



REZ2016-00018

Carole M. Weinstein, LLC

Staff Report for Board of Supervisors Public Hearing
Prepared June 30, 2016

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

I. PUBLIC HEARINGS:

Planning Commission:	June 9, 2016	Recommended for approval
Board of Supervisors:	July 12, 2016	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request: Amend proffered conditions accepted with rezoning case REZ2015-00001 related to permitted uses, deliveries, signage, and hours of operation to allow all-electric vehicle sales, and service

Existing Zoning: B-3C, Business District (Conditional)

Acreage: 2.18 Acres

Location: West line of Stillman Parkway approximately 330' north of its intersection with W. Broad Street (U.S. Route 250)

Magisterial District: Three Chopt

Land Use Plan Recommendation: Commercial Arterial

Parcel No: 753-759-8339

Zoning of Surrounding Properties:

North:	O-2 (Springfield Broad West office park)
South:	B-2C (East Coast gas station/convenience store, IHOP)
East:	O-2 (Springfield Broad office park), O-2C (Phoenix University access)
West:	B-2C (Broad Street Plaza shopping center)

III. SUMMARY OF STAFF REPORT COMMENTS:

This request would amend proffers accepted with case REZ2015-00001 in order to allow use of a currently vacant building for the sale and service of all-electric vehicles. The property is zoned B-3C and is recommended for Commercial Arterial in the 2026 Comprehensive Plan.

The proposed use is consistent with the 2026 Plan designation, compatible with surrounding uses, and supports the Plan's policies encouraging infill development. For these reasons, staff supports this request.

The Planning Commission recommended this request for approval during the June 9, 2016 hearing.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site consists of 2.18 acres and is located on the west line of Stillman Parkway just north of W. Broad Street (U.S. Route 250). A vacant 29,831 sq. ft. one-story commercial building is located in the middle of the parcel. The front parking lot is accessed from the adjacent shopping center drive, and two loading bays in the rear are accessed from Stillman Parkway.

The property was originally rezoned to B-2C in 1991 to allow retail uses, then developed in 1998 as a Bassett furniture store which operated on the parcel until 2012. In 2015, the site was rezoned to B-3C to accommodate two potential new uses: mattress assembly/sales, and a gym/health club. Except for the temporary operation of short-term retail tenants, the existing building has remained vacant since 2012.

Adjacent property to the west was zoned B-2C in 1991 and is developed as a shopping center. To the north and east are properties zoned O-2 and developed as office uses. Farther to the north is the Springfield Woods townhouse community, zoned RTH Residential Townhouse District. To the south, separating the site from W. Broad Street, is property zoned B-2C developed as a gas station and convenience store. A provisional use permit was approved in 1993 allowing the gas station to operate 24 hours per day.

Similar to the 2015 request for limited changes to accommodate a potential tenant, the applicant wishes to amend the proffers of case REZ2015-00001 to allow Tesla Motors to operate a sales showroom, including outdoor charging stations and an indoor maintenance facility. This would be the only B-3 use allowed, and no other changes to allowed or prohibited uses are proposed. Hours of operation would be expanded, but only for indoor vehicle servicing, outdoor charging stations, and to allow Sunday deliveries. Signage would be subject to B-2 regulations rather than B-1 as before. Most other previously approved proffers would be carried forward, except those no longer applicable as they pertain to the original and completed development of the site.

The subject property is designated Commercial Arterial in the 2026 Comprehensive Plan. As stated in the 2026 Plan, this recommendation is "applied to land intended to accommodate both wholesale and retail sales and service establishments that may function independent of adjoining development and require individual access to a roadway." The applicant's request is consistent with this designation and would be compatible with the level of development and daily activities on adjacent commercial properties. For these reasons, staff supports the request.

The Planning Commission recommended this request for approval during the June 9, 2016 hearing.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Recommendation:

The 2026 Comprehensive Plan recommends Commercial Arterial. The requested zoning amendment and uses are consistent with this designation.

Vision, Goals, Objectives, and Policies:

This request is most consistent with the Vision, Goals, Objectives, and Policies of the 2026 Comprehensive Plan as listed below:

- Land Use and Community Character Objective 8: Encourage diverse mixtures and forms of development to support the economic tax base of the County.
- General Development Policy 6: Encourage compatible infill, redevelopment and development in proximity to existing development and services when appropriate to avoid "leap frog" growth patterns which may result in higher service costs.
- Infrastructure/Service Provision & Growth Coordination Objective 6: The County will encourage the sensitive infill development of vacant or under-utilized parcels in more developed areas of the County to more efficiently utilize existing public facilities.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

No issues with this request.

