



C-8C-09

CP Other Realty, LLC

Staff Report for Planning Commission Public Hearing
Amended May 20, 2009

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 12, 2009	Deferred by the Planning Commission
	April 9, 2009	Deferred at the Applicant's Request
	May 14, 2009	Deferred at the Applicant's Request
	June 11, 2009	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION

Requested Zoning: B-3C Business District (Conditional)

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

Acreage: 1.68 acres

Proposed use: Car Wash

Location: West Broad Street (U.S. Route 250) approximately 1,650 feet east of North Gayton Road

Magisterial District: Three Chopt

Land Use Plan Recommendations: Mixed Use Development Area

Land Development Guide Designation: Expansion Area and the Far West Broad Street Corridor Special Strategy Area

Parcel No.: Part of 735-763-7898

Zoning of Surrounding Properties:

North:	B-2C	Business District (Conditional)
South:	A-1	Agricultural District
East:	B-2C	Business District (Conditional)
West:	B-2C	Business District (Conditional)

Staff Contact: Jamie Sherry (501-4635)

III. SUMMARY OF STAFF REPORT:

The applicant proposes to rezone 1.68 acres of a 4.76 acre parcel located on the north line of West Broad Street just west of Short Pump Town Center in order to construct a car wash. The subject property is located adjacent to property currently under development as Towne Center West, which contains a mixture of retail and residential uses.

The 2010 Land Use Plan recommends Mixed Use Development (MX) for the subject property. The site is also within the West Broad Street Overlay District (WBSOD) and the Far West Broad Street Corridor Special Strategy Area.

This proposal would allow for a full service car wash, with the activities, accessory equipment, and internal vehicle movements associated with this type of use. Staff is concerned that these would be located on a highly visible property along West Broad Street. The subject site, while an outparcel, is an integral part of a larger on-going development that was originally rezoned with the intent that individual sites and proposed uses be both visually and physically compatible. It is important that this application fulfill the original intent.

Staff does not support this application for several reasons. The goal of the MX designation and the WBSOD is to encourage large-tract and well-planned mixed use development with a unified design and an integrated mixture of compatible uses to provide better traffic flow and appearance along West Broad Street, in contrast to the traditional methods of strip retail development and uses.

Uses that are physically compatible with the developing area while promoting and encouraging pedestrian movement between uses would enhance the mixed use objectives of the site. The proposed car wash would not meet these objectives due to the objectionable features associated with the day to day operations of the use, and the internal vehicular movements that would potentially impact pedestrian connectivity to the surrounding approved and proposed uses.

In addition, the applicant's proposed changes to the proffers of the original case do not provide assurances that this request would be integrated with the surrounding Towne Center West development as envisioned with the original application. For these reasons, staff does not support this request.

The Planning Commission deferred this item at its ~~April 9, 2009~~ May 14, 2009 meeting at the applicant's request. No new information has been provided.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The applicant proposes to construct a full service car wash, which is first permitted in the B-3 Business District. The subject property fronts on West Broad Street and is currently vacant. The site is bordered to the north and west by the Towne Center West property which is zoned B-2C Business District (Conditional) and R-6 General Residence District (Conditional) and is being developed for retail and residential uses.

An important consideration for the rezoning of Towne Center West (C-49C-04) was the development of a master plan which included pedestrian interconnectivity to the adjacent development. The subject property was not included in rezoning case C-49C-04; however due to its location, it was critical the plans for Towne Center West consider the subject property in its future development.

The subject property was rezoned to B-2C Business District (Conditional) with rezoning case C-43C-05, (and amended with case C-44C-06), to permit the development of commercial uses. Proffers accepted with these cases were consistent with and complementary to those established in accordance to the overall Towne Center West development. Proffers accepted in that case included a 50 foot buffer along West Broad Street; no more than one access point to/from West Broad Street; a pedestrian plaza with one or more public features; exterior elevations compatible with concept drawings from the Towne Center West development; and, site coverage of no more than 70%.

On January 24, 2007 the Planning Commission granted approval of a plan of development (POD-007-07) for the construction of a six-story, 192-room hotel and two restaurants. The proposed hotel is to be located to the north of the proposed car wash. The two restaurants were to be located along the frontage of West Broad Street.

