

# **Planning Commission Staff Report**

Case: C-20-6  
Applicant: Barry Shayne Tucker  
CUP Request: To operate a business repairing ATV's and UTV's when screened from view and 200 feet from the road right-of-way  
Property Location: 13003 Hatcher Dr. Church Road, VA  
Tax Map Parcel #: 29-64  
Property Size: approx. 118.82 acres  
Current Zoning: Agricultural, General, A-2  
Magisterial District: Namozine  
Planning Commission Mtg.: July 15, 2020

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## **CUP REQUEST**

The applicant, Barry Shayne Tucker, is seeking a conditional use permit to operate a business that repairs ATV's and UTV's, screened from view and 200 feet from the road right-of-way, on property containing approximately 118.82 acres. The property is located at 13003 Hatcher Dr., Church Road, VA, and is further designated as Tax Map No. 29-64. The property is zoned A-2, Agricultural General, which may be changed to allow such use upon receiving a conditional use permit. The County's Comprehensive Land Use Plan places this property within the Rural Conservation Area which allows limited commercial, service development at the Ordinance defined density.

## **RELATED ATTACHMENTS**

- CUP Application
- Location Map

## **ZONING ANALYSIS**

All adjacent properties are zoned Agricultural, General, A-2. The surrounding properties consist of a single-family dwellings to the west and the remainder of the surrounding property consists of large acreage farmland and forestal land uses.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to develop as agricultural and forestal, low density single-family residential, and natural conservations areas.

## **OVERVIEW OF IMPACTS**

This request is not expected to introduce new impacts to the surrounding properties as the business will be located approximately 210 feet inward to the property from Hatcher Dr. and any outdoor operations and storage will be screened from view.

### **Public Utilities, School System, & Public Safety Impacts**

The existing utilities are handled on-site and there is no expected impact to the school system, as related to the subject business. Public safety or community issues related with the proposed use are minimized by the proposed conditions associated with this permit.

Transportation Impacts

The proposed business activity is located as part of the existing single-family residence, which is located on a private drive and does not present detrimental impacts on the transportation network, and the applicant's current entrance is to be utilized.

**SITE AND USE ANALYSIS**

The request to operate a business on the subject property repairing ATV's and UTV's, screened from view and 200 feet from state road right-of-way is an appropriate use of the property, and given the configuration of the surrounding land uses and given the surrounding zoning pattern, the use is appropriately located.

As designated by the Comprehensive Land Use Plan, the subject property is within the Rural Conservation Area. As such, the Comprehensive Plan states that this general area is expected to develop as low density residential, agricultural and natural conservations areas.

Although the Comprehensive Land Use Plan does not specially recommend commercial activities within the Rural Conservation Area, staff believes that the impacts of operating the ATV and UTV repair business on the subject property will be minimized based on the proposed location of the proposed business on the subject property with the existing building to house repair operations, and with adherence to the proposed conditions of the conditional use permit.

**Planning Staff Recommendation:**

Planning staff reviewed the request for the conditional use permit and is satisfied that the impacts of operating a business repairing ATV's and UTV's equipment a minimum of 200 feet from the road right-of-way when screened from view on the subject property will be minimized based on adherence to the proposed conditions.

Staff's recommendation of APPROVAL of the conditional use permit to operate a business repairing automobiles and equipment when screened from view is subject to the following conditions:

C-20-6 Conditions:

1. The use shall be limited to the repair of ATV's and UTV's when screened from view and 200 feet from the right-of-way associated with Hatcher Dr. with a conditional use permit as identified in the Land Use Amendment Application.
2. Buildings constructed as part of the business repairing ATV's and UTV's shall meet the applicable Fire Code requirements as set forth in the Fire Code, as amended, and Building Code requirements as set forth in the Building Code, as amended;
3. The property shall meet all required development standards for this type of business as required by Chapter 22 of the Dinwiddie County Code, as amended;
4. Site lighting installed shall be directed downward and inward to the subject property to preserve the night sky and shall not directly cast light onto the adjoining properties;
5. All outdoor activities associated with the repair of automobiles and equipment shall be conducted between the hours of 7:00 AM and 10:00 PM;
6. All repair and/or storage of ATV's and UTV's will either be conducted indoors or screened from public view;
7. All activities associated with the repair and/or storage of ATV's and UTV's shall comply with all applicable federal, state, and local codes; and

8. This conditional use permit is subject to be reviewed by the Zoning Administrator of Dinwiddie County on an annual basis from the date of issuance of the conditional use permit. Failure to abide by these conditions may result in legal action.

### **PLANNING COMMISSION RECOMMENDATION**

Since this is a zoning matter, the standard statement regarding the Planning Commission recommendation on this zoning matter must be read. In order to assist, staff prepared the following statement:

**BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that conditional use permit, C-20-6, as presented to repair ATV's and UTV's when screened from view and 200 feet from the road right-of-way be recommended for (approval, approval with conditions, OR disapproval) to the Board of Supervisors.**