



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201700001 North Garden Farmers Market Community Church	Staff: Scott Clark, Senior Planner
Planning Commission Public Hearing: March 21, 2017	Board of Supervisors Hearing: TBA
Owner(s): North Garden Volunteer Fire Company, Inc.	Applicant(s): North Garden Volunteer Fire Company, Inc.
Acreage: 4.53 acres	Special Use Permit for: Farmers' market under section 10.2.2.54 of the zoning ordinance
TMP: Tax Map Parcel 088000000006A1 Location: Monacan Trail Road (US 29) and Red Hill School Road (Route 760)	By-right use: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Samuel Miller	Proffers/Conditions: Yes
School District: Red Hill Elementary – Walton Middle – Monticello High School	
Requested # of Dwelling Units/Lots: none	DA - RA - X
Proposal: Farmer's market	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
Character of Property: The 4.53-acre lot is largely open and includes a large pond	Use of Surrounding Properties: Surrounding properties include residential lots of varied sizes and some larger farm parcels.
Factors Favorable: 1. Farmers' market support local agricultural production and therefore are supportive of Comprehensive Plan goals. 2. No permanent improvements are needed for the use. 3. The site has an existing permitted entrance on Red Hill School Road, allowing the use to operate without generating conflicts with higher-speed traffic on US 29.	Factors Unfavorable: None.
Recommendation: Staff recommends approval with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:
PROJECT:

Scott Clark, Senior Planner
March 21, 2017
TBD
SP201700001 North Garden Farmers' Market

PETITION:

MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL(S): 08800-00-00-006A1
LOCATION: Monacan Trail Road (US 29) and Red Hill School Road (Route 760)
PROPOSAL: Farmers' market
PETITION: Farmers' market under section 10.2.2.54 of the zoning ordinance
ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): Entrance Corridor
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

CHARACTER OF THE AREA:

This portion of the Rural Areas includes both areas of residential development and some larger farm parcels. The land is largely open, with some wooded patches. US 29 is a designated Entrance Corridor. The Red Hill quarry lies approximately 0.8 miles to the southeast on a wooded ridge.

PLANNING AND ZONING HISTORY:

SP20170001: On December 5, 2007, the Board approved this special use permit request for two additional development rights for parcel 88-6A1, which at that point was 9.62 acres. The purpose of the request was to create an additional residential lot, and to allow a portion of the property to be transferred to the North Garden Volunteer Fire Department for their use. (The property includes a pond that is used as source of fire-suppression water.) The conditions of approval for this special use permit require that the fire-department property not be used for residential purposes, and that no permanent structures be built there.

DETAILS OF THE PROPOSAL:

The request is for a farmers' market that would operate on the fire department property one day per week from April through November. The market would have space and parking for 20 vendors and parking for 45 guest vehicles. The market would use the property's existing entrance on Red Hill School Road. See attachment C for the proposed conceptual plan.

COMMUNITY MEETING:

The community meeting was held at the North Garden Volunteer Fire Department on February 22nd, 2017. Several members of the public attended the meeting. Comments were generally supportive of the use. One adjacent landowner requested that the applicants move the proposed portable toilets to a less visible location than originally proposed. Another suggested that an unpaved entrance on US 29, which would not be used for the market, be closed during market operations. Both changes are reflected on the current conceptual plan.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

The use is occasional in nature and will not require any construction. The applicants have stated that no lighting or amplified sounds would be used for the market, and staff's proposed conditions of approval reflect those restrictions. Staff does not believe that the proposed use would create a substantial detriment.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

The character of this portion of the RA district is agricultural and residential. Occasional market use of an open field will not change that character. Sales of local agricultural goods will support the agricultural character of the district.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.

One of the purposes of the RA Rural Areas zoning district is "[p]reservation of agricultural and forestal lands and activities." Operation of a farmers' market for local agricultural goods helps with the preservation of agricultural lands and activities by providing producers with income from their agricultural products and value-added goods.

...with the uses permitted by right in the district

Farmers' markets are compatible with agricultural uses. This particular market would be compatible with the nearby by-right residential uses due to its non-permanent nature and minimal physical impacts.

...with the regulations provided in section 5 as applicable.

The following portions of Section 5.1.47 apply to farmers' markets that require special use permits:

5.1.47 FARM STANDS AND FARMERS' MARKETS

Each farm stand and farmers' market shall be subject to the following, as applicable:

- a. *Zoning clearance. Notwithstanding any other provision of this chapter, each farm stand or farmers' market shall obtain approval of a zoning clearance issued by the zoning administrator as provided by section 31.5 before the use is established as provided herein:*

1. *Application. Each application for a zoning clearance shall include a letter or other evidence from the Virginia Department of Transportation establishing that it has approved the entrance from the public street to the proposed use and:*

The Virginia Department of Transportation (VDOT) has stated that the existing entrance on the property has an active entrance permit and is "generally acceptable." Some minor maintenance is needed. A note on the conceptual plan states that the applicants will contact VDOT for maintenance requirements.

- b. *Farmers' markets. For farmers' markets, a site plan showing only the details not excepted under section 32.3.5(a).*

Staff has consulted with the Site Review Committee (SRC). All members of the SRC believed that the provided conceptual plan for the special use permit addressed their site-planning concerns and that no additional site information was needed.

