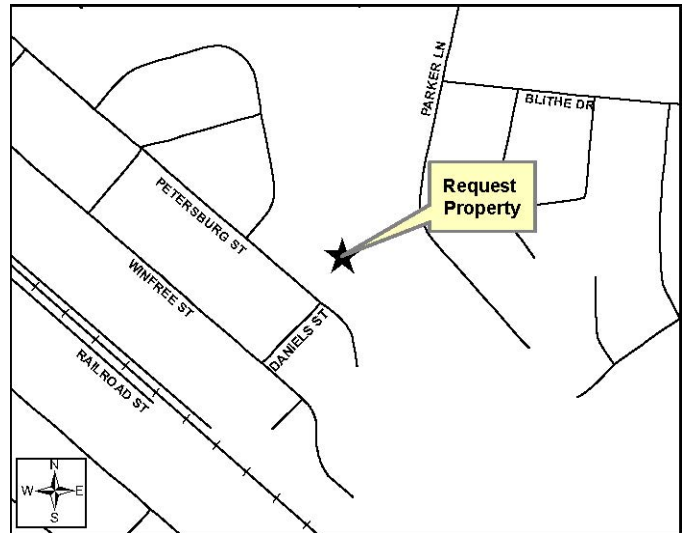


CASE NUMBER: 20SN0587
APPLICANT: Michael W. Atkinson



**CHESTERFIELD COUNTY,
 VIRGINIA
 BERMUDA DISTRICT
 STAFF'S ANALYSIS
 AND
 RECOMMENDATION**



2.7 Acres – 12665 Petersburg St

Board of Supervisor's (BOS) Hearing:
 DECEMBER 16, 2020
BOS Time Remaining:
 365 DAYS

Applicant's Contact:
 MICHAEL ATKINSON (804-920-6941)
Planning Department Case Manager:
 HAROLD ELLIS (804-768-7592)

REQUEST

Conditional use to permit a business (flooring contractor) incidental to a dwelling in Residential (R-15), Residential (R-7), and Agricultural (A) districts.

Notes:

- A. Conditions may be imposed or the property owner may proffer conditions
- B. Conditions are located in Attachments 1