Staff believes this request does not meet the intent of the 2010 Land Use Plan Mixed Use Development designation, the Far West Broad Street Corridor Special Strategy Area or the West Broad Street Overlay District. These designations recommend large-tract development in order to provide for a unified design and compatible uses. Specifically, the guidelines adopted with the West Broad Street Overlay District encourage:

- Providing public open space for retail development areas.
- The planting of landscape materials for the perimeter of the entire site with the initial development of any portion of the site.
- Sharing access within and between sites.
- Providing pedestrian access between and within sites.
- Providing pedestrian connections from the sidewalk on West Broad Street into individual project areas.
- Screening heating, ventilation and air-conditioning units, loading docks, trash containers and mechanical equipment.

The Land Use Plan and the planned developments approved with the above rezoning cases encouraged specialty retail, restaurant, and office uses and the concept plan anticipated pedestrian interconnectivity and a free flow of pedestrian movement that would enhance the mixed use objectives envisioned for this site.

The lack of auto-oriented uses in the Towne Center West development was intended to minimize the impact on surrounding uses and to provide a balance of compatible uses. This proposal creates the potential for adverse impacts on the proposed hotel located to the north of the subject site, as well as the other undeveloped pad site to the east, and would not be in keeping with the guidelines established with the West Broad Street Overlay District. The development of a car wash would eliminate an opportunity to develop the site in a unified manner.

In addition, staff notes the following concerns in reference to the submitted proffers, elevations and conceptual plan:

- The proposed use will have significant visual impacts that must be addressed. The activities and equipment associated with a car wash will need to be identified and adequately screened from view from both ground level and from higher elevation on adjacent development.

- The proposed use typically uses temporary structures such as tents as part of the activity. Staff has a concern regarding the use of temporary structures for drying of vehicles.
- The proposed use does not show an adequate level of connectivity to the surrounding development. The proposal does not indicate the level of pedestrian connectivity among the proposed uses within the 4.76 acre site as well as to the adjacent Towne Center West as envisioned with the original approved development.
- Vehicular access to the adjacent Town Center West properties was not included with this proposal.
- The proposal does not show the amenities envisioned with the original approved development. A pedestrian plaza and other pedestrian features including pavers, water features, gathering areas, and dining areas consistent with earlier cases and the approved plan of development were not included with this proposal.
- The proposal does not include details of the landscaping consistent with the concept plan.
- The proposal does not address the requirements of the West Broad Street Overlay District with regards to signage. The WBSOD design standards require an overall sign plan with consistent design. Detached signs were not envisioned with the original proposal.
- The proposed does not address staff's concern regarding the use of outdoor speakers or public address systems in the WBSOD. The proffer from the original rezoning case stating that there would be no public address or speaker systems outside of any building has been omitted.

The request to rezone 1.68 acres independent of a unified plan for the larger 4.76 acre parcel and Towne Center West is not consistent with the 2010 Land Use Plan's Mixed Use Development (MX) designation and the Far West Broad Street Corridor Special Strategy Area designation or the guidelines of the West Broad Street Overlay District. In addition, the proposed car wash has the potential to have a negative impact on the proposed hotel, other undeveloped portions of the site, and to the development within Towne Center West. Therefore, staff does not support this request.

The Planning Commission deferred this item at its ~~April 9, 2009~~ May 14, 2009 meeting at the applicant's request. No new information has been provided.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2010 Land Use Plan recommends Mixed Use Development Area (MX) for the subject property and encourages large-tract development in order to have a mixture of balanced land uses. The proposed car wash is not integrated with adjacent uses and is therefore not consistent with the MX recommendation.

Land Development Guide:

The site and the surrounding vicinity are located within an Expansion Area and within the Far West Broad Street Corridor Special Strategy Area and the West Broad Street Overlay District. The West Broad Street Overlay District was created to provide additional requirements for development in the West Broad Street corridor in order to reduce traffic congestion, avoid distracting visual clutter, and preserve the aesthetic values of the district by promoting the following strategies:

- Encourage a mixture of land uses with adequate buffering, screening and landscaping to help reduce the visual impacts of development.
- Encourage well-planned development sites.
- Protect landowners from possible adverse impacts of adjoining developments.
- Enhance the appearance and environment of western Henrico County.
- Encourage the timing and location of development consistent with available public facilities.

