



REZ2017-00025

The Rebkee Company

Staff Report for Board of Supervisors Public Hearing
Prepared January 11, 2018

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 land use matter.

I. PUBLIC HEARINGS:

Planning Commission:	November 9, 2017	Deferred at the applicant's request
	December 7, 2017	Recommended for approval
Board of Supervisors:	January 23, 2018	Pending (<i>Deferral requested to February 27, 2018</i>)

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested:	B-2C Business District (Conditional)
Existing Zoning:	R-3 One-Family Residential District and B-1 Business District
Acreage:	2.59 acres
Proposed Use:	Convenience store with automotive fuel pumps (Wawa) <i>(Extended hours of operation requested with companion case PUP2017-00021)</i>
Location:	Northwest intersection of N. Parham and Three Chopt Roads
Magisterial District:	Three Chopt
Comprehensive Plan Recommendations:	Commercial Concentration and Suburban Residential 2
Parcel No.:	754-747-0694
Zoning of Surrounding Property:	North: R-3 One-Family Residence District South: O-1C Office District (Conditional); O-2 Office District; and B-2C Business District (Conditional) East: R-2 One-Family Residence District; R-3 One-Family Residence District; and R-6C General Residence District (Conditional) West: R-2A One-Family Residence District; and O-2C Office District (Conditional)

III. SUMMARY OF STAFF REPORT:

This request is to conditionally rezone approximately 2.59 acres from R-3 and B-1 to B-2C to allow a convenience store with automotive fuel pumps (Wawa). The applicant is also requesting extended operating hours with companion provisional use permit (PUP) case, PUP2017-00021. The 2026 Comprehensive Plan recommends Commercial Concentration for most of the site. A small, triangular portion located in the northeast corner is designated Suburban Residential 2.

Staff believes, the submitted proffers, conceptual plan, and architectural elevations would provide for a quality development with additional guarantees to minimize noise and lighting impacts on adjacent property owners. Given the existing commercial use of the site and surrounding area, other approved PUPs for extended hours in the vicinity, and the consistency with the Comprehensive Plan, staff supports the requests.

The Planning Commission recommended approval of this request at their December 7, 2017 meeting. The applicant has requested to defer this case to the February 27th meeting.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site is zoned B-1 and R-3. An automotive service station, constructed in 1970, exists on the B-1 portion and is surrounded to the north and east by approximately one and a half acres of undeveloped, wooded land zoned R-3. Adjacent to the wooded area is residential zoned property, also zoned R-3, and consists of the Windsordale subdivision (recorded in 1960) and two residential lots fronting Parham Road.

Uses to the east, across N. Parham Road, include a single-family residence, zoned R-2, an office building zoned O-1C, and to the south is a bank zoned O-2. Properties on the south line of Three Chopt Road include a U.S. Post Office and a Walgreens retail pharmacy.

The applicant proposes to conditionally rezone the entirety of the site to B-2C to redevelop and expand the automobile service station for Wawa and to potentially allow for extended hours of operation. The existing automobile service station with a convenience store is permitted in the B-1 portion of the site as a nonconforming use. The code was updated in 1988 to allow an automotive filling and service station as a provisional use in the B-1 District. In order to expand the existing use and potentially extend the hours of operation, B-2 zoning is required. Extended hours of operation also require the approval of a provisional use permit (PUP) which was also submitted by the applicant. The request will be evaluated separately, and the analysis of that request can be found in the staff report for PUP2017-00021.

The applicant has submitted proffers that would regulate the redevelopment of the site. The proffers include commitments to develop the site consistent with the attached conceptual plan and architectural elevations. The conceptual plan shows the proposed convenience store with fueling stations fronting on Three Chopt Road. Two of the four existing entrances would be eliminated. An access point, allowing right in and right out turns would be provided along N. Parham Road, and a full access point allowing both left and right turns would be provided on Three Chopt Road. The existing right turn and acceleration lane on Three Chopt Road would also be extended. The Traffic Engineer recommends sidewalks be provided along both Parham Road and Three Chopt Roads. The sidewalks are shown on the conceptual plan and would be required by Department of Public Works policy, but have not been proffered.

