



~~June 18, 2002 CPC~~
June 26, 2002 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

02SN0251

Gershman Properties, LLC

Clover Hill Magisterial District
200 Wadsworth Drive

REQUEST: Rezoning from Community Business (C-3) to General Business (C-5).

PROPOSED LAND USE:

Commercial and industrial uses, except as restricted by Proffered Condition 1 are planned. The applicant has indicated the intent to develop administrative offices and warehousing/distribution facilities.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. While the proposed zoning and land use do not conform to the Eastern Midlothian Area Plan which suggests the property is appropriate for community mixed use, the applicant has agreed to restrict uses to those that are more in keeping with those suggested by the Plan. The light industrial use will be no more intense than those C-3 uses suggested by the Plan.

- B. The proposed zoning and land use represent the revitalization and reuse of a currently vacant facility along the Midlothian Turnpike Corridor. This redevelopment is in keeping with the revitalization goals of the Plan.
- C. The development standards of the Zoning Ordinance and proffered conditions further address land use compatibility issues and impact on area development.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNERS MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The property owner/owner in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or approved with conditions not agreed to by the owner/applicant, the proffers shall immediately be null and void and of no further force or effect.

- (STAFF/CPC)
- 1. Uses. Uses shall be limited to those permitted in a C-3 District (including those C-3 uses permitted with certain restrictions) and to those uses permitted in an I-1 District; however the following I-1 uses shall not be permitted:
 - a. bakery products manufacturing;
 - b. blending, mixing and compounding of manufactured goods;
 - c. bottling and canning soft drinks and carbonated water;
 - d. converting paper to paperboard products, paperboard containers and boxes;
 - e. cosmetics and toiletries (compounding only) manufacturing
 - f. dry cleaning plants;
 - g. miscellaneous plastic products manufacturing;
 - h. paper recycling by the compaction method;
 - i. rectifying and blending liquors;
 - j. recycling and processing of any material permitted to be manufactured in the I-1 District;
 - k. wine, brandy and brandy spirits manufacturing;
 - l. fabricating sheet metal products;
 - m. fur dressing and dyeing;

- n. linoleum, asphalt feltbase and other hard surface floor cover manufacturing;
- o. machine shop;
- p. mortician's goods manufacturing;
- q. park and ride lots; and
- r. publicly operated parks, playgrounds and athletic fields, including their customary buildings and facilities. (P)

- (STAFF/CPC) 2. Limitation on Docks. There shall be no more than eight (8) loading docks, which docks shall not face Midlothian Turnpike. (P)
- (STAFF/CPC) 3. Tractor/Trailer Parking. There shall be no overnight tractor/trailer parking in front of the building. (P)
- (STAFF/CPC) 4. Wall. A masonry screening wall with related landscaping and irrigation along the southern property line shall be provided consistent with the requirements of site plan 92PS0133. (P)

GENERAL INFORMATION

Location:

Southeast quadrant of Powhite Parkway and Midlothian Turnpike, west line of Wadsworth Drive and is known as 200 Wadsworth Drive. Tax ID 756-704-0068 (Sheet 7).

Existing Zoning:

C-3 with Conditional Use Planned Development

Size:

10.0 acres

Existing Land Use:

Vacant commercial building

Adjacent Zoning and Land Use:

North - O-2 with Conditional Use Planned Development and C-5; Commercial
 South - R-12; Vacant
 East - C-3 with Conditional Use Planned Development; Commercial
 West - O-2 with Conditional Use Planned Development; Commercial

UTILITIES

Public Water System:

There is an existing twenty (20) inch water line, which extends along a portion of the request site's frontage with Midlothian Turnpike. In addition, a twelve (12) inch water line extends along the east side of Wadsworth Drive, adjacent to this site. The existing building is connected to the public water system. Use of the public water system is required by County Code.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector extending from the east and across Wadsworth Drive to serve this site. The existing building is connected to the public wastewater system. Use of the public wastewater system is required by County Code.

ENVIRONMENTAL

Drainage and Erosion:

The requested zoning and land uses will have no additional impact on these facilities.

PUBLIC FACILITIES

Fire Service:

The Buford Fire Station, Company Number 9, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have minimal impact on fire and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Transportation:

The property is currently zoned Community Business (C-3). The applicant is requesting rezoning that will allow the current C-3 uses and some General Light Industrial (I-1) uses to be developed on the property. The requested rezoning will have a minimal impact on the anticipated traffic generated by development of the property. Vehicles generated by this development will be distributed along Wadsworth Drive to Midlothian Turnpike (Route 60), which had a 2001 traffic count of 59,884 vehicles per day.

