



REZ-2024-100126

Brian Moss

Staff Report for Board of Supervisors Public Hearing
Prepared March 25, 2024

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: March 14, 2024 Recommended for Approval

Board of Supervisors: April 9, 2024 Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Request: Amend proffers accepted with C-18C-90 related to building materials and building height

Existing Zoning: B-2C business District (Conditional)

Total Acreage: 0.832 acres

Location: Northeast intersection of Staples Mill Road (U.S. Route 33) and E Parham Road

Magisterial District: Brookland

Comprehensive Plan Recommendations: Commercial Concentration (CC)

Parcel Number: 770-755-1657

Zoning of Surrounding Properties:

North: B-1 Business District and M-1C Light Industrial District (Conditional)
South: B-2C Business District (Conditional)
East: M-1 Light Industrial District
West: B-2C Business District (Conditional)

III. SUMMARY OF STAFF REPORT:

This is a request to amend the proffers accepted with rezoning case C-018C-90 regarding building materials and building height on the property located at the northeast intersection of Staples Mill Road (U.S. Route 33) and E Parham Road. The site is zoned B-2C Business District (Conditional) and is designated Commercial Concentration on the 2026 Comprehensive Plan. All other proffers would remain intact including those related to uses, landscaped buffers, and lighting, among others.

The proposed amendments would not change the allowed uses on the subject property, which would continue to be in character for the surrounding commercial area. The revised building materials proffer is consistent with other similar requests in the county and would ensure any building alterations maintain the quality standards for commercial development. The applicant has indicated the layout of the property would not be altered and unchanged proffers would continue to ensure the site's consistency with the surrounding area and the site's 2026 Comprehensive Plan designation of Commercial Concentration. For these reasons, staff supports this request.

This request was recommended for approval by the Planning Commission at their March 14, 2024, public hearing.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject parcel is zoned B-2C Business District (Conditional) and is located at the northeast intersection of Staples Mill Road (U.S. Route 33) and E. Parham Road. The existing building was developed as a Burger King drive-thru restaurant in 1993 but is now unoccupied. The applicant has indicated they have no plans to alter the building's footprint with this request.

Adjacent uses are predominately commercial, with a restaurant located to the east on property zoned M-1 Light Industrial. A retail center is located to the west across Staples Mill Road (U.S. Route 33) and a bank is to the south across N Parham Road, both zoned B-2C. Across the intersection of Staples Mill Road (U.S. Route 33) and E Parham Road to the west is a shopping center and car wash. To the north is an office, zoned B-1 Business District and M-1.

The applicant proposes to amend proffers related to exterior building materials and building height to allow for greater flexibility in attracting a new tenant and renovating the existing building. Specifically, the applicant proposes removing language requiring the use of red brick and mansard-style roof with slate-like appearance. In its place, the exterior walls of any building on the property would be constructed of brick, brick veneer, glass, stone, stone veneer, or a combination of such materials. The applicant is also proposing to increase the maximum building height from 20' to 25'. Lastly, a proffer related to the building material of the dumpster enclosure would be deleted, as it conflicts with zoning ordinance standards.

The 2026 Comprehensive Plan recommends Commercial Concentration for the subject site. The existing zoning is consistent with this designation, and the proposed amendments and minor and would not significantly change the intent of the proffers. The proffers would also provide a level of quality consistent with the surrounding area and the recommendations of the 2026 Comprehensive Plan. For these reasons, staff supports this request.

The Planning Commission recommended approval of this request at their March 14, 2024, public hearing.

V. COMPREHENSIVE PLAN ANALYSIS:

The 2026 Comprehensive Plan recommends Commercial Concentration for the subject site, which is consistent with this request.

Goals, Objectives, and Policies:

This request is most 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:

Traffic Engineering has no objections to this request. A dedication of an additional 13 feet of right-of-way along the parcel is needed for the widening of Staples Mill Road.

Drainage:

No comment.

Public Utilities Services:

Existing building is served by water and sewer.

Schools:

This rezoning case does not propose any development of residential uses, and thus no educational impacts are projected.

Division of Fire:

No comment.

Division of Police:

Based on the information provided, the Police Division has no comments on this case.

Libraries:

No comments.