The proposed request is not consistent with the Far West Broad Street Corridor Special Strategy Area and West Broad Street Overlay District strategies; and the proposal lacks a unified plan to ensure a balance of uses preventing adverse affects on adjacent properties.

Goals, Objectives and Policies:

This request is not consistent with the goals, objectives, and policies of the 2010 Plan including:

- General Goal "VIII": To encourage large-tract planned mixed use development which promotes economies of scale, energy conservation, and efficient use of infrastructure and revenues.
- General Policy "d": Encourage good site design which minimizes land use impacts on adjacent properties.
- Economic Objective "E": Mitigate the visual and traffic impacts of strip commercial development.
- Economic Policy "g": Encourage good site design which maximizes safe pedestrian movement to the site and within the site.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

This request would rezone 1.68 acres from B-2C Business District (Conditional) to B-3C Business District (Conditional). The following shows the typical trip generation for this proposal, based on the proposed car wash:

Total Trips: 344 vehicles per day
 AM Peak: 0 entering, 0 exiting
 PM Peak: 25 entering, 25 exiting

West Broad Street is a major arterial that is carrying 25,000 vehicles per day. The adjacent roadway network could accommodate the additional traffic volume.

The proposed entrance onto West Broad Street will need to be approved by the Virginia Department of Transportation (VDOT). It will need to meet VDOT's Access Management standards and provide a VDOT standard right turn lane into the site from West Broad Street. If the proposed entrance and turn lane are approved by VDOT, the existing 5 foot wide sidewalk along West Broad Street would need to be relocated. The first point of conflict from West Broad Street will need to be a minimum of 150 feet. Adequate sight distance must be provided at all access points before they can be approved.

Department of Public Works/EESD:

Proposed improvements must comply with all applicable Department of Public Works plan of development requirements. The site must comply with all applicable water quality requirements. The site is located in a Watershed Enhancement Area. Based on GIS, Waters of the U.S.

and/or hydric soils are present. This indicates the possibility of wetlands and Corps of Engineers and/or Department of Environmental Quality permits may be required.

Public Utilities Services:

The proposed car wash is in the Holiday Inn at Towne Center West agreement area to be served with County water and sewer.

Schools:

This case does not have adverse educational impacts.

Library:

No comment on this request.

Division of Fire:

No comment on this request.

Division of Police:

The applicant is encouraged to contact and work with the Community Policing Unit within the Division of Police for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts as a plan of development is drafted to be submitted for review.

Department of Community Revitalization:

No comment on this request.

Recreation and Parks Department:

There are no park or recreation facilities, historical, archeological or battlefield impact.

Topography and Land Characteristics Adaptability:

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



Proffers for Conditional Rezoning

County of Henrico, Virginia
4301 E. Parham Road, Richmond, Virginia 23228
Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

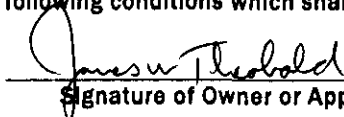
Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 27032 Phone (804) 501-4602 Facsimile (804) 501-4379

XX Original Amended Rezoning Case No. C-8C-09 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:

James W. Theobald,
Attorney-in-Fact

January 15, 2009


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

PROFFERED CONDITIONS

1. Buffer on West Broad Street. The required buffer area along West Broad Street shall be fifty (50) feet in width. Roads, sidewalks, utility easements, fencing/walls adjacent to any roads or drives, and signage shall be permitted within such buffer, provided, any such road or utility easements, other than existing easements, shall be extended generally perpendicular to West Broad Street through such buffer.
2. Best Management Practice. Best Management Practice structures shall be located outside of the landscaped buffer along West Broad Street, except as a landscaping amenity or water-related feature and if requested and specifically permitted at the time of Plan of Development. Any above-ground Best Management Practice structure shall include an aeration feature to move water within such structure.
3. Vehicular Access. Unless otherwise and specifically permitted at the time of Plan of Development, there shall be no more than one (1) direct vehicular access point to the Property from West Broad Street.
4. Loading Docks. Loading docks shall be screened from public view at ground level as approved at the time of Plan of Development by use of a wall or other architectural feature similar to the exterior material as the building on which it is located, landscaping, or such other method as may be approved at the time of Plan of Development.
5. Trash Receptacles. Dumpsters and trash receptacles, not including convenience cans, shall be screened from public view at ground level with architectural material similar to the main building using such dumpster or trash receptacle and as otherwise approved at the time of Plan of Development.
6. Trash Removal. Trash removal on the Property shall be limited to the hours between 7:00 a.m. and 8:00 p.m.

