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**CITY OF ROANOKE PLANNING COMMISSION
CITY COUNCIL CHAMBER, NOEL C. TAYLOR MUNICIPAL BUILDING
December 12, 2016 – 1:30 p.m.
AGENDA**

I. Call to Order and Welcome:

Welcome to the December 12, 2016, meeting of the City Planning Commission. Please make sure that sound on all cellular phones and electronic devices is turned off during the meeting. If you wish to speak to any matter, the chair will recognize you in turn. Please approach the podium and state your name and residential address so that the Commission's secretary may record the proceedings accurately.

II. Approval of Agenda: December 12, 2016

III. Approval of Minutes: November 14, 2016

IV. Unfinished Business: None.

V. New Business:

- A.** Application by Puppyland, Ltd., to rezone the property from I-1, Light Industrial District, with conditions, to CG, Commercial-General District, with conditions, and amend the conditions proffered as part of a previous rezoning at 745 Townside Road, S.W., bearing Official Tax Map No. 5490307.
- B.** Application from Randal Johnson to vacate an approximately 500 square foot semi-circular extension on the west side of an undeveloped 10 foot alley that extends from Connecticut Avenue, N.E., to, and intersecting with, another undeveloped 10 foot alley extending from Plantation Road, N.E., such semi-circular extension adjacent to only Official Tax Map No. 3040719.
- C.** Application by Blue Eagle Credit Union to rezone the properties at 1430 and 0 Hersberger Road, N.W., bearing Official Tax Nos. 2280801 and 2280803, respectively, from MX, Mixed-Use District, to CG, Commercial-General District, with conditions.

- D.** Motion to schedule a public hearing to consider proposed amendment to Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, by amending and reordaining the following code section to update, clarify, and make the City's zoning ordinance easier to use for its citizens, such amendment not constituting a comprehensive rezoning or changing of any densities unless otherwise noted: Article 3, Regulations for Specific Zoning Districts; Section 36.2-333, Floodplain Overlay District; Article 4, Supplemental Regulations; and Section 36.2-411, Gasoline Stations.

VI. Other Discussion:

Roanoke City Planning Commission
November 14, 2016
1:30 p.m.
Minutes

Members Present:

Ms. Karri Atwood
Ms. Lora Katz
Ms. Angela Penn
Mr. James Smith
Ms. Paula Williams
Mr. Kit Hale

I. Call to Order and Welcome

Chair Kit Hale welcomed the Board members and called the meeting to order.

II. Approval of Agenda: November 14, 2016

The November 14, 2016, revised agenda adding a motion to schedule a public hearing ("Other Discussion, Item A") was approved by unanimous vote, upon motion by Ms. Katz and second by Mr. Smith. The revised agenda was distributed to the Commissioners and copies were provided at the podium.

III. Approval of Minutes: September 12, 2016 and October 10, 2016

The Board unanimously approved the minutes of September 12, 2016, and October 10, 2016, upon motion by Ms. Williams and second by Ms. Katz.

IV. Unfinished Business: None

V. New Business:

- A. Application by Ivy View, LLC, to repeal all conditions proffered as part of a previous rezoning and amend the Planned Unit Development Plan as it pertains to the properties located at 2207, 2203, 0, 2219, 0, and 2211 Franklin Road, S.W., bearing Official Tax Nos. 1150102, 1150104, 1150106, 1150108, 1150112, and 1150113, respectively.**

Ms. Goodlatte spoke on behalf of Ivy View, LLC. She explained that in 2004 this property was among those rezoned to an INPUD District, permitting the development of a mixed use retail office development known as the Ivy Market Development. While the western portion of Ivy Market has been

developed and re-developed since 2004, the most recent being the development of the Mellow Mushroom Restaurant, no development has yet occurred on the property before the Commission this afternoon. That western portion is shown colorized in the INPUD development plan, which Ms. Goodlatte pointed out and explained was a little less than 3-½ acres.

Ms. Goodlatte advised that thanks to the efforts of Harbor Retail Partners, an organization with significant experience in the specialty grocer industry, a grocer will be leasing the almost 24,000 sq. foot building shown on the INPUD development plan as Building A. Randy Kelly of Harbor Retail Partners was present at the meeting. Ms. Goodlatte explained that because this was an INPUD, each time the development needed adjusting in order to meet updated market conditions and demands, the INPUD development that sets up the zoning conditions governing the use of the property was appropriately modified. The last adjustment just earlier this year focused on the Mellow Mushroom site.

Ms. Goodlatte explained that as has been done with all earlier amendments to the INPUD plan, the existing conditions that remain relevant to the reconfigured site are being retained. For example, the list of permitted uses, the number of vehicular entrances, and the parking lot lighting standards have not changed. The number and placement of buildings on the site have changed. They have been changed from three down to two. The building design standard for the principle building, which will front on Franklin Road, has been significantly strengthened. Conceptual elevations for Building A, the specialty grocer, have been submitted to illustrate how they plan to meet those building design standards. Ms. Goodlatte showed slides illustrating the planned building showing the Franklin Road frontage and the interior side. A particular focus of the building design standards was that of the Franklin Road side in order to avoid the appearance of a blank wall. The articulation elements that were originally posed have been strengthened as a result of comments made by the Commission during its October work session. Amended conditions require that there be an offset within each 30 foot section of that wall. In addition to the offsets, the amended conditions require either a mural or a vegetative wall (sometimes called a “green wall”) within each 50 foot wall section, plus a combination within each section of two or more changes of color, texture, or materials. The conditions originally proposed could have been met with only offsets plus the combination of two or more changes in color, texture, or materials. The Commission encouraged them to commit to providing either murals or green walls, rather than only offsets in the amended conditions.

Ms. Goodlatte said that work session comments also made them look at adding more specifics to the foundation shrubs and the street trees along the Franklin Road frontage. They have done that by requiring that foundation

shrubs be planted the equivalent of every 3 foot on center along the Franklin Road façade of Building A, except where the green walls exist. The plan was also amended to add street trees in a pattern that generally follows the patterns established on the balance of the Ivy Market site.

Ms. Goodlatte said that they are very pleased that staff is recommending that the Commission approve this request. The staff report references numerous policies and actions in the City's Comprehensive Plan that are consistent with this proposed development. That conformity with the Comprehensive Plan factors in to staff's recommendation to the Commission that the application be approved. In addition to Randy Kelly of Harbor Retail Partners, Danny Broach of BNC Bank and Ellie Gutshall were also in attendance, Ms. Goodlatte advised. They are managers of Ivy View LLC. Harry Boggess of Lumsden Associates was also in attendance. The projects engineers were also there in the event the Commission had any questions and they were happy to answer any questions they may have of them.

Mr. Hale asked if the Commissioners had questions.

Ms. Katz reported that she was really happy that they addressed some the earlier concerns. During the work session, when they reviewed everything, they were impressed with the visual images that were put forth.

Ms. Goodlatte reported that they were very excited about the chance to finish this development. It has been a long time coming since 2004. They are really excited that they are finally getting to the end.

Hearing no other questions from the Commissioners, Mr. Hale asked for the staff report.

Ms. Gray read the staff report and said staff recommends approval. The amended application number one is consistent with the City's Comprehensive Plan, *Franklin Road/Colonial Avenue Plan*, and the Zoning Ordinance as it allows the subject property to be redeveloped in an appropriate manner for the surrounding area.

Mr. Hale asked if there are any questions of the staff.

Hearing none, he opened the public hearing. Hearing no one, he closed public hearing and asked for questions, comments, or concerns from the Commissioner. Hearing none, he asked Ms. Carr to call the roll. The motion passed with a vote of 6-0.

Ms. Atwood	yes
Ms. Katz	yes
Ms. Penn	yes
Mr. Smith	yes
Ms. Williams	yes
Mr. Hale	yes

Mr. Hale declared that the application would move to City Council with a positive recommendation.

Mr. Hale read into record:

- B. Application by the City of Roanoke to rezone and repeal all conditions proffered as part of a previous rezoning on property located at 2002 Blue Hills Drive, N.E., bearing Official Tax Map No. 7230101, from I-1, Light Industrial District, with conditions, and ROS, Recreation and Open Space District, to I-1, Light Industrial District.**

Mr. Chittum spoke on behalf of the City of Roanoke. This property was acquired by the City in the late eighties and was soon thereafter rezoned. It has a couple of proffers on it with future restricted covenants. When they took a look at the rezoning application from back then, they discovered that a portion of the property was not rezoned as intended. Clearly there was an intention to rezone the entire property; however, in the southwestern corner of the property, there was a little notch of about one half acre that there was an error. Whoever drew the map followed what used to be a corporate limit of the City, so that was not technically in the rezoning. They want to do two things: 1) Clean up the proffers, which are no longer relevant, and 2) Include that little notch, rezoning from ROS to I-1 so there is an entire intact parcel with the same zoning and no conditions on it. Mr. Chittum reported he would be happy to take any questions.