As shown on the elevations, the convenience store would be constructed with a combination of brick, stone and glass as specified in Proffer #3 that would regulate the exterior building materials on the site. To help minimize noise and lighting impacts on adjacent residential neighbors, the applicant has also submitted the following proffers:

- Proffer #4 provides for an eight (8) foot tall precast (Brickcrete or Fencecrete) wall would be provided consistent with the proffered conceptual plan and plantings would be supplemented within the required transitional buffer.
- Proffer #5 addresses the type of parking lot and lighting over fuel pumps to minimize glare on public roadways and adjacent properties. Direct embedded light poles and standards have been prohibited and lighting would be directed to minimize glare on roadways and adjacent properties. The height of the parking lot lighting fixtures has also been limited to 20 feet and any lighting over the fuel pumpos would be recessed, flat lens fixtures.
- Proffer #9 prohibits any music played over outside speaker systems from 7:00 p.m. to 7 a.m.
- Proffer #14 limits the hours of dumpster and parking lot servicing. Trash pickup would be limited from 7:00 a.m. to 7:00 p.m. Monday through Friday; 9:00 a.m. to 7:00 p.m. on Saturdays; with no trash pick up on Sundays. Parking lot cleaning would be permitted from 7:00 a.m. to 7:00 p.m. Monday through Friday with no cleaning Saturday or Sundays.
- Proffer #15 limits the hours of exterior construction between 7:00 a.m. and 7:00 p.m. Monday through Saturday.

The applicant has also indicated parking spaces closest to the adjacent residential property would be designated as "employee only" parking and the automobile air station would be located away from residential properties as shown on the conceptual plan.

The applicant held two community meetings on August 21, 2017 and October 23, 2017. Concerns raised included traffic, noise, lighting, the originally proposed 24-hour operation, and pedestrian safety. Staff has also received numerous phone calls, letters, and emails opposing this request, as well as a petition with over 150 signatures. Since the meeting, the applicant is in agreement with the recommended condition of one extended hour of operation at 5 a.m.

The majority of the site is designated Commercial Concentration on the 2026 Comprehensive Plan. A small triangular portion located in the northeast corner is designated Suburban Residential 2 and would not be developed. The requested zoning and agreed upon provisional use permit condition to allow for a 5 a.m. opening would be consistent with this designation.

In addition, the submitted proffers, conceptual plan, and architectural elevations would provide for a quality redevelopment of the site and minimize noise and lighting impacts on adjacent property owners. This request would be consistent with the existing commercial use, surrounding zoning and approved provisional use permits for extended hours of operation in the area. For these reasons, staff supports this request.

The Planning Commission recommended approval of this request at their December 7, 2017 meeting.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2026 Comprehensive Plan recommends Commercial Concentration for the majority of the subject property Plan with a small portion designated Suburban Residential 2. This request is consistent with the Commercial Concentration designation.

Vision, Goal, Objectives, and Policies:

This request is consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- 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: Encourage the sensitive infill development of vacant or underutilized parcels in more developed areas of the county to more efficiently utilize existing public facilities.
- Land Use and Community Character Objective 8: Encourage diverse mixtures and forms of development to support the economic tax base of the county.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

The proposed 4,700-square foot convenience store with fuel pumps (Wawa) would generate:

- Approximately 4,000 trips: 2,000 in/2,000 out.
- Of the 4,000 trips, there would be a 63% pass-by rate which would equal approximately 2,500 trips.
- Therefore, approximately 1,500 new trips would be generated (750 in/750 out) by the proposed Wawa.
- The existing BP gas station has approximately 1,630 trips with a 60% pass-by rate which equals 980 trips = 650 new trips.
- $1,500 - 650 = 850$ increase in new trips over existing gas station.

Parham Road is classified as a Major Arterial on the County's Major Thoroughfare Plan and carries approximately 35,000 vehicles per day. Three Chopt Road is classified as a Major Collector and carries approximately 12,000 vehicles per day. Sidewalk and turn lanes should be added to Parham Road and Three Chopt Road as shown on the concept plan. Proper sight distance and access management spacing must be met at each access point.

Drainage:

All proposed improvements must comply with all applicable Public Works plan of development requirements. The site is located within 50/10 detention area and must comply with applicable regulations. The site must comply with applicable stormwater quality and quantity requirements. Traffic Engineering will determine if any right-of-way dedication or road improvements are required. Based on GIS, Waters of the U.S. and/or hydric soils are present (indicating possible wetlands). Corps of Engineers and DEQ permits may be required.