Page ___ of ___

C-8C-09

7. Drainage and Utilities. All utility lines on the Property shall be underground, except for already existing utilities, junction boxes, meters, utility lines in wetland areas and utility lines required to be above ground by the utility company.
8. Stone Mulch. Aggregate stone media shall not be used as a mulch in any landscaped buffer area on the Property nor in any parking lot landscaping areas (including islands), unless otherwise requested and specifically permitted at the time of Plan of Development.
9. Parking Lot and Exterior Lighting. Parking lot lighting standards within the Property shall not exceed twenty-five feet in height as measured from the grade of the lighting standard, except as otherwise permitted at the time of Plan of Development.

Parking lot lighting standards shall not exceed twenty (20) feet in height within three hundred (300) feet of the boundary line of the Property along West Broad Street. Parking lot lighting on the Property shall be produced from concealed lighting sources to minimize the impact of such lighting on adjacent properties, unless otherwise permitted at the time of Plan of Development. Exterior light fixtures shall be produced from concealed sources of light unless other low intensity decorative ornamental fixtures such as gas style lamps are approved at the time of Plan of Development. Such lighting shall be reduced to no more than a security level following the close of business operations each day. At no time shall the parking lot lighting exceed one-half (1/2) footcandle at the right-of-way lines along West Broad Street.

The exterior lighting on the Property shall be designed with a cohesive plan so that all exterior lighting shall use compatible design elements.

10. Irrigation. Landscaped islands shall be irrigated.
11. Uses. The only B-3 permitted use on the Property shall be for a car wash. The following uses shall be prohibited on the Property:
 - a. flea markets;
 - b. Laundromats and self-service dry cleaning establishments;
 - c. gun shop, sales and repairs, except that such gun sales and repairs shall be permitted in a store that sells a variety of sporting goods;
 - d. establishments whose primary business is check cashing and/or the making of payday loans as defined and regulated by Sections 6.1-432 et seq. and 6.1-444 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);
 - e. lodge and fraternal organization;
 - f. sign printing and painting shop
 - g. skating rinks, roller skating rinks, model racing tracks, electronic video game rooms, bingo halls and billiard parlors unless such billiard parlors are associated with a restaurant;

- h. restaurants with drive-thru windows, not to exclude, however, restaurants with dedicated parking spaces for the pick-up of carry-out food, unless otherwise requested and specifically permitted at the time of Plan of Development;
 - i. funeral home, mortuary, and/or undertaking establishment;
 - j. parking lots, commercial (nothing herein shall preclude parking lots as an accessory use to a principally permitted use);
 - k. automobile filling or service station;
 - l. motor or motor lodge;
 - m. adult business as defined by the County of Henrico;
 - n. billboards;
 - o. truck stops;
 - p. communication tower;
 - q. self-storage facilities;
 - r. off-track betting parlors;
 - s. permanent on-site recycling collection facilities;
 - t. sewer/water pump stations;
 - u. massage establishments; and
 - v. outdoor vending machines.
12. Hours of Operation. Hours of operation shall be as regulated in the B-2 zoning district.
13. Signage. Signage shall be as regulated in the B-2 zoning district.
14. Exterior Elevations. The exposed portion of each exterior wall surface (front, rear and sides) of any building on the Property shall be similar in high quality of construction and shall have compatible architectural design (incorporating compatible, but not necessarily the same, design elements, color and architectural styles).