Mr. Hale asked if anyone had any questions for the applicant. Hearing none, he moved to the staff report.

Ms. Gray read the staff report and said staff recommends approval. The Original Application is consistent with the City's Comprehensive Plan, the neighborhood plan, and the Zoning Ordinance.

Mr. Hale asked if there are any questions of the staff.

Hearing none, he opened the public hearing. Hearing no one, he closed the public hearing and asked the Commissioners for any other questions or comments. Hearing none, he asked Ms. Carr to call the roll. The motion passed with a vote of 6-0.

Ms. Atwood	yes
Ms. Katz	yes
Ms. Penn	yes
Mr. Smith	yes
Ms. Williams	yes
Mr. Hale	yes

Mr. Hale declared that the application would move to City Council with a positive recommendation.

Mr. Hale read into record:

- C. Proposed amendments to Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, by amending and reordaining, adding or deleting code sections to update, clarify and make the City's zoning ordinance easier to use for its citizens, and to make the City's zoning ordinance consistent with state code, such amendments not constituting a comprehensive rezoning or change of any densities that would decrease permitted density in any district, unless otherwise noted.**

Mr. Hale asked Mr. Shaw to speak on this matter.

Mr. Shaw shared that the Commission has been briefed a couple different times about the contents of the proposed amendments. He noted that there has been some concern in the neighborhoods about the change in density in the RM-1 District going from 3,500 sq. feet per dwelling unit down to 2,500 sq. feet per dwelling unit. He advised the Commissioners that this proposed amendment has been taken out of this batch of amendments to have some further discussion with various neighborhood organizations in the City and they will look at bringing that back some time in 2017. He reported that they did notice an error on page 35 in relation to elevation structures in the Flood Plain 18" over base flood elevations; this should actually be 24". This helps to get additional credit from FEMA and helps with flood insurance rates in the City. Mr. Shaw reported that since it was noticed so late, and we had already ran the legal advertisements, we can't change that today, but we are looking for to have a motion to come back and edit that number next month. Otherwise, staff recommends approval of the application as presented.

Mr. Hale asked if there were any questions from the Commissioners. Hearing none, he opened the public hearing. Hearing no one, he closed public hearing and asked the Commissioners for any comments. Hearing none, he asked Ms. Carr to call the roll. The motion passed with a vote of 6-0.

Ms. Atwood	yes
Ms. Katz	yes
Ms. Penn	yes
Mr. Smith	yes
Ms. Williams	yes
Mr. Hale	yes

Mr. Hale declared that the application would move to City Council with a positive recommendation.

Mr. Hale read into record:

D. Proposed amendments to Chapter 31.1, Subdivisions, of the Code of the City of Roanoke, (1979), as amended.

Mr. Hale asked Mr. Shaw to speak on this matter.

Mr. Shaw reported that the Commission had been briefed on these a few times. There was no formal report unless there were any questions. Otherwise, the staff recommends approval.

Mr. Hale asked if there were any questions from the Commissioners. Hearing none, he opened the public hearing. Hearing no one, he closed public hearing and asked the Commissioners for any questions. Hearing none, he asked Ms. Carr to call the roll. The motion passed with a vote of 6-0.

Ms. Atwood	yes
Ms. Katz	yes
Ms. Penn	yes
Mr. Smith	yes
Ms. Williams	yes
Mr. Hale	yes

Mr. Hale declared that the application would move to City Council with a positive recommendation.

Mr. Hale read into record:

- E. Proposed amendments to the Fee Compendium of the City of Roanoke pursuant to the authority set forth in Section 15.2-2286(6) and Section 15.2-2241(9) of the Code of Virginia (1950), as amended.**

Mr. Hale asked Mr. Shaw to speak on this matter.

Mr. Shaw reported that these were the fee amendments that had been discussed a few times with the Commission. If the Commissioners had no questions, the staff recommends the approval of these fee changes.

Mr. Hale asked if there were any questions from the Commissioners. Hearing none, he opened the public hearing. Hearing no one, he closed the public hearing and asked the Commissioners for any questions. Hearing none, he asked Ms. Carr to call the roll. The motion passed with a vote of 6-0.

Ms. Atwood	yes
Ms. Katz	yes
Ms. Penn	yes
Mr. Smith	yes
Ms. Williams	yes
Mr. Hale	yes

VI. Other Discussion:

Mr. Talevi suggested the Commission entertain a motion to schedule a public hearing to consider a proposed amendment to Chapter 36.2, Zoning, of the Code of the City of Roanoke (1979), as amended, by amending and reordaining the following code section to correct and make consistent with other similar amended zoning ordinance subsections, that subsection being 36.2-333(d) establishment of flood plain overlay districts, which Mr. Shaw noted earlier contained an error. The draft that is being forwarded to City Council refers to an 18" requirement above the flood plain, when in fact it was intended to be a 24" above the flood plain level. It is the staff's intention to bring that back to the planning commission next month and to the City Council as well.

This motion was made by Ms. Katz and seconded by Ms. Atwood. Mr. Hale asked Ms. Carr to call the roll. The motion passed with a vote of 6-0.

Ms. Atwood	yes
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Ms. Katz	yes
Ms. Penn	yes
Mr. Smith	yes
Ms. Williams	yes
Mr. Hale	yes

Mr. Hale declared that the motion had passed and the item would be heard at the next public hearing.

Mr. Hale discussed the recently passed proffers on Patrick Henry High School. He said that he has been an advocate all along for the proffers. He lives closer than most citizens do. When this first came up, he was in favor of the proffers and the stadium being built and all associated with it. Since that time he has spoken in favor, but he said he had made a comment early on that he did not want to be the proffer police. Friday night at the football game, he was walking his dog; he noticed that the proffers that were approved required security personnel at Lofton and Gilbert and there was none. Mr. Hale said that when the proffers were being discussed by the applicant, the school system, comments were made that while the school could not be responsible for past transgressions in terms of compliance with the proffers, this time they were going to make sure that they were going to be. He commented that they are not. He said the street and alley were blocked off, but that when the proffers call for security personnel before, during, and after the game, that was the expectation of the Planning Commission and that was probably the expectation of the City Council when they passed the proffers. Mr. Hale asked what happens now. There are no enforcements. There is no adherence to promises made from an institution that relies on students honoring their promises and having integrity. He stated that he was not suggesting that school lacks integrity, but that this soon after proffers were passed, he wanted to bring this to the Commission's attention and hear any conversation that they may have about the school's continued inability to enforce the proffers. Mr. Hale also noted that there are trees that are dead that were supposed to be replaced by September 1st, which did not happen. He said that there is no enforcement of these proffers, and he thinks that the City is responsible for that. He is looking for feedback from the staff, one of the commissioners, or Mr. Talevi as to what happens next.

Mr. Talevi reported that this was an enforcement question he is raising, and it should be directed to staff like any other alleged violation. He understands that their usual way of handling zoning complaints is to investigate, or if no investigation is needed, to render an opinion if there is or is not a violation.

Ms. Katz asked what staff to normally report this to.

Mr. Shaw reported that being this was a zoning issue that would either be reported to Code Enforcement, who would then consult with the Zoning Administrator or report to the Zoning Administrator to follow up on that. Dead trees would definitely be something we could look at; that is very easy to identify. He reported that Mr. Chittum has already reached out to the school administration as far as the handling of the security.

Mr. Hale confirmed with Mr. Shaw that he understood correctly. When a violation occurs, it is reported to Code Enforcement. He picks up the phone at that point and points out the zoning violation. Of course at that time, he is going to get a recording. By the time it is ever investigated, it is over.

