

CASE NUMBER: 20SN0573

APPLICANT: April J. Rice



**CHESTERFIELD COUNTY, VIRGINIA
MIDLOTHIAN DISTRICT**

**STAFF'S ANALYSIS
AND RECOMMENDATION**

Board of Supervisors (BOS) Hearing:

MAY 27, 2020

CPC Time Remaining:

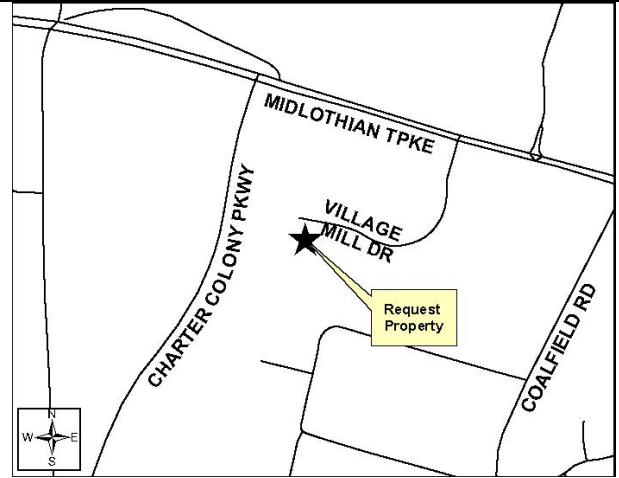
365 DAYS

Applicant's Contacts:

APRIL J. RICE (352-871-4044)

Planning Department Case Manager:

TYLER WALTER (804-318-8893)



0.9 Acre – 13825 Village Mill Drive

REQUEST

Amend prior case (83SN0141) to permit a veterinary hospital in a Corporate Office (O-2) District.

Notes:

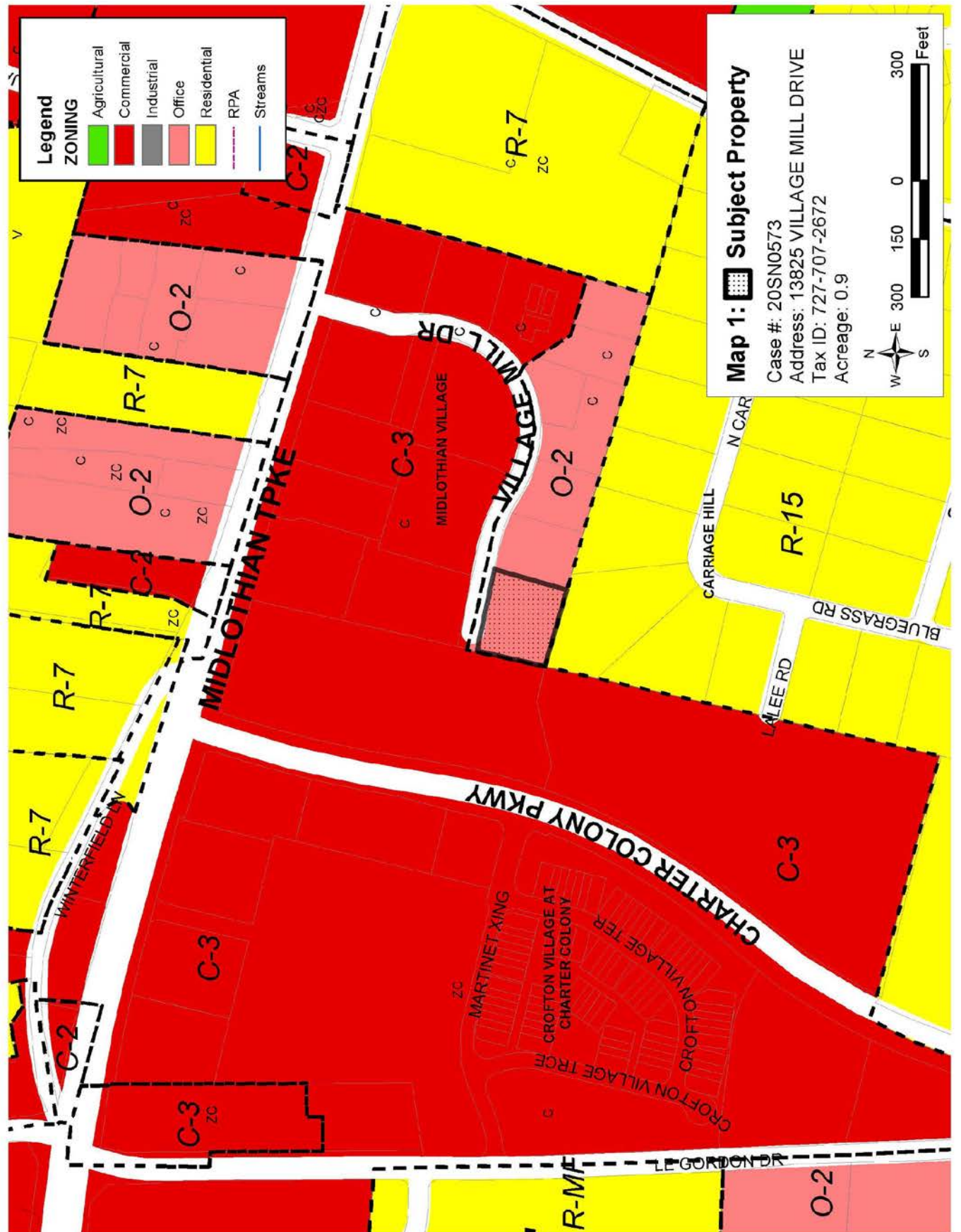
- A. Conditions may be imposed, or the property owner may proffer conditions.
- B. A condition, the previously approved Condition 1 (Case 83SN0141) and the permitted uses for the request property are in Attachments 2 and 3.