Public Utilities:

The existing service station is currently connected to County water and sewer.

Department of Community Revitalization:

No comment on this request.

Schools:

No comment on this request.

Division of Fire:

No comment on this request.

Division of Police:

No comment on this request.

Recreation and Parks:

No comment on this request.

Libraries:

No comment on this request.

Topography and Land Characteristics Adaptability:

There are no known topographic reasons why the property could not be developed as proposed.



Proffers for Conditional Rezoning

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

Henrico Planning Web Site: <http://www.henrico.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602

Facsimile (804) 501-4379

Original Amended

Rezoning Case No. 2017-00025

Magisterial District Three Chopt

Pursuant to Section 24-121 (b) of the County Code, the owner or duly authorized agent* hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Jane W. Thelbold
Signature of Owner or Applicant / Print Name

December 1, 2017

Date

*If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application

CASE NO. REZ2017-00025

SECOND AMENDED AND RESTATED PROFFERED CONDITIONS

1. Conceptual Plan. Development of the Property for a Wawa convenience store shall be in general conformance with the Conceptual Plan attached hereto entitled "Wawa, Concept Plan, Parham Road & Three Chopt Road" prepared by Kimley-Horn and Associates, Inc., dated December 1, 2017 (the "Conceptual Plan"), which Conceptual Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
2. Elevations. Development of the Property for a Wawa convenience store shall be in general conformance with the architectural appearance shown on the elevations attached hereto entitled "Wawa U45" dated September 23, 2016 and "Bas Canopy Straight 6 – Trash Compound MASQ16-L" dated September 26, 2017 prepared by Cuhaci & Peterson, unless otherwise requested and specifically approved at the time of Plan of Development.
3. Exterior Materials/Architecture. The exposed portion of each exterior wall surface (front, rear and sides) of any building (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. Any building shall have exposed exterior walls (above finished grade and exclusive of trim) of brick, glass, stone, stone veneer, or a combination of the foregoing, 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. No building shall be covered with or have exposed to view any painted or unfinished concrete block, or industrial-grade metal, unless otherwise specifically approved at the time of Plan of Development.