Recreation and Parks:

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

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. _____ Magisterial District _____

Pursuant to Section 24-2304 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:

Brian Moss /

Signature of Owner or Applicant / Print Name

Date

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



W.F. LaVECCHIA, P.E., AICP
County Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

May 15, 1990

Re: Conditional Rezoning Case C-18C-90

Broadview Associates
4101 Glenside Drive
Richmond, Virginia 23228

Gentlemen:

The Board of Supervisors at its meeting on May 9, granted your request to conditionally rezone from B-1 Business to B-2C Business District (Conditional), property described as follows:

Parcel 92-B2-144:

Beginning at a highway stone in the northern line of Parham Road, said stone being 31.26' east of the intersection of the eastern line of Staples Mill Road with the northern line of Parham Road (both projected); thence from said point of beginning along and with the northern line of Parham Road N. $68^{\circ} 40' 05''$ E., 168.74' to a rod; thence N. $18^{\circ} 31' 25''$ W., 200.00' to a rod; thence S. $68^{\circ} 40' 05''$ W., 200.00' to a rod in the eastern line of Staples Mill Road; thence along the eastern line of Staples Mill Road S. $18^{\circ} 31' 25''$ E., 173.51' to a rod; thence N. $71^{\circ} 28' 35''$ E., 5.0' to a rod; thence along a curve to the right having a radius of 25.00', 40.50' to the highway stone in the northern line of Parham Road, the point of beginning, containing 0.91 acre.

The Board of Supervisors accepted the following (7) proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance):

1. Buffer Areas. Landscaped or natural buffer areas shall be maintained as described below, except to the extent necessary for utility easements, access drives, signage, or other purposes, if requested and specifically approved or if required by the Planning Commission at the time of Plan of Development review, or by any applicable governmental body:
 - (a) a buffer area of a minimum of fifteen (15) feet in width, planted with decorative plants/trees, along the right-of-way lines of Parham Road and Staples Mill Road (as such right-of-way lines are determined at the time of Plan of Development review).

Existing vegetation, may and diseased or dead plant growth shall be removed from such buffer areas and if so removed, additional plantings and/or berms shall be added. Utility easements within the buffer areas shall be extended generally perpendicular thereto. Where permitted or practicable, areas disturbed for the placement of utilities within the buffer area shall be restored.


2. Building Materials. The exposed portions of the exterior wall surfaces (front, rear and side, but excluding roof top screening materials for mechanical equipment) of

each building constructed on the Property shall be red brick. The roof shall be a mansard roof, slate-like in appearance. The columns supporting the flat roof shall be brick.

3. Parking Lot Lighting. Parking lot lighting shall be produced from concealed sources. Parking lot lighting standards shall (a) not exceed twenty (20) feet in height, (b) be positioned in such a manner as to minimize the impact of such lighting on adjacent property.
4. Building Height. No building constructed on the Property shall exceed twenty (20) feet in height.
5. Use Limitations. The Property shall be devoted only to one or more of the following principal uses: automobile filling station, accessory car wash, convenience food shop, and those uses permitted in a B-2 zoning district, except that the following uses shall not be permitted on the Property?
 - a. Billiard parlors;
 - b. Roller or ice skating rink;
 - c. Motion picture theater;
 - d. Bowling alley;
 - e. Adult book store;
 - f. Dancing establishment or dance hall;
 - g. Motel, hotel;
 - h. Carnival, fairs, fortune tellers, numerologist, clairvoyant, card reader, craniologist, phrenologist, spiritual reader;
 - i. Clubs, fraternities, lodges, or similar meeting places; and
 - j. Outdoor sales or display of fresh fruit/produce, flowers, cars or furniture or other merchandise.
6. All dumpsters shall be enclosed, closely surrounded by a decorative wooden fence, or such enclosure as may be specified by the Planning Commission at the time of POD approval.
7. There shall be only one freestanding sign and such sign shall be ground mounted and not exceed 14 feet in height.

The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,


for W. F. LaVecchia, P.E., AICP,
County Manager

cc: Clerk, Board of Supervisors
Supervisor, Real Estate Assessment
✓ Conditional Zoning Index
Mr. John L. Lumpkins, Jr.