Mr. Chittum reported that he has discussed this with the Commission on numerous occasions; this is an operational proffer. His understanding this weekend, from the assistant superintendent, they did request (and Mr. Chittum did see the e-mail) that an officer be posted at two locations, one of which was the location Mr. Hale referred to at the beginning and the conclusion of the game and during the duration between. The school system did confirm that there was an officer there before the game and confirmed there was one after the game. Someone actually saw an officer there. The time that Mr. Hale went by there, Mr. Chittum was not sure, but maybe the officer was taking a break. He did not know. The way zoning violations are prosecuted with the tools that are available, operational proffers are essentially unenforceable regardless of who the applicant is. If the violation is not there and we can't go take a picture of it before court, then we really have nothing to present to the judge that the violation is still there. Our court system does work on compliance. Generally if there is a zoning violation that is documentable, if it is gone by the time the court date rolls around, the case is not pursued. Zoning works really well for things you can go take a picture of, that are tangible; however, whether someone was there, if the lights were on, or how many decibels were heard coming from the stadium at 8:30, it is not a very good tool. He cautioned the Commission and to benefit other people listening against the use of operational proffers. They are essentially unenforceable. They create a comfort level that they are enforceable, despite cautions to the opposite. Mr. Chittum said he didn't know if there was a police officer there and it is not a good use of City resources for him to send a City code enforcement officer to go sit at both entrances and make sure an off-duty city police officer is there for the duration of all 5 or 6 home games that they have. There is the continued concern that operational proffers are not a very good tool.

Mr. Smith shared that he did witness a police officer there at the beginning of the game. He did not know if he was there during the game or after the game; however, he did see him there at the beginning of the game.

Mr. Hale reported that it was just the slope becomes slippery when one promise is not kept. It is maybe not by intention, but administrations change and one doesn't remember what the other one promised. Then it doesn't happen. He was hopeful that the school would get the message that the neighborhood was watching. The school just simply needs to do what they said they would do.

Mr. Chittum responded that as far as Mr. Hale's e-mail earlier in the day on what the Planning Commission could do, from the standpoint of rescinding anything or initiating some kind of reconsideration, that is really not within the power of the Commission to do. If the Commission needed an action item, perhaps some communication with those who have control of the property, which would be the school board and administration, would be in order.

Mr. Hale suggested it would be respectful he thought at the next hearing if someone could come and maybe speak to their checks and balances in terms of making sure that they understand what they promised they would do and that they would honor those promises.

Mr. Hale adjourned the meeting at 2:04 p.m.

Respectfully submitted,



Tina M. Carr, Secretary



PLANNING COMMISSION AGENDA REPORT

To: Chair and Members of the City Planning Commission
Meeting: December 12, 2016
Subject: Application by Puppyland, Ltd., to rezone the property from I-1, Light Industrial District, with conditions, to CG, Commercial-General District, with conditions, and amend the conditions proffered as part of a previous rezoning at 745 Townside Road, S.W., bearing Official Tax Map No. 5490307.

Recommendation

Staff recommends approval. Amended Application No. 2 is consistent with the City's Comprehensive Plan, *Franklin Road/Colonial Avenue Neighborhood Plan*, and Zoning Ordinance as the subject property, long vacant, will be used for an active purpose appropriate to the surrounding area.

Respectfully submitted,

Ian D. Shaw, PE, AICP, CZA
Planning Commission Agent

cc: Chris Morrill, City Manager
R. Brian Townsend, Assistant City Manager
Chris Chittum, Director of Planning Building & Development
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Mark S. Lucas, Owner
Chris A. Benson, Puppy Land, Ltd.
Jonathan D. Puvak, Gentry Locke Attorneys

Application Information

<i>Request:</i>	Rezoning and Amendment of Proffered Conditions
<i>Owner:</i>	Mark S. Lucas
<i>Applicant:</i>	Chris A. Benson, Puppy Land, Ltd.
<i>Authorized Agent:</i>	Jonathan D. Puvak, Gentry Locke Attorneys
<i>City Staff Person:</i>	Katharine Gray, Land Use and Urban Design Planner
<i>Site Address/Location:</i>	745 Townside Road, S.W.
<i>Official Tax Nos.:</i>	5490307
<i>Site Area:</i>	3.998 acres
<i>Existing Zoning:</i>	I-1, Light Industrial District, with conditions
<i>Proposed Zoning:</i>	CG, Commercial-General District, with conditions
<i>Existing Land Use:</i>	Vacant
<i>Proposed Land Use:</i>	Mix of commercial uses including kennel, no outdoor runs or pens
<i>Neighborhood Plan:</i>	<i>Franklin Road/Colonial Avenue Plan</i>
<i>Specified Future Land Use:</i>	Light Industrial
<i>Filing Date:</i>	Original Application: September 26, 2016 Amended Application No. 1: November 22, 2016 Amended Application No. 2: November 30, 2016

Background

The property has a long history of zoning for commercial and industrial uses. In 1978, 1.5 acres of the northern portion of the property was rezoned from RG-1, General Residential District, to C-2, Commercial District. A nightclub operated at the site until a fire in 1993. In 1994, 2.12 acres of the southern portion of the property was rezoned from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District, subject to conditions to allow a mini-storage warehouse facility, subject to a special exception. The special exception was never pursued. In 2004 the property was rezoned to LM, Light Manufacturing District, with conditions to permit a warehouse storage facility by right. In 2005, the property was rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, with conditions to permit a physical therapy and exercise facility and general office. However, none of these subsequent projects proceeded.

In 2005 Comprehensive Rezoning, the base zoning district changed from C-2, General Commercial District, to I-1, Light Industrial District. The proffered conditions remained.

In September of 2016, the applicant's authorized agent met with staff to discuss the possibility of amending the zoning and conditions on the property to permit a larger variety of uses.

The applicant subsequently filed an application to rezone the property to CG District and amend the conditions for the property at 745 Townside Road, S.W., bearing Official Tax Nos. 5490307. The proposed use is a mixed-use building with a kennel.

In November of 2016, the applicant filed amended applications clarifying and amending the list of uses permitted, further restricting signage, and removing the restriction on materials for new structures.

Proffered Conditions

The conditions proposed for amendment on the 3.998 acre parcel (being Official Tax No. 5490307), propose to change the uses allowed on the property to the following: business service establishment, not otherwise listed; financial institution; laboratory, dental, medical, or optical; laboratory, testing and research; medical clinic; office, general and professional; animal hospital or veterinary clinic, no outdoor pens or runs; drive-through facility; kennel, no outdoor pens or runs; mixed-use building; bakery, confectionary, or similar food production, retail; contractor or tradesman's shop, general or special trade; personal service establishment, not otherwise listed in this table; pet grooming; retail sales establishment, not otherwise listed (as an accessory use only); workshop; eating establishment; health and fitness center; day care center, adult; day care center, child; and accessory uses, not otherwise listed in this table as permitted uses.

The amendments to the proffers also propose to remove the requirement that development will be in accordance to a specific site plan; add a restriction against signage painted on the rear of the building visible from the adjacent expressway; delete the outdoor lighting submittal requirement during comprehensive development review; remove the tree planting requirement within the parking lot; remove the requirement regarding materials for construction of a new structure; and add a new restriction to the outdoor boarding of animals.

Considerations

The property is a large industrially zoned parcel with many conditions surrounded by the expressway, residential properties, and a commercial property. Although particular commercial and industrial uses have been allowed on the property, the site has remained vacant for many years. The proposed uses are low intensity commercial uses within the CG District and are appropriate for the surrounding high-density residential area.

Surrounding Zoning and Land Use:

	<i>Zoning District</i>	<i>Land Use</i>
<i>North</i>	Expressway with R-12, Residential Single Family District beyond	Expressway with detached single family dwellings beyond
<i>South</i>	RMF, Residential Multifamily District	Dwelling, multifamily
<i>East</i>	CLS, Commercial Large Site District and RMF, Residential Multifamily District	Small shopping center and Dwelling, multifamily
<i>West</i>	Expressway and RMF, Residential Multifamily District	Expressway and Dwelling, multifamily

Compliance with the Zoning Ordinance:

The purpose of the CG District is to permit motor vehicle dependent uses that are generally developed as single use developments on individual lots, subject to landscaping, access, and signage standards. Such development is generally characterized by individual curb cuts, access drives, and signage. It is intended that this district be applied primarily along heavily traveled arterial streets, with an emphasis on clustering such development at major intersections. While recognizing the motor vehicle traffic generated by the uses permitted in this district, it is the intent of the regulations of the district to encourage and recognize pedestrian access and public transit forms of transportation by locating parking to the side and rear of buildings and minimizing conflict through landscaping and signage standards. The uses permitted in this district generally require a high volume of traffic along the frontage of the establishment and include horizontally oriented buildings. Such permitted uses include general retail establishments, offices, service establishments, motor vehicle related sales and service, eating establishments, and entertainment uses. The CG District is also intended to accommodate travel-oriented uses such as hotels, motels, and gasoline stations.

