



# 21SN0707 – Joey Patterson

Magisterial District – Matoaca

Applicant – **Joey Patterson** (804-901-1740)

BOS Public Hearing – **April 27, 2022**

Time Remaining

**365 Days**

Case Manager

**Ryan Ramsey**

(804-748-1970)

## Request

### Conditional Use & Conditional Use Planned Development

A temporary outdoor vendor (farmer’s market) is proposed.

## Planning Commission Recommendation

**Approval**

## Staff Recommendation

**Approval**

### The Property

17100 Hull Street Road

### Site Size

0.38 Acre

### Comprehensive Plan – Land Use Designation

Corporate Office/Research & Development/Light Industrial

### Plan Area

County Wide Plan

Figure 1: Aerial of Request Area – Click Image for Link to GIS



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



## Summary of Proposal

The applicant requests approval of conditional use to permit an outdoor vendor (farmer’s market) use with conditional use planned development to permit exceptions to development standards in a General Business (C-5) District. Exceptions are requested to permit 1) unimproved (grass) parking areas for the outdoor vendor use and 2) setback reductions for the proposed temporary tent and unimproved parking areas.

A temporary farmer’s market with an outdoor vendor is proposed. The applicant’s proposal is to erect a temporary tent during the growing season (March through November) to allow the sale of farm products not grown on the premises. No permanent improvements (buildings or parking areas) are planned.

## Recommendations

### PLANNING COMMISSION - APPROVAL

### STAFF - APPROVAL

While the proposed farmer's market does not conform to the uses suggested by the **Land Use Plan**, the proposal offers an interim use for the Property without any permanent improvements that would encumber future development efforts. As conditioned, the use of the property will maintain compatibility with existing and anticipated area development.

### NOTES FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS

1. Conditions may be imposed, or the property owner may proffer conditions.
2. Conditions and a proposed layout plan have been provided by staff.
3. Both the Planning Commission and Staff recommend the conditions identified in the staff report.

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### Zoning History

**18SN0712:** Approved (8/2018)

Conditional use to permit a contractor's storage yard (mulch and landscaping material storage and sales) on 7.8 acres in the portion of the request property zoned Agricultural (A) and proffered conditions on an adjacent 1.4 acres zoned General Business (C-5). Conditions of zoning included:

1. Conditional use approval for the contractor's storage yard (mulch and landscaping material storage and sales) included a time limitation of seven (7) years, hours and limits of operation, buffers and setbacks, and screening.
2. Further restricting the uses on the 1.4 acres zoned General Business (C-5) to those uses that are 1) permitted by right and with restrictions in Community Business (C-3) District, 2) an outdoor vendor for pumpkins with restrictions, and 3) a list of specified C-5 uses. The Property in the current request (0.38 acre) is subject to these use limitations approved with this zoning request.
3. The contractor's storage yard approved with this request has not been developed to date. At this time, the applicant has indicated that the property owner does not intend to pursue this use as the business has been sold.

### Comprehensive Plan – Land Use Plan Designation

The Comprehensive Plan designates the Property for Corporate Office/Research & Development/Light Industrial, which suggests the Property is appropriate for corporate office, research, laboratories, and light manufacturing and assembly uses that are generally dependent upon raw materials first processed elsewhere.

### Proposal

An outdoor vendor (farmer's market) is proposed. The applicant would operate a seasonal farmer's market that sells farming products not grown on the premises. The outdoor vendor would sell these products between March 1<sup>st</sup> until November 30<sup>th</sup> each calendar year, between the hours of 9 AM until 7 PM daily. Merchandise would be in a single temporary tent with parking for customers provided on-site as shown on the Proposed Layout Plan ([Exhibit A](#)). Access for the farmer's market would utilize the existing access for the Property.

### Use Limitations

An outdoor vendor (for fruit, vegetable, and prepared foods) is a use permitted with restrictions in the Community Business (C-3) District. Uses permitted on the Property are limited to those uses permitted by right and with restrictions in the Community Business (C-3) District (See the "Zoning History" section, Case 18SN0712). The applicant's proposal does not meet the use restrictions for an outdoor vendor based on the proximity to residentially zoned property, lack of a permanent use on the Property, proposed setbacks, and required parking facilities. Therefore, conditional use approval is required to permit the use on the Property.

To limit the potential for adverse impacts of the proposed use on adjoining property owners, staff recommends the following conditions to ensure the use is temporary and compatible with existing and planned area development:

1. Non-transferrable ownership of the zoning approval to the applicant only; a time limitation of 5 years for the outdoor vendor use
2. Limit the location and size of the temporary tent; location of parking areas to the area shown on Exhibit A
3. Limit the days (March 1<sup>st</sup> until November 30<sup>th</sup>) and hours (9 AM until 7 PM daily) of operation
4. Temporary tent is taken down when the use is not permitted to operate; between December 1st until February 28th (or 29th)
5. Litter and trash removal performed daily
6. Limit signage to a single affixed sign on the temporary tent only, no freestanding signage permitted

## Ordinance Exceptions

Exceptions to development standards for parking and setbacks are proposed to accommodate the outdoor vendor use, as outlined below:

1. Surface treatment for paved parking area is required to be paved with concrete, bituminous concrete or similar material excluding surface treatment; all parking areas are proposed to be unimproved (natural/grass) parking areas.
2. Major Arterial Setback (Hull Street Road):
  - a. Required building (tent) setback from an arterial is 75' with Perimeter Landscaping B or 50' with Perimeter Landscape C; a twenty (20) foot setback without landscaping is proposed.
  - b. Required parking setback from an arterial is 75' with Perimeter Landscaping B or 50' with Perimeter Landscape C; a twenty (20) foot setback without landscaping is proposed.
3. Side Yard Setback (GPIN 706-667-9863):
  - a. Required building (tent) side yard setback is 30' with Perimeter Landscaping A or 10' with Perimeter Landscape B; a ten (10) foot setback without landscaping is proposed.
  - b. Required parking side yard setback is 30' with Perimeter Landscaping A or 10' with Perimeter Landscape B; a ten (10) foot setback without landscaping is proposed.

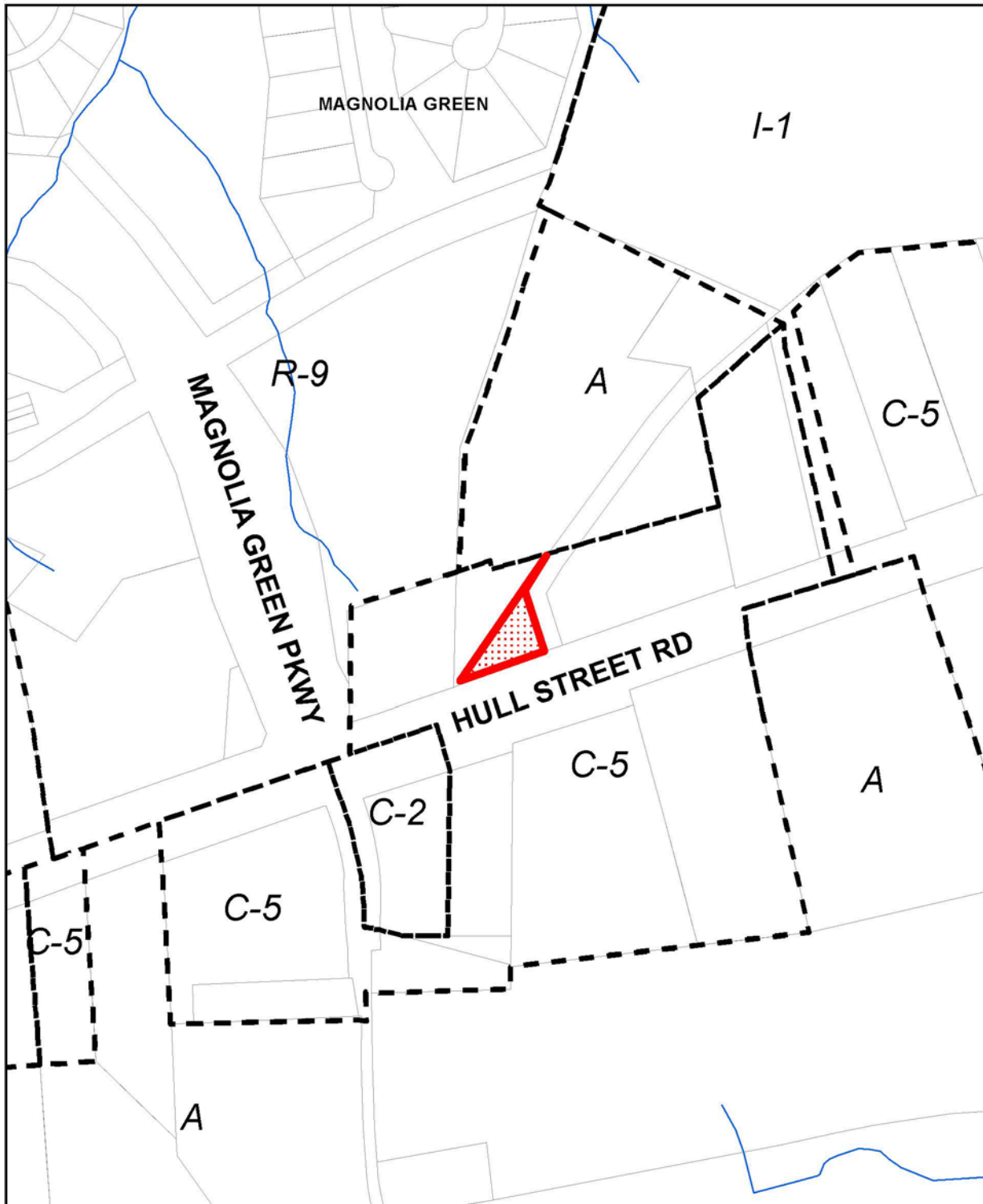
## Building Permit for a Temporary Tent

Staff notes that the applicant will be responsible for securing an approved building permit prior to the erection of the temporary tent on the Property.