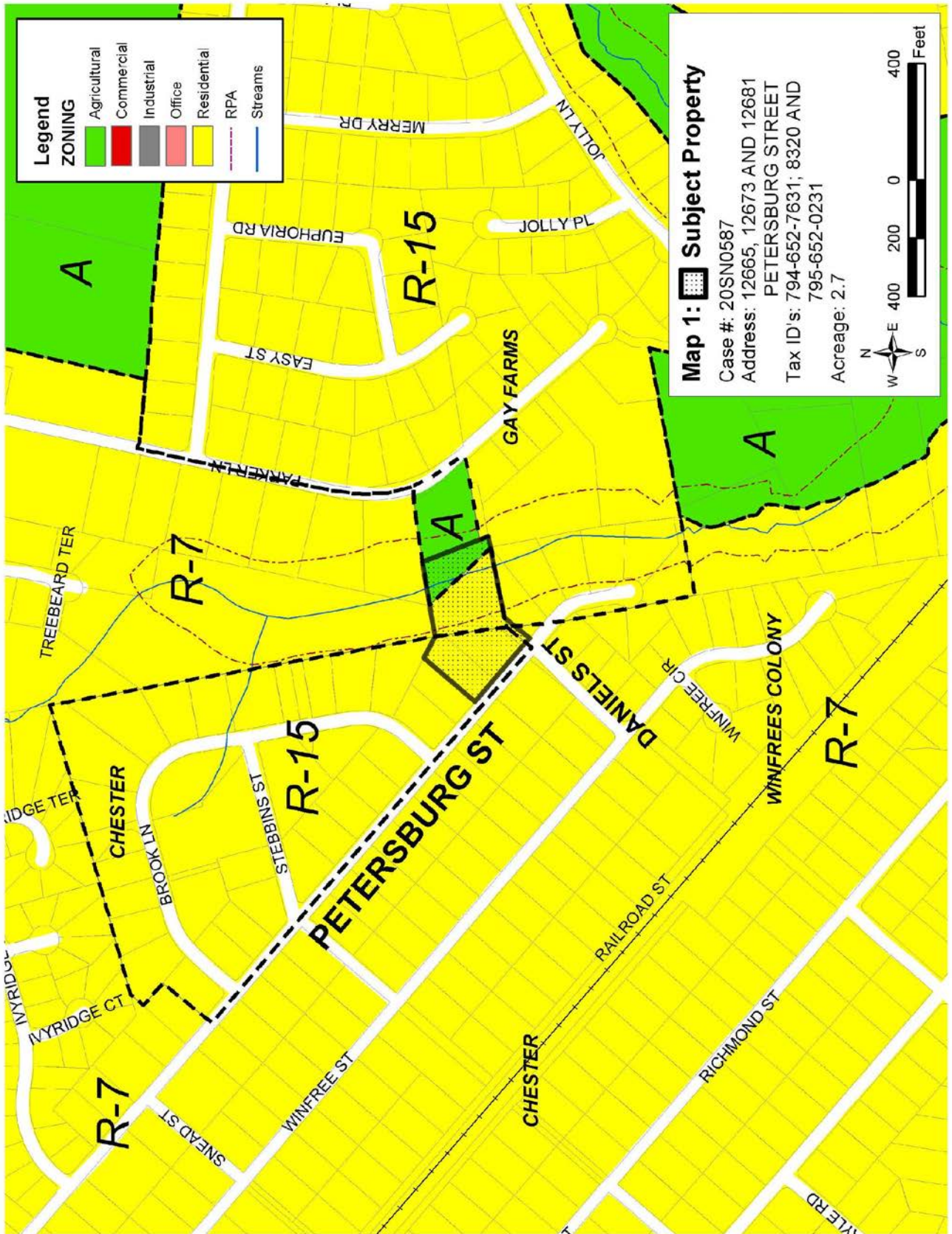
SUMMARY

The applicant lives on the property and operates a flooring business without the requisite zoning. Approval of this conditional use would bring the use into compliance with the Ordinance. Current activities of the flooring business on-site include parking of work-related vehicles, and employees coming to and from the site daily.

RECOMMENDATION

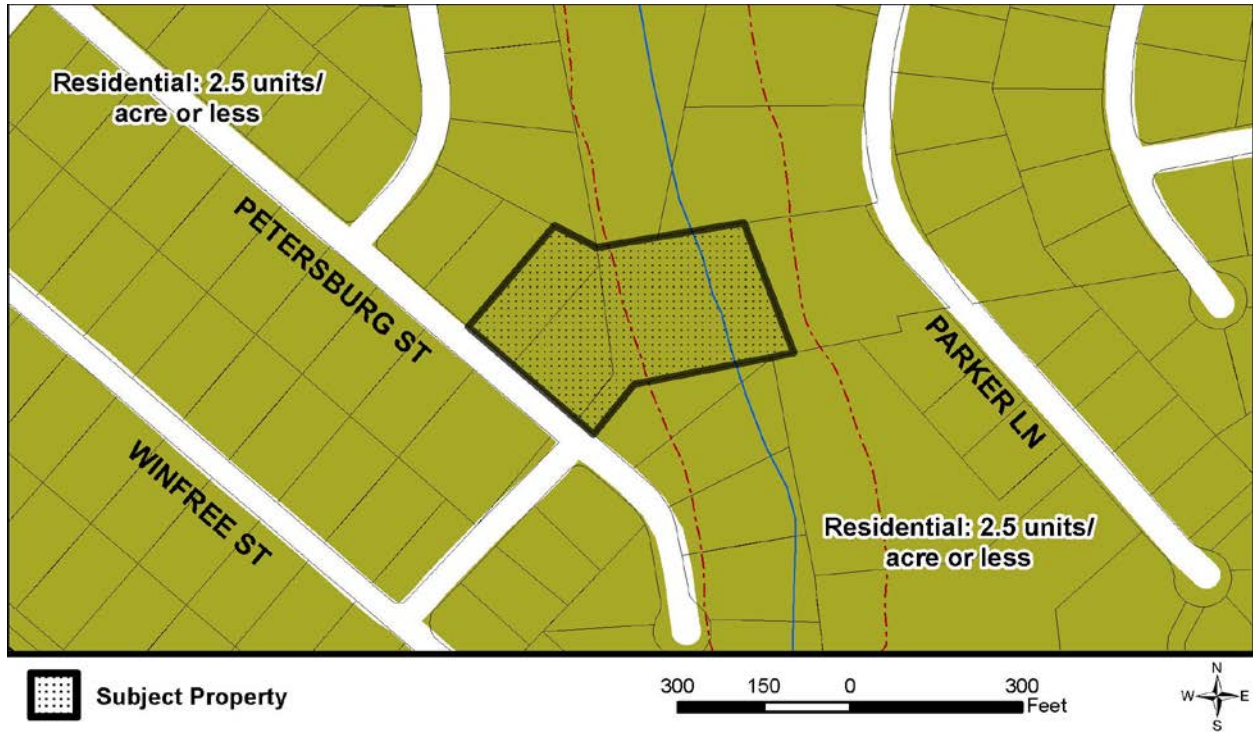
PLANNING COMMISSION	DENIAL
STAFF	<p>DENIAL</p> <ul style="list-style-type: none"> • The proposed land use is incompatible with the residential use suggested by the Comprehensive Plan • Use represents a commercial encroachment within an established residential neighborhood

