April 18, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0146

Tropical Treehouse Inc.
by
Henry E. McAuliffe

Clover Hill Magisterial District
East line of Courthouse Road

REQUEST: A Conditional Use to permit greenhouse and nurseries plus a Conditional Use Planned Development to permit exceptions to the number of parking spaces, the paving of parking areas and driveways, the landscaping of parking areas and the setback and widths for driveways.

PROPOSED LAND USE:

Continued operation of a greenhouse and nursery is planned.

RECOMMENDATION

Recommend denial for the following reasons:

A. The proposed commercial land uses do conform to the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre.

B. The proposed zoning and land uses are not representative of, nor compatible with, existing and anticipated area development.

C. The application fails to address Transportation issues relative to access limitations and road improvements along Courthouse Road, as discussed herein.

D. The requested exceptions relative to parking space provisions, parking area and driveway design, width and setbacks are inappropriate for a growing commercial

operation that should be upgraded to comply with Ordinance standards as required for other similar commercial establishments.

(NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS

B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE AMENDED PROFFERS.)

PROFFERED CONDITIONS

1. The Textual Statement, dated March 28, 2006, shall be considered the Master Plan. (P)

2. This Conditional Use shall be granted to and for Gene McAuliffe or his immediate family and heirs, exclusively, and shall not be transferable or run with the land. (P)

3. This Conditional Use shall be limited to the operation of a retail and wholesale greenhouse and nursery. (P)

4. The hours of operation that the business will be open to the public shall be limited to Monday through Saturday from 9:00 a.m. to 8:00 p.m. and Sunday from 10:00 a.m. to 5:00 p.m. (P)

5. Except as noted below and in the Textual Statement dated March 28, 2006, the existing facility shall be upgraded and future expansions designed to conform to the requirements of the Zoning Ordinance for General Business (C-5) Districts in Emerging Growth areas. A separate schedule for the implementation of these improvements shall be submitted to the Planning Department within thirty (30) days of the approval of this request:

   a. Screening

      With the exception of mulch and gravel storage, loading and unloading areas and 2 (two) storage trailers if located behind the retail/office

building, all outside storage shall be screened in accordance with the requirements of the Zoning Ordinance.

b. Continuous Outside Display

There shall be no limitation on the quantity of continuous outside display. Such display shall not be required to be located under cover. There shall be no minimum required setback for this display from Courthouse Road.

c. Perimeter Landscaping

Perimeter landscaping requirements adjacent to Tax ID 745-700-2188 shall be modified to consist of, at minimum, a row of evergreen plants that have a mature growing height of at least ten (10) feet with a spacing of no greater than ten (10) feet on center.

d. Buffers

Buffer requirements adjacent to Tax ID 744-700-9828 shall be reduced to a minimum of ten (10) feet in width as shall contain, at minimum, a row of mixed evergreen plants that have a mature growing height of at least ten (10) feet with a spacing of no greater than ten (10) feet on center.

Buffer requirements adjacent to Heatheridge and Briarcliff subdivisions shall conform to Ordinance requirements for C-3 districts. (P)

6. There shall be no access to the site from Mullenex Way. (P)

7. Additional pavement and curb and gutter shall be constructed across the front of the property as required by the Transportation Department at such time as the existing facility is expanded. (T)

GENERAL INFORMATION

Location:

East line of Courthouse Road, south of Smoketree Drive. Tax IDs 745-700-1758 and 1872 (Sheet 6).

Existing Zoning:

A with Special Exception and A

Size:

9.7 acres

Existing Land Use:

Commercial

Adjacent Zoning and Land Use:

North and West – A; Single family residential or public/semi public (under construction)
South and West – R-7 and R-9; Single family residential

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the east side of Courthouse Road, adjacent to the request site. Use of the public water system is required by County Code when a public water line is less than 200 feet away from a property line of any lot or parcel and a building permit application has been made for a new structure (Sec. 18-60(c)). The existing structure on-site is served by a private well. The applicant intends to continue to utilize the private well.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line that terminates at the western end of Marbleridge Road, approximately 150 feet south of this site. Use of the public wastewater system is required by County Code when a public wastewater line is less than 200 feet away from a property line of any lot or parcel and a building permit application has been made for a new structure (Sec. 18-60(c)). The existing structure on-site is served by a private septic system and the applicant intends to continue to utilize the private septic system.

Private Well and Septic System:

The Health Department must approve the use of private wells and septic systems.

ENVIRONMENTAL

This request will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Courthouse Road Fire Station, Company Number 20, currently provides fire protection and emergency medical service (EMS). This request will have a minimal impact fire and EMS.

