



21SN0708 – Garden Traditions

Magisterial District – Bermuda

Applicant – **Hunter Garrett** (804-743-9522)

CPC Public Hearing – **May 17, 2022**

Time Remaining

100 Days

Case Manager

Summer Morris

(804-751-4151)

Request

Conditional Use

Renewal of zoning approval for conditional use to permit display sheds, garages, carports and house sales, including "shell" house sales

Staff Recommendation

Approval

The Property

10401, 10411, & 10431 Route 1 and
10400 & 10420 Elokomin Avenue

Site Size

1.62 Acres

Comprehensive Plan – Land Use Designation

Corporate Office/Research &
Development/Light Industrial

Plan Area

Northern Route 1
Special Area 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 is requesting conditional use to permit display sheds, garages, carports and house sales, including "shell" house sales, for the continued operation of a business.

Staff Note: This case was advertised as requesting conditional use to permit display sheds, garages, carports and house sales, including "shell" house sales, plus conditional use planned development for exceptions to ordinance requirements. On May 10, 2022, the applicant withdrew the request for conditional use planned development. According to the Planning Commission's by-laws, the Planning Director will acknowledge this withdrawal. No further action is necessary by the Planning Commission.

Recommendation

STAFF - APPROVAL

Staff recommends approval. This is an ongoing use for over twenty (20) years with minimal impact to surrounding properties. **Conditions of approval include a five (5) year time limit to give staff an opportunity to reevaluate the use in comparison with the goals of the Comprehensive Plan.**

NOTES FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS

1. Conditions may be imposed.

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Zoning History

94AN0106: Approved (1/1994)

Variance of twenty-five (25) feet to the twenty-five (25) feet front yard setback requirement and a variance of 22.8 feet to the thirty (30) feet rear yard setback requirement for 10501 and 10511 Route 1.

*Staff note: These two properties are **not** part of this current request, but are part of the parcels that make up the full site Garden Traditions operates on.*

00SN0262: Approved (2/2001)

Rezoning from Community Business (C-3) to Agricultural (A) with conditional use to permit C-3 uses, plus display sheds, garages, carports and house sales, including "shell" house sales, for property located at 10401, 10411, & 10431 Route 1 and 10400 Elokomin Avenue. Conditions of approval included:

1. Dedication of sixty (60) feet of right of way to the County
2. No direct access from the property to Route 1 or Pinehurst Street
3. Permitted uses limited to those permitted by right or with restrictions in the Community Business (C-3) District plus the display of sheds, garages, carports and house sales, including "shell" houses, with the following restrictions:
 - a. Use is non-transferrable and shall be granted for ten (10) years
 - b. No goods shall be produced on site for retail sale
 - c. Display areas shall have a twenty-five (25) feet setback and perimeter landscaping shall be provided
 - d. Improvements shall only include the placement of approved items for retail sale and shall not include any permanent structures
4. Uses permitted by this conditional use shall be developed in accordance with the Zoning Ordinance requirements for the Route 1 Corridor

04SN0166: Withdrawn (8/2004)

Amendment of Case 00SN0262 to delete a required setback plus conditional use planned development to allow a setback exception for property located at 10401, 10411, & 10431 Route 1 and 10400 Elokomin Avenue.

04SN0329: Approved (12/2004)

Rezoning from Community Business (C-3) to Agricultural (A) with conditional use to permit C-3 uses, plus display sheds, garages, carports and house sales, including "shell" house sales, for property located at 10420 Elokomin Avenue.

Conditions of approval included:

1. Dedication of sixty (60) feet of right of way to the County
2. Permitted uses limited to those permitted by right or with restrictions in the Community Business (C-3) District plus the display of sheds, garages, carports and house sales, including "shell" houses, with the following restrictions:
 - a. Use is non-transferrable and shall be granted for ten (10) years
 - b. No goods produced on site for retail sale
 - c. Display areas shall have a twenty-five (25) foot setback and perimeter landscaping shall be provided
 - d. Improvements shall only include the placement of approved items for retail sale and shall not include any permanent structures
3. Uses permitted by this conditional use shall be developed in accordance with the Zoning Ordinance requirements for the Route 1 Corridor
4. Direct access to the property from Route 1 shall be limited to one (1) entrance/exit, with the exact location being determined by the Transportation Department.