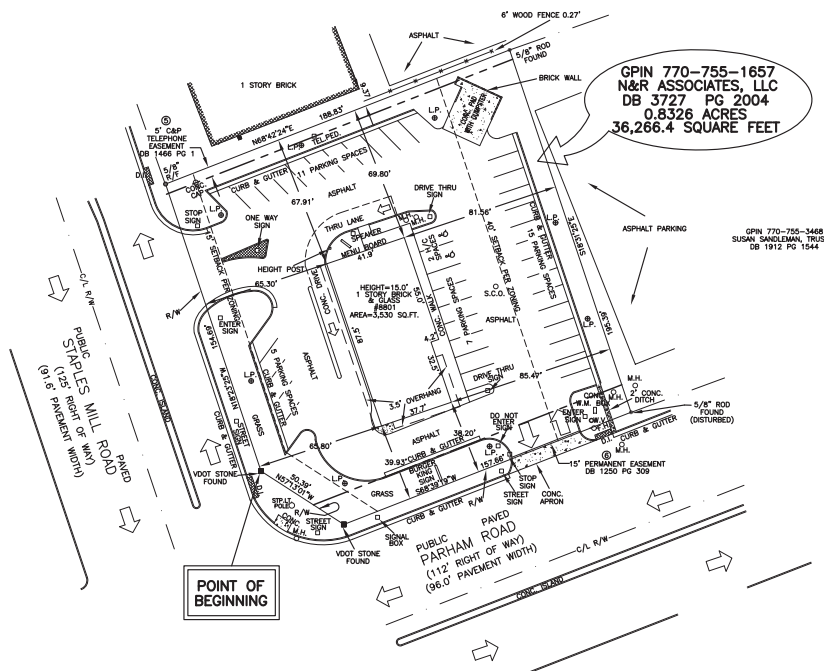
LEGEND

- L.P. = LIGHT POLE
- M.H. = MANHOLE
- CONC. = CONCRETE
- C = CURB
- W.V. = WATER VALVE
- F.H. = FIRE HYDRANT
- T.E.P. = TELEPHONE PEDestal
- D.I. = DRAIN INLET
- S.L. = STOP LIGHT
- S.C.O. = SEWER CLEAN OUT
- N/C = NAKED
- C/A = CENTER LINE
- R/W = RIGHT OF WAY

GPIN 770-755-1274
FREDERICK J. & AMELIA COBB
DB 2962 PG 1172

SCHEDULE B

3. AGREEMENT WITH HENRICO COUNTY DATED JULY 7, 1992, RECORDED IN DEED BOOK 2389, PAGE 1394 (AFFECTS SUBJECT PROPERTY, NOT PLOTTED, BLANKET IN NATURE)
4. AGREEMENT WITH HENRICO COUNTY DATED JULY 7, 1992, IN DEED BOOK 2389, PAGE 1405 (AFFECTS SUBJECT PROPERTY, NOT PLOTTED, BLANKET IN NATURE)
5. EASEMENT GRANTED TO CHESAPEAKE AND POTOMAC TELEPHONE COMPANY, DATED APRIL 30, 1971, RECORDED IN DEED BOOK 1465, PAGE 1 (AFFECTS SUBJECT PROPERTY, PLOTTED HEREON)
6. EASEMENT CONTAINED IN DEED TO THE COUNTY OF HENRICO, DATED FEBRUARY 10, 1986, RECORDED IN DEED BOOK 1290, PAGE 309 (AFFECTS SUBJECT PROPERTY, PLOTTED HEREON)