SUMMARY

An amendment to a previous zoning approval is requested. The applicant intends to purchase and renovate an existing commercial building to operate a veterinary hospital. In the ordinance, a "veterinary hospital" is first permitted in a Neighborhood Business (C-3) district. This amendment is requested to allow the applicant to perform animal surgeries in conjunction with a veterinary clinic. The applicant will not operate a 24-hour service facility nor have outdoor runs for animals. This does minimize the impact of this use to the surrounding area.

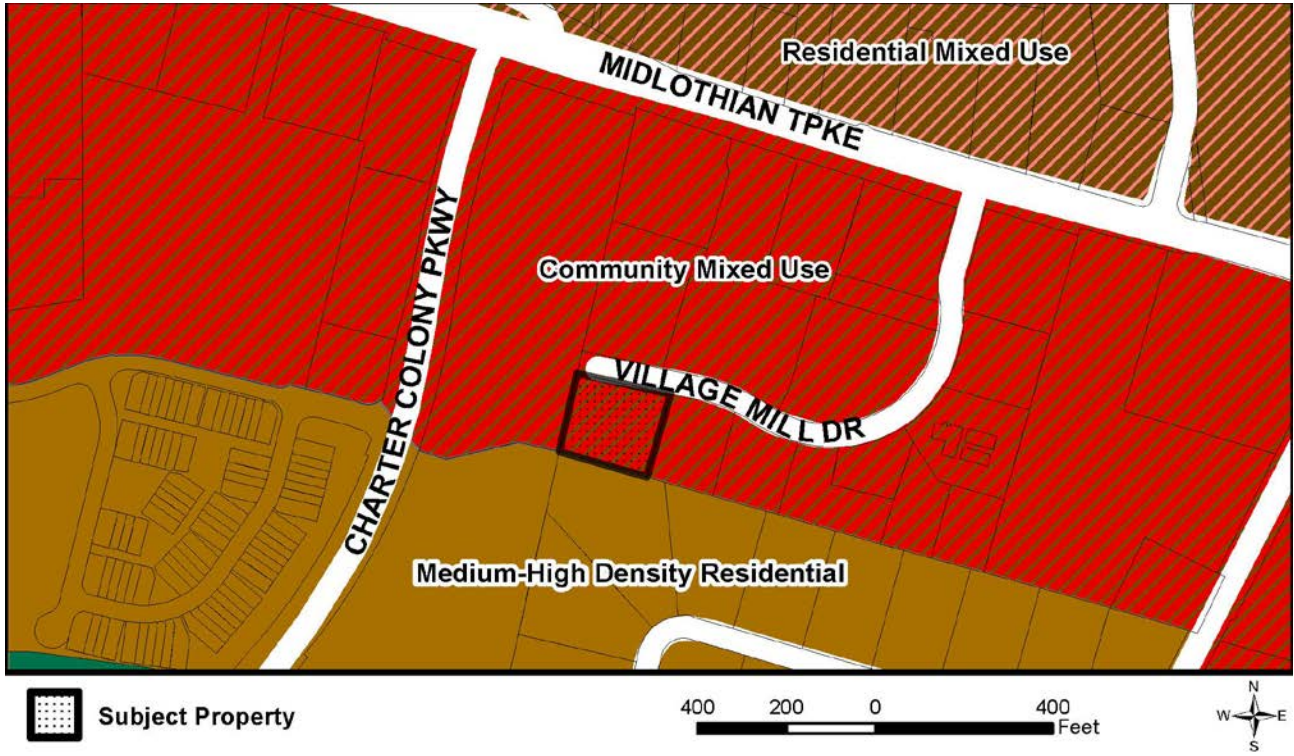
RECOMMENDATION

PLANNING COMMISSION	APPROVAL
STAFF	PLANNING – APPROVAL <ul style="list-style-type: none"> • As conditioned, the impact on surrounding area will be minimized • Complies with the Comprehensive Plan