Transportation:

The property (approximately 10 acres) is currently zoned Agricultural (A) and the applicant is requesting a Conditional Use to permit a greenhouse and nurseries. An existing nursery/garden center has been developed on the property. Based on nursery/garden center trip rates, the existing development could generate approximately 700 average daily trips (ADT). These vehicles will be initially distributed along Courthouse Road, which had a 2004 traffic count of 45,119 vehicles per day between Lucks Lane and Smoketree Drive. Courthouse Road adjacent to the property transitions from a six-lane to a four-lane divided roadway that accommodates (Level of Service C) the volume of traffic it currently carries.

Development must adhere to the Zoning Ordinance relative to access and internal circulation (Article 7). The Thoroughfare Plan identifies Courthouse Road as a major arterial. Access to major arterials, such as Courthouse Road, should be controlled. The site has been developed with two (2) accesses to Courthouse Road. These accesses are approximately 250 feet apart. In order to provide adequate access spacing, one of these accesses should be removed. The applicant has not agreed to remove either of these accesses.

The traffic impact of this development must be addressed. Courthouse Road in this area will ultimately need to be a six-lane divided facility to accommodate anticipated traffic volumes. The applicant should provide the third northbound lane on Courthouse Road adjacent to the property. The applicant is unwilling to provide this improvement until the development is expanded (Proffered Condition 7). Because much of the site was developed without the proper approvals, this improvement should be provided immediately.

The applicant is not willing to limit access to Courthouse Road or provide customary road improvements; therefore, the Transportation Department cannot support this request.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. The plan is currently being evaluated for amendment. The draft Northern Courthouse Road Plan

amendment, as recommended by the Planning Department, suggests the property is appropriate for professional and administrative offices and residential developments of 6.0 units per acre or less.

Area Development Trends:

The area is characterized by single family residential development on acreage parcels and within recorded subdivisions such as Heatheridge and Briarcliff, or church uses which are under construction.

Zoning History:

On October 3, 1990, the Board of Zoning Appeals approved a Special Exception to operate a commercial greenhouse in an Agricultural (A) District on a 4.9 acre parcel (Case 90AN0268). This application affected the northern portion of the current subject property. Conditions were imposed limiting the operation of the business to the applicant with no time limitation.

In 2005, as a result of a complaint regarding the clearing of property, staff inspected the facility and noted that the greenhouse and nursery operation had expanded onto the adjacent 4.9 acre parcel to the south for which no Special Exception had been granted (the southern portion of the subject request). Subsequently, the applicant filed an application for a Conditional Use to both expand the limits of this operation onto the adjacent 4.9 acre parcel and to modify conditions of approval for Case 90AN0268 on the original site.

Site Design:

The request property lies within an Emerging Growth District Area. Development standards for this area are applicable only to properties zoned office, commercial or industrial. The applicant has proffered that, with some exceptions, development of the property for greenhouse and nursery uses will be upgraded to conform to the requirements of the Zoning Ordinance for Emerging Growth District Areas for General Business (C-5) Districts (Proffered Condition 5). Emerging Growth District Area standards address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Uses:

Proffered conditions limit uses to the operation of a retail and wholesale greenhouse and nursery for the applicant, his immediate family and heirs only. (Proffered Conditions 2 and 3)

Hours of Operation:

Proffered Condition 4 limits the hours the operation will be open to the public.

Continuous Outside Display:

Currently, the Emerging Growth standards require that continuous outside display be limited to five (5) percent of the gross floor area for the principal use and be located under a covered pedestrian way. Such display must meet the same setbacks required for parking areas. As proffered, there would be no limitation on the quantity of continuous outside display nor would such use be required to locate under cover. No setback would be required from Courthouse Road for such display (Proffered Condition 5.b). Should the Commission and Board wish to approve this request, at a minimum, the setback requirements along Courthouse Road for all uses should be adhered to.

Buffers, Landscaping and Screening:

Adjacent properties to the south and east are zoned Residential (R-7 and R-9) and are occupied by single family dwellings. Based upon C-5 District standards, a 100 foot buffer would be required adjacent to these residential properties. Proffered Condition 5.d would require a seventy-five (75) foot buffer adjacent to the Heatheridge and Briarcliff Subdivisions. Given that greenhouse and nursery operations are first permitted in a Community Business (C-3) District which requires the provision of a seventy-five (75) foot buffer adjacent to residential properties, the proposed seventy-five (75) foot buffer would be appropriate adjacent to these subdivisions. However, due to the close proximity of an existing driveway to the southern property line (Textual Statement 6), Proffered Condition 5.d would require only a ten (10) foot buffer consisting of a row of evergreen trees adjacent to the acreage parcel to the south. Given the intensity of this use, a wider visual separation consistent with that applied to the adjacent subdivision developments would be warranted.