GPIN 770-755-1657
N&R ASSOCIATES, LLC
DB 3727 PG 2004
0.8326 ACRES
36,266.4 SQUARE FEET

STATEMENT OF ENCROACHMENTS

NONE NOTED AT TIME OF SURVEY

SURVEYOR'S CERTIFICATION

The undersigned, being a registered surveyor of the Commonwealth of Virginia, certifies to the following: 1. This map or plat of the survey on which it is based was prepared by me or under my supervision in accordance with the current Minimum Standards and Best Practices for ALTA/ACSM Land Title Surveys, jointly established and adopted by the American Land Title Association (ALTA) and the National Society of Professional Surveyors (NSPS) in 2005, and includes items 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 13 from Table A thereof, along with any other significant observations not otherwise defined pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification. The undersigned further certifies that in performing this survey, as a land surveyor registered with the Commonwealth of Virginia, the Relative Position Accuracy of this survey does not exceed that which is specified therein. 2. The survey was made on the ground on January 13, 2007, by me and correctly shows the main and boundary lines, structures and other improvements (including buildings, streets, alleys, easements, or rights of way) by the improvements on any adjoining properties, streets, or alleys upon the subject property. 3. There is no observable evidence of encroachments or rights of way on or across the surveyed property or on adjoining properties if they appear to affect the surveyed property, not otherwise shown on the survey. 4. There are no observable utility poles or other structures (encroachments) either, (a) by the improvements on the subject property upon adjoining properties, streets, or alleys, or (b) by the improvements on any adjoining properties, streets, or alleys upon the subject property. 5. The location of each easement, right of way, servitude, and other matter (above or below ground) affecting the subject property and listed in The Commonwealth No. 10020476-Field Records, dated January 16, 2007, issued by Lawyers Title Insurance Corporation with respect to the subject property, has been shown on the survey, together with appropriate recording references, to the extent that such matters can be located. The property shown on the survey is the same property as described in the referenced title commitment. 6. The location of all improvements on the subject property are in accordance with minimum setback restrictions filed of record, or recorded on a subdivision map, or set forth in the applicable zoning or building codes for the subject property. 7. The subject property has direct access to a state-maintained and accepted public street or highway. 8. The utilities serving the subject property appear to enter the subject property via a public right of way. 9. The subject property appears to drain into a public right of way. 10. The subject property appears to have no drainage, utility, structural support, ingress or egress. 11. The record description of the subject property forms a mathematically closed figure. 12. No portion of the property shown on the survey lies within a Special Flood Hazard Area, as described on the Flood Insurance Rate Map for the community in which the subject property is located. 13. There is no observable evidence of any cemeteries or burial grounds on this property at the time the field survey was conducted. 14. Zone Classification: The subject property is located in Zone B-2C. 15. Height: The height of all buildings above grade is less than 25 feet. 16. Parking: The parking requirements set forth in the zoning ordinance of Henrico County, and the existing parking spaces at the surveyed property, are as follows:

REGULAR	REQUIRED NO. OF SPACES	EXISTING NO. OF SPACES
REGULAR	1 FOR EACH 100 S.F. OF FLOOR AREA	38
HANDICAPPED	N/A	2
OTHER	N/A	0

SET-BACKS	REQUIRED SETBACK DISTANCE	EXISTING SETBACK DISTANCE
FRONT	15'	65.30'
SIDE	0'	38.30'
BACK	40'	81.56'

The parties listed above and their successors and assigns are intended to rely on the survey and this certificate as being true and correct.



Landmark - fleet Surveyors, P.C.
ENGINEERS • LAND SURVEYORS • PLANNERS
124 BURFORD ROAD
RICHMOND, VIRGINIA 23235
(804) 330-5666, (FAX) 330-5558
DATE: 1/13/07 DRAWN BY: BAC JN: 19567 SHEET 1 OF 1
REF. 18111, 13180, 10922

GENERAL NOTES

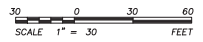
1. THIS PLAT WAS BASED ON A FIELD SURVEY WITH A LINEAR PRECISION CLOSURE OF 1 FOOT IN 30,828 FEET.
2. THIS PROPERTY HAS DIRECT ACCESS TO PARHAM ROAD AND STAPLES MILL ROAD, WHICH IS A DEDICATED PUBLICS STREET OR HIGHWAYS.
3. THE NUMBER OF STRIPPED PARKING SPACES IS 38 REGULAR AND 2 HANDICAPPED SPACES.
4. ALL FIELD MEASUREMENTS MATCHED RECORD MEASUREMENTS WITHIN THE MINIMUM STANDARDS SET FORTH FOR ALTA/ACSM LAND TITLE SURVEY.
5. WATERS OF THE UNITED STATES ARE NOT DESIGNATED BY THIS SURVEY.
6. RIGHTS OF THE COMMONWEALTH OF VIRGINIA ARE NOT DESIGNATED BY THIS SURVEY.
7. WETLANDS AND SUBAQUEOUS AREA OF WETLANDS MAY BE SUBJECT TO THE FEE RIGHTS OF THE COMMONWEALTH OF VIRGINIA. THESE AREAS HAVE NO SPECIFIC JUDICIAL DETERMINATION OF TITLE AND NO OPINION OF TITLE IS AVAILABLE AS OF DATE OF SURVEY.
8. BY VISUAL INSPECTION THERE APPEARS TO BE NO EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
9. BY VISUAL INSPECTION THERE APPEARS TO BE NO EVIDENCE OF SITE BEING USED AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.
10. THERE APPEARS TO BE NO CHANGE TO RIGHT OF WAY LINES FOR ADJACENT ROADWAYS, OR STREET OR SIDEWALK CONSTRUCTION REPAIRS, BY VISUAL INSPECTION, OR ANY INFORMATION SUPPLIED TO SURVEYOR.
11. BEARINGS IN (x) ARE FROM RECORD LEGAL DESCRIPTION.
12. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION OF "B-2C" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 51077 0505B, WITH A DATE OF IDENTIFICATION OF 2/4/81, IN COUNTY OF HENRICO, COMMONWEALTH OF VIRGINIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH THE SAID PREMISES IS LOCATED.
13. SITE USE PERMITTED IN CURRENT ZONING CATEGORY.

