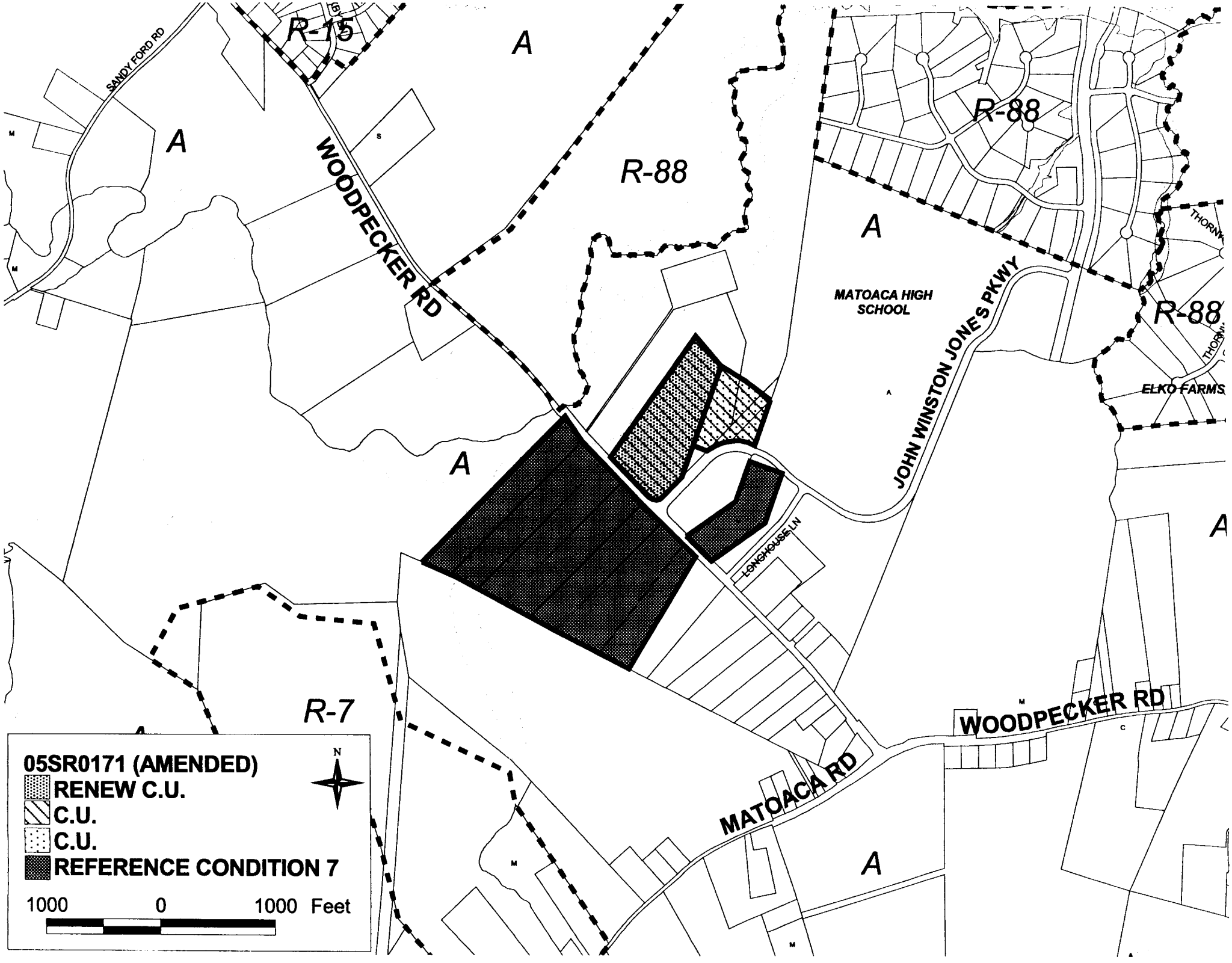
On motion of Mr. Bass, seconded by Mr. Gulley, the Commission recommended deferral of this case to June 20, 2006.

Staff (4/19/06):

The applicant was advised in writing that any significant new or revised information should be submitted no later than April 24, 2006, for consideration at the Commission's June 20, 2006, public hearing.

Staff (6/8/06):

To date, no new information has been received.


R-15
A
SANDY FORD RD
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WOODPECKER RD
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MATOACA HIGH SCHOOL
JOHN WINSTON JONES PKWY
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ELKO FARMS
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6200 Woodpecker Rd.
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