Staff Note: Case 00SN0262 and Site Plan 02PR0182, the approved site plan for 10401, 10411, 10431, 10501, & 10511 Route 1 and 10400 Elokomin Avenue, did not include this parcel (10420 Elokomin Avenue). 10420 Elokomin Avenue has not been used for displaying sheds at the time of this report being completed, but the applicant has included it in the current request, 21SN0708.

Site Plan 02PR0182 approved access to the Garden Traditions site on 10511 Route 1 and there is currently no access point to 10420 Elokomin Avenue from Route 1, despite it being addressed in the conditions for Case 04SN0329.

11SN0250: Approved (10/2011)

Renewal of conditional use to permit display sheds, garages, carports and house sales, including "shell" house sales, on property located at 10401, 10411, & 10431 Route 1 and 10400 Elokomin Avenue. Conditions for this case included:

1. No direct access from the property to Route 1 or Pinehurst Street
2. Permitted uses limited to those permitted by right or with restrictions in the Community Business (C-3) District plus the display of sheds, garages, carports and house sales, including "shell" houses, with the following restrictions:
 - a. Use is non-transferrable and shall be granted for ten (10) years
 - b. No goods produced on site for retail sale
 - c. Display areas shall have a twenty-five (25) foot setback and perimeter landscaping shall be provided
 - d. Uses permitted by this conditional use shall be developed in accordance with the Zoning Ordinance requirements for the Route 1 Corridor
 - e. Improvements shall only include the placement of approved items for retail sale and shall not include any permanent structures

Comprehensive Plan – Land Use Plan Designation

The Comprehensive Plan designates the Property for Corporate Office/Research & Development/Light Industrial (CORDLI), which suggests the property is appropriate for corporate office, research, laboratory, and light manufacturing and assembly uses that are generally dependent upon raw materials first processed elsewhere. These uses are located completely within an enclosed building.

Proposal

The applicant is requesting to renew approval for conditional use (Case 11SN0205) to permit the display and sale of sheds, garages, carports, and shell houses, including "shell" house sales. This use has been permitted on the property for over twenty (20) years. This request includes a five (5) year time limit for the use (Condition 2.a.) as it is not a use that is supported by the CORDLI land use designation in the **Comprehensive Plan**. A shorter time limit than previous cases will allow the use to be reevaluated by staff in comparison to the goals of the Comprehensive Plan sooner than previous cases (Cases 00SN0262, 04SN329, and 11SN0205), which had time limits of ten (10) years.