At time of site plan review for any redevelopment of the property, specific recommendations will be provided regarding access and internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Eastern Midlothian Area Plan which suggests the property is appropriate for community mixed use. Such uses would include shopping centers and other commercial and office uses of a community scale. Further, the Plan recommends that investment in the area be encouraged for new business development and redevelopment and establishment of employment centers.

Area Development Trends:

Adjacent properties along the Midlothian Turnpike Corridor are occupied by various commercial and office uses. Adjacent properties to the south are developed and developing with single- family residences in Whitestone Subdivision. The Plan anticipates community-scale commercial and office uses continuing along this portion of the Midlothian Turnpike Corridor with residential development south of the subject property.

Zoning History:

On November 25, 1981, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved the rezoning to General Business (B-3) of a portion of the request property. (Case 81S116)

On October 23, 1985, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved the rezoning to Community Business (B-2) with Conditional Use Planned Development of the request property and adjacent property to the east. (Case 85S114)

On October 23, 1987, the Board of Zoning Appeals granted a Variance to the parking space width requirements on the subject property and adjacent property to the east. (Case 87A117)

Uses:

While the request is to rezone to General Business (C-5), in an effort to address land use compatibility concerns, the applicant has agreed to limit uses to those permitted in a C-3 District and a limited number of uses from the Light Industrial (I-1) District. (Proffered Condition 1)

Development Standards:

Currently, the request property lies within a Post Development Area. Development must conform to the requirements of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas. The purpose of the Post Development District Standards is to

provide flexible design criteria in areas that have already experienced development and to ensure continuity of development.

Loading Areas:

Currently sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way. Further, the applicant has agreed to limit the number of loading docks to eight (8) and that they would not face Midlothian Turnpike. (Proffered Condition 2)

Tractor/Trailer Parking:

To address concerns expressed relative to the appearance from Midlothian Turnpike and Powhite Parkway the applicant has agreed there will be no overnight parking of tractor/trailers in front of the building. (Proffered Condition 3)

Buffers and Screening:

The Zoning Ordinance requires a 100 foot buffer adjacent to residential zoning. With the approval of this request, the 100 foot buffer will be required along the southern boundary. The site has been developed such that the existing improvements encroach into the required buffer. Previous actions reduced the required buffer of the C-3 zoning. By virtue of this rezoning, the site will be rendered non-conforming with respect to the buffer requirements. It is the applicant's intent to seek reduction of the required buffer through site plan review.

With the approval of site plan 92PS0133, a masonry screening wall was provided along the southern property line of the request site in lieu of the required buffer. Subsequently, the wall was constructed. The intent of the wall is to minimize the impact of uses on the adjacent residential property to the south. The applicant has agreed to continue to provide a masonry wall, consistent with that approved site plan. (Proffered Condition 4)

CONCLUSIONS

While the proposed zoning and land use do not conform to the Eastern Midlothian Area Plan which suggests the property is appropriate for community mixed use, the applicant has agreed to restrict uses to those that are more in keeping with those suggested by the Plan. Further, the proposed zoning and land use represent the revitalization and reuse of a currently vacant facility along the Midlothian Turnpike Corridor. The redevelopment of this facility is in keeping with the goals of the Plan. In addition, the development standards of the Zoning Ordinance and proffered conditions further address land use compatibility issues and impact on area development.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (6/13/02):

An amendment to Proffered Condition 1 was submitted.

Planning Commission Meeting (6/18/02):