The future development of the property is subject to dimensional and development standards of the ordinance and subject to the additional proffers restricting land use and development.

Conformity with the Comprehensive Plan and Neighborhood Plan:

Both *Vision 2001-2020* and the *Franklin Road/Colonial Avenue Plan* identify the need for redevelopment of existing properties within existing commercial and industrial zoning districts. The rezoning and amendment of existing proffered conditions will allow the use of the property in a manner appropriate to the surrounding area. Relevant policies and action items in the comprehensive plan include:

- ED P5. Underutilized and vacant industrial sites will be evaluated and redevelopment encouraged.
- ED P6. Commercial development. Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors.
- ED A26. Identify underutilized commercial sites and promote revitalization.

The *Franklin Road/Colonial Avenue Plan* recognizes the need for the redevelopment of commercial and industrial sites within the Franklin Road Corridor. The property is part of an area of commercial and high density residential uses between Franklin Road and the Expressway. The industrially zoned property has been vacant for decades. Relevant policies and action items in the neighborhood plan include:

Community Design:

Neighborhood Character: Established neighborhoods should retain their current character and development patterns.

Zoning: Commercial and residential zoning districts should be clearly delineated with the intensity of uses minimized in some areas.

Economic Development:

Franklin Road: Maintain commercial zoning that will retain existing businesses and attract new establishments.

Industrial Districts: Evaluate underused industrially zoned land and demarcate or rezone to maximize its potential.

Quality of Life:

Commercial/Industrial Development: Commercial and industrial development should be economically viable without threatening the environment and high quality of life of the area.

Public Comment Summary

There have been general inquiries regarding the project, but no comments.

Planning Commission Work Session (October 7, 2016):

The following items were discussed in the Planning Commission Work Session for compliance with City policy and ordinances.

The applicant's concept plan shows an outdoor play yard. As outdoor pens or runs are not permitted as part of a kennel in the CG district, the use and layout of this play area will be subject to further review and determination by the Zoning Administrator. There is some precedence for small exercise areas not being considered pens or runs under specific circumstances. It was recommended that the application be continued to allow City Council to consider amendments to the zoning ordinance that could allow a broader list of uses for the parcel (specifically a kennel with outdoor pens and runs subject to a special exception), if approved.

The Applicant subsequently filed Amended Application No.1 and Amended Application No. 2 clarifying and amending the list of uses permitted, further restricting signage, and removing the restriction on materials for new structures. The applicant wishes to move forward now for business purposes rather than waiting on potential zoning amendments that could allow for outdoor pens and runs.

Conclusions and Recommendations

Vision 2001-2020 and the *Franklin Road/Colonial Avenue Plan* encourage the redevelopment of existing commercial and industrial zoned properties to maximize their potential in a manner respectful of the surrounding area. The property has a long history of commercial and industrial zoning district designations for more intensive commercial and industrial uses, but has unfortunately been vacant for decades. The proposed low intensity commercial uses for this property and the design standards within the CG District will provide appropriate uses and forms in this mixed commercial and high density residential area between Franklin Road and the U.S Route 220 Expressway.



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Attorneys

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November 30, 2016

RECEIVED

VIA E-MAIL AND HAND-DELIVERY

DEC 01 2016

Katharine Gray, Architect, Leed AP
Land Use & Urban Design Planner
Planning Building & Development
City of Roanoke
215 Church Avenue SW, Room 166
Roanoke, Virginia 24011

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

Re: Proposed Zoning Amendment Application
745 Townside Road, SW
Roanoke, Virginia 24014
Parcel ID: 5490307

Dear Ms. Gray:

On behalf of Puppy Land Ltd. (the "Applicant") please accept this letter as a statement of justification in support of the above referenced zoning amendment application amendment number two.

The Subject Property is currently zoned to the Light Industrial ("I-1") district with conditions approved by City Council in 2005. The Applicant's principal is the contract purchaser of the Subject Property, which consists of approximately four (4) acres. The Subject Property proposes a rezoning to the CG zoning district with conditions to allow the Applicant to establish a mixed-use building for animal boarding and related uses. The existing conditions do no permit the Applicant's proposed uses.

The Applicant currently operates the Taj Mapaw located at 3110-3112 Franklin Road SW. The existing location has been operating since 1975 and providing animal grooming and boarding services. The business has continued to grow since its inception and 745 Townside Road will serve as a second location for the business. The mixed-use building at 745 Townside Road will be improved with modern finishes and technology and will include the following animal related uses:

- Boarding kennel facility for dogs and cats with state-of-the-art cameras in each suite;
- Full service grooming for all dog breeds;
- Self-service dog wash: providing tubs, towels and a large variety of shampoos and professional assistance at different levels of pricing;



Ms. Katharine Gray

November 30, 2016

Page 2

- Animal daycare facility for small, medium and large dogs;
- Retail dog boutique: offering specialty animal items that are not available at local pet stores;
- Bakery: preparing and providing healthy foods for on-site purchase for the pet and pet owner;
- McPaw café: which will offer varieties of coffee and beverages for the pet owner and the pet for on-site purchase;
- Animal clinic space for a local veterinarian;
- Dog training;
- Agility course for classes, training and competition; and
- Facilities for social events and private parties for clients and customers.

The Applicant will use the existing building on the Subject Property and all animals will be boarded inside the building. The Applicant intends to also have one small, outdoor play yard to be covered with an awning and located immediately behind the existing building. The hours of operation will be as follows: Monday, Wednesday and Friday, 7 a.m. to 7 p.m., Tuesday and Thursday, 7:30 a.m. to 6 p.m., Saturday, 8:30 a.m. to 5:30 p.m., and Sunday, 9 a.m. to 10 a.m. and 6:15 p.m. to 7:15 p.m. Parking will be provided on-site. A traffic impact analysis is not required, because the proposed rezoning does not generate sufficient vehicle trips to meet the Virginia Department of Transportation requirements to justify the need for this analysis.

The proposed application satisfies the purposes of the City of Roanoke Zoning Ordinance and the purposes of the CG District as the use will create no adverse impacts on public resources or the transportation network and the rezoning will permit a long standing business to better serve the residents of the City of Roanoke. The proposed application is also consistent with the other retail and commercial uses in the vicinity. The Applicant proposes to amend the existing conditions to permit its desired uses, but has proposed a number of conditions that are similar to the previously approved conditions. The Applicant's proffered conditions are enclosed.

In accordance with the policy of the City of Roanoke, we have enclosed the following: application form and checklist, this justification letter, survey of the Subject Property as a concept plan, written proffered conditions and a copy of previously approved zoning ordinance. Under separate cover, the Applicant has submitted the contract for purchase of the property and other required ownership documents.



Ms. Katharine Gray
November 30, 2016
Page 3

Thank you in advance for your consideration and please do not hesitate to contact me to further discuss any of the application materials. We thank you for your assistance prior to filing the application and look forward to continuing to work with you and other representatives of the City of Roanoke regarding this application.

Regards,

GENTRY LOCKE

A handwritten signature in blue ink, appearing to read 'Jonathan D. Puvak'.

Jonathan D. Puvak

Enclosures

cc: Chris Benson

Zoning Amendment Application



Department of Planning, Building and Development
Room 166, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
Phone: (540) 853-1730 Fax: (540) 853-1230

[Click Here to Print](#)

Date: November 30, 2016

Submittal Number: Amended Application No. 2

Request (select all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Rezoning, Not Otherwise Listed | <input type="checkbox"/> Amendment of Proffered Conditions |
| <input checked="" type="checkbox"/> Rezoning, Conditional | <input type="checkbox"/> Amendment of Planned Unit Development Plan |
| <input type="checkbox"/> Rezoning to Planned Unit Development | <input type="checkbox"/> Amendment of Comprehensive Sign Overlay District |
| <input type="checkbox"/> Establishment of Comprehensive Sign Overlay District | |

Property Information:

Address: 745 Townside Road, SW

Official Tax No(s): 5490307

Existing Base Zoning:
(If multiple zones, please manually enter all districts.)