Drainage:

No comments.

Public Utilities Services:

The Department of Utilities has no objections to this request. The existing structure on the property is currently connected to County water and sewer.

Schools

No comments.

Division of Fire:

No comments.

Division of Police:

No comments.

Libraries:

No comments.

Recreation and Parks:

No park or recreation facilities, historical, archeological or battlefield impact.

Community Revitalization:

No comments.

Topography and Land Characteristics Adaptability:

There are no known topographical constraints affecting this request.

REZ2016-018 Proffers (4/14/16 version)

- ~~1. **Protective Covenants.** Prior to or within sixty (60) days of the approval of a Plan of Development by the County for any portion of the Property but before the conveyance of any portion of the Property (other than for the dedication of easements, roads or utilities), there shall be recorded in the Clerk's office of the Circuit Court of Henrico County, Virginia, a document setting forth controls on the development and maintenance of such portions of the Property and a copy of said document and the recordation receipt therefor shall be mailed or delivered to the Director of Planning within ten (10) days of the recordation thereof. Notwithstanding anything herein contained to the contrary, the County shall have no obligation or liability of any kind or nature whatsoever for the enforcement of any of the specific terms and conditions of said protective or restrictive covenants.~~
- ~~2. **Conceptual Master Plan.** A conceptual Master Plan for the entire project to be constructed on the Property shall be submitted with the first request for Plan of Development approval and shall be updated with each subsequent request for Plan of Development approval.~~

CASE NO. REZ2016-00018 PROFFERED CONDITIONS

1. 3. Architectural Treatment.

- a. ~~(a)~~ The exposed portion of each exterior wall surface (front, rear and sides) of every building constructed on the Property (excluding rooftop screening materials for mechanical equipment) shall be similar to the exposed portions of other exterior walls of such building in architectural treatment and materials.
- b. ~~(b)~~ All buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass, drivit or stucco if applied to a masonry surface, or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. No building shall be covered with or have exposed to view any unpainted or unfinished concrete masonry units, sheet or corrugated aluminum, asbestos or metal, unless otherwise specifically requested and approved by the Planning Commission at the time of Plan of Development review.

2. 4. Landscaped Buffers. A natural and/or landscaped buffer will be provided twenty-five (25) feet in width adjacent to the right-of-way line of Stillman Parkway, except to the extent necessary or allowed for sidewalks, utility easements, grading, drainage, signage and access driveways and other purposes requested and specifically permitted, or if required, by the Planning Commission at the time of subdivision approval and/or Plan of Development review, or by any other governmental body. Any utility easement or use permitted within the aforesaid buffer area, except for sidewalks, shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted, or if required, by the County at the time of Plan of Development review and

where permitted, areas disturbed for utility installations shall be restored to the extent reasonably practical.

~~5. **Detention Basins.** Stormwater detention basins shall be continually maintained, including but not limited to regular grass cutting with a bagging type mower or a substantially equivalent service, pick up of trash, debris, dead plant material, leaves and any other foreign matter which may serve to either degrade the proper functioning of the basin or create an eyesore or nuisance.~~

3. ~~6.~~ **Parking Lot Lighting.** All parking lot lighting standards will not exceed twenty (20) feet in height above grade level. Parking lot lighting shall be produced from a concealed source of light (such as "shoe box" type) and shall be reduced to no more than one-half (1/2) foot candle at the property lines following the close of business operations.

4. ~~7.~~ **HVAC.** Rooftop heating and air conditioning equipment ~~shall be~~ shall be screened from public view at ground level at the property lines by means of parapets or other architectural features, in a manner approved by the Planning commission at the time of Plan of Development review.

5. ~~8.~~ **Central Trash Receptacles.** Central trash receptacles, not including convenience cans, shall be screened from public view at ground level, in a manner approved by the Planning Commission at the time of Plan of Development review and trash pick up from the site shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday.

6. ~~9.~~ **Building Heights.** No building constructed on the Property shall exceed ~~the lesser of two (2) stories or~~ thirty-five (35) feet in height, exclusive of chimneys or other architectural design features.

7. ~~10.~~ **Outside Speakers.** No outside loud speakers, which can be heard beyond the boundaries of the Property, shall be permitted on the Property.