Property to the north is zoned Agricultural (A) and is occupied by a single family dwelling. Emerging Growth standards would not require the provision of a buffer adjacent to this northern parcel but would require perimeter landscaping within the required setback adjacent this northern boundary. Proffered Condition 5.c would provide for a row of evergreen trees, which currently exist along this boundary, rather a mix of deciduous and evergreen plant materials, as required by Perimeter Landscaping A standards. Planting densities would remain the same.

Within C Districts, the Ordinance requires the screening of outside storage and loading areas from R and A Districts, as well as public rights-of-way. Screening must be accomplished by building design or by use of durable architectural walls or fences constructed of comparable materials and compatible design to the principal building, or with the use of berms or other land forms under certain circumstances. Proffered Condition 5.a would permit loading areas as well as the storage of mulch and gravel to remain unscreened. Two (2) storage trailers, if located behind the retail/office building, would also remain unscreened. This lack of screening would have the greatest visual impact on properties to the north and south, given the minimal buffering and landscaping requirements adjacent to such properties as noted herein.

Parking and Driveways:

Within Agricultural (A) Districts, parking areas for five (5) or more vehicles serving non-residential development must conform to the parking requirements for O, C or I Districts. Exceptions are requested to permit a reduction in the number of parking spaces required for greenhouse and growing areas from one (1) space per 700 gross square feet to one (1) space for every 1,500 gross square feet (Textual Statement 1). No information has been submitted to substantiate this reduction.

The Ordinance requires that driveways and parking areas serving more than four (4) vehicles be paved with concrete, bituminous concrete or similar material. An exception has been requested to permit continued use of these unpaved driveway and parking areas; to reduce required driveway widths from twenty-four (24) to twenty (20) feet; to eliminate parking lot landscaping requirements; and to reduce driveway setbacks from the southern and northern property boundaries from thirty (30) feet to ten (10) and zero feet respectively (Textual Statement 2 through 6). As a growing commercial operation with no limitations as to size or duration of the operation, this development should be upgraded to comply with Ordinance standards as required for other similar commercial establishments. Further, the requested setback exceptions reduce the separation from adjoining residential development, necessitating a reduction in the typical buffer area required between residential and commercial districts as requested to the south. (Proffered Condition 5.d)

Access:

To address neighborhood concerns, the applicant has proffered that no access will be provided from the property from Mullenex Way, located in the Heatheridge development. (Proffered Condition 6)

CONCLUSION

The proposed land uses do not conform to the Northern Area Plan which suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre as noted, the Plan for this are is currently under review. The Northern Courthouse Road Plan amendment, as recommended by staff, suggests the property is appropriate for professional and administrative offices and residential developments of 6.0 units per acre or less.

The land uses are not representative of, nor compatible with, existing and anticipated area residential development.

The application fails to address Transportation issues relative to access limitations and road improvements along Courthouse Road, as discussed herein.

The requested exceptions relative to parking space provisions, parking area and driveway design, width and setbacks are inappropriate for a growing commercial operation that should be

upgraded to comply with Ordinance standards as required for other similar commercial operations.

Given these considerations, denial of this request is recommended.

TROPICAL TREEHOUSE
CONDITIONAL USE / C.U.P.D. REQUEST
TEXTUAL STATEMENT
CASE 06SN0146
March 28, 2006

The following exceptions are requested to the parking and drive requirements for non-residential uses in Agricultural (A) Districts.

Parking and Drives.

1. Parking spaces shall be provided at a ratio of one (1) space per two-hundred (200) square feet of office and indoor sales space and one (1) space per fifteen-hundred (1500) square feet of outdoor and greenhouse display area.