I-1

With Conditions

Without Conditions

Ordinance No(s), for Existing Conditions (If applicable): 37023

Requested Zoning: CG

With Conditions

Without Conditions

Proposed

Land Use:

kennel related uses; mixed use building

Property Owner Information:

Name: Mark S. Lucas

Phone Number: +1 (540) 520-3040

Address: 2716 Avenham Avenue, SW, Roanoke, VA 24014

E-Mail: marklucas@lucasterapies.com

Property Owner's Signature

Applicant Information (if different from owner):

Name: Puppy Land, Ltd. c/o Chris A. Benson

Phone Number: +1 (540) 342-3557

Address: 3112 Franklin Road, SW, Roanoke, VA 24014

E-Mail: cbowlingdoctor@aol.com

Applicant's Signature

Authorized Agent Information (if applicable):

Name: Jonathan D. Puvak/Gentry Locke Attorneys

Phone Number: +1 (540) 983-9399

Address: 10 Franklin Road, SE, Roanoke, VA 24011

E-Mail: puvak@gentrylocke.com

Authorized Agent's Signature

RECEIVED

DEC 01 2016

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

SPECIAL POWER OF ATTORNEY

Property Description (Tax Map Number, Street Address or Common Description, Borough):

745 Townside Road, SW
Roanoke, Virginia

Tax Map # 5490307

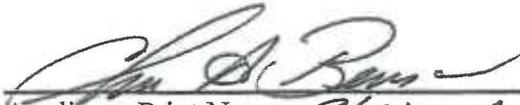
We, Puppy Land, Ltd., are:

 X the applicant for the above-referenced application
 the owner(s) of the property described above

We do hereby make, constitute, and appoint Jonathan D. Puvak, authorized agent of Gentry Locke Rakes & Moore, our true and lawful attorney-in-fact, and grant unto our attorney-in-fact full power and authority to make any and all applications and execute any related documents required in connection with all zoning and/or permitting matters related to a zoning amendment application, on the above described property (the "Property"), and to perform all acts and make all agreements as such person shall deem necessary or appropriate in regard to said zoning and/or permitting matters, including but not limited to the following authority: the authority to negotiate with localities; to sign and submit proffers that would constitute binding conditions on the Property; to agree to conditions and bind the Property with conditions, whether through proffers or other agreements; to sign and submit applications, agreements and/or other documents in connection with rezoning, conditional rezoning, special use permits, conditional use permits, special exceptions, zoning variances, building permits and/or any other permits related to a zoning amendment application, on the Property; and to modify or amend any documents in whole or in part relating to such applications, agreements and related documents.

We ratify all actions taken to date in connection with the zoning and/or permitting of the Property related to a zoning amendment application, on the Property.

The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the 26th day of September, in the year 2016, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Department of Planning, Building and Development of the City of Roanoke, Virginia, or by another written document, stating that the terms of this power have been revoked or modified.

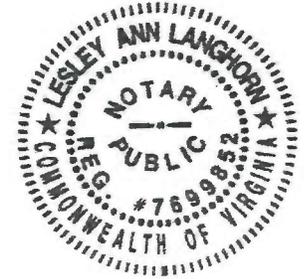

Applicant Print Name Chris A. Dawson

Commonwealth of Virginia ~~City~~ County of Roanoke, to-wit:

Subscribed and sworn to before me this 26th day of September, 2016, in my City and

State aforesaid, by Lesley A. Langhorn Notary Public.

My Commission Expires: November 30, 2020.



Rezoning of property totaling 3.998 acres, more or less, identified as 5490307 from I-1 (Light Industrial) District to CG (Commercial-General) District.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

Chris Benson is the contract purchaser of a parcel of property containing 3.998 acres, more or less, which is identified as Tax Map No. 5490307 and situate at 745 Townside Road SW.

Puppy Land Ltd. is the applicant of a request for rezoning of the parcel of property containing 3.998 acres from I-1 (Light Industrial) District with conditions to the CG (Commercial-General) District with conditions for the purpose of locating a boarding kennel and related uses thereon.

The contract purchaser and applicant hereby request that the following proffered conditions enacted by Ordinance No. 37023 be amended or repealed, as noted below, as they pertain to Official Tax No. 5490307:

1. ~~That~~ The property ~~shall~~ *will* be used ~~only solely~~ *for the following uses:*

Business service establishment, not otherwise listed;

Financial institution;

Laboratory, dental, medical, or optical;

Laboratory, testing and research;

Medical clinic;

Office, general and professional;

Animal hospital or veterinary clinic, no outdoor pens or runs;

Kennel, no outdoor pens or runs;

Mixed-use building;

Bakery, confectionary, or similar food production, retail;
Contractor or tradesman's shop, general or special trade;
Personal service establishment, not otherwise listed in the use table;
Pet grooming;
Retail sales establishment, not otherwise listed (as an accessory use only);
Workshop;
Eating establishment;
Health and fitness center;
Day care center, adult;
Day care center, child; and
Accessory uses, not otherwise listed in the use table as permitted uses.

~~2. That the property will be developed according to the site plan prepared by Lumsden Associates, P.C. under date of January 31, 2005, revised March 3, 2005, to add the Tree Retention Area (attached hereto as **Exhibit 3**) subject to such changes as may be required by the City Staff during the comprehensive development plan review process.~~

3. That no sign, including one painted on the side or *rear* of the building, shall be visible from the adjacent expressway (*Route 220/Interstate 581*).

4. The following proffers shall relate to lighting:

(A) Any outdoor light fixture shall be a full cutoff fixture or a decorative fixture with full cutoff optics. A "full cutoff fixture" shall mean an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane. A "decorative fixture with full

cutoff optics” shall mean an outdoor light fixture with manufacturer-provided or manufacturer-installed full cutoff optics.

- (B) The spillover of lighting from any parking area on the subject property onto public rights-of-way or abutting property in residentially zoned districts shall not exceed one-half (0.5) foot candle at the property line.
- (C) Any outdoor lighting in parking areas shall not exceed twelve (12) feet in height. The maximum height shall apply to the height of the poles or other standards to which the fixtures are attached or the top most point of the fixture itself, whichever is higher.
- (D) ~~Outdoor lighting information for the subject property shall be submitted during comprehensive development review. Such information shall include the following:~~
 - ~~(i) Location of all outdoor lighting fixtures, including the manufacturer’s specifications, of the area to lighted with such fixtures;~~
 - ~~(ii) Plans indicating the location on the property, and the type, of illuminating devices, fixtures, lamps supports, reflectors and other devices;~~
 - ~~(iii) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices;~~
 - ~~(iv) Photometric data, such as that furnished by the manufacturers, showing the angle of cut off of light emissions; and~~

~~_____ (v) Other information as may be deemed necessary by the
Zoning Administrator to determine compliance with
lighting proffers.~~

~~_____ 5. Petitioners shall plant a minimum of fifteen (15) 2" caliper deciduous trees within
the interior of the parking lot and maintain the same.~~

~~_____ 6. The primary exterior façade of the new structures shall not be constructed of
cinder blocks or metal siding.~~

The contract purchase and applicant hereby request that the following proffered condition
be adopted as it pertains to Official Tax No. 5490307:

1. There shall be no outdoor boarding of animals.

WHEREFORE, the applicant and contract purchaser request that the above-described
property be rezoned as requested in accordance with the provisions of the Zoning Ordinance of
the City of Roanoke subject to the aforesaid conditions.

2/17/05

Kathryn Gray
Planning

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

The 18th day of April, 2005.

No. 37023-041805.

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 549, Sectional 1976 Zone Map, City of Roanoke, in order to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, Mark S. Lucas and Lucas Physical Therapy, Inc., filed an application to the Council of the City of Roanoke to rezone a tract of land located at 739 Townside Road, S.W., being designated as Official Tax No. 5490307, which property was previously conditionally rezoned by the adoption of Ordinance No. 36624-021704, adopted February 17, 2004;

WHEREAS, Mark S. Lucas and Lucas Physical Therapy, Inc., seeks to have the subject property zoned C-2, General Commercial District, with proffers;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on April 18, 2005, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the property located at 739 Townside Road,

S.W., being designated as Official Tax No. 5490307, should be rezoned from LM, Light Manufacturing District, subject to proffers, to C-2, General Commercial District, subject to proffers.

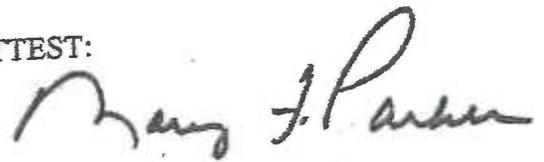
THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 549 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

That tract of land located at 739 Townside Road, S.W. and designated on Sheet No. 549 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax No. 5490307, be, and is hereby rezoned from LM, Light Manufacturing District, subject to certain proffers, to C-2, General Commercial District, subject to the proffers contained in the Second Amended Petition filed in the Office of the City Clerk on March 25, 2005, and that Sheet No. 549 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:



City Clerk.

