



20SN0569 – Kristin Phillips

Magisterial District – **Matoaca**

Agent – **Kristin Phillips** (804-698-0211)

CPC Public Hearing – **December 15, 2020**

Time Remaining
100 Days

Case Manager
Tyler Walter
(804-318-8893)

Request

Conditional Use & Conditional Use Planned Development

Conditional Use to permit a special events business incidental to a dwelling. Conditional Use Planned Development to permit ordinance exceptions.

Staff Recommendation

Planning – Approval

Transportation – Denial

Property Location

9901 N Donegal Road

Site Size

9.5 Acres

Comprehensive Plan – Land Use Designation

Residential Agricultural

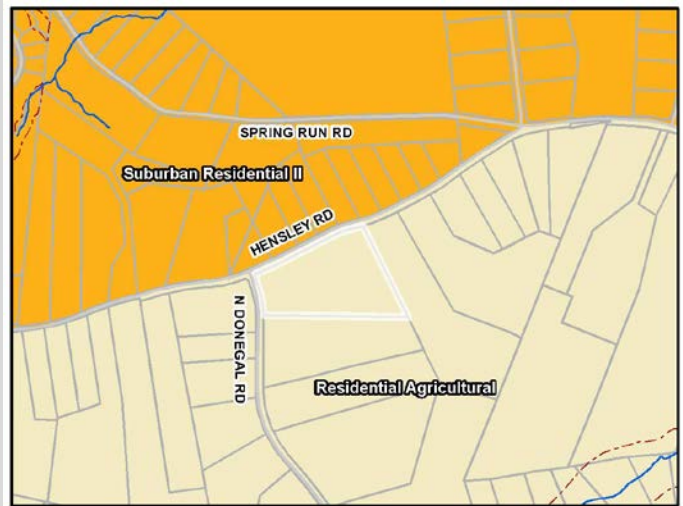
Plan Area

County Wide Plan

Figure 1: Aerial of Request Area (VGIN 2016) – Click Image for Link to GIS



Figure 2: Area Map of Request & Land Use Plan Map



Summary of Proposal

A special events venue including weddings and receptions, and group gatherings is proposed. The applicant is seeking to have up to ten (10) special events per year. The proposed operation exceeds ordinance limitations for a home occupation relative to the outdoor location of activities, square footage of use, number of employees and group assembly, necessitating a conditional use request. The applicant is also seeking ordinance exceptions relative to treatment of parking surfaces and perimeter landscaping around the proposed parking area.

At the November 17, 2020 meeting the Planning Commission deferred this application to December 15, 2020 Planning Commission meeting on the Commission’s own motion with the applicant’s consent.

Recommendations

PLANNING - APPROVAL

Conditions ensure that the residential and agricultural character is maintained. As conditioned, impacts on adjacent residential development will be minimized.

TRANSPORTATION - DENIAL

Spring Run Road and Hensley Road substandard relative to the projected capacities that would be produced by this use.

NOTES FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS

1. Conditions may be imposed or the property owner may proffer conditions.
2. A layout plan has been submitted by the applicant.

Summary of Identified Topics

TRANSPORTATION

- Spring Run Road and Hensley Road are narrow roads with minimal to no shoulders with several substandard horizontal and vertical curves. Additional traffic on these roads would have the potential to pose public health, safety, and welfare hazards for patrons and to those who reside along these roads.

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Zoning History

97SN0110: Approved (10/1996)

Conditional Use to permit a residential stock farm in a Residential (R-25) District, specifically for the keeping of horses:

1. Conditional Use limited to the keeping of horses only.
2. Any stall areas shall be cleaned weekly and maintained in such a way as to control the propagation of insects.
3. Pastures shall be maintained to minimize the propagation of insects.
4. Any new barns or stables constructed shall be set back at least seventy-five (75) feet from any adjacent property.

Comprehensive Plan – Land Use Plan Designation

The Comprehensive Plan designates the Property for **Residential Agricultural**, which suggests the Property is appropriate for residential uses with a maximum of 0.5 dwellings per acre and agricultural uses.