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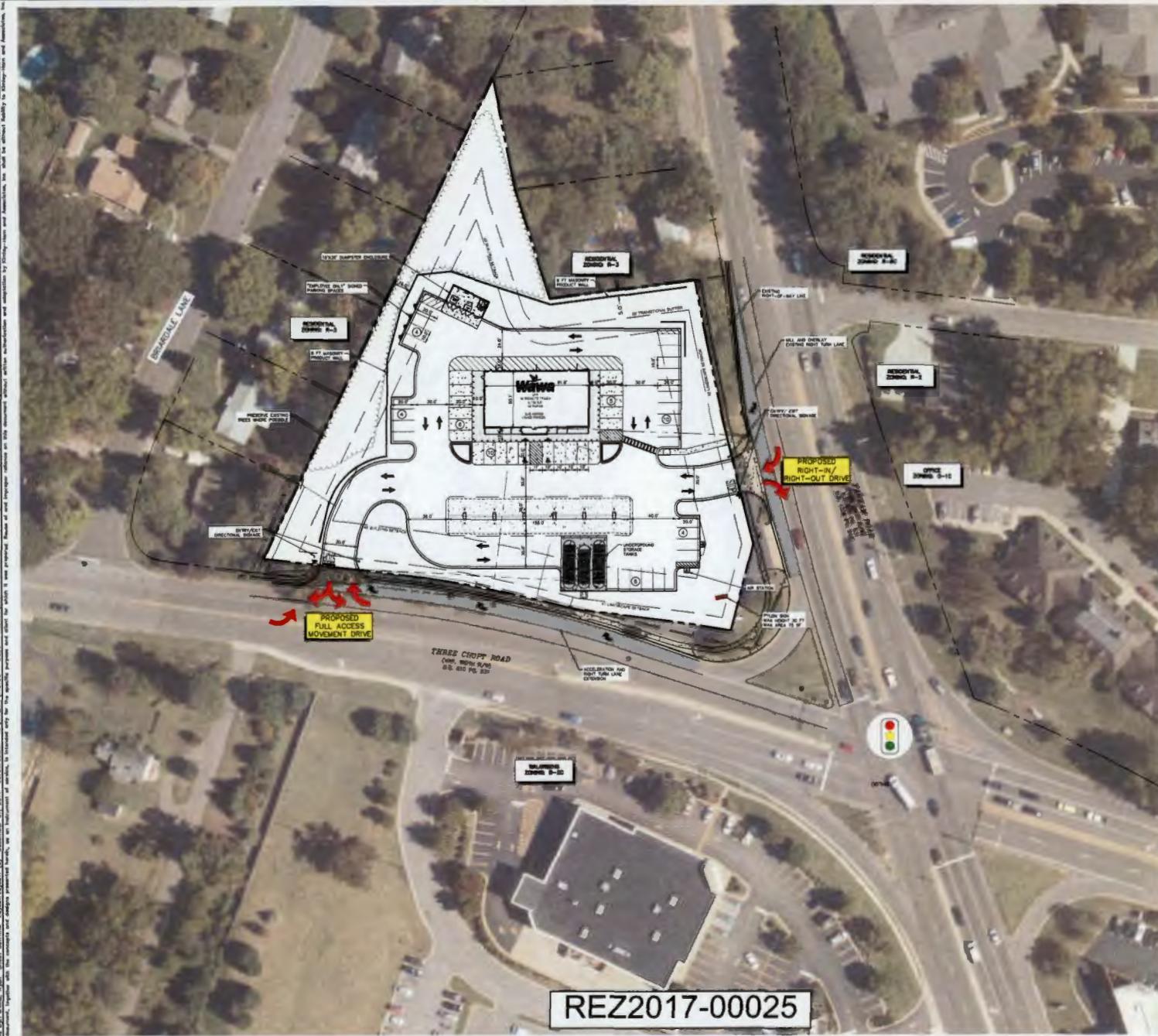
4. Buffer Area. An eight (8) foot tall precast concrete (i.e. "Brickcrete" or "Fencecrete") wall shall be provided in the locations shown on the Conceptual Plan. Plantings within the required transitional buffer area shall be supplemented as determined at the time of Landscape Plan.
5. Parking Lot Lighting. Parking lot lighting fixtures shall not exceed twenty (20) feet in height as measured from the grade at the base of the lighting standard. Lighting shall be directed to minimize glare on public roads and adjacent properties. Direct embedded light poles and standards shall be prohibited. Any lighting over any fuel pumps shall be recessed, flat lens fixtures.
6. Prohibited Uses. The following uses shall be prohibited:
 - a. billiard, bagatelle, video game or a bingo parlor;
 - b. flea markets or antique auctions;
 - c. billboards;
 - d. recycling facilities;
 - e. funeral homes, mortuaries, crematories and/or undertaking establishments;
 - f. dance halls;
 - g. truck stops;
 - h. gun shop, sales and repair;
 - i. parking garages or commercial parking lots as a principal use;
 - j. sign painting shops;
 - k. free-standing communication towers;
 - l. car title loan operations;
 - m. adult businesses as defined by Section 24-3 of the Henrico County Code;
 - n. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.2-2100 et seq. and 6.2-1800 et seq. of the Code of Virginia (the foregoing shall not preclude banks, savings and loans or similar financial institutions that are not regulated by the foregoing Virginia Code sections); and
 - o. bars, which, for purposes of this restriction, shall mean a business establishment whose primary business is the sale of alcoholic beverages for on-premises consumption. This restriction shall not prohibit the sale of alcoholic beverages in restaurants as licensed by the Virginia Department of Alcoholic Beverage Control.
7. Refuse Containers/Trash Receptacles/Recycling Activities. Dumpsters, trash receptacles, not including convenience cans, and recycling receptacles shall be screened from public view with masonry enclosures compatible with the architectural design of the building at ground level at the Property lines as approved at the time of Plan of Development. The gates and doors on the masonry refuse screens shall be of a substantial and durable material as determined at the time of Plan of Development. Support posts, gate frames, hinges and latches shall be of a sufficient size and strength to allow the gates to function without sagging or becoming a visual eyesore as determined at the time of Plan of Development.