SECOND AMENDED PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of property totaling 3.998 acres, more or less, identified as 5490307 and further identified as 739 Townside Road SW, from LM Conditional (Light Manufacturing District) to C-2 (General Commercial District).

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioners, MARK S. LUCAS and LUCAS PHYSICAL THERAPY, INC. are the contract purchasers of a parcel of property containing 3.998 acres, more or less, which is identified as Tax Map No. 5490307 and situate at 739 Townside Road SW; said tract being currently zoned LM Conditional (Light Manufacturing District). A location map of the property to be rezoned is attached hereto as Exhibit 1. A legal metes and bounds description of the property is attached hereto as Exhibit 2. A concept plan is attached hereto as Exhibit 3.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioners request that property containing 3.998 acres, more or less, which is identified as Tax Map No. 5490307, be rezoned from LM Conditional (Light Manufacturing District) to C-2 (General Commercial District), for the purpose of locating a medical office or medical clinic, general and professional offices, including financial institutions, personal service establishments and business service establishments thereon.

The Petitioners believe the rezoning of said tract of land will further the intent and purposes of the City's Zoning Ordinance and its Comprehensive Plan, in that it will enable a parcel of land located at 739 Townside Road to be used for commercial purposes (general and professional offices, including financial institutions, medical clinics, medical

STERHOUDT, PRILLAMAN,
ATT. HELSCHER, YOST,
WELL & FERGUSON, PLC
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-0049

offices, personal service establishments and business service establishments) as other properties in the area are so utilized.

Attached as Exhibit 4 are the names, addresses and tax numbers of the owners of all lots or property immediately adjacent to and immediately across a street or road from the property to be rezoned.

The Petitioners request that the conditions existing on the subject property as adopted by Ordinance No. 36624-021704 and as set forth below be REPEALED:

1. The property shall be used only for mini warehouses, not to exceed a total of 48,000 s.f.
2. That no sign, including one painted on the side of a building, shall be visible from the adjacent expressway (220/581).
3. No outdoor storage shall be permitted on the property.
4. The buildings shall be earth tone in color. Earth tone shall be defined as any of various rich, warm colors with tones of brown; i.e., tan, taupe, wheat, beige, Navajo white, winter white, cream, ecru, almond and khaki.

The Petitioners voluntarily SUBMIT the following proffers to be included as a part of the rezoning request:

1. That the property will be used solely as a medical office or medical clinic, general and professional offices, including financial institutions, personal service establishments and business service establishments.

2. That the property will be developed according to the site plan prepared by Lumsden Associates, P.C. under date of January 31, 2005, revised March 3, 2005, to add the Tree Retention Area (attached hereto as Exhibit 3) subject to such changes as may be required by the City Staff during the comprehensive development plan review process.

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ROANOKE, VIRGINIA
24018-0049

3. That no sign, including one painted on the side of a building, shall be visible from the adjacent expressway.

4. The following proffers shall relate to lighting:

(A) Any outdoor light fixture shall be a full cutoff fixture or a decorative fixture with full cutoff optics. A "full cutoff fixture" shall mean an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane. A "decorative fixture with full cutoff optics" shall mean an outdoor light fixture with manufacturer-provided or manufacturer-installed full cutoff optics.

(B) The spillover of lighting from any parking area on the subject property onto public rights-of-way or abutting property in residentially zoned districts shall not exceed one-half (0.5) foot candle at the property line.

(C) Any outdoor lighting in parking areas shall not exceed twelve (12) feet in height. The maximum height shall apply to the height of the poles or other standards to which the fixtures are attached or the top most point of the fixture itself, whichever is higher.

(D) Outdoor lighting information for the subject property shall be submitted during comprehensive development review. Such information shall include the following:

(i) Location of all outdoor lighting fixtures, including the manufacturer's specifications, of the area to be lighted

with such fixtures;

- (ii) Plans indicating the location on the property, and the type, of illuminating devices, fixtures, lamps supports, reflectors and other devices;
- (iii) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices;
- (iv) Photometric data, such as that furnished by the manufacturers, showing the angle of cut off of light emissions; and
- (v) Other information as may be deemed necessary by the Zoning Administrator to determine compliance with the lighting proffers.

5. Petitioners shall plant a minimum of fifteen (15) 2" caliper deciduous trees within the interior of the parking lot and maintain the same.

6. The primary exterior façade of the new structures shall not be constructed of cinder blocks or metal siding.

WHEREFORE, the Petitioners request that the above-described property be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 23 day of MARCH, 2005.

Applicants:


MARK LUCAS

ERHOUDT, PRILLAMAN,
IT, HELSCHER, YOST,
ELL & FERGUSON, PLC
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-0049

ZONING DISTRICT MAP

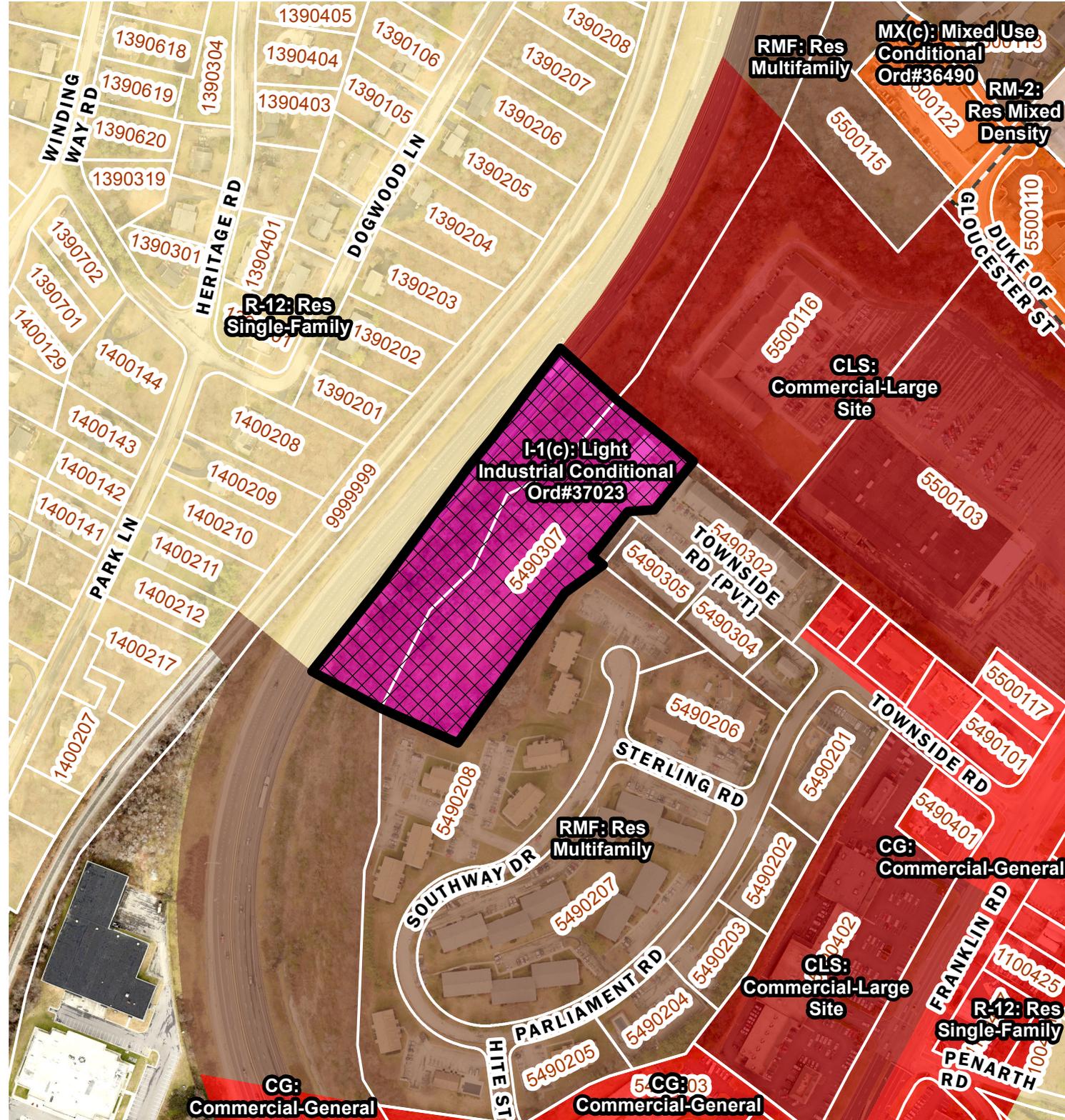
745 Townside Road SW
 Official Tax Parcels: 5490307