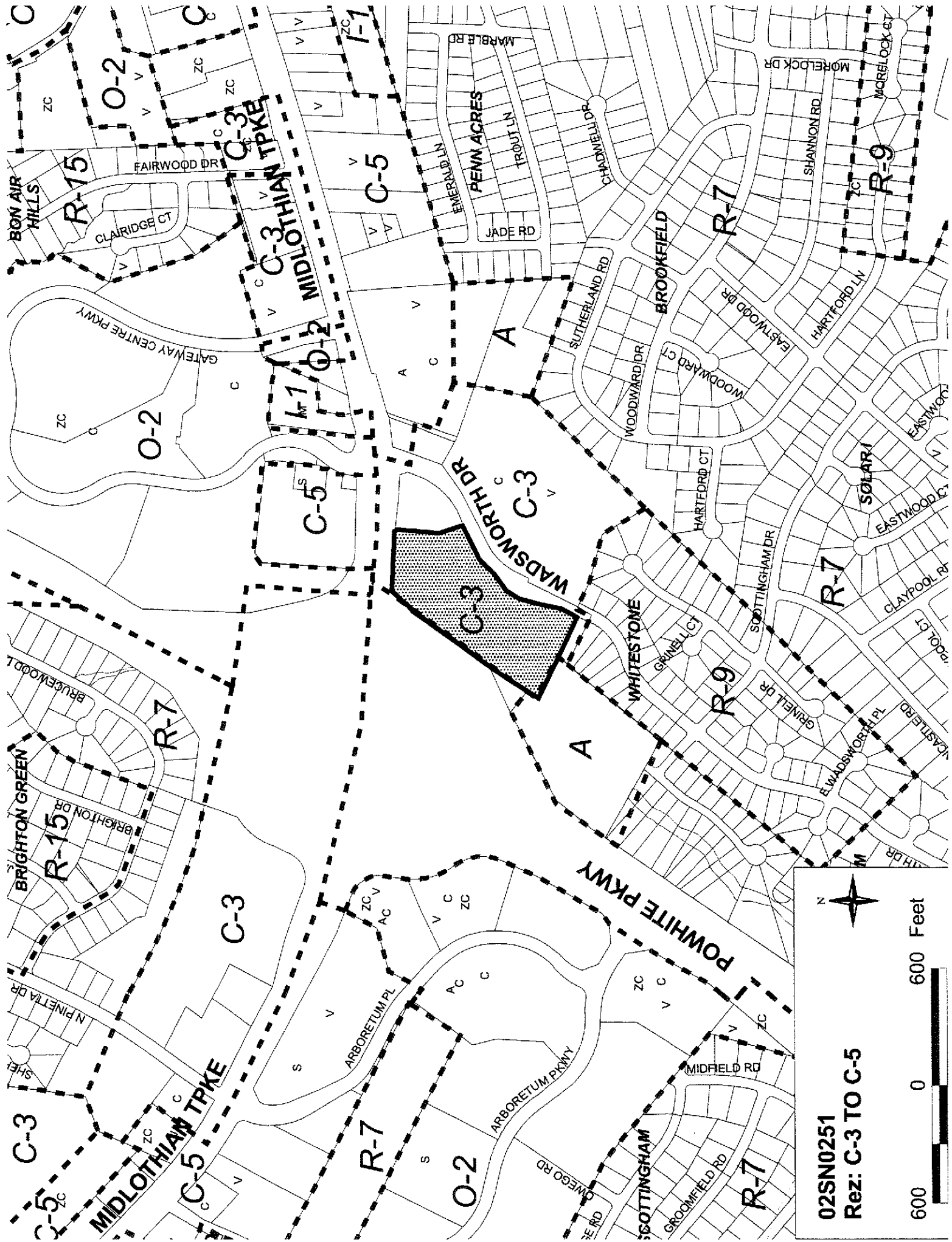
The applicant accepted the recommendation. One person spoke in support of this request.

Mr. Gulley stated at the time of consideration of the site plan to seek reduction of the buffer along the southern property line, the need for extension of the existing wall or additional vegetation would be evaluated.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, June 26, 2002, beginning at 7:00 p.m., will take under consideration this request.



02SN0251
Rez: C-3 TO C-5

In Clover Hill Magisterial District, CHESTERFIELD COUNTY BOARD OF SUPERVISORS requests Conditional Use Planned Development and amendment of zoning district map to permit a fire station in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 10.4 acres fronting approximately 500 feet on the east line of Courthouse Road, approximately 350 feet north of Smoketree Drive. Tax IDs 745-701-1188 and 745-702-5612 (Sheet 6).

Mr. Jacobson presented a summary of Case 02SN0231 and stated that the Planning Commission recommended approval subject to conditions.