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<ul style="list-style-type: none">• Vehicles used for work purposes are stored on site• Employees of the flooring business are on site twice daily• Staff is unable to adequately gauge impact on community without a community meeting

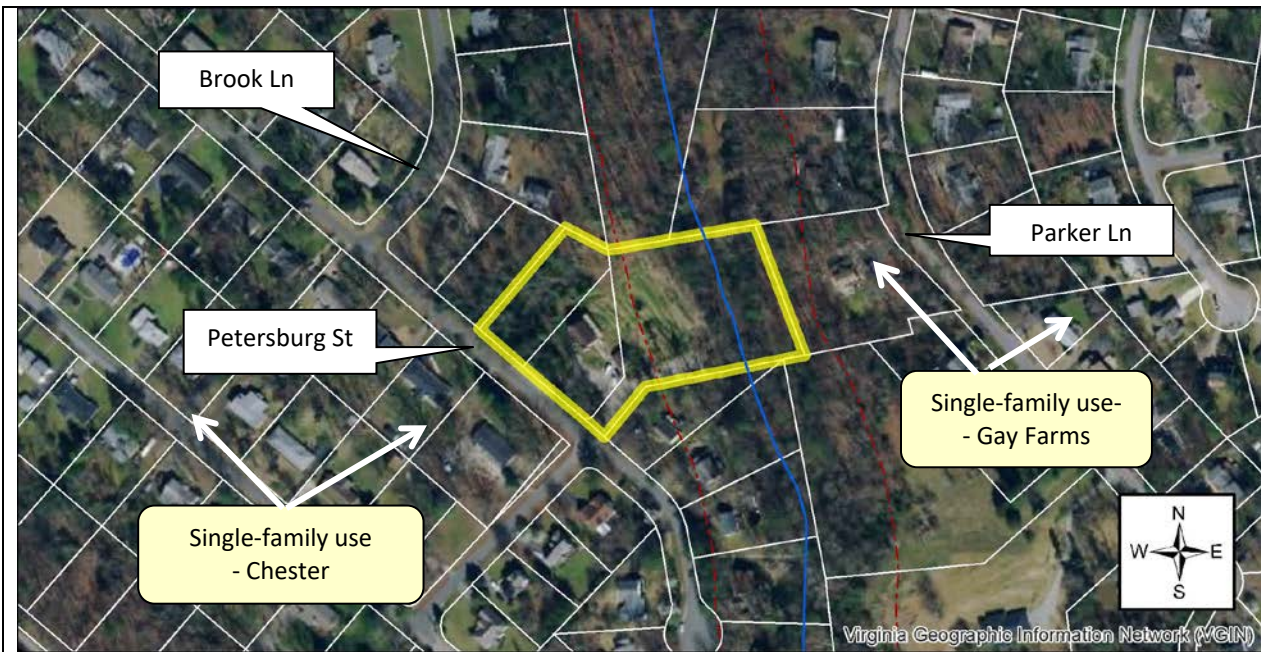


Comprehensive Plan
Classification: RESIDENTIAL – 2.5 UNITS/ACRE OR LESS

This designation suggests the property is appropriate for residences, places of worship, schools, parks, and other similar public and semi-public facilities.