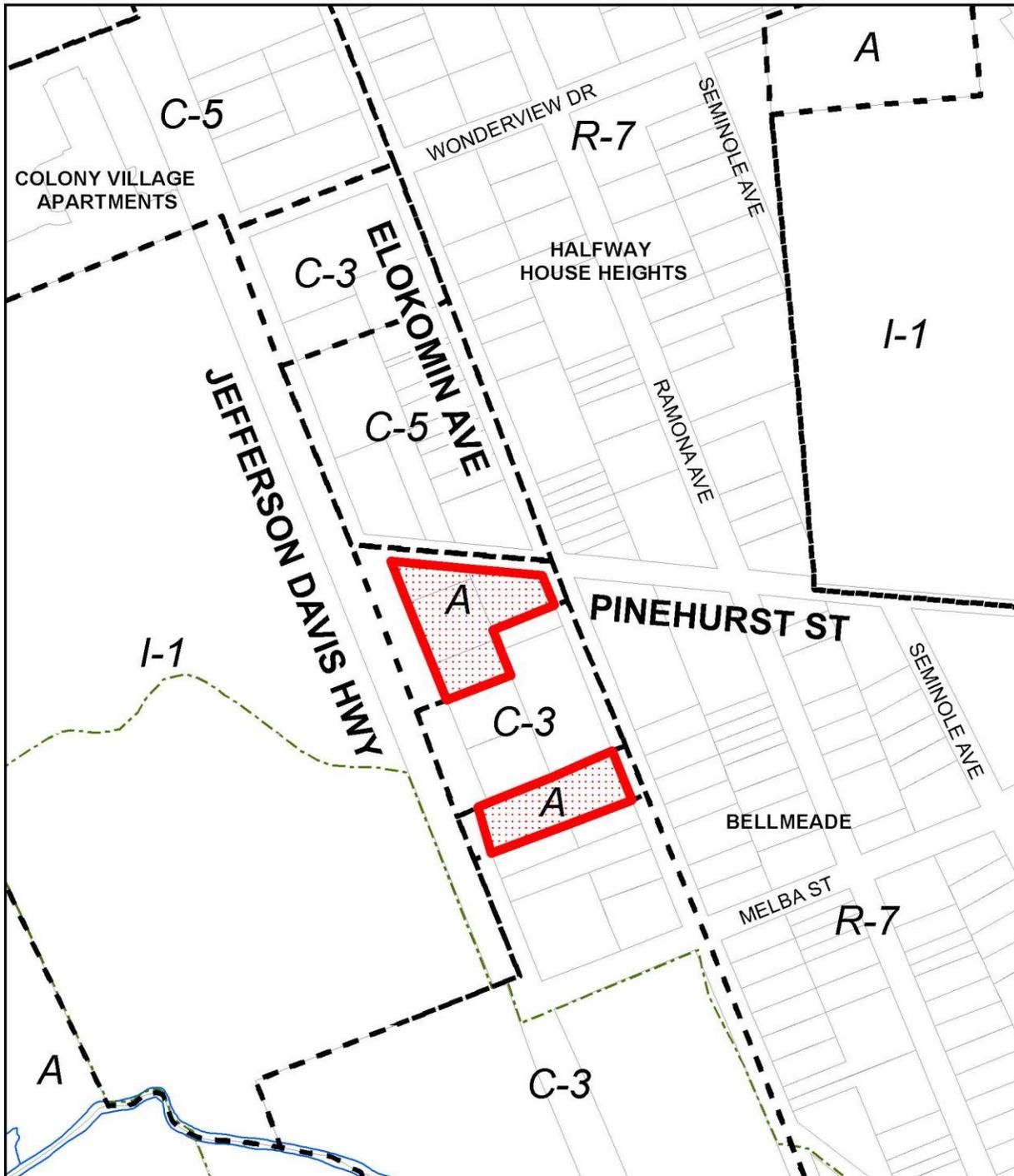
The conditions recommended by staff for this case will minimize potential adverse impacts to surrounding properties while allowing the continuation of the operation of the business. No goods shall be produced on the site (Condition 2.b) and no permanent structures shall be permitted (Condition 2.e.). These two limitations comply with staff's consideration of this use as an interim use, thus why a five (5) year time limit on the use is recommended (Condition 2.a). Impact to surrounding properties is minimized through compliance with Zoning Ordinance requirements (Conditions 2.c and 2.d).

This request does not include all of the parcels leased to Garden Traditions. Most of the property located between Pinehurst Street and Melba Street (north/south boundary) and Route 1 and Elokom Avenue (west/east boundary) is leased to Garden Traditions. This current request is only for the portion of the Garden Traditions site that is zoned Agricultural (A). Figure 3, below, shows all the property leased to Garden Traditions outlined in blue, the zoning on the site with Agricultural (A) in white and General Business (C-5) in red, and the parcels currently being actively used by the business indicated with orange dots. **This request is only for the parcels in white and does not include the parcels in red.** Those parcels that do not have orange dots are not being used at this time for Garden Traditions to display items for sale, and expansion of the site to include these parcels would require site plan review as they were not included in the approved site plan for Garden Traditions (Site Plan 02PR0182).



Figure 3: Property Leased to and Used by Garden Traditions and Zoning of Parcels Included in Request

Current Zoning Map



Map 1: Subject Property

Case #: 21SN0708

Acreage: 1.62

Address: 10401, 10411, 10431 JEFFERSON DAVIS HWY,
10400, 10420 ELOKOMIN AVE

GPIN'S: 795-665-6610, 795-665-7102, 795-664-7592,
795-665-8407, 795-664-8967



 Resource Protection Area

 Streams

Supplemental Analysis

Community Enhancement

No comment on this request.