ZONING DATA

ZONING: B-2C (BUSINESS)

FRONT - 15'
SIDE - 40'
HEIGHT - 3 STORES OR 45'
PARKING - 1 FOR EACH 100 SQ. FT. OF FLOOR AREA
MIN. LOT AREA - 20,000 SQ. FT.
MIN. LOT WIDTH - 100'

HENRICO COUNTY PERMIT CENTER
CONTACT: (804) 351-3845



UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

REZ-2024-100126

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PARCEL OF LAND LOCATED IN BROOKLAND DISTRICT, HENRICO COUNTY, VIRGINIA, AT THE NORTHEASTERLY INTERSECTION OF STAPLES MILL ROAD AND PARHAM ROAD AND SHOWN AND DESCRIBED AS "36,230 S.F., 0.8326 AC" ON THAT CERTAIN PLAT ENTITLED, "PLAN DIVISION 2, MAP OF 0.8326 ACRES OF LAND IN BROOKLAND DISTRICT, HENRICO COUNTY, VIRGINIA," DATED NOVEMBER 2, 1992, MADE BY LAPHAM BROS., CIVIL ENGINEERS AND SURVEYORS, SAID PLAT WAS PREVIOUSLY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF HENRICO, ON NOVEMBER 10, 1992, IN PLAT BOOK 84 AS PAGE 141 AND MORE PARTICULARLY DESCRIBED ON A SURVEY BY BRUCE C. LANDIES, DATED MAY 26, LAST REVISED LINE 4, 1998 AS JOB NO. 13180 (REF. IN 10922) AS FOLLOWS:

ALL THAT CERTAIN LOT OR PARCEL OF LAND LOCATED IN BROOKLAND DISTRICT, HENRICO COUNTY, VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A VOTED STONE FOUND ON THE EASTERLY RIGHT OF WAY LINE OF STAPLES MILL ROAD, SAID POINT BEING 40.894 FEET FROM THE NORTHEASTERLY INTERSECTION OF STAPLES MILL ROAD AND PARHAM ROAD, THENCE NORTH 18° 23' MINUTES 25 SECONDS WEST 154.89 FEET TO A 1/2" HIGH ROD FOUND, THENCE NORTH 69° 42' MINUTES 24 SECONDS EAST, 188.83 FEET TO A 1/2" HIGH ROD FOUND, THENCE SOUTH 19° 31' MINUTES 20 SECONDS EAST, 190.39 FEET TO A DISTURBED 5/8" HIGH ROD FOUND, THENCE SOUTH 66° 39' MINUTES 19 SECONDS WEST 157.66 FEET TO A VOTED STONE FOUND ON THE NORTHERLY RIGHT OF WAY LINE OF PARHAM ROAD, THENCE NORTH 57° 13' MINUTES 0 SECONDS WEST 80.39 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO N&R ASSOCIATES, L.L.C. A VIRGINIA LIMITED LIABILITY COMPANY BY DEED FROM DE CAPITAL FRANCHISE CORPORATION, A DELAWARE CORPORATION, SUCCESSOR BY MERGER WITH MANY LAND CORPORATION, SUCCESSOR BY DISSOLUTION OF FRANCHISITION CORP. HENRICO COUNTY, VIRGINIA IN DEED BOOK 3727, PAGE 2004.
THE ABOVE DESCRIBED PROPERTY IS THE SAME PROPERTY AS THAT DESCRIBED IN A TITLE INSURANCE CORPORATION COMMITMENT NO. 10920476 FIRST REVISION, DATED JANUARY 16, 2007.