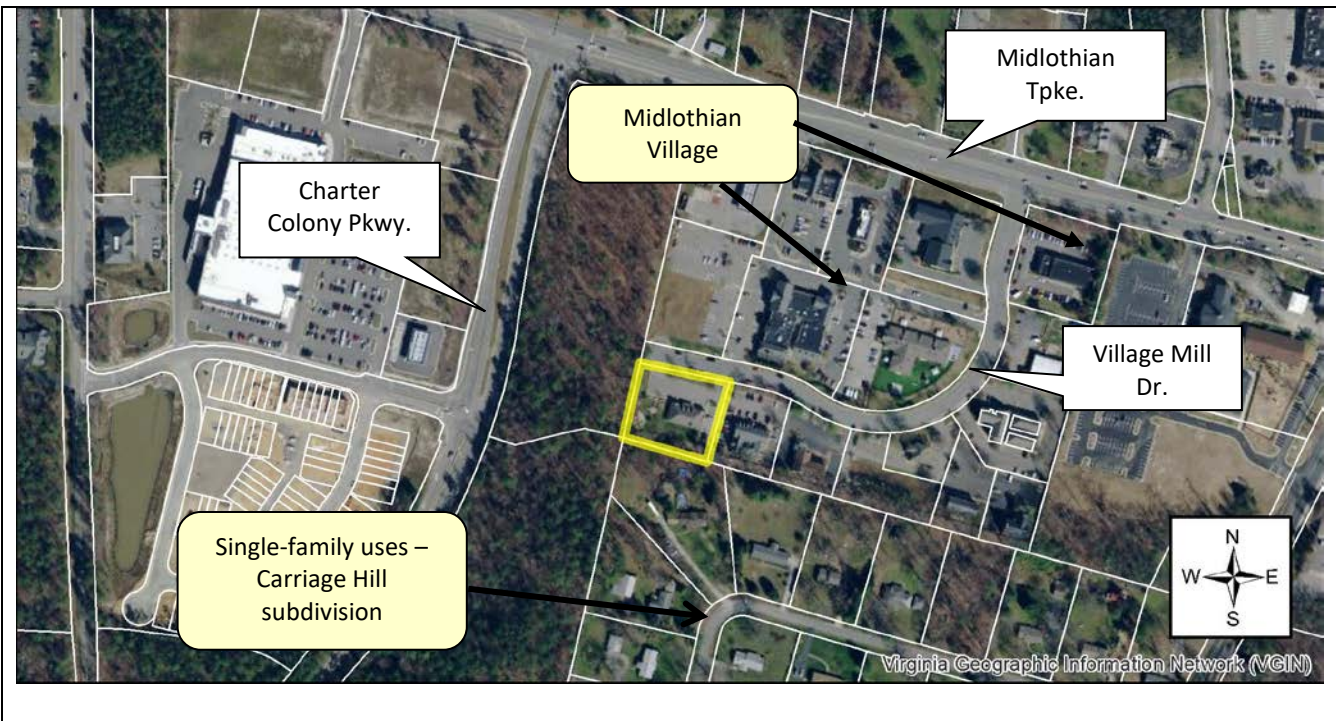


Comprehensive Plan
Classification: COMMUNITY MIXED USE

The designation suggests the property is appropriate for an integrated mixture of concentrated commercial and higher-density residential uses with public spaces, located on tracts having sufficient size to accommodate such mixtures.



Surrounding Land Uses and Development



PLANNING

Staff Contact: Tyler Walter (804-318-8893) waltert@chesterfield.gov

Zoning History

Case Number	Request
83SN0141 Approved (11/1983)	<ul style="list-style-type: none">• Rezoning from Residential (R-7) to General Business (C-2) and General Office (O-2)• Permitted uses in the office rezoning included hobby shops, jewelry shops, day care centers, toy shops, and uses akin to the Sycamore Square Shopping Center

Proposal

The applicant desires to purchase and renovate an existing commercial building which is situated along the south side of Village Mill Drive. Case 83SN0141 permitted Office (O) uses along the south side of Village Mill Drive and permitted a limited number of Neighborhood Business (C-3) uses along the north side of Village Mill Drive, directly across the street from the subject property. (Attachment 3).

The applicant is seeking to amend Case 83SN0141 to add the veterinary hospital use along the south side of Village Mill Drive. The following chart provides an overview of the applicant's request:

General Overview	
Requirements	Details