8. ~~11.~~ **Signage.** Signage on the Property shall be restricted to the B-~~1~~2, Business District, requirements. ~~Pennants, banners, streamers, propellers, discs and all other fluttering, spinning or similar type signs and advertising devices shall not be permitted on the Property.~~

9. ~~12.~~ **Permitted Uses.** The floor area limitation applicable in the B-2 district shall not apply to any furniture upholstery shop, or furniture, sales, service and repair use on the Property. ~~No uses first~~ The only permitted ~~in the B-3 business district shall be permitted on the Property.~~ use shall be a showroom for the direct sale by a manufacturer of all-electric vehicles to consumers, along with exterior charging stations and vehicle service and repair accessory thereto. All uses permitted in a B-2 business district shall be permitted on the Property, except the following uses:

- a. a billiard, bagatelle, video game or a bingo parlor;
- b. a convenience food store;

- c. a massage parlor;
- d. a funeral home;
- e. a facility for the sale or display of pornographic material (as determined by community standards for the area in which the Property is located);
- f. a skating rink;
- g. a banquet hall, auditorium or other place of public assembly;
- h. a theater of any kind;
- i. an automobile filling and service station;
- j. a miniature or putt-putt golf course; ~~or~~
- k. a radio or television broadcasting station; or
- l. attention-getting devices.

10. ~~13. Deliveries.~~ Deliveries to buildings on the Property shall be restricted to the hours of 7:00 a.m. to 8:00 p.m. ~~Monday through Saturday.~~

11. ~~14. Fast Food Restaurants.~~ No "fast food" restaurants shall be permitted on the Property. For purposes here, a "fast food" restaurant is hereby defined as an establishment whose principal business is the sale of beef, ham, pork, chicken or pizza foods and beverages to consumers in a ready-to-consume state in which such foods and beverages are usually served in paper, plastic or other disposable containers or wrappers for immediate consumption either within the restaurant building or off the premises.

~~15. Additional Buffers. No building permit shall be obtained for the Property until the owner records in the Clerk's Office of the Circuit Court of Henrico County a natural and/or landscaped buffer easement twenty-five (25) feet in width adjacent to the northern boundary line of Parcel 86-A1-58 which shall be maintained by the Owner or its successors in perpetuity. Such buffer shall allow, to the extent necessary, for sidewalks, utility easements, drainage, access driveways and other purposes requested and specifically permitted or required by the Planning Commission at the time of subdivision and/or Plan of Development review, or by any other governmental body. Any utility easements or use permitted within the aforesaid buffer area shall be extended generally perpendicular to the buffer area unless otherwise requested and specifically permitted or required by the County at the time of subdivision and/or Plan of Development review and where permitted areas disturbed for utility installation shall be restored to the extent reasonably practical.~~

12. ~~16. Severance.~~ The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

~~17. **Access.** In the event the County authorizes the closure of Stillman Parkway to through vehicular traffic from West Broad Street to Springfield Road within eighteen (18) months from the date hereof, then vehicular access to and from Parcel 86 A1 10 (which adjoins the Property on the west) to or from Stillman Parkway shall be permitted across the northern portion of the Property on terms and conditions mutually agreeable to the respective owners of the aforesaid parcels of land but, if such closure is not so authorized by the County, then the aforesaid access shall not be permitted across the Property to Stillman Parkway unless otherwise required by any governmental body.~~

~~18. **Cul-de-sac.** In the event the County authorizes the closure of Stillman Parkway to through vehicular traffic from West Broad Street to Springfield Road within eighteen (18) months from the date hereof, then the design of a cul-de-sac shall be commenced by the Owner, substantially as shown on Exhibit A attached hereto, and constructed to County standards as determined by the Henrico County Department of Public Works within thirty (30) days of the written request of the County and the construction diligently pursued to completion.~~

~~19. **Sidewalks.** Subject to obtaining all required governmental easements, approvals and permits, a standard size pedestrian sidewalk shall, concurrent with the development of any portion of the Property, be installed in accordance with County standards in the County's right-of-way along the western right-of-way line of Stillman Parkway approximately as shown in green on Exhibit A attached hereto.~~

13. **20. Hours of Operation.** Hours of operation shall be as regulated in the B-2 zoning district. Any showroom for the direct sale by a manufacturer of all-electric vehicles to consumers shall not be open for the conduct of business to the public between the hours of midnight and 6:00 a.m. The foregoing shall not preclude servicing of vehicles in a completely enclosed building with bay doors closed, or the use of exterior charging stations, between midnight and 6:00 a.m. The hours of operation for any other uses on the Property shall be limited to 6:00 a.m. to midnight.