"ALTA/ACSM LAND TITLE SURVEY"

PREPARED FOR:
THE MATTHEWS COMPANY Inc.
National ALTA Survey Management

17220 Newhope Street, Suites 108-110, Fountain Valley, CA 92708
Tel: (714) 979-7181 Fax: (714) 641-2840
www.themattewscorp.com

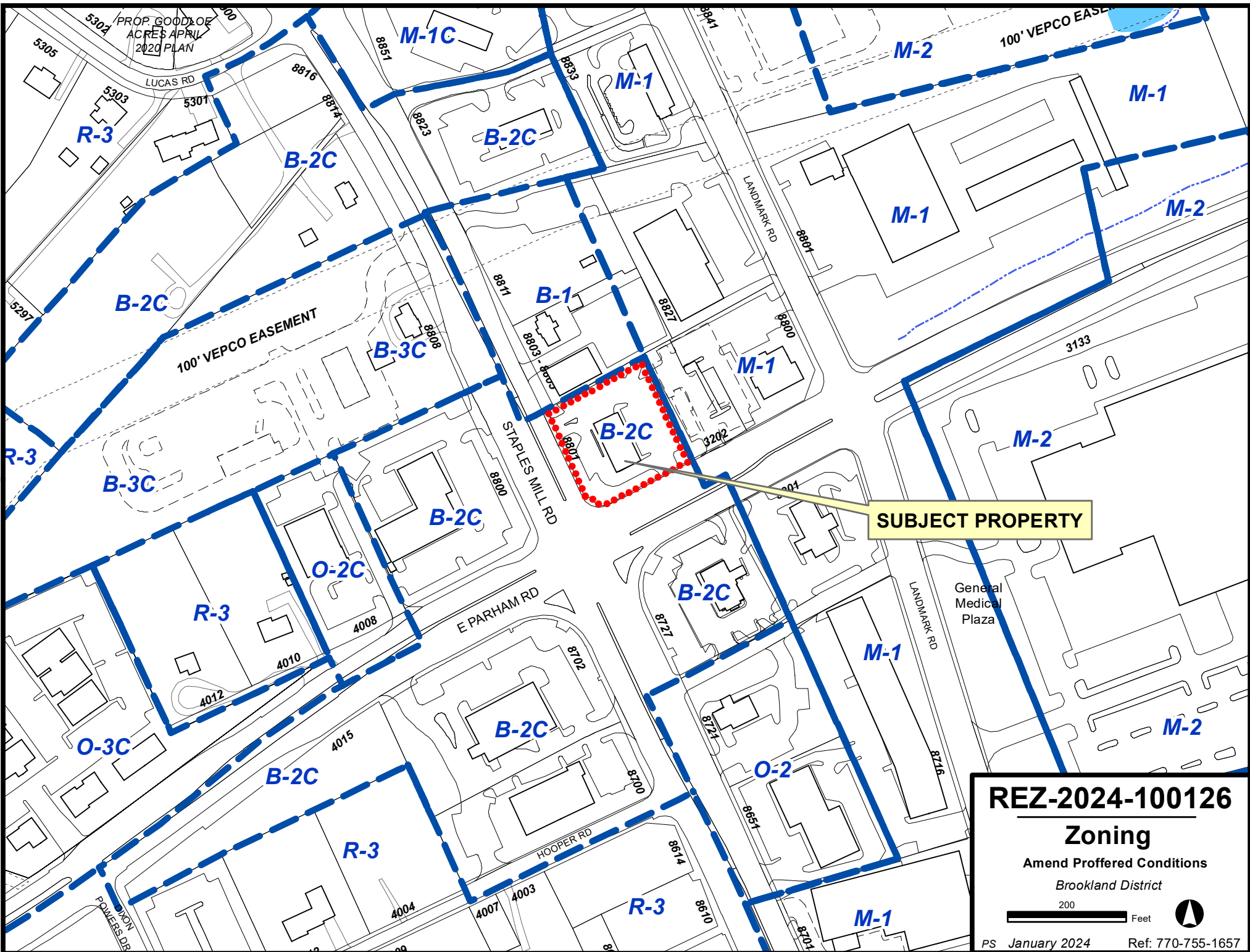
MARK	DATE	REVISION	BY	AP/V/D
2	3/27/07	PER COMMENTS	BAC	BCL
1	3/14/07	PER COMMENTS	RLD	BCL