Uses	<ul style="list-style-type: none">• Add "veterinary hospital" as a permitted use• Prohibit outside runs• Hours of operation limited to 8:00 a.m. to 6:00 p.m.• Previously permitted uses in Case 83SN0141 retained <p style="text-align: right;"><i>Condition, Attachment 1</i></p>

As conditioned, the veterinary hospital would be no more intense than uses currently permitted on or adjacent to the request properties. Staff is supportive of the request.

COUNTY TRANSPORTATION

Staff Contact: Steve Adams (804-748-1037) adamst@chesterfield.gov

The *Comprehensive Plan*, which includes the *Thoroughfare Plan*, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and it is anticipated to have a similar traffic impact as the existing permitted uses on the property.

FIRE AND EMERGENCY MEDICAL SERVICES

Staff Contact: Anthony Batten (804-717-6167) battena@chesterfield.gov

This request will have minimal impact on Fire and EMS.

Nearby Fire and Emergency Medical Service (EMS) Facilities

Fire Station	The Midlothian Fire Station, Company Number 5
EMS Facility	The Midlothian Fire Station, Company Number 5

ENVIRONMENTAL ENGINEERING

Staff Contact: Rebecca Rochet (804-748-1028) rochetr@chesterfield.gov

PARKS AND RECREATION

Staff Contact: Janit Llewellyn (804-751-4482) llewellynja@chesterfield.gov

VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Willie Gordon (804-674-2384) willie.gordon@vdot.virginia.gov

SCHOOLS

Staff Contact: Atonja Allen (804-318-8740) atonja_allen@ccpsnet.net

UTILITIES

Staff Contact: Randy Phelps (804-751-4439) blandj@chesterfield.gov

This request will not impact these facilities.