14. **No Parking in Buffers.** There shall be no parking of cars within any buffers on the Property.

CAROLE M. WEINSTEIN, L.L.C.

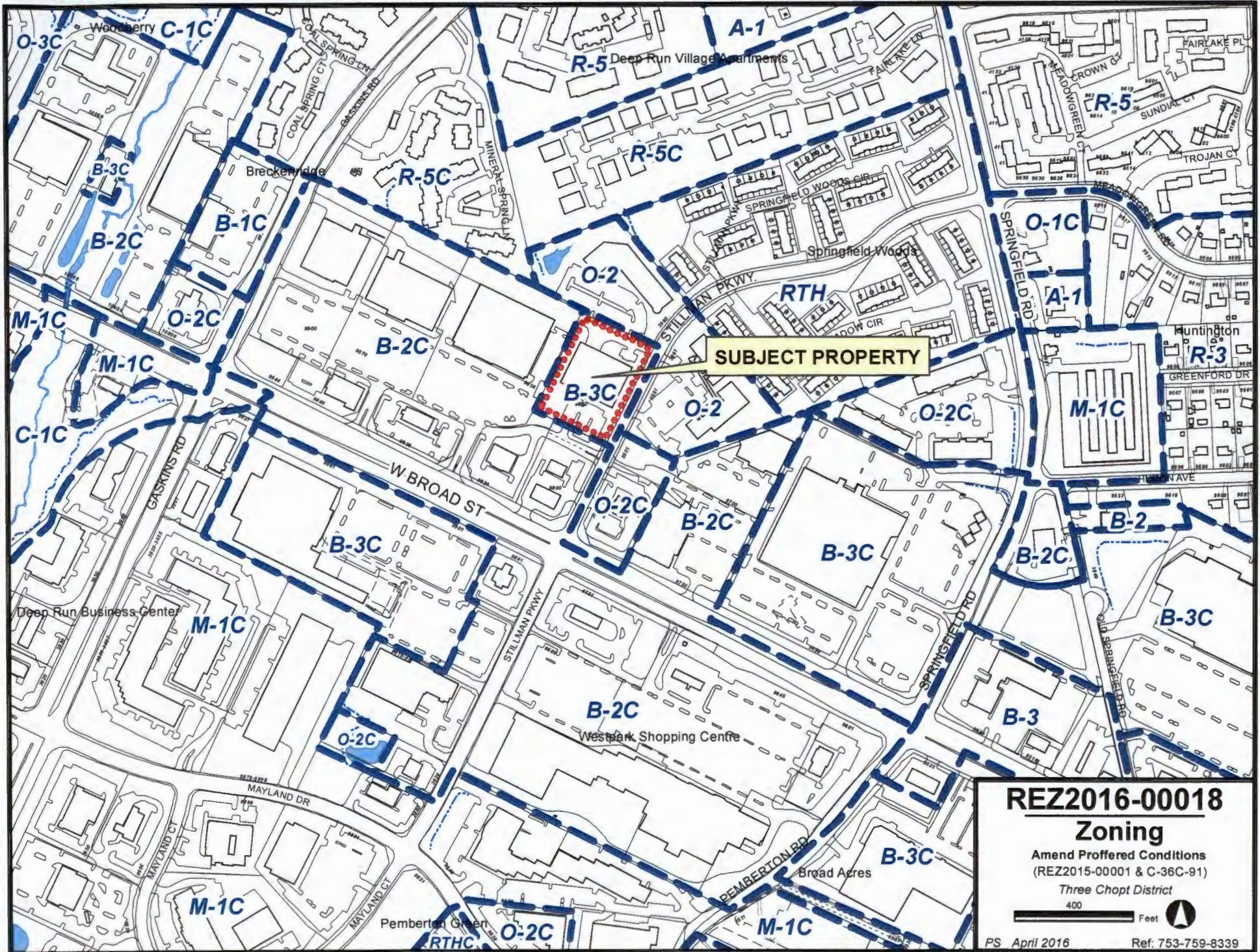
By: _____

Penny Giles, Attorney-in-Fact

~~Signature of Owner or Applicant~~ / ~~Print Name~~ _____ ~~Date~~ _____

Date: May 18, 2016

James W. Theobald, Attorney-in-Fact



SUBJECT PROPERTY

REZ2016-00018

Zoning

Amend Proffered Conditions
(REZ2015-00001 & C-36C-91)