## Findings

While the use does not conform to the uses suggested by the Land Use Plan, the conditions recommended by staff in this report will allow the farmer's market use to be compatible with existing and anticipated area development. The proposal offers a temporary use of a vacant property without any permanent improvements. Therefore, the use will not encumber any future development plans for the Property. Staff supports this request.



Current Zoning Map



**Map 1:**  **Subject Property**

Case #: 21SN0707  
Acreage: 0.38  
Address: 17100 HULL STREET ROAD  
GPIN: 706-667-9250



 Resource Protection Area  
 Streams

## Supplemental Analysis

### Community Enhancement

No comment on this request.

### Environmental Engineering

1. The subject property is located within the Upper Swift Creek Watershed.
2. A Natural Resource Inventory was completed for the subject property and accepted by the Department of Environmental Engineering with a previous zoning case.
3. 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.
4. If greater than 2,500 square feet will be disturbed with any proposed improvements, including any changes to the land cover, the 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

#### Service Area

The Magnolia Green Fire Station, Company Number 25

#### Additional Information

This request will have minimal impacts on Fire & Emergency Medical Services.

### Police

Division	Beat	District
Swift Creek	36	Matoaca

#### Additional Information

This request is anticipated to have minimal impacts on Police.

## 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. Based on the recommended conditions for the farmers market with outdoor vendors limiting the use, hours of operation, and access, the anticipated traffic impact of the proposal has been evaluated and is anticipated to be minimal.

## Transportation - Virginia Department of Transportation

The applicant is requesting a conditional use permit an outdoor vendor (farmer's market) use. Virginia Department of Transportation has no further comment on this request.

## Utilities – Water and Wastewater

1. The request site is within a mandatory water and wastewater connection area for new non-residential development.
2. The proposed farmers market will not include structures which would require public water and wastewater service.
3. The Utilities Department supports this request.

## Community Engagement & Public Hearings

### Community Meeting

2/10/2022 – No citizens attended the virtual community meeting.

### Planning Commission

3/15/2022: **Citizen Comments:** No citizens spoke to this request.

**Recommendation:** APPROVAL AND ACCEPTANCE OF THE [CONDITIONS](#)

**Motion:** Freye **Second:** Petroski

**AYES:** Owens, Petroski, Freye, Hylton, Sloan



## Conditions

**Staff Note: Both the Planning Commission and Staff recommend the following conditions.**

1. Use Permitted. This conditional use shall permit the operation of a farmer's market with an outdoor vendor. (P)
2. Non-Transferable Ownership. The conditional use shall be exclusively granted to the applicant, Joey Patterson, and shall not be transferrable nor run with the land. (P)
3. Location of Use. All activities associated with the farmer's market and outdoor vendor (including a temporary tent, merchandise displays, and associated parking areas) shall be located within the area identified on Exhibit A, titled "Patterson Farmer's Market", and dated January 6, 2022. No temporary tent, booths, merchandise display areas or natural/grass parking areas shall be permitted within twenty (20) feet of the front property line (ultimate right-of-way of Hull Street Road) or ten (10) feet of the side property line that is adjacent to GPIN 706-667-9863. (P)
4. Access. Direct vehicular access from the Property to Hull Street Road (Route 360) shall be limited to one (1) entrance/exit with the exact location approved by the Transportation Department. (T)
5. Temporary Tent. One (1) temporary tent that will shelter merchandise displays for the use, not to exceed 1,600 square feet, shall be permitted. Continuous or overnight storage, as well as display of merchandise, shall be permitted within the temporary tent. The temporary tent shall be removed from the property between December 1<sup>st</sup> until February 28<sup>th</sup> (or 29<sup>th</sup>) when not in use. (P)
6. Days and Hours of Operation. The use shall be permitted to operate daily from March 1<sup>st</sup> through November 30<sup>th</sup>. Hours of operation shall be between 9 AM to 7 PM. (P)
7. Litter & Trash Removal. The applicant shall be responsible for the removal of litter from the site and parking areas at the close of business, each operating day. (P)
8. Time Limitation. This use exception approval shall be granted for a period not to exceed five (5) years from the date of approval. (P)
9. Signage. The Property shall have no more than one (1) sign identifying the use. The sign shall be affixed to the temporary tent and shall not exceed more than fifty-six (56) square feet in area. No freestanding signage shall be permitted. (P)
10. Surface Parking Treatment. Parking surfaces for this use shall be composed of a natural/grass surface treatment. (P)

Proposed Layout Plan – Exhibit A



## Case Contacts

### Applicant

- **Applicant's Contact:**  
Joey Patterson (804-901-1740)  
landscaping.patterson@gmail.com

### District Planning Commissioner

- **Tommy Owens (804-869-2214)**  
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### Staff

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- **Libraries:** Jennifer Stevens (804-751-4998) stevensj@chesterfield.gov
- **Parks & Recreation:** Janit Llewellyn (804-751-4482) llewellynJa@chesterfield.gov
- **Police:** Jim Eicher (804-318-8693) eicherj@chesterfield.gov
- **Schools:** Natalie Spillman (804-748-1370) spillmann@chesterfield.gov
- **Transportation - County Department of Transportation:** Steve Adams (804-751-4461) adamsst@chesterfield.gov
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