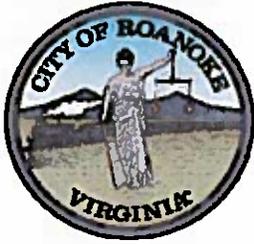
 Area to be Rezoned

Zoning

-  AD: Airport Dev
-  CG: Commercial-General
-  CLS: Commercial-Large Site
-  CN: Commercial-Neighborhood
-  D: Downtown
-  I-1: Light Industrial
-  I-2: Heavy Industrial
-  IN: Institutional
-  INPUD: Institutional Planned Unit Dev
-  IPUD: Industrial Planned Unit Dev
-  MX: Mixed Use
-  MXPUD: Mixed Use Planned Unit Dev
-  R-12: Res Single-Family
-  R-3: Res Single-Family
-  R-5: Res Single-Family
-  R-7: Res Single-Family
-  RA: Res-Agricultural
-  RM-1: Res Mixed Density
-  RM-2: Res Mixed Density
-  RMF: Res Multifamily
-  ROS: Recreation and Open Space
-  UF: Urban Flex
-  Conditional Zoning

0 200 400 Feet





PLANNING COMMISSION AGENDA REPORT

To: Chair and Members of the City Planning Commission
Meeting: December 12, 2016
Subject: Application from Randal Johnson to vacate an approximately 500 foot semi-circular extension on the west side of an undeveloped 10 foot alley that extends from Connecticut Avenue, N.E., to, and intersecting with, another undeveloped 10 foot alley extending from Plantation Road, N.E., such semi-circular extension adjacent to only Official Tax Map No. 3040719.

Recommendation

The Application is consistent with the City's Comprehensive Plan and the *Williamson Road Area Plan*. Staff recommends vacation of the right-of-way as requested subject to the following conditions:

1. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Such plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress. In coordination with the vacation, the applicant will pay \$1,000 for the vacation of the public's right to use the portion of the subject right of way.
2. Upon meeting all conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
3. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

4. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,



Ian D. Shaw, PE, AICP, CZA
Planning Commission Agent

cc: Chris Morrill, City Manager
R. Brian Townsend, Assistant City Manager
Chris Chittum, Director of Planning Building & Development
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Randal Johnson

Application Information

<i>Request:</i>	Alley Vacation
<i>Owner:</i>	Randal Johnson
<i>Applicant:</i>	Same as above
<i>City Staff Person:</i>	Wayne Leftwich
<i>Official Tax Nos.of surrounding properties</i>	3040719, 3040720, & 3040707
<i>Site Area:</i>	Approximately 500 square feet
<i>Existing Zoning:</i>	I-1 Light Industrial
<i>Proposed Zoning:</i>	I-1 Light Industrial
<i>Existing Land Use:</i>	Light Industrial/Commercial
<i>Proposed Land Use:</i>	Light Industrial/Commercial
<i>Neighborhood Plan:</i>	<i>Williamson Road Area Plan</i>
<i>Specified Future Land Use:</i>	Light Industrial/Commercial
<i>Filing Date:</i>	October 13, 2016

Background

The applicant seeks to vacate an approximately 500 square foot semi-circular extension on the west side of an undeveloped 10 foot alley that extends from Connecticut Avenue, N.E., intersecting another undeveloped 10 foot alley extending from Plantation Road, N.E., such semi-circular extension adjacent to only Official Tax Map No. 3040719. The portion of the alley to be vacated was dedicated to the City of Roanoke pursuant to the terms of a closure which was the subject of Ordinance No. 29146, adopted on June 20, 1988.

The applicant is seeking vacation in order to expand a building that the applicant built for Sherman Williams in 1995. The Sherman Williams building is used for distribution of paint and is approximately 8,000 square feet in area. The anticipated expansion would add between 6,000 to 9,000 square feet to the building.

Considerations

The vacated alley will be purchased from the City for \$1,000 with ownership transferred to the applicant as the adjacent property owner. The applicant, Randal Johnson, is the legal owner of Official Tax Map No. 3040719.

Surrounding Zoning and Land Use:

	<i>Zoning District</i>	<i>Land Use</i>
<i>North</i>	I-1 Light Industrial	Light Industrial/Commercial
<i>South</i>	I-1 Light Industrial	Light Industrial/Commercial
<i>East</i>	I-1 Light Industrial	Light Industrial/Commercial

	<i>Zoning District</i>	<i>Land Use</i>
<i>West</i>	I-1 Light Industrial	Light Industrial/Commercial

Conformity with the Comprehensive Plan and Neighborhood Plan:

The City's Comprehensive Plan states that Roanoke will have a sustainable, diverse economic base and supports revitalization of underutilized commercial and industrial sites. The proposed alley vacation will help the expansion of a business through utilization of vacant and underutilized property.

The *Williamson Road Area Plan* defines the desired future land use of the area as Light Industrial/Commercial. The proposed alley vacation is consistent with this policy.

Public Utilities:

No comments.

City Department Comments:

Economic Development has no objections to the alley vacation.

The Fire Department stated that it has no comments regarding the alley vacation.

Public Comments:

David Ostrom Jr., representing DJDKO Holdings LLC, as legal owner of the property to the east of the 10 foot alley extending north from Connecticut Avenue, N.E., Official Tax Map No. 3040720, called to ask questions and expressed his full support for the vacation of the right-of-way as requested by the applicant.

Planning Commission Work Session:

No comments.

Conclusion

The Application is consistent with the City's Comprehensive Plan and the *Williamson Road Area Plan*.



APPLICATION STREET OR ALLEY VACATION

Date: Oct 13, 2014

To: Office of the City Clerk
Fourth Floor, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, VA 24011
Phone: (540) 853-2541 Fax: (540) 853-1145

Original Application
 Amended Application
No. _____

All submittals must be typed and include all required documentation and a check for the filing fee.

Application is hereby submitted for street or alley vacation for the property located at:

Location and description of street or alley to be closed: Please See Attached Letter

Proposed use of vacated street or alley: To Expand an Existing Building

Name of Applicant/Contact Person: Randal Johnson

Mailing Address: 2729 Plantation Rd
Roanoke, VA 24012

Telephone: () 525-5765 Fax: () _____ E-mail: randel462@msn.com

Applicant(s) signature(s): Randal Johnson

From: Randal Johnson
2729 Plantation Rd
Roanoke, VA 24012

To: Office of the Clerk
Fourth Floor, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, VA 24011

Dear Sir/Madam

I would like to apply to close a small portion of an alley owned by the City of Roanoke. The alley is adjacent to property I own on Connecticut Avenue and between Plantation Road and 6th Street NE. The alley lies between tax map number 3040719 which I own, and 3040720 which is my neighbor on the east side. The alley has never been developed and is not used or usable.

The reason for closing this small portion which I have highlighted on an accompanying map in red while the property I own is highlighted in green, is so I can expand a building I built for Sherwin Williams in 1995. The Sherwin Williams building which is used for distribution of paint is 8,000 square feet and the proposal is to expand it to either 14,000 square feet or 17,000 square feet. An architect is working on two proposal sets of plans now.

The location has taken on new territory and Sherwin Williams has purchased another paint company which will be distributed out of this building as well.

I have spoken to Wayne Leftwich with Roanoke City Planning, Building, & Development about this matter.