Rez2017-00028

8. Mechanical Equipment. Mechanical equipment shall be screened from public view at ground level at Property lines as approved at the time of Plan of Development.
9. Outside Speakers. Any music being played over any outside speaker system shall be prohibited from 7:00 p.m. until 7:00 a.m.
10. Underground Utilities. All utility lines on the Property shall be underground, except for junction boxes, meters, gas meters, traffic control, irrigation backflow preventers, existing and/or relocated existing overhead utility lines and lines in wetland areas. Electrical junction boxes and meters shall be screened from public view at ground level at the perimeter of the tract with use of a wall, fencing, landscaping, or such other method as may be approved at the time of Plan of Development and/or subdivision review.
11. Best Management Practice. Any Best Management Practice structures shall be located underground.
12. Outside Storage. Except for ice coolers, no merchandise shall be displayed or stored outside of the building or on sidewalks.
13. 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.
14. Hours of Trash Pickup; Parking Lot Cleaning. Trash pickup from the Property shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturday. There shall be no trash pickup on Sundays. Parking lot cleaning on the Property shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, exclusive of snow removal. There shall be no parking lot cleaning on Saturdays or Sundays, exclusive of snow removal.
15. Hours of Construction. The hours of exterior construction shall be between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours, utility connections and right-of-way improvements. Hours shall be posted in both English and Spanish until the roads are accepted by Henrico County for maintenance.

Bank of America, N.A., Investment Manager,
R.I. Pruitt Family Property V, LLC,
a Virginia limited liability company

By: James W. Theobald
James W. Theobald, Attorney-in-Fact
Date: December 1, 2017



SITE DATA	
JURISDICTION	HENRICO COUNTY
EXISTING ZONING	B-1 & R-3
PROPOSED ZONING	B-2C (P.U.P. REQ'D)
WAWA SITE AREA	2.4 AC.±
BUILDING AREA	4,580 S.F.
MIN. PARKING REQUIRED	23 SPACES
PARKING PROVIDED (TOTAL) 49 SPACES	
ZONE A	21 SPACES
ZONE B	18 SPACES
ZONE C	10 SPACES
FRONT SETBACK	40 FT
SIDE SETBACK	40 FT
REAR SETBACK	40 FT
FRONT BUFFER YARD	10 FT
SIDE BUFFER YARD	25 FT
REAR BUFFER YARD	25 FT
BUILDING TYPE	U-45
CANOPY CONFIGURATION	STRAIGHT/SLOPED
# MPD'S	6
TYPE OF MPD'S	3+1
PLAN NOTES:	
1. THIS SITE PLAN, BEING PRELIMINARY IN NATURE, DOES NOT GUARANTEE THAT ALL REQUIREMENTS FOR ZONING ISSUES, NOR STORM DRAINAGE, GRADING, UTILITY EASEMENTS, AND THE LIKE ARE PROPERLY ADDRESSED AT THIS TIME. THE ABOVE REQUIREMENTS CAN AFFECT THE LAYOUT OF THIS SITE.	
2. PROPERTY BOUNDARY SHOWN REFLECTS RIGHT-OF-WAY DEDICATION REQUIRED ALONG BOTH FRONTAGES.	
3. SITE REQUIRES REZONING AND A PROVISIONAL USE PERMIT	
WHA PROJECT 11312609	DATE 12/1/2017
SCALE AS SHOWN	DRAWN BY RMP
DESIGNED BY RMP	CHECKED BY RMP
CONCEPT PLAN PARHAM ROAD & THREE CHOPT ROAD	
WAWA	VIRGINIA
Kimley-Horn © 2000 KIMLEY-HORN AND ASSOCIATES, INC. 1700 WILLOW LAWN DR, SUITE 200, RICHMOND, VA 23230 WWW.KH.COM	
SHEET NUMBER 1	HEINRICO