Any car wash developed on the Property shall be in general conformance with the architectural appearance shown on the elevations dated October 8, 2008 entitled "Proposed Floor Plan and Front Elevation, Car Pool at Short Pump, West Broad Street Road (State Route 250), Henrico County, Virginia" prepared by Freeman Morgan Architects, and attached hereto, unless otherwise requested and specifically approved at the time of Plan of Development.

Any other buildings developed on the Property shall have an exterior architectural style and use design elements similar with or generally compatible with the concept drawings made a part of Case Nos. C-43C-05 and C-44C-06, which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings.

All buildings on the Property shall have exposed exterior walls (above finished grade and exclusive of architectural features, windows and doors) constructed of masonry brick, stone, pre-cast concrete, exterior insulating finishing systems (E.I.F.S.) and/or glass and may have varying amounts of these exterior materials or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are requested and specifically approved with respect to the exposed portion of any such

wall, at the time of Plan of Development. All buildings on the Property shall have at least thirty-five percent (35%) brick in the aggregate on the exposed exterior walls of such buildings, with the front exposed exterior wall of any such building being constructed of at least fifty percent (50%) brick and any side exposed exterior wall visible from off the Property being constructed at a minimum of thirty-five percent (35%) brick. Wood or composite siding, natural or cultured stone, marble, pre-cast or cast-in-place architectural concrete, exposed aggregate concrete, E.I.F.S., and/or glass, or an equivalent, permanent, architecturally finished material may be utilized as accent materials on such buildings.

No building on the Property shall be covered with or have exposed to view any painted or unfinished concrete block, sheet or corrugated aluminum, iron and/or steel or other materials unless requested and specifically permitted at the time of Plan of Development.

Roof design shall be implemented so as to minimize building mass and offer variations in building appearance. The rear of any buildings on the Property facing West Broad Street shall have a façade substantially similar to the front façade of that building or as otherwise approved by the Planning Commission at the time of Plan of Development.