Environmental Engineering

The subject properties are located within the Proctors Creek Watershed.

If greater than 2,500 square feet of total land disturbance will occur as a result of any proposed improvements or modifications associated with the conditional use, a land disturbance permit will be required. If greater than 2,500 square feet will be disturbed with any proposed improvements associated with the conditional use, 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 Centralia Fire Station, Company Number 17

Additional Information

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

Police

Division	Beat	District
Falling Creek	52	Bermuda

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. This request will permit the continued operation of the existing business as approved with Case 11SN0250. The anticipated traffic impact of the proposal has been evaluated and it will have a similar impact as the previously approved conditional use.

Access to major arterials, such as Route 1/301, should be controlled. Currently, the applicant operates the commercial development on the subject property. No direct vehicular access will be provided from the subject property of this request to Route 1/301 in accordance with Condition 1. Access to Route 1/301 can be provided through the access that currently serves the existing commercial development on the adjacent property that is not part of this request.

Transportation - Virginia Department of Transportation

This zoning case is a local matter and Virginia Department of Transportation (VDOT) has no comment at this time.

Utilities – Water and Wastewater

The existing commercial office structure on the request site is connected to the public water and wastewater systems. The request to renew the conditional use to permit the sale of sheds will have no additional impact on the public water and wastewater systems. The Utilities Department supports this request.

Community Engagement & Public Hearings

Community Meeting

With approval from the district's Planning Commissioner, the applicant sent letters to adjacent property owners notifying them about the request in lieu of hosting a community meeting. No feedback was received from the letter recipients.

Conditions

1. **Access.** There shall be no direct vehicular access from the property to Route 1/301 or Pinehurst Street. (T)
2. **Use & Use Restrictions.** Display sheds, garages, carports and house sales, including "shell" house sales, shall be permitted subject to the following restrictions:
 - a. This use shall be granted for a period of five (5) years from the date of approval and shall be limited to Melvin L. Fisher's use only and shall not be transferable nor run with the land.
 - b. No goods shall be produced on the premises for retail sale.
 - c. Except for a self-supporting office building without a permanent foundation located on 10431 Route 1, all display areas, buildings, drives and parking areas shall have a minimum twenty-five (25) feet setback from the ultimate right-of-way of Route 1/301. Within this setback, existing landscaping shall be maintained in accordance with Zoning Ordinance requirements for perimeter landscaping B.
 - d. Such use shall comply with the development requirements of the Zoning Ordinance for the Northern Route 1 Highway Design District for Commercial Uses.
 - e. The only improvements permitted shall be the placement of display sheds, garages, carports and shell houses for sale, driveways, parking areas and required landscaping as stated herein; provided that the display sheds, garages, carports and shell houses for sale are self-supporting or self-contained units without permanent foundations that are capable of being easily removed intact from the site. (P)

Case Contacts

Applicant

- **Applicant's Contact:**
Hunter Garrett (804-743-9522)
gardentradiations@gmail.com

District Planning Commissioner

- Gib Sloan (804-892-5633)
sloang@chesterfield.gov

Staff

- **Planning Department Case Manager:** Summer Morris (804-751-4151) morrissu@chesterfield.gov
- **Community Enhancement:** Carl Schlaudt (804-318-8674) schlaudtc@chesterfield.gov
- **Environmental Engineering:** Rebecca Rochet (804-748-1028) rochetr@chesterfield.gov
- **Fire & Emergency Medical Services:** Anthony Batten (804-717-6167) battena@chesterfield.gov
- **Police:** Jim Eicher (804-318-8693) eicherj@chesterfield.gov
- **Transportation - County Department of Transportation:** Steve Adams (804-751-4461)
adamsst@chesterfield.gov
- **Transportation - Virginia Department of Transportation:** Willie Gordon (804-674-2907)
willie.gordon@vdot.virginia.gov
- **Utilities:** Randy Phelps (804-796-7126) phelpsc@chesterfield.gov