RIGHT ELEVATION



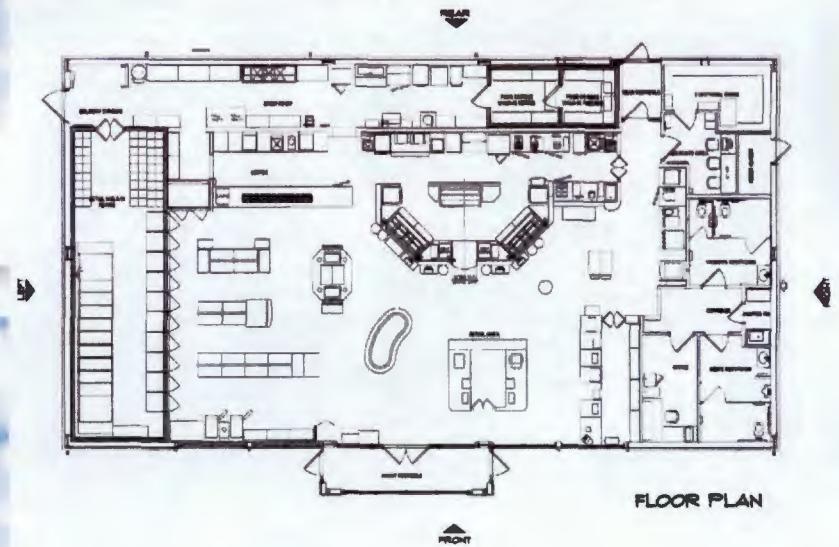
FRONT ELEVATION



REAR ELEVATION

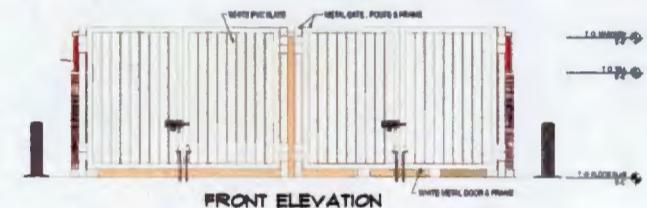
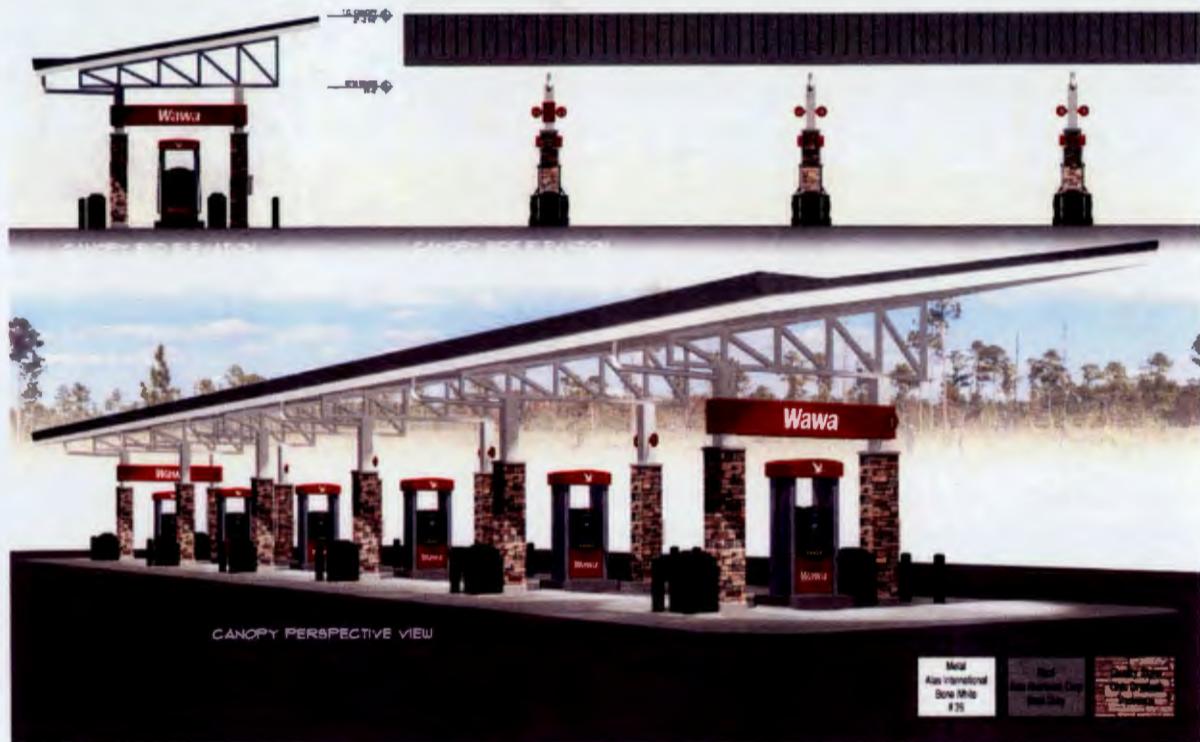