Surrounding Land Uses and Development



PLANNING

Staff Contact: Harold Ellis (804-768-7592) elish@chesterfield.gov

Proposal

The applicant purchased the subject property in 2016 with the intent of using it as a primary dwelling as well as operate a flooring business, owned by the applicant, which has been in operation since 2012.

In March 2016, The Planning Department received a complaint relative to the parking of commercial vehicles and operating a business on a residential property. A notice of violation was issued at that time and the applicant removed the work-related vehicles from the site by April of 2016. In December 2019, the Community Enhancement Department received an identical complaint, which is the subject of this request.

Current activities of the flooring business include parking of three (3) work-related vehicles on site, consisting of three (3) 16-foot panel trucks, with business related materials and equipment, and three (3) employees, coming to and from the site daily. The employees are on site to park their personal vehicles (on site) and pick up a work-vehicle in the morning and return it and pick up their personal vehicles in the evening. These components of the business exceed the ordinance limitations for a permitted home occupation, requiring a conditional use.

Staff recommends denial of this case. Staff finds that the applicants’ request may adversely impact adjoining residential properties by allowing a commercial use to encroach into an established residential area. Should the Board of Supervisor’s approve of this case, the following provides an overview of conditions recommended by staff to minimize the impact of the use on area properties:

General Overview	
Requirements	Details
Ownership	Limited to the applicant <i>Condition 1</i>
Use	Limited to operation of a flooring business <i>Condition 2</i>
Hours of Operation	<ul style="list-style-type: none"> Limited to between 7:30 a.m. and 5:00 p.m. Monday through Friday <i>Condition 3</i>
Expansion of use	No new building construction to accommodate use <i>Condition 4</i>
Signage	No signage permitted <i>Condition 5</i>
Vehicle Equipment and Parking	Limited to areas shown on Exhibit A <i>Condition 6</i>
Landscaping	Six (6) evergreen screening shrubs, similar in species to Leyland Cypress or Oakland Holly shall be provided and maintained as generally depicted in Exhibit A (Attachment 2). The proposed shrubs shall be a minimum of five (5) feet in height at the time of planting and shall reach a minimum height of twelve (12) feet at maturity. <i>Condition 7</i>

The continuation of commercial vehicle, storage on the property as well as having three (3) employees report to the premises would not be compatible with existing residential development and permitted land uses. Further, while the applicant is willing to provide additional screening measures, since a community meeting has not taken place, staff is unable to adequately determine what other adverse impacts are affecting the community.

COUNTY DEPARTMENT OF TRANSPORTATION
 Staff Contact: Steve Adams (804) 748-1037 adamsSt@chesterfield.gov

The *Comprehensive Plan*, which includes the *Thoroughfare Plan*, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and it is anticipated to be minimal.

VIRGINIA DEPARTMENT OF TRANSPORTATION
 Staff Contact: Willie Gordon (804-674-2907) willie.gordon@vdot.virginia.gov

The applicant is requesting a Conditional Use permit to allow a home-based flooring business as the main office base and to park company vehicles. The proposal has no direct impact to state right of way. VDOT has no comment at this time.

FIRE AND EMERGENCY MEDICAL SERVICES
 Staff Contact: Anthony Batten (804-717-6167) battena@chesterfield.gov

Nearby Fire and Emergency Medical Service (EMS) Facilities	
Fire Station	The Chester Fire Station, Company Number 1
EMS Facility	The Chester Fire Station, Company Number 1

This request will have minimal impact on Fire and EMS.