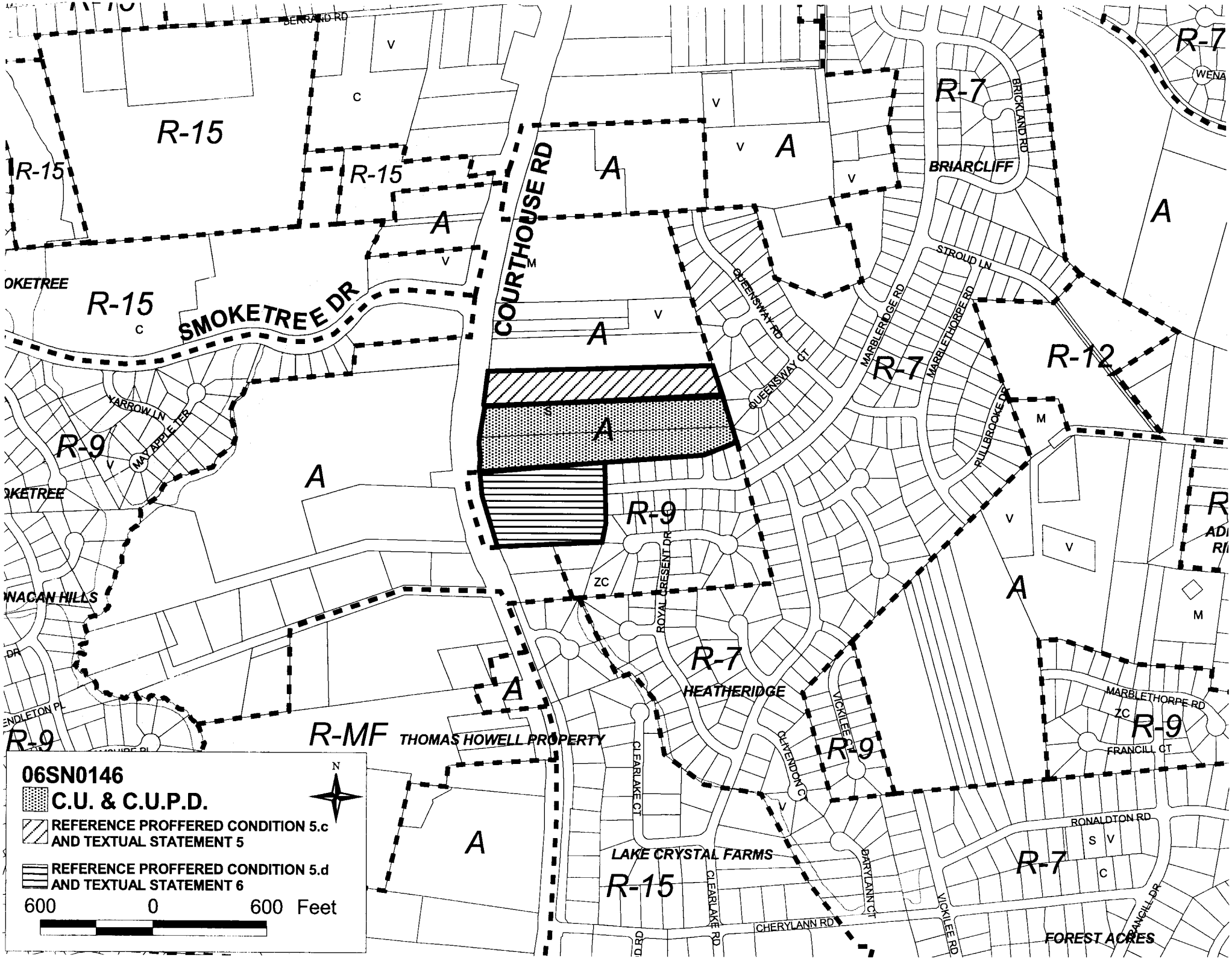
2. An exception to the requirement for pavement of driveways and parking areas and concrete curb and gutter around the perimeter of driveways and parking areas to allow gravel surfaces.

3. An exception to the requirement for parking area landscaping.

4. A four (4) foot exception to the required twenty-four (24) foot drive aisle width requirement.

5. A thirty (30) foot exception to the required thirty (30) foot setback for driveways adjacent to Tax ID 745-700-2188

6. A twenty (20) foot exception to the required thirty (30) foot setback for driveways adjacent to Tax ID 744-700-9828.


06SN0146
C.U. & C.U.P.D.
REFERENCE PROFFERED CONDITION 5.c AND TEXTUAL STATEMENT 5
REFERENCE PROFFERED CONDITION 5.d AND TEXTUAL STATEMENT 6
600 0 600 Feet
N
R-15
R-7
R-12
R-9
R-MF
A
THOMAS HOWELL PROPERTY
HEATHERIDGE
BRIARCLIFF
LAKE CRYSTAL FARMS
FOREST ACRES
SMOKETREE DR
COURTHOUSE RD
BERRAUD RD
BRICKLAND RD
STROUD LN
QUEENSWAY RD
QUEENSWAY CT
MARBLERIDGE RD
MARBLETHORPE RD
PULLBROOKE DR
ROYAL CRESENT DR
VICKILEE RD
CLEARLAKE CT
CLEARLAKE RD
CLEVENDON CT
BARYLANN CT
CHERYLANN RD
RONALDTON RD
FRANCILL CT
YARROW LN
MAY APPLE TER
WENA
ZC