Proposal

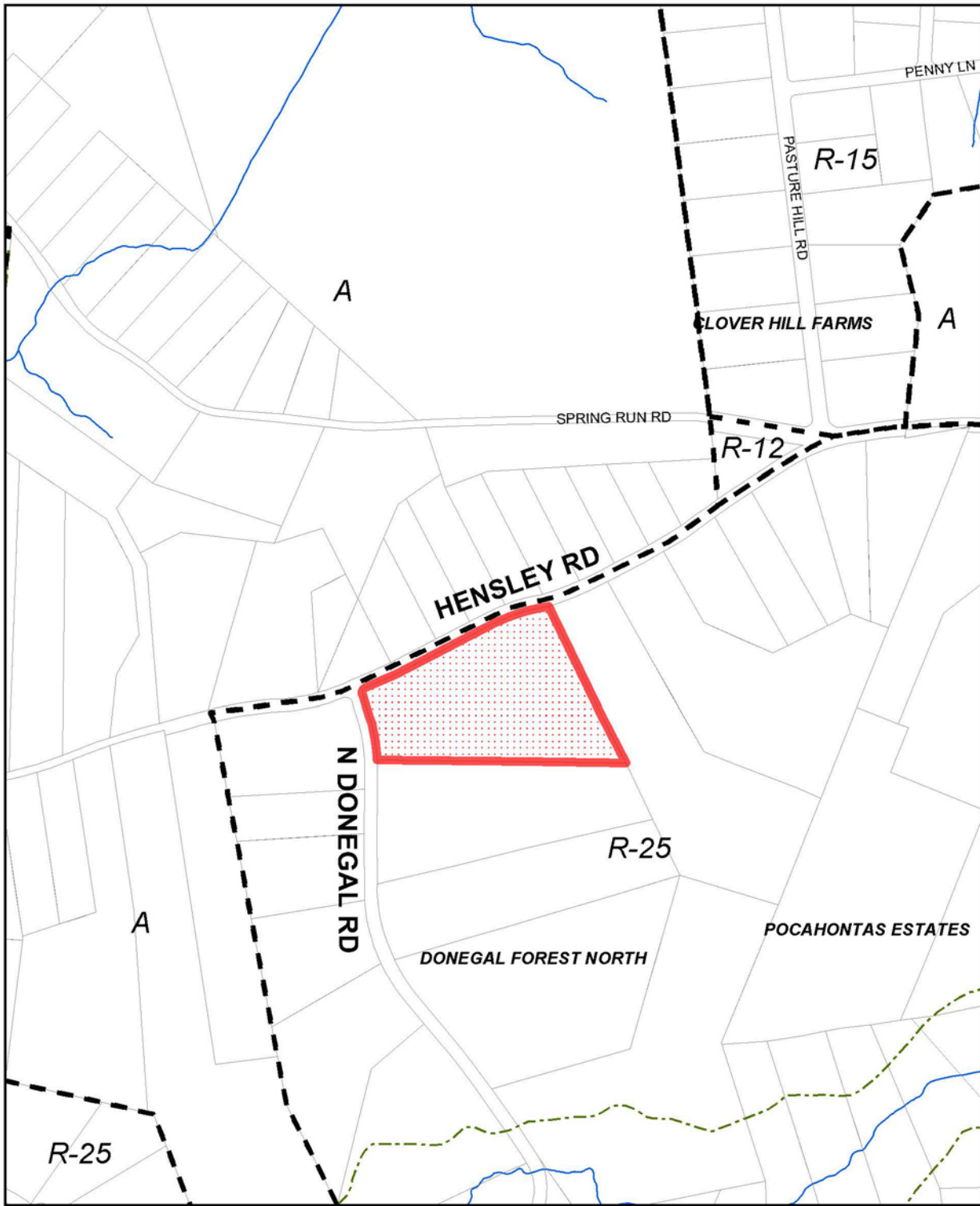
A special events business for weddings, receptions and other group gatherings is being proposed. The applicant is seeking to have ten (10) wedding events per calendar year on the subject property, with no event exceeding more than 200 guests. The applicant plans to utilize an outdoor space on their property for the special events business. The applicant has stated that the existing barn and dwelling on the property would not be used as part of the business.

The **Comprehensive Plan** suggests that in areas designated for Residential Agricultural use, commercial uses may be appropriate for a limited period of time with minimal site improvements if designed to mitigate impacts on existing and area development. The special events venue is located on a large parcel outside of a subdivision, and with limited site improvements integrated with the property's rural character (a sign no more than ten (10) square feet identifying the use). Below outlines the recommended conditions to help mitigate the impact on surrounding properties.

Conditions to help mitigate the impact include non-transferable ownership, which is limited to the applicant. The uses are limited to special events and have a time limitation of two (2) years from the date of approval. During a calendar year, there shall be no more than ten (10) events, with no event having more than 200 guests. These events shall take place on Friday – Sunday only, with events on Friday and Saturday taking place between 10:00 a.m. and 10:00 p.m., and events on Sunday taking place between 10:00 a.m. and 8:00 p.m. Noise from these events shall not exceed 55 dBA as measured at the parcel boundaries, and any speakers for events shall face south.