UTILITIES
 Staff Contact: Randy Phelps (796-7126) phelpsc@chesterfield.gov

Existing Water and Wastewater Systems			
Utility Type	Currently Serviced	Size of Closest Existing Lines	Connection Required by County Code
Water	Yes	6"	Yes
Wastewater	Yes	8"	Yes

Additional Utility Comments:

The subject property is located within the mandatory water and wastewater connection area for new residential development. The existing residential structure is connected to the public water and wastewater systems. The proposed home occupation flooring business will not impact the public water and wastewater systems.

ENVIRONMENTAL ENGINEERING
Staff Contact: Rebecca Rochet (804-748-1028) RochetR@chesterfield.gov

Geography

The subject properties drain directly into an unnamed tributary of Ashton Creek. All of the properties are located within the Ashton Creek Watershed.

Erosion and Sediment Control

If greater than 2,500 square feet of total land disturbance will occur as a result of any proposed improvements or modifications, a land disturbance permit will be required.

Stormwater Management

If greater than 2,500 square feet will be disturbed with any proposed improvements, the project will be subject to the Part IIB technical criteria of the Virginia Stormwater Management Program Regulations for water quality and water quantity.

SCHOOLS
Staff Contact: Atonja Allen (804-318-8740) Atonja_allen@ccpsnet.net
PARKS AND RECREATION
Staff Contact: Janit Llewellyn (804-751-4484) LLewellynja@chesterfield.gov

This request will not impact these facilities.

CASE HISTORY

Applicant Submittals

02/28/2020	Application submitted
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Planning Commission

09/15/2020	<p><u>Commission Discussion:</u></p> <p>The Commission noted the following concerns:</p> <ul style="list-style-type: none"> • Public comment has been received concerning employees and vehicles frequenting site, excessive speed of the work-related vehicle to and from the site, inoperable vehicles on site, lack of screening of work-related activities, and character of site not maintaining residential feel • Deferral to allow time to work through concerns raised and identify mitigation measures, as well as for further neighbor communication <p>Recommendation – DEFERRAL TO THE OCTOBER 20, 2020 PLANNING COMMISSION MEETING.</p> <p>Motion: Sloan Second: Owens AYES: Freye, Sloan, Hylton, Owens, and Petroski</p>
10/20/2020	<p>The Planning Commission deferred the application with the applicant’s consent to allow time for the applicant to host a virtual community meeting. To date, this meeting has not occurred.</p> <p>Recommendation – DEFERRAL TO THE NOVEMBER 17, 2020 PLANNING COMMISSION MEETING.</p> <p>Motion: Sloan Second: Hylton AYES: Freye, Sloan, Hylton, Owens, and Petroski</p>
11/17/2020	<p>The Commission agreed with the staff recommendation and unanimously recommended denial.</p> <p>Recommendation – DENIAL.</p> <p>Motion: Sloan Second: Petroski AYES: Freye, Sloan, Hylton, Owens, and Petroski</p>

CONDITIONS

1. Non-transferrable ownership: This conditional use approval shall be granted exclusively to Michael W. Atkinson, and shall not be transferrable nor run with the land. (P)
2. Use: This conditional use approval shall be limited to the operation of a flooring business, incidental to a dwelling. (P)
3. Hours of Operation: Operation of the business shall be limited to Monday through Saturday from 7:30 a.m. to 5:00 p.m. There shall be no weekend operation. (P)
4. Expansion of Use: No new building construction shall be permitted to accommodate this use. (P)
5. Signage: There shall be no signs identifying the use. (P)
6. Vehicle Equipment and Parking: All vehicles and equipment in association with this use shall be parked in the area specified on Exhibit A. No more than three (3) work vehicles, which also may not be more than 16' in length, shall be parked on site. No other outside storage shall be permitted outside of this area. A six (6) foot opaque screening fence shall be maintained to screen the parking area for vehicles and equipment as shown on Exhibit A (Attachment 2). (P)
7. Landscape Screening: Six (6) evergreen screening shrubs, similar in species to Leyland Cypress or Oakland Holly shall be provided and maintained as generally depicted in Exhibit A (Attachment 2). The proposed shrubs shall be a minimum of five (5) feet in height at the time of planting and shall reach a minimum height of twelve (12) feet at maturity. (P)

EXHIBIT A