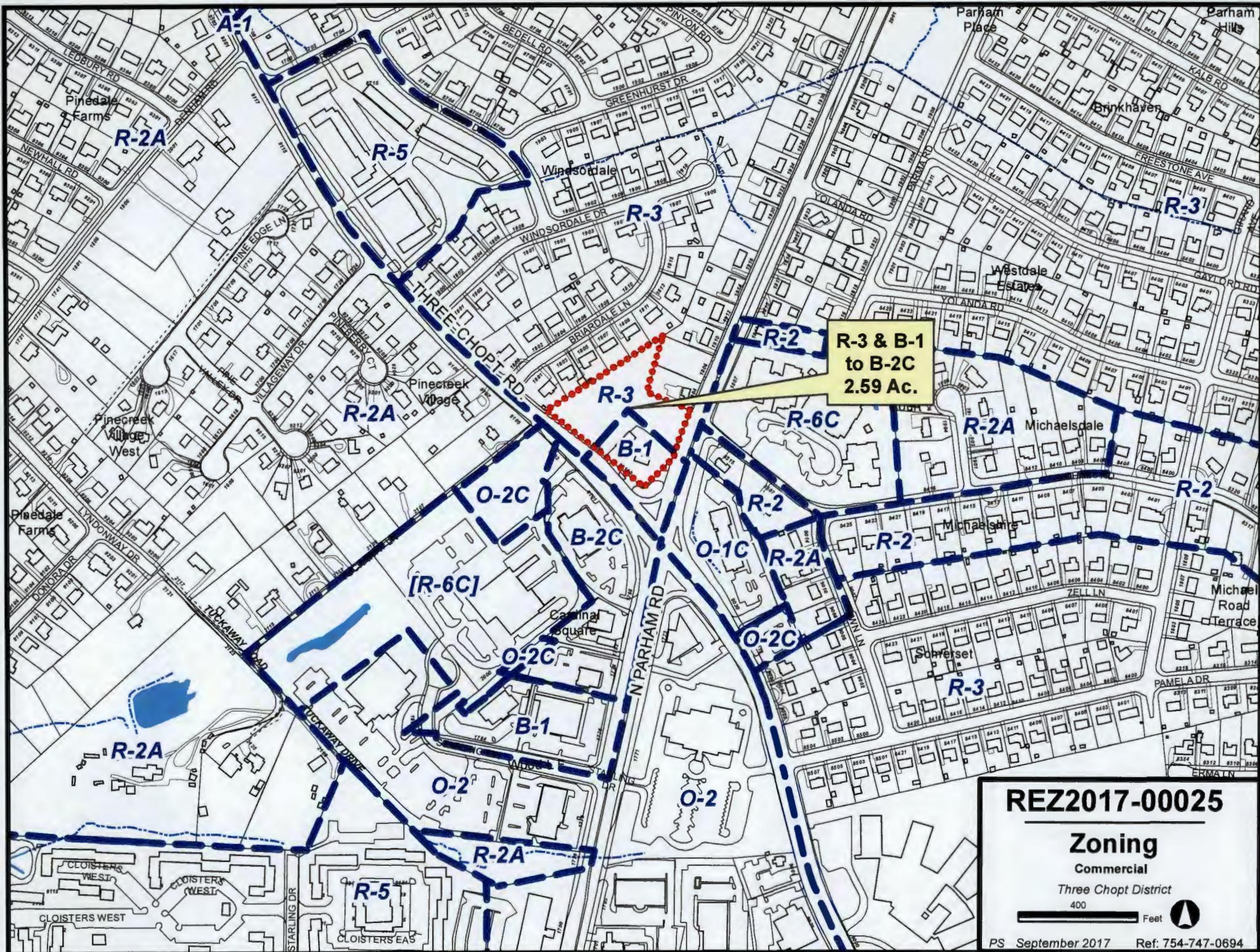
LEFT ELEVATION

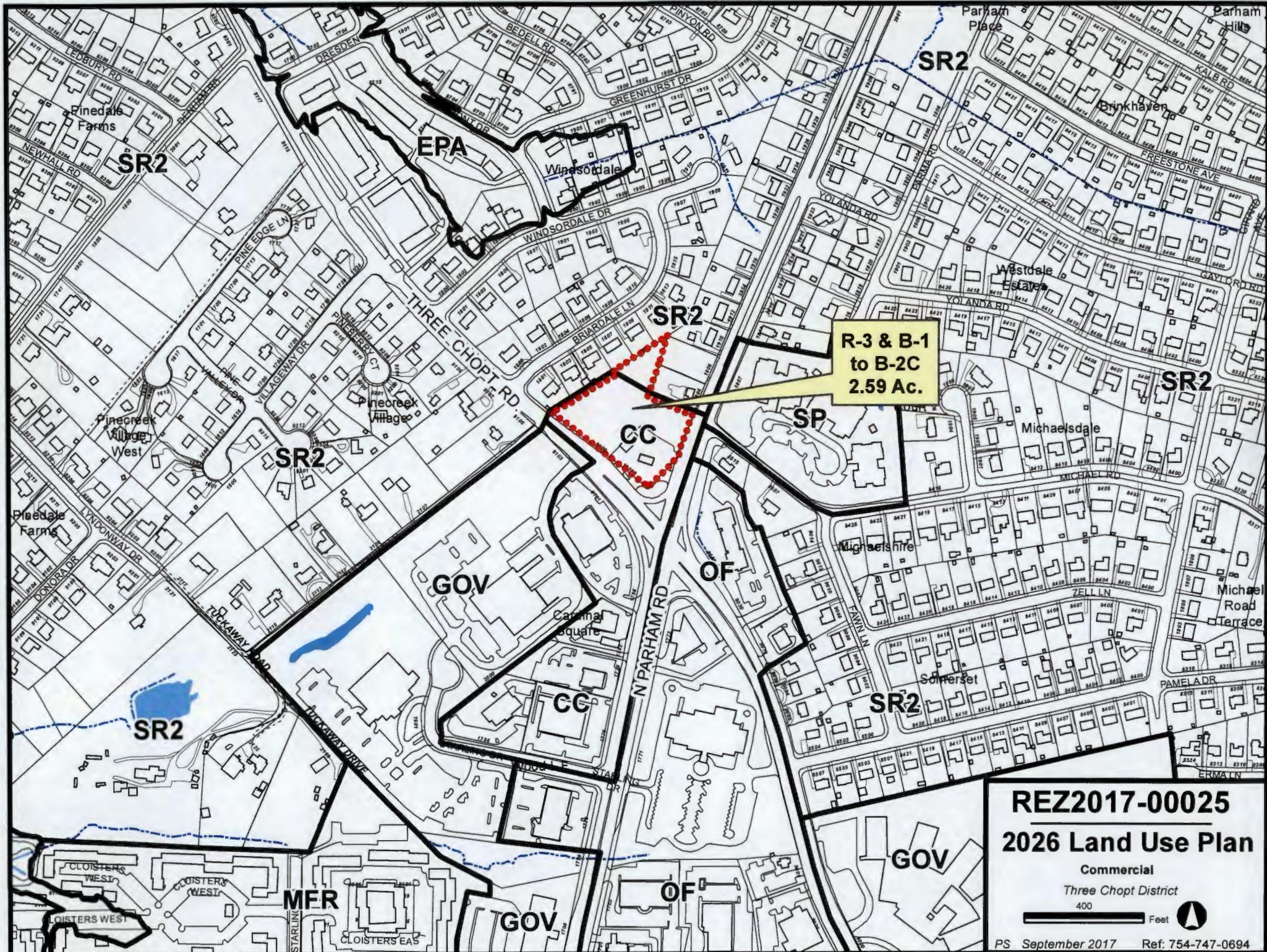


FLOOR PLAN

NOTE:
SIGNAGE IS SHOWN FOR REFERENCE ONLY
SEPARATE PERMIT REQUIRED







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2026 Land Use Plan

Commercial

Three Chopt District

400

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