CASE HISTORY

Applicant Submittals

01/31/2020	Application submitted
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Community Meeting

03/02/2020	Issues Discussed: One citizen attended with no concerns on the request.
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Planning Commission

04/21/2020	Citizen Comments: No citizens spoke to this request. Action – APPROVAL SUBJECT TO CONDITION IN ATTACHMENT 1. Motion: Dr. Hylton Second: Owens AYES: Freye, Sloan, Hylton, Owens, Petroski
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The Board of Supervisors on Wednesday, May 27, 2020, beginning at 6:00 p.m., will consider this request.

CONDITION

Note: The following condition is recommended by both the Planning Commission and Staff.

In addition to the uses permitted by Condition 1 (including the textual statement) of Case 83SN0141, the following use shall also be permitted:

- I. c. Veterinary hospital, provided that outside runs shall be prohibited, and the hours of operation are limited to 7:00 a.m. to 8:00 p.m. daily.

(Staff Note: Except as amended herein, all previous conditions of zoning approved in Case 83SN0141 shall remain in full force and effect.)

APPROVED CONDITIONS – 83SN0141

accessibility to the hospital, the school, to the homes and their established businesses.

Mr. Bookman stated because he felt the application is so far apart from what can realistically be done and be feasible, he seconded the motion.

Ayes: Mr. Robertson, Mr. Bookman, Mr. Daniel and Mrs. Girone.
Absent: Mr. Dodd.

It was generally agreed the Board would recess for five minutes.

Reconvening:

83S122 (Amended)

In Matoaca Magisterial District, CELESTINE D. HICKS AND WALTER L. CROSS requested a Conditional Use Planned Development to permit exceptions to the use (rest home) and bulk requirements of the Zoning Ordinance in a Residential (R-7) District on a 0.63 acre parcel fronting approximately 135 feet on the north line of Totty Street, approximately 400 feet west of Chesterfield Avenue, and better known as 3500 Totty Street. Tax Map 182-13 (4) Orange Hill, Block D, Lot 5 (Sheet 53/54).

Mr. Balderson stated the Planning Commission had recommended approval of this request subject to certain conditions. Mrs. Hicks was present representing the application. There was no opposition present. On motion of Mr. Robertson, seconded by Mr. Bookman, the Board approved this request subject to the following conditions:

1. The Conditional Use Planned Development shall be granted for the purpose of operating a rest home for a maximum of ten (10) persons.
2. The following conditions notwithstanding, the plan prepared by Charles C. Townes and Associates, dated September 1, 1983, shall be considered the plan of development.
3. The driveway and parking area shall be surfaced with six (6) inches of #21 or #21A stone. The driveway and parking area shall be defined by durable material (i.e., timber curbing or other similar treatment).
4. Other than normal maintenance, there shall be no exterior alterations or additions to the existing structure to accommodate this use.
5. In conjunction with the granting of this request, schematic plan approval shall be granted.

Ayes: Mr. Robertson, Mr. Bookman, Mr. Daniel Mrs. Girone.
Absent: Mr. Dodd.

83S141

In Midlothian Magisterial District, PI-TECH, INC. RETIREMENT TRUST requested rezoning from Residential (R-7) to Office Business (O) of 5.3 acres and from Residential (R-7) and Convenience Business (B-1) to Community Business (B-2) of 12.9 acres plus a Conditional Use Planned Development encompassing the entire 18.2 acre tract to permit exceptions to the use and bulk requirements of the Zoning Ordinance. This parcel fronts approximately 1,000 feet on the south line of Midlothian Turnpike approximately 700 feet west of Coalfield Road. Tax Map 15-11 (1) Parcels 5 and 6 (Sheet 7).