- b. *Structure size. Structures used in conjunction with a farm stand or farmers' market shall comply with*

the following:

1. Farmers' markets. Any new or existing permanent structure may be used for a farmers' market without limitation to its size.

No structures are proposed for this market.

b. Yards. Notwithstanding any other provision of this chapter, the following minimum front, side and rear yard requirements shall apply to a farm stand or farmers' market:

1. New permanent structures and temporary structures. The minimum front, side and rear yards required for any new permanent structure or temporary structure shall be as provided in the bulk and area regulations established for the applicable zoning district, provided that the minimum front yard on an existing public road in the rural areas (RA) district shall be thirty-five (35) feet. The minimum required yard may be reduced by special exception upon consideration of the following: (i) there is no detriment to the abutting lot; (ii) there is no harm to the public health, safety or welfare; and (iii) written consent has been provided by the owner of the abutting lot consenting to the reduction.

No structures are proposed, so these restrictions do not apply.

2. Existing permanent structures. If an existing permanent structure does not satisfy any minimum yard requirement under subsection 5.1.47(c)(1), the minimum yard required shall be the distance between the existing permanent structure and the street, road, access easement or lot line on May 5, 2010 and that distance shall not be thereafter reduced. An enlargement or expansion of the structure shall be no closer to a street, road, access easement or lot line than the existing structure.

There are no existing structures on the site.

d. Parking. Notwithstanding any provision of section 4.12, the following minimum parking requirements shall apply to a farm stand or farmers' market:

1. Number of spaces. Each use shall provide one (1) parking space per two hundred (200) square feet of retail area.

The conceptual plan shows 10,000 square feet of retail area, which would require 50 parking spaces. The plan provides 65 parking spaces, including 45 guest spaces and 20 vendor spaces.

2. Location. No parking space shall be located closer than ten (10) feet to any public street right-of-way.

The parking layout on the conceptual plan meets this criterion.

3. Design and improvements. In conjunction with each request for approval of a zoning clearance, the zoning administrator shall identify the applicable parking design and improvements required that are at least the minimum necessary to protect the public health, safety and welfare by providing safe ingress and egress to and from the site, safe vehicular and pedestrian circulation on the site, and the control of dust as deemed appropriate in the context of the use. The zoning administrator shall consult with the county engineer, who shall advise the zoning administrator as to the minimum design and improvements. Compliance with the identified parking design and improvements shall be a condition of approval of the zoning clearance.

The parking design shown on the conceptual has been reviewed by County zoning and engineering staff, who had no objections. The applicant worked with the County Engineer to develop a maintenance plan for the parking spaces and travelways, to ensure that any damage to the ground surface is repaired. Note 3 on the conceptual plan provides for maintenance of the parking area.

...and with the public health, safety and general welfare.

The market entrance would be on Red Hill School Road and not on US 29. This prevents conflicts between high-speed traffic and slower vehicles entering or existing driveways. The property also has an informal, unpaved entrance on US 29. As shown on the conceptual plan, that entrance would be roped off and signed as closed during all market operations.

The Red Hill School Road entrance already has a VDOT entrance permit. VDOT has found that the entrance is sufficient for the use. Some maintenance will be needed before the use begins, but constructed entrance improvements are not necessary.

The Water Protection Ordinance mandates a 100-foot stream buffer around the pond on the property. In order to prevent parking or vehicle traffic within that buffer, the applicant will install “No Vehicles Beyond This Point” signs at the edge of the buffer.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

The proposed farmers’ market would provide a local sales outlet for locally-produced agricultural goods. As this would provide an economic benefit for local farms, the use would support the County’s comprehensive-plan goals for protecting agricultural uses and resources.

SUMMARY:

Staff has identified the following factors favorable to this proposal:

1. Farmers’ market support local agricultural production and therefore are supportive of Comprehensive Plan goals.
2. No permanent improvements are needed for the use.
3. The site has an existing permitted entrance on Red Hill School Road, allowing the use to operate without generating conflicts with higher-speed traffic on US 29.

Staff has identified no factors unfavorable to this proposal.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP201700001 North Garden Farmers’ Market with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled “Red Hill Farmers Market” prepared by Shimp Engineering, P.C., and dated 03-01-2017 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator.
2. The use shall operate only through the months of April through November of each year.
3. The use shall operate no more than one day per calendar week.
4. The use shall operate no earlier than 8:00 a.m. and no later than 8:00 p.m.
5. No amplified sound and no lighting shall be installed or used for the market use.

6. If the use, structure, or activity for which this special use permit is issued is not commenced by [date two years from Board approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

Motions:

- A. Should the Planning Commission choose to recommend approval of this special use permit:

I move to recommend approval of SP201700001 North Garden Farmers' Market with the conditions outlined in the staff report.

- B. Should the Planning Commission choose to recommend denial of this special use permit:

I move to recommend denial of SP201700001 North Garden Farmers' Market. (*Planning Commission needs to give a reason for denial*)

ATTACHMENTS

Attachment A – [Area Map](#)

Attachment B – [Site Map](#)

Attachment C – [Conceptual Plan](#)