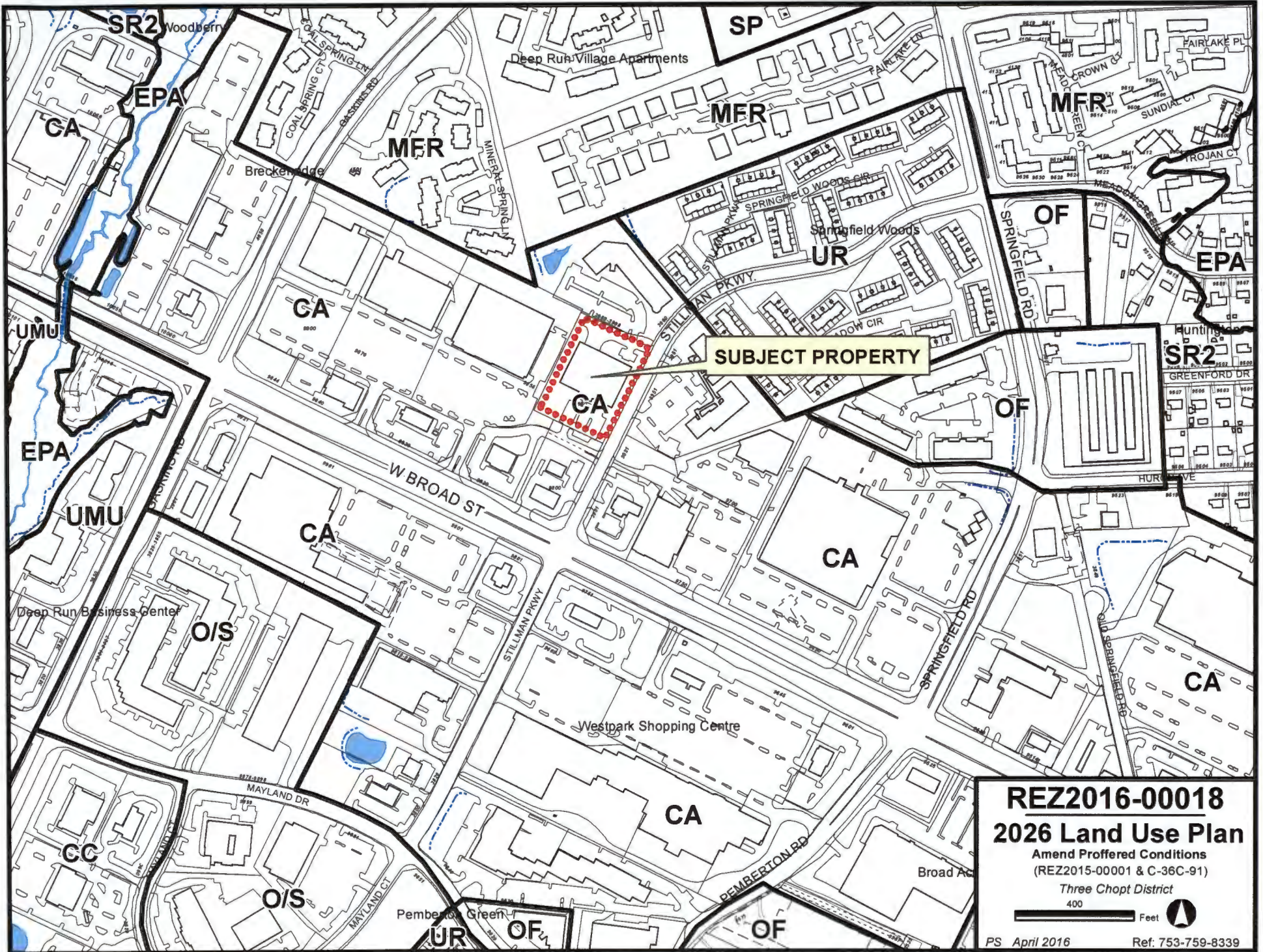
Three Chopt District

400



PS April 2016

Ref: 753-759-8339



REZ2016-00018
2026 Land Use Plan
 Amend Proffered Conditions
 (REZ2015-00001 & C-36C-91)
 Three Chopt District

400 Feet

PS April 2016 Ref: 753-759-8339