83-656

Mr. Balderson stated the Planning Commission had recommended approval of this request subject to the imposition of certain conditions. Mr. Jim Hayes was present representing the applicant. He stated that they have worked closely with homeowners, the members of the Church, the staff, Dr. Moszer and Mrs. Girone. He stated that they have come to an agreement with the conditions according to the addendum to the conditions. Mrs. Girone stated that we want to develop the corridor study for signs for Route 60 and we want to affirm that signs here conform to that study. She added that the applicant will be allowed two major signs to identify the project and one sign per property that fronts on Route 60 which should be within 10 ft. of the right of way. She stated that she felt condition 4.c. should be eliminated. She stated the problem is that the plan for Route 60 is coming along in January and they do not want to commit to something outside of that but this project has been going along and we do want to commit to the five signs just identified. Mr. Hayes stated that condition 4.c. refers to building mounted signs. Mrs. Girone stated that she did not want to address that as that will be deferred until later to work on the entire sign package. She stated the signs approved today will be allowed even if the sign study recommends against such signs. The applicant inquired if the corridor plan allows for building mounted signs, can they have them. Mrs. Girone stated yes, but she did not want to go any further today and wanted to defer the remainder until the entire package is ratified for Route 60. The applicant inquired if the sign package was deferred until June, what would happen. Mrs. Girone stated that if the developer were ready prior to the sign package being adopted, the staff has the ability to approve whatever is necessary. Mr. Hayes inquired about other signs. Mr. Balderson stated all other signs would be governed by the standards established for the sign package for Route 60. The applicant inquired if any thoughts had been given to building mounted signs. Mrs. Girone stated that staff has written a proposal but the Board has not yet met on it and the Board hopes to address it in January. Mr. Hayes stated they are in agreement with the conditions. Mr. Balderson stated for clarification that condition 16 does not have any binding effect on the Highway Department as the County cannot obligate them to anything. Mr. Hayes stated it binds the applicant to do the engineering analysis of the drainage situation, confront the Highway Department with that and work with them in light of the fact that they must cross that road in the same location as drainage to bring in sewer and it would be mutually beneficial.

On motion of Mrs. Girone, seconded by Mr. Bookman, the Board approved the following conditions.

1. The following conditions notwithstanding, the Master Plan, prepared by J.K. Timmons and Associates, dated July 14, 1983, and textual statement shall be considered the plan of development.
2. A twenty-five (25) foot buffer shall be maintained along the southern property line. If a day care center is developed within the Office Business (O) tract, a fifty (50) foot buffer shall be maintained between the playground and the southern property line. Buildings shall be oriented to provide buffering between proposed parking areas and existing single family residential development. Should the applicants desire to place a fence in these buffer areas, the fence shall be located on the northern edge of the buffer. The buffer shall consist of existing vegetation supplemented with additional plantings, where necessary, to effect a proper screen. These buffers shall be installed in conjunction with the phasing of development and as determined by the Planning Commission through schematic plan

review and approval. A landscaping plan depicting these requirements shall be submitted to the Planning Commission for approval in conjunction with schematic plan review.

(This condition supersedes General Conditions, VI of the Textual Statement.)

3. The architectural style and quality of buildings shall be similar to that exemplified in Sycamore Square and Midlothian Station. Renderings shall be submitted to the Planning Commission for approval in conjunction with schematic plan review.

(This condition supersedes General Conditions, V of the Textual Statement.)

4. SIGNS

- a. Two freestanding signs, visible from Route 60, not to exceed 100 square feet in area, shall be permitted identifying this development and the tenants therein.
- b. Individual buildings shall be permitted one freestanding sign each, not to exceed 5 feet in height and an area not to exceed 10 square feet. These signs will be located a minimum of 10 feet from right of way lines for continuity. These signs shall be similar to each other in size, shape, and material, and a rendering shall be submitted to the Planning Staff for approval in conjunction with site plan approval.
- c. Signs may be illuminated, but may be luminous only if the sign field is opaque with translucent letters.
- d. Directional signs (entrance/exit, etc.) shall be governed by Zoning Ordinance requirements.
- e. Prior to erection of any signs, a comprehensive sign package to include colors, materials and typical designs shall be submitted to the Planning Staff for approval. Signs shall blend with the architectural style of the development in conjunction with the proposed plan for the route 60 corridor.

(This condition supersedes General Conditions VII of the Textual Statement.)