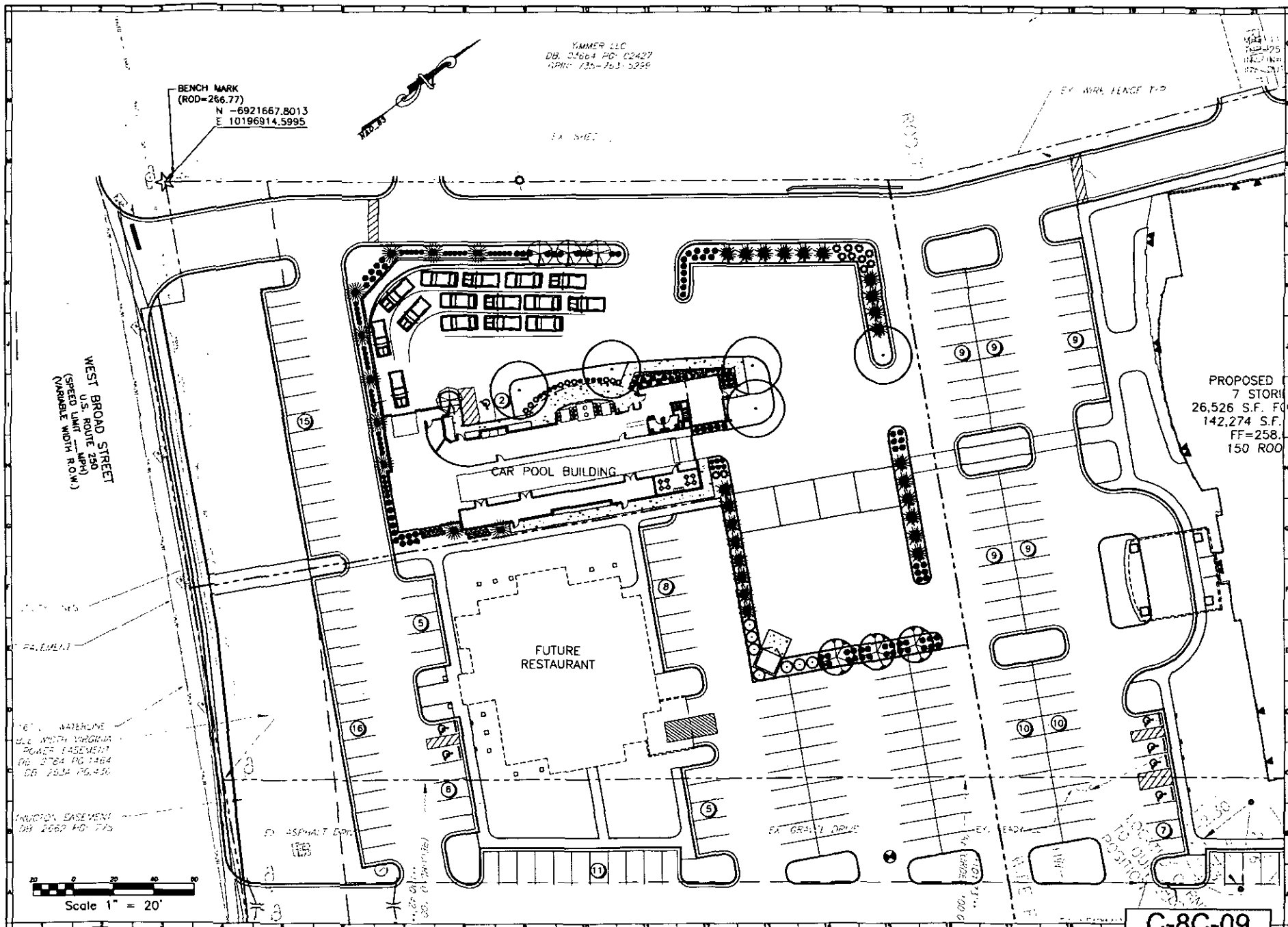
15. Conceptual Plan. Development of the Property shall be in general conformance with the Conceptual Plan dated December 17, 2008 entitled Car Pool – TCW, Schematic Plan, Three Chopt District, Henrico County, Virginia” prepared by Balzer and Associates, Inc. attached hereto (the “Conceptual Plan”), which Conceptual Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development.
16. Site Coverage. No more than seventy percent (70%) of the Property in the aggregate may be covered by buildings, parking areas and driveways. This site coverage ratio shall be achieved through the use of landscaping and open areas, including, without limitation, landscaped buffers, medians and parking lot islands, pedestrian areas and open plazas.
17. Protective Covenants. Prior to or concurrent with the conveyance of any part of the Property covered by a Plan of Development approved by Henrico County, Virginia (other than for the conveyance of easements, roads or utilities), the owner of the Property covered by such Plan of Development, or its successors and assigns, shall record a document in the Clerk’s Office of the Circuit Court of Henrico County, Virginia, setting forth covenants that shall provide for high standards of uniform maintenance (consistent with commercial “Class A” projects) of individual sites, common areas, open space, landscaping and private streets.

18. 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.

KALYAN PLAZA AT SHORT PUMP, L.L.C.,
a Virginia limited liability company

By: James W. Theobald
James W. Theobald, Attorney-in-Fact
Date: January 15 2009

#2234586 v1 030237.00004



BENCH MARK
(ROD=266.77)
N - 6921667.8013
E 10196914.5995

YAMMER LLC
DB: 23664 PG: 02427
CPN: 135-763-5259

WEST BROAD STREET
U.S. ROUTE 29D
(SPEED LIMIT 40 MPH)
(VARIABLE WIDTH ROW)

PROPOSED
7 STORIES
26,526 S.F. FLOOR AREA
142,274 S.F. TOTAL AREA
FF=258'
150 ROOMS

6" WATER MAIN
12" WATER MAIN
12" GAS MAIN
12" SEWER MAIN
DB: 2784 PG: 1464
DB: 2534 PG: 450

TRUCKING EASEMENT
DB: 2662 PG: 776

Scale 1" = 20'