Mr. Mike Hatton, representing the applicant, stated that the recommendation is acceptable.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. McHale, the Board approved Case 02SN0231 subject to the following conditions:

1. Except where the requirements of the underlying Agricultural (A) zoning are more restrictive, any fire/rescue station shall comply with Emerging Growth District standards of the Zoning Ordinance for the Corporate Office (O-2) District, except as noted herein. (P)
2. Fifty (50) foot buffers shall be provided along the northern, eastern and southern boundaries of the property. These buffers shall comply with the Sections 19-520(a), 19-521 and 19-522 of the Zoning Ordinance. (P)
3. The public water and wastewater systems shall be used. (U)
4. Direct access from the property to Courthouse Road shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
5. A directional crossover, designed to only allow vehicles to turn left when exiting the site, shall be constructed on Courthouse Road. The exact design of this road improvement shall be approved by the Transportation Department. The Planning Commission may modify this condition to allow an alternative design of this crossover. (T)

Ayes: Miller, Warren, Barber, Humphrey and McHale.

Nays: None.

02SN0251

In Clover Hill Magisterial District, GERSHMAN PROPERTIES, LLC requests rezoning and amendment of zoning district map from Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan

suggests the property is appropriate for community mixed use. This request lies on 10.0 acres and is known as 200 Wadsworth Drive. Tax ID 756-704-0068 (Sheet 7).

Mr. Jacobson presented a summary of Case 02SN0251 and stated that the Planning Commission and staff recommend approval and acceptance of the proffered conditions.

Mr. Jim Theobald, representing the applicant, stated that both the Scottingham Whitestone Community Association and the Gateway Association have expressed support of the proposal. He further stated that the recommendation is acceptable.

Mr. Miller excused himself from the meeting.

Mr. Warren called for the public hearing.

Mr. Dave Huggett, representing the Scottingham Whitestone Community Association, stated that the residents' concerns have been addressed, including extension of the masonry screening wall to the southwest corner of the subject property. He further stated that the association supports the request.

Mr. Theobald clarified that the request must go the Planning Commission for site plan approval for buffer deviation and there are some physical issues relative to the grade and whether the wall can be extended. He stated that the applicant agreed, at the Planning Commission meeting, to extend the wall if it were deemed necessary.

Mr. Miller returned to the meeting.

Mr. Jacobson stated that the Scottingham Whitestone Community Association will receive notification of the site plan request and have an opportunity to speak to the issue at that time.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. Warren, seconded by Mr. Barber, the Board approved Case 02SN0251 and accepted the following proffered conditions:

The property owner/owner in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner/applicant. In the event this request is denied or approved with conditions not agreed to by the owner/applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Uses. Uses shall be limited to those permitted in a C-3 District (including those C-3 uses permitted with certain restrictions) and to those uses permitted in an I-1 District; however the following I-1 uses shall not be permitted:

- a. bakery products manufacturing;
 - b. blending, mixing and compounding of manufactured goods;
 - c. bottling and canning soft drinks and carbonated water;
 - d. converting paper to paperboard products, paperboard containers and boxes;
 - e. cosmetics and toiletries (compounding only) manufacturing
 - f. dry cleaning plants;
 - g. miscellaneous plastic products manufacturing;
 - h. paper recycling by the compaction method;
 - i. rectifying and blending liquors;
 - j. recycling and processing of any material permitted to be manufactured in the I-1 District;
 - k. wine, brandy and brandy spirits manufacturing;
 - l. fabricating sheet metal products;
 - m. fur dressing and dyeing;
 - n. linoleum, asphalt feltbase and other hard surface floor cover manufacturing;
 - o. machine shop;
 - p. mortician's goods manufacturing;
 - q. park and ride lots; and
 - r. publicly operated parks, playgrounds and athletic fields, including their customary buildings and facilities. (P)
2. Limitation on Docks. There shall be no more than eight (8) loading docks, which docks shall not face Midlothian Turnpike. (P)
3. Tractor/Trailer Parking. There shall be no overnight tractor/trailer parking in front of the building. (P)
4. Wall. A masonry screening wall with related landscaping and irrigation along the southern property line shall be provided consistent with the requirements of site plan 92PS0133. (P)

Ayes: Miller, Warren, Barber, Humphrey and McHale.

Nays: None.

02SN0214

In Midlothian Magisterial District, THE JEMIAL COMPANY requests rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Residential Multi-family (R-MF) of 26.1 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements and rezoning from Corporate Office (O-2) to Neighborhood Business (C-2) of 3.6 acres. The density of this development will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial and office uses. This request lies on 29.7 acres fronting approximately 1,200 feet on the north line of Robious Road, also fronting approximately 1,765 feet on the west line of Cranbeck Road and is located in the northwest quadrant of the intersection of these roads. Tax IDs 741-714-Part of