5. The following exception shall be granted to the parking requirements for day care centers:

Parking shall be provided at a ratio of 1 space for each 20 children enrolled, up to a maximum of 6 spaces, plus 1 for each employee. The parking area and driveways shall be designed to provide an area for embarkation and disembarkation. This area shall be connected to the main building by a sidewalk and designed to preclude children crossing any driveway or parking area. The driveways, entrances and exits shall be designed to provide a traffic flow which precludes backing onto a right of way and/or vehicles stacking up and/or overflowing onto a right of way.

(This condition supersedes General Conditions VIII of the Textual Statement.)

6. Parking areas shall have at least five (5) square feet of interior landscaping per parking space. Each landscaped area shall contain a minimum of fifty (50) square feet and shall be at least five (5) feet wide. At least one tree having a clear trunk of at least five (5) feet shall be provided for each 200 square feet of interior landscaped area. The remaining area shall be landscaped with shrubs or ground cover not to exceed three (3) feet in height. Such landscaped areas shall be located so as to divide and break up the expanse of paving. The area designated as required setbacks or buffers shall not be calculated as required landscaped area. A landscaping plan depicting this requirement shall be submitted to the Planning Staff for approval in conjunction with site plan review.
7. A landscaping plan for the required fifty (50) foot setback area along the Midlothian Turnpike frontage shall be submitted to the Planning Staff for approval in conjunction with site plan review. This plan shall include ornamental trees, shrubs and evergreens of sufficient density, height and combination types, so as to minimize the visibility of driveway and parking areas from Route 60. Except where entrance driveways cross the 50 foot setback area, existing trees of 6 inches in caliper or greater shall be maintained and not be disturbed.
8. All exterior lighting shall be concealed source lighting and not exceed a height of thirty (30) feet and positioned so as not to project light into adjacent properties. Only lighting as required for security purposes will be allowed after midnight. In conjunction with site plan review, lighting plan shall be submitted to the Planning Staff for approval.
9. All sidewalks shall be constructed of a combination of brick, cobblestone, or exposed aggregate concrete. Samples of materials and a sidewalk plan shall be submitted to the Planning Staff for approval in conjunction with site review.
10. Prior to release of a building permit, sixty (60) feet of right of way, measured from the centerline of the Route 60 eastbound lane, for the entire length of the property, shall be dedicated to and for the County of Chesterfield, free and unrestricted.
11. Additional pavement, a minimum of twenty-six (26) feet from the centerline of the Route 60 eastbound lane, and curb and gutter shall be constructed along Route 60. In conjunction with the first schematic plan review, a Master Plan shall be submitted which shows the ultimate pavement widening and the phasing of these improvements. The phasing shall be done so as to preclude having any gaps in pavement widening along the entire frontage of the property. This plan shall be approved by VDH&T and the Planning Department prior to the release of a building permit.
12. The proposed internal public road shall either have: (a) a sixty (60) foot right of way or (b) a fifty (50) foot right of way with a ten (10) foot utility easement adjacent to one side of the right of way for its entire length. Dedication of this road may occur in phases and in conjunction with phasing of the development.
13. The public road and the westernmost access drive shall be constructed with a divided median and one lane of pavement, 24 feet face of curb to face of curb, on each side of the median for a distance of fifty (50) feet south of the intersection with Route 60. Access to either the public road or the westernmost driveway shall be prohibited within 150 feet of Route 60. Pavement width of the public road may then transition to a width of forty (40) feet, face of curb to face of curb, and the private drive may transition to a width of twenty-four (24) feet, face of curb to face of curb.

83-659

14. Approval of the Master Plan shall be deemed schematic approval for the proposed internal public road.
15. Concrete curb and/or curb and gutter shall be installed around the perimeter of parking areas, driveways and roads.
16. Prior to any clearing and/or grading, the drainage culvert under Coalfield Road shall be analyzed to determine if improvements are necessary. Cost and installation of any necessary improvements shall be a cooperative effort between the developer and VDH&T.
17. There shall be no day care center permitted in the O Tract.

(Note: There can be no access from this development to the adjacent property to the east until such time as Conditional Use Planned Development approval is granted to allow commercial access through residentially zoned property.)

