



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201700004 James River Runners Amendment	Staff: David Fox, Neighborhood Planner
Planning Commission Public Hearing: February 6, 2018	Board of Supervisors Hearing: TBA
Owner(s): Christopher & Paige Wilkes (existing), Earl Hocker, Catherine Knowland, Eva Pierce (expansion)	Applicant(s): Chris Wilkes
Acreage: 2.93 current use, 1.8 acres expansion	Special Use Permit for: Canoe Livery and accessory Camping
TMP: Tax Map Parcel 136-12 & 12A (current), 136-14A (expanded) Location: Hatton Ferry Road	By-right use: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Scottsville	Proffers/Conditions: Yes
School District: Scottsville Elementary – Walton Middle – Monticello High School	
Requested # of Dwelling Units/Lots: none	DA RA - X
Proposal: Amend SP197800074 special use permit for canoe livery by expanding the camping area accessory to the canoe livery on to parcel 13600-00-00-014A0	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 proposed expansion area is an open field, with scattered larger trees. There are no permanent improvements on the site.	Use of Surrounding Properties: Surrounding properties are rural, agricultural lands. The Hatton Ferry boathouse is between the existing campground and the proposed expansion.
Factors Favorable: 1. The proposal brings into compliance a longstanding use that has not resulted in significant impacts to the site or surrounding area. 2. No permanent improvements are needed or requested with the use.	Factors Unfavorable: None.
Recommendation: Staff recommends approval with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

David Fox, Neighborhood Planner
February 6, 2018
TBD

SP201700004 James River Runners Amendment

PETITION:

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL(S): 13600-00-00-012A0, 13600-00-00-014A0

LOCATION: 10092 Hatton Ferry Rd.

PROPOSAL: Amend SP197800074 special use permit for canoe livery by expanding the camping area accessory to the canoe livery onto parcel 13600-00-00-014A0.

PETITION: Expansion of canoe livery with accessory camping under Section 10.2.2.29 of the Zoning Ordinance, which permits boat landings and canoe liveries.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). Flood Hazard Overlay-

OVERLAY DISTRICT(S): Flood Hazard Overlay District

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:

The site is located adjacent to the James River in a part of the Rural Areas that remains primarily agricultural in use. See Attachment A for an area map, and Attachment B for a map of the site.

PLANNING AND ZONING HISTORY:

SP197800074: On January 3, 1978, the Board of Supervisors approved a Special Use Permit for boating, canoe, livery, recreational activity on 14.5 acres, subject to conditions (See Attachment C).

SDP197900022: On February 20, 1979, the Planning Commission approved the site plan required by SP197900074.

On August 8, 1991, the Zoning Official issued an Official Notice of No Violation Found, in response to complaint 91-100, finding that camping was an allowed activity.

In late 2016, the Zoning Administrator identified a problem with the location of camping on Parcel 136-14A, which was not a parcel included with approval of SP197800074. The current SP application is intended to rectify this situation.

DETAILS OF THE PROPOSAL:

The applicant's description and justification for the request is provided with Attachment C. The existing special use permit allows camping as an accessory use to the canoe livery on Parcels 136-12 and 136-12A only. At present only parcel 136-12A, which contains 2.93 acres, is used for the canoe livery and owned by the applicant. The owners of parcel 136-14A have given permission for the applicant to formally expand this use onto their property (1.8 acres). Nine primitive campsites are in use on Parcel 136-12A. This application seeks to correct a zoning violation and allow the continued use of five primitive campsites on Parcel 136-14A. Campsites would accommodate a maximum of ten people each who are canoe livery customers. The campsites are not available for use by the public. Use would be restricted to the boating season months of March through September. No additional uses or structures are requested with this application.

COMMUNITY MEETING:

The community meeting was held at Scottsville Council Chambers in Victory Hall on November 21, 2017. Six members of the public, one employee of the livery, the applicant, Supervisor Randolph, and David Fox attended the meeting. Concerns expressed by the attendees largely focused on past occurrences of fireworks use on the site, and current traffic and driver behavior on Hatton Ferry Road.

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.

Use of Parcel 136-14A for camping has been occurring for several years without major incident. Neighbors raised concerns with special events and/or firework displays, neither of which are being proposed with the campground. This use is occasional in nature and will not require any construction. The applicant has stated that amplified sound will not be allowed, fireworks prohibited, quiet hours will be established and enforced, 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. Seasonal use of campsites will not change that character. Operation of the canoe livery supports recreational access and employment in the rural area. This use has been ongoing on TMP 136-12A since 1978.

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

The use proposes no new improvements, so will not result in any permanent changes that make the property unsuitable for future agricultural or conservation purposes.

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

The use will not interfere with by-right uses in the RA district, including agricultural and residential uses.

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

There are no additional regulations in section 5 for canoe liveries.

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

The applicant has demonstrated compliance with the relevant Virginian Department of Health regulations related to maintaining a primitive campground. VDOT has no objections to the proposed use (see Attachment E). The use of fireworks will be prohibited by the applicant. No identified historic resources will be impacted by this proposal.

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

The use is compatible with the County’s comprehensive plan goals:

Strategy 1c: Promote tourism that helps preserve scenic, historic, and natural resources. (Economic Development Chapter)

Canoeing and camping responsibly helps tourists enjoy the County’s natural resources without causing negative impacts.

Objective 4: Provide access points to greenways and blueways.

Strategy 4b: Provide boat access at appropriate locations along the Rivanna River, the Rivanna Reservoir, and the James River. Target access or improvements to access points at the locations listed in the Greenway Plan. Details are provided in the Appendix to this Plan.

A public greenway is proposed along the James River in Southern Albemarle County, with river access points in several locations. The James River is a water resource that promotes tourism within the Commonwealth and enables residents and visitors to enjoy and appreciate the state’s natural resources. Provision of a campsite for visitors to the river aids in tourism efforts of the County.

SUMMARY:

Staff believes that formal establishment of camping on Parcel 136-14A can take place without causing harm to natural resources or neighbors, provided that the applicant adheres to proposed conditions.

Staff has identified the following factors favorable to this proposal:

1. No permanent improvements are needed for this use.
2. The proposal brings into compliance a longstanding use that has not resulted in significant impacts to the site or surrounding area.

Staff has identified no factors unfavorable to this proposal.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP20170004 James River Runners Amendment with the following conditions:

1. Accessory structures within the floodplain shall be constructed and secured in accordance with County Code § 18-30.3.15.
2. The use of fireworks on the property shall be prohibited.
3. The owner shall establish and enforce Campground Quiet Hours, as approved by the Zoning Administrator, for the hours between 10 pm and 6 am.
4. No amplified sound or permanent lighting shall be installed or used on the property.

Motions:

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

I move to recommend approval of SP20170004 James River Runners Amendment 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 SP201700004 James River Runners Amendment Community Church. (*Planning Commission needs to give a reason for denial*)

ATTACHMENTS

Attachment A – Area Map

Attachment B – Site Map

Attachment C – Existing SP Conditions for SP197800074

Attachment D – Applicant's Narrative

Attachment E – E-mail from Adam Moore PE, VDOT