SKYLINE PACIFIC PROPERTIES, LLC

8801 STAPLES MILLS ROAD
RICHMOND, VA
(BURGER KING)

SCALE: 1" = 30'	CHKD. / AP/V/D
DATE: 1/13/07	APPROVED:
DWN. BY: BAC	STORE NO: 7609
CHKD. BY: BCL	

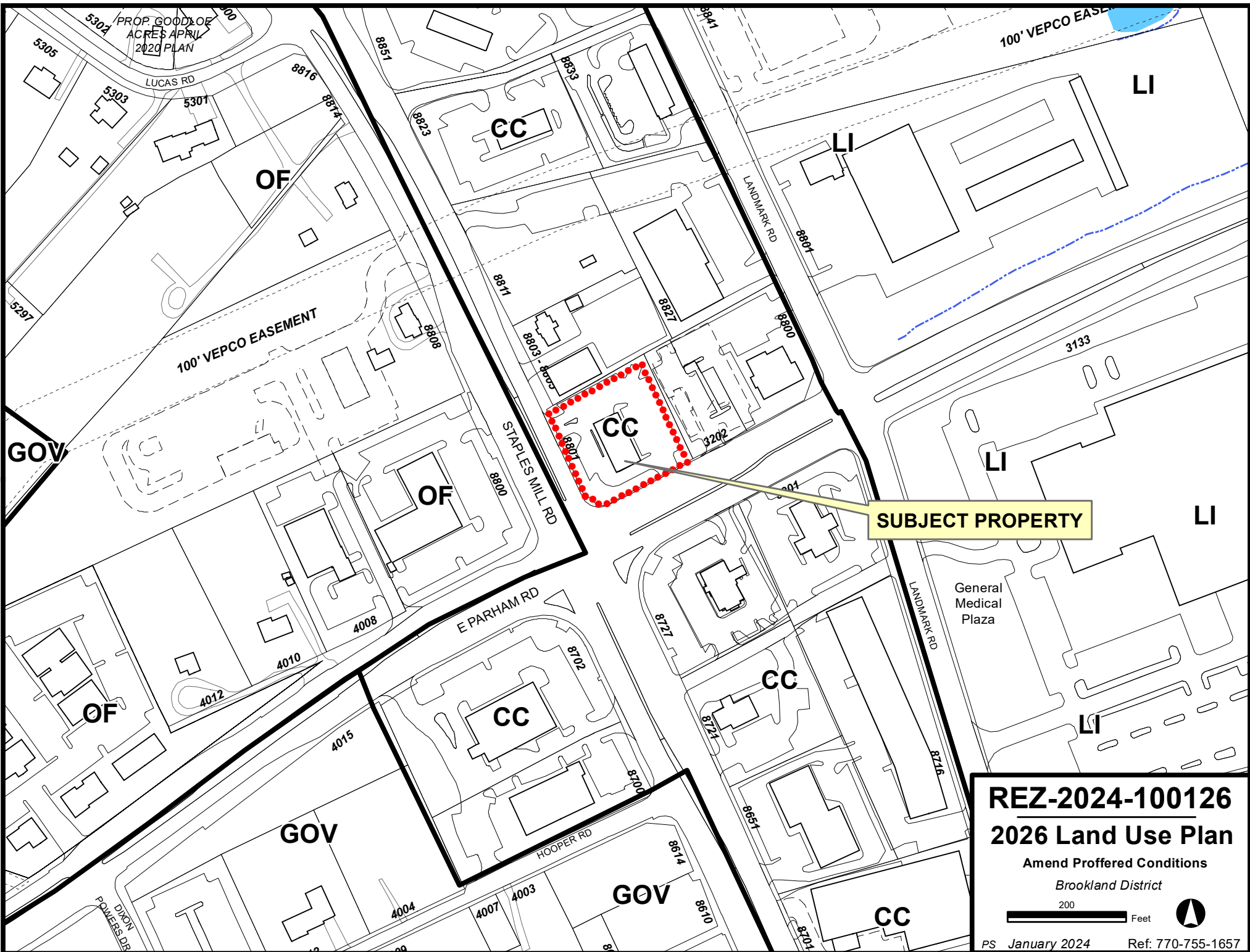
J.N.: 30691



REZ-2024-100126
Zoning
 Amend Proffered Conditions
 Brookland District

200 Feet

PS January 2024 Ref: 770-755-1657



REZ-2024-100126
2026 Land Use Plan

Amend Proffered Conditions
Brookland District