Ayes: Mr. Robertson, Mr. Bookman, Mr. Daniel and Mrs. Girone.
Absent: Mr. Dodd.

83S154

In Midlothian Magisterial District, BROAD ROCK LAND CORPORATION requested rezoning from Agricultural (A) to Residential (R-9) of a 66 acre parcel lying approximately 740 feet off the south line of Smoketree Drive, measured from a point approximately 2,400 feet west of Courthouse Road. Tax Map 27-9 (1) Part of Parcel 1 and Tax Map 27-13 (1) Parcels 1, 2 and 3 (Sheets 7 and 8).

Mr. Balderson stated the Planning Commission had recommended approval of this request. Mr. Delmonte Lewis was present representing the applicant. There was no opposition to the request. On motion of Mrs. Girone, seconded by Mr. Daniel, the Board approved this request.

Ayes: Mr. Robertson, Mr. Bookman, Mr. Daniel and Mrs. Girone.
Absent: Mr. Dodd.

83S155

In Clover Hill Magisterial District, GEORGE B. SOWERS, JR. & ASSOCIATES requested rezoning from Agricultural (A) to Residential (R-9) of a 10.39 acre parcel fronting approximately 420 feet on the north line of Reams Road approximately 200 feet east of Reykin Drive. Tax Map 27-6 (1) Parcels 12 and 13 (Sheet 8).

Mr. Balderson stated the Planning Commission had recommended denial of the request for R-9 but approved R-12. He stated the applicant has proffered conditions for the R-9 request which he distributed. Mr. George Sowers was present. There was no opposition present. On motion of Mr. Bookman, seconded by Mr. Robertson, the Board approved this request for R-9 and accepted the following proffered conditions:

1. All dwelling units shall be a minimum square footage of 1100 square feet livable space.
2. All foundations shall be brick.

Ayes: Mr. Robertson, Mr. Bookman, Mr. Daniel and Mrs. Girone.
Absent: Mr. Dodd.

TEXTUAL STATEMENT – 83SN0141

Textual Statement

MIDLOTHIAN VILLAGE

O & B-2 Zoning with a Conditional Use Planned Development to allow the following:

GENERAL CONDITIONS

- I. In the area of O Zoning, in addition to the permitted uses of the O District, the following uses will be permitted by right:
 - (a) Sycamore Square type shops, ie. Antique shop, Gift shops, Hobby store, Jewelry store, Florist, Specialty shops, Toy store, etc.
 - (b) Day Care Center
- II. In the area of B-2 Zoning, in addition to the permitted uses of the B-2 district, the following uses will be permitted by right:
 - a. Fast food establishments
 - b. Office-warehouses where the warehouse area does not exceed 25,000 square feet.
 - c. Recreational establishments, indoor
 - d. Motor vehicle wash as accessory use
 - e. Convenience store with gas pumps
- III. The following uses normally allowed by right in the B-2 District will be prohibited:
 - (a) Automobile service station
 - (b) Funeral homes or mortuaries
 - (c) Milk distributing stations
 - (d) Pawn and second hand stores
 - (e) Occult sciences such as palm readers, astrologers, fortune tellers, tea leaf readers, prophets, etc.
- IV. The attached master plan will also be the schematic plan as far as Planning Commission requirements are concerned for approval of the proposed 50' dedicated right of way through the property.
- V. The architectural style and quality of construction of the buildings to be constructed on this parcel, shall be similar to that exemplified in Sycamore Square and Midlothian Station.
- VI. Along the southern property line, a buffer of existing trees at least 25' wide will be maintained and all buildings will be oriented so as to provide additional

buffer between the parking areas and the existing residential area. A 6' chain link fence will be installed along the southern property line.

VII. A maximum of 2 free standing signs, 100 square feet each, may be placed along Route 60 identifying the main development plus 1 additional free standing sign, 75 square feet, per individual site on Route 60. All signs will be architecturally compatible with the building construction.

VIII. An exception to the zoning ordinance requirement for parking spaces for a child day care center to allow 1 space for each 20 children enrolled up to a maximum of 6 spaces plus 1 for each employee.