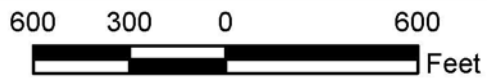
Additionally, no new or existing buildings/structures (excluding temporary tents) shall be permitted to accommodate this use, and no more than one (1) sign identifying the event use is permitted. Such a sign shall not exceed ten (10) feet in total square foot area. Finally, parking surfaces may contain a natural/grass surface, and parking and event uses can be no closer than one-hundred (100) feet along the eastern and southern property, and seventy-five (75) feet on the northern and western property line in order to minimize impact on adjacent properties. By having these setbacks in place, the noise and visual impact on adjacent neighbors should be minimized.



Current Zoning Map



Map 1:  **Subject Property**

Case #: 20SN0569
Acreage: 9.5
Address: 9901 NORTH DONEGAL RD
GPIN: 733-662-2712



-  Resource Protection Area
-  Streams



Supplemental Analysis

Environmental Engineering

1. Entire property is located within the Lower Swift Creek Watershed
2. 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.
3. If greater than 2,500 square feet will be disturbed with any proposed improvements, including any changes to the land cover, project will be subject to the Part IIB technical criteria of the Virginia Stormwater Management Program Regulations for water quality and water quantity.

Fire & Emergency Medical Services

Nearby Facility - The Clover Hill Fire Station, Company Number 7

This request will have minimal impact.

Parks & Recreation

This request will have minimal impact.

Schools

This request will have no impact on school facilities.

Transportation - County Department of Transportation

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. There are no reliable traffic forecasters for this type of land use (special events). Traffic generated by development of the property will be initially distributed via North Donegal Road and Hensley Road to Spring Run Road.

Spring Run Road is identified on the County's Thoroughfare Plan as a major arterial with a recommended right of way width of 90 feet. In 2019, the VDOT traffic count on Spring Run Road was 4,700 vehicles per day. Spring Run Road is a narrow (18 to 20-foot wide pavement) two-lane road with minimal to no shoulders and substandard horizontal and vertical curves. VDOT minimum geometric design standards recommend this road have 12-foot lane widths and 10-foot shoulders. In 2019, the VDOT traffic count on Spring Run Road was 4,700 vehicles per day. As part of an adjacent development (Collington East), part of Spring Run Road between Springford Parkway and Hensley Road is being improved to provide two (2)-11 foot travel lanes with an additional four (4) foot wide paved shoulder on both sides of the road, for a total distance of 2,000 feet.

Hensley Road is a local road with no recent traffic count for this section between Spring Run Road and the cul-de-sac. Hensley is a narrow (17 to 20-foot wide pavement) two-lane road with minimal to no shoulders.

While the direct access for the use will be from North Donegal Road, it is anticipated most patrons attending special events on the property will travel to/from Spring Run Road and Hensley Road. Spring Run Road and Hensley Road are narrow with minimal to no shoulders and substandard geometry at the Hensley Road and Spring Run Road intersection.

In the last 5 years (2016 – August 2020), there have been 22 reported collisions along Spring Run Road (between Springford Parkway and Qualla Road) and one (1) reported collision along Hensley Road. There have been no reported collisions at the Hensley Road and Spring Run Road intersection.

Section 19.1-231 of the County Code outlines the general requirements to meet the needs of the traffic generated by a proposed development, including acceptable levels of service. This proposed development would contribute to an identifiable need for transportation improvements. The applicant has not offered to provide any mitigating road improvements.

The Planning Department has recommended several conditions to limit the impacts of the special events use. Conditions which may limit the impacts of the special events use on the area roads are: 1) Type of events; 2) Two (2) year limitation on the use; 3) Maximum of ten (10) events in one calendar year; 4) Maximum of 200 guest per event; and 5) No new buildings/structures to accommodate the use. Imposing a limit on the number of guests will be nearly impossible to monitor and enforce.

Due to the condition of area roads, staff cannot support the request.

Transportation - Virginia Department of Transportation

The existing entrance will be subject to minimum commercial entrance design standards.

1. During the site plan review process, VDOT will require trip generations based on the new impacts to traffic.

Utilities – Water and Wastewater

1. The subject property is located within the mandatory water connection area for new residential development, but not for public wastewater.
2. The existing residential structure is served by a private well and septic system.
3. The closest public water line is a 16" line located at the intersection of Spring Run Road and Hensley Road, approximately 1,350 feet from the subject property.
4. Connection to the public water system for new residential structures is required if a public water line is within 200 feet of the property. Public wastewater is not available in the area.
5. This request to allow an event venue on the subject property will not impact the public water and wastewater systems.