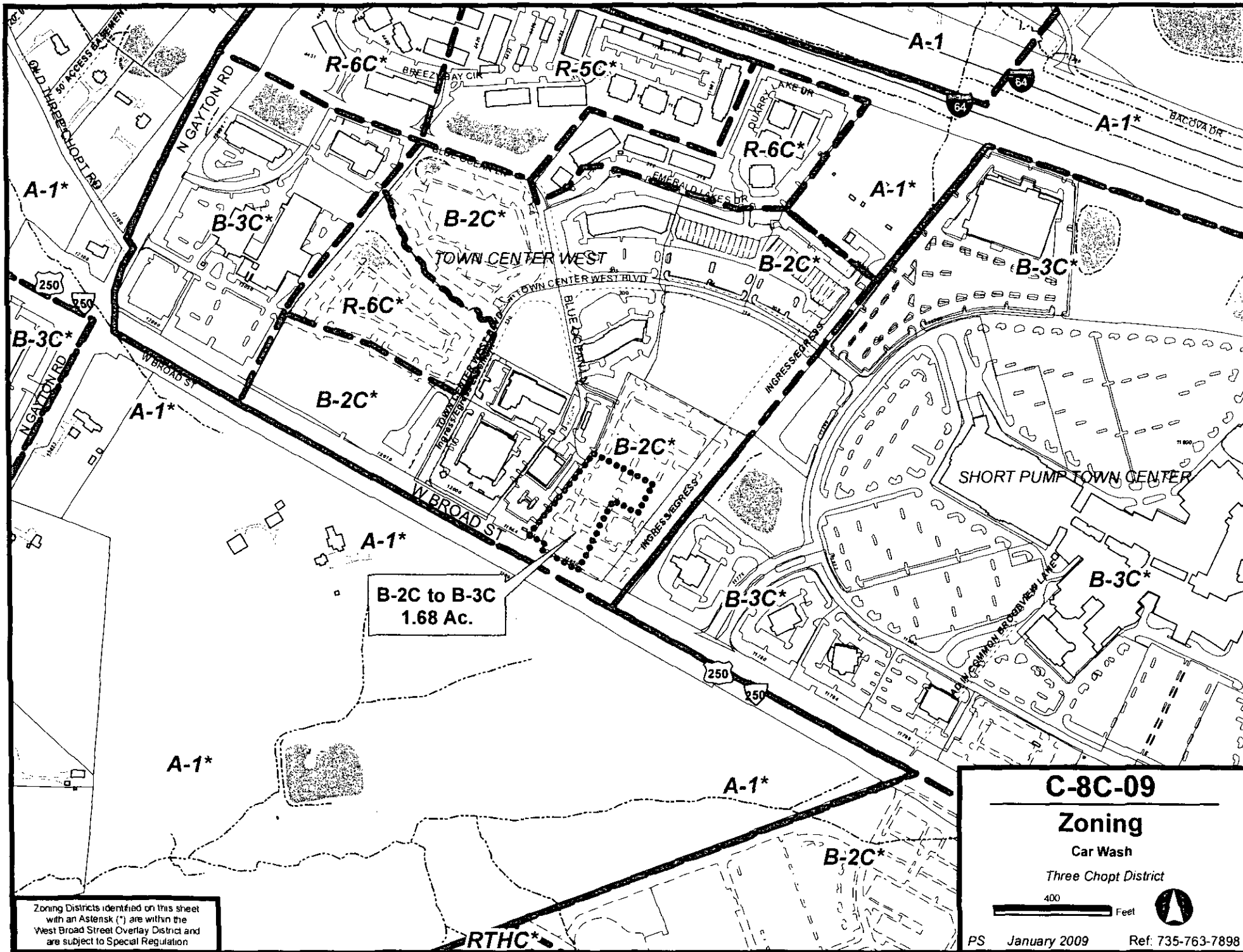
BALZER ENGINEERS
13871 City View Drive
Suite 200
Manassas, VA 20113
804-794-0571
FAX: 804-794-2638

CAR POOL - TOW
SCHEMATIC PLAN
THREE CHOICE DISTRICT
HENRICO COUNTY, VIRGINIA

DRAWN BY: ADP
DESIGNED BY:
CHECKED BY:
DATE: 12-17-08
SCALE: 1" = 20'
REVISIONS:

SHEET NO.
SCH 1
JOB NO. C0802451.00

C-8C-09

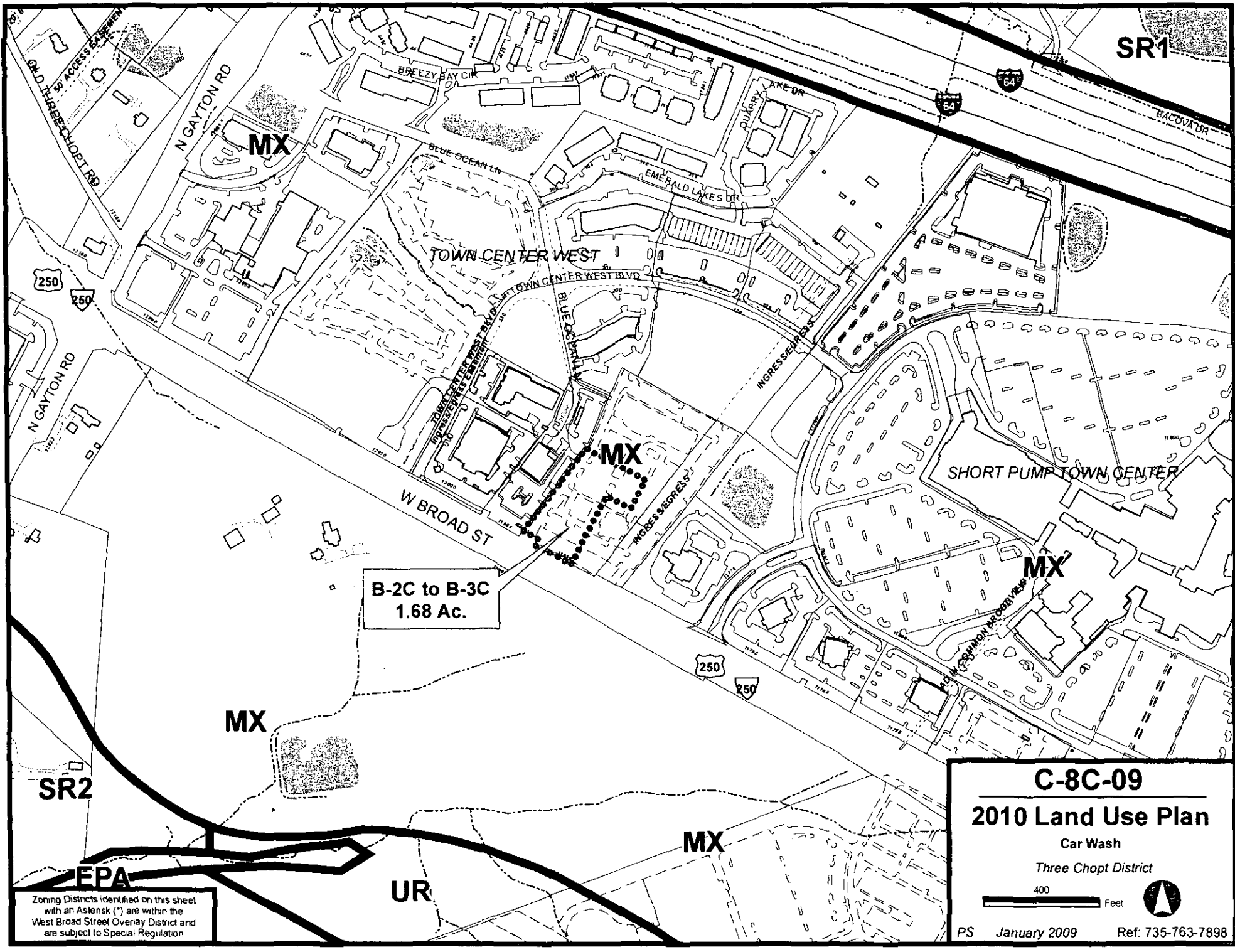


Zoning Districts identified on this sheet with an Astisk (*) are within the West Broad Street Overlay District and are subject to Special Regulation

C-8C-09
Zoning
 Car Wash
 Three Chopt District

400 Feet

PS January 2009 Ref: 735-763-7898



Zoning Districts identified on this sheet with an Astisk (*) are within the West Broad Street Overlay District and are subject to Special Regulation

C-8C-09
2010 Land Use Plan
 Car Wash
 Three Chopt District
 400 Feet
 PS January 2009 Ref: 735-763-7898