Community Engagement & Public Hearings

Community Meetings

3/12/2020 – Discussion Topics:

1. Noise generated
2. Potential consumption of alcohol/drunk driving
3. Traffic and speeding on Hensley Rd.
4. Potential crime and noise from events
5. Impacts on property values.
6. Views from surrounding properties
7. Anticipated number of events/capacity
8. Hours of operation
9. Use of a public address system/acoustics
10. Potential length of approval

9/17/2020 – Discussion Topics:

1. Changes from March 2020 to September 2020
2. Noise generated with capacity
3. Traffic and speeding on Hensley Rd.
4. Potential crime and noise from events
5. Impacts on property values.

Planning Commission

11/17/2020: ACTION – DEFERRED TO DECEMBER 15, 2020 ON THE COMMISSION'S OWN MOTION WITH THE APPLICANT'S CONSENT.

Conditions

1. Non-Transferable Ownership and Occupancy. This Conditional Use shall be granted to Kristin E. Phillips and/or Todd A. Wood exclusively and shall not be transferable nor run with the land. This Conditional Use shall be permitted provided that the dwelling on the property is occupied by Kristin E. Phillips and/or Todd A. Wood. (P)
2. Use Limitation. This Conditional Use shall be for the operation of a special events business to permit, but not be limited to, weddings/receptions, movie sets/photo shoots, reunions, church gatherings, corporate functions, seasonal festivals and picnics. Event activities and associated parking shall be limited to the areas depicted in [Exhibit A – Proposed Layout Exhibit](#). (P)
3. Time Limitation. This Conditional Use shall be granted for a period not to exceed two (2) years from the date of approval. (P)
4. Maximum Number of Events. The number of events shall not exceed ten (10) in one (1) calendar year, with no event exceeding 200 guests. (P)
 - a. Hours of Operation and Group Assembly. Events shall take place Friday and Saturday from 10:00 a.m. – 10:00 p.m., (with cleanup/lights out/all clients and their guests, to include employees/vendors, off premises by 11:00 p.m.), and Sundays from 10:00 a.m. – 8:00 p.m. (with cleanup/lights out/all clients and their guests, to include employees/vendors, off premises by 9:00 p.m.), (P)
5. Expansion of Use. No new or existing buildings/structures on the property (excluding temporary tents) shall be permitted to accommodate this use. (P)
6. Public Address. Use of an outside public address system shall be limited to live and/or amplified music. All speakers/amplifiers shall be faced towards the southern property boundaries. Noise generated by this system shall not exceed 55 dBa as measured at the parcel boundaries. (P)
7. Signage. The subject property shall have no more than one (1) sign identifying the event use and shall not exceed more than ten (10) square feet in area. (P)
8. Surface Parking Treatment and setbacks. Parking surfaces may contain a natural/grass surface and adhere to a 75-foot setback along the northern and western property lines, and a 100-foot setback along the eastern and southern property lines. (P)
9. Screening. Evergreen plantings shall be planted along the northern property line as depicted in Exhibit A. The planting height shall be at least five (5) feet in height at the time of planting and shall reach a minimum height of 10 feet at maturity. A landscaping plan providing the exact species and number of trees or shrubs, as well as a planting schedule shall be approved by the Planning Department within sixty (60) days of approval of this request. (P)

Proposed Layout Plan – Exhibit A



97SN0110

In Matoaca Magisterial District, F. DAVID DANCE, JR. requested Conditional Use to permit stock farm use to allow the keeping of horses in a Residential (R-25) District on 23.0 acres of a 46.3 acre tract. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1 to 5 acre lots. This request lies on 46.3 acres known as 13111 Hensley Road and 9901, 10001 and 10121 Donegal Road North. Tax Map 92-5 (2) Donegal Forest North, Section 1, Part of Lot 12; Tax Map 92-6 (1) Part of Parcels 1 and 7; and Tax Map 92-10 (3) Donegal Forest North, Section 1, Part of Lot 16 (Sheet 29).

Mr. Jacobson presented a summary of Case 96SN0110 and stated the Planning Commission and staff recommends approval subject to conditions.

Mr. David Dance, Jr. stated the recommendation is acceptable. There was no opposition present.

On motion of Mrs. Humphrey, seconded by Mr. Barber, the Board approved Case 97SN0110 subject to the following conditions:

1. This Conditional Use shall be limited to the keeping of horses only. No other livestock-type animals shall be kept on the property. (P)
2. Any stall areas shall be cleaned weekly and maintained in such a way as to control the propagation of insects. (P)
3. Pasture areas shall be maintained in such a way as to control the propagation of insects. (P)
4. Any new barns or stables constructed to house horses shall be set back a minimum of seventy-five (75) feet from any adjacent property which is not the subject of this request. (P)

Ayes: Mr. Warren, Mr. Barber, Mrs. Humphrey, and Mr. McHale.
Absent: Mr. Daniel.

Case Contacts

Applicant

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District Planning Commissioner

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