Sincerely


Randal Johnson

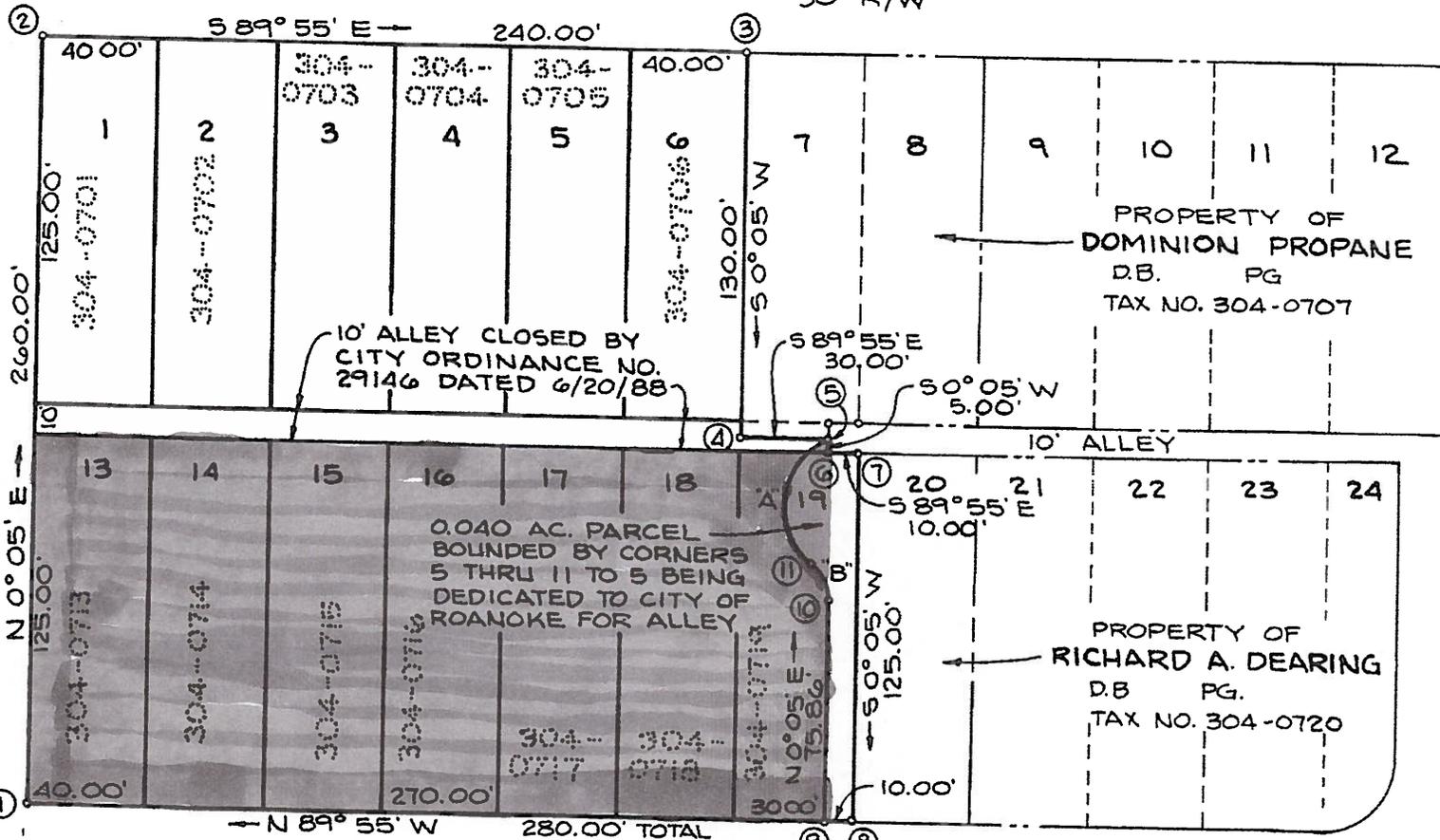
MOHAWK AVENUE, N.E.

(FORMERLY FLORIDA AVE.)

50' R/W

6TH STREET, N.E.
(FORMERLY WENONAH ST.)

50' R/W



CONNECTICUT AVENUE, N.E.

50' R/W

6 KIMBALL AVENUE, N.E.
(FORMERLY ONIEDA ST.)

50'

66'



STEPHANIE M. MOON REYNOLDS, MMC
City Clerk

**CITY OF ROANOKE
OFFICE OF THE CITY CLERK**

215 Church Avenue, S. W., Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145
E-mail: clerk@roanokeva.gov

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OCT 19 2016

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

CECELIA F. MCCOY
Deputy City Clerk

CECELIA T. WEBB, CMC
Assistant Deputy City Clerk

October 18, 2016

Tina Carr, Secretary
City Planning Commission
Roanoke, Virginia

Dear Ms. Carr:

I am attaching a copy of an Application for Street or Alley Vacation from Randal Johnson requesting that an undeveloped portion of an alley, designated as Official Tax Map Nos. 3040719 and 3040720, be vacated and closed in order to expand an existing business.

Sincerely,

Stephanie M. Moon Reynolds, MMC
City Clerk

Enclosure

pc: Randal J. Johnson, 2729 Plantation Road, N. E., Roanoke, Virginia 24012
The Honorable Mayor and Members of the Roanoke City Council
Susan S. Lower, Director, Real Estate Valuation
Philip C. Schirmer, City Engineer
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney

RM-1: Res
ALLEY VACATION
Connecticut Ave.

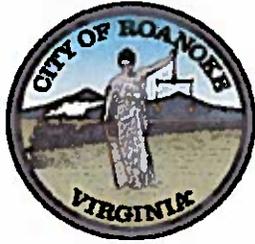
I-1(c): Light Industrial Conditional
Ord#26052

I-1(c): Light Industrial Conditional
Ord#32149

RM-2: Res Mixed Density
Ord#171009

I-1: Light Industrial





PLANNING COMMISSION AGENDA REPORT

To: Chair and Members of the City Planning Commission
Meeting: December 12, 2016
Subject: Application by Blue Eagle Credit Union to rezone the properties at 1430 and 0 Hershberger Road, N.W., bearing Official Tax Nos. 2280801 and 2280803, respectively, from MX, Mixed-Use District, to CG, Commercial-General District, with conditions.

Recommendation

Staff recommends approval. The Amended Application No. 2 is consistent with the City's Comprehensive Plan, *Williamson Road Area Plan*, and Zoning Ordinance as the subject property will be used in a manner appropriate to the surrounding area.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ian D. Shaw", is written over a horizontal line.

Ian D. Shaw, PE, AICP, CZA
Planning Commission Agent

cc: Chris Morrill, City Manager
R. Brian Townsend, Assistant City Manager
Chris Chittum, Director of Planning Building & Development
Daniel J. Callaghan, City Attorney
Steven J. Talevi, Assistant City Attorney
Jeff Thompson, Blue Eagle Credit Union
Corbin White, Caldwell White Associates

Application Information

<i>Request:</i>	Rezoning with Proffered Conditions
<i>Owner:</i>	Jeff Thompson, Blue Eagle Credit Union
<i>Applicant:</i>	Jeff Thompson, Blue Eagle Credit Union
<i>Authorized Agent:</i>	Corbin White, Caldwell White Associates
<i>City Staff Person:</i>	Katharine Gray, Land Use and Urban Design Planner
<i>Site Address/Location:</i>	1430 and 0 Hershberger Road, N.W.
<i>Official Tax Nos.:</i>	2280801 and 2280803
<i>Site Area:</i>	0.364 acres
<i>Existing Zoning:</i>	MX, Mixed Use District
<i>Proposed Zoning:</i>	CG, Commercial-General District, with conditions
<i>Existing Land Use:</i>	Financial institution with drive-through facility
<i>Proposed Land Use:</i>	Financial institution with drive-through facility
<i>Neighborhood Plan:</i>	<i>Williamson Road Area Plan</i>
<i>Specified Future Land Use:</i>	Small & Medium Scale Commercial
<i>Filing Date:</i>	Original Application: October 31, 2016 Amended Application No. 1: November 18, 2016 Amended Application No. 2: December 01, 2016

Background

There has been a bank on the southeastern corner property at the intersection of Hershberger Road and Eden Drive since 1980. In the 2005 Comprehensive Rezoning, the base zoning district changed from C-1, Office District, to MX, Mixed Use District. While a financial institution was permitted in the C-1 District, it is not permitted in the current MX District. Therefore, the use became nonconforming and the ability to expand the use on the property is limited. Historically, the financial institution has occupied half the building with another office use in the remainder of the building. The credit union that currently occupies the building would like to occupy the entire building and move the ATM drive-through to the Eden Drive side of the building. As a nonconforming use, an expansion to the financial institution of this magnitude is not permitted.

In October of 2016, the applicant's authorized agent met with staff to discuss the possibility of amending the zoning of the property to permit a larger variety of uses.

The applicant subsequently filed an application to rezone the property at 1430 and 0 Hershberger Road, N.W., bearing Official Tax Nos. 2280801 and 2280803, to CG District, with conditions. The proposed use remains a financial institution with a drive-through facility.

In November of 2016, the applicant filed amended applications amending the list of uses permitted, clarifying landscaping, and adding landscaping.

Proffered Conditions

The conditions proposed on the subject properties are proposed to:

- Limit the uses allowed on the property.
- Require landscaping between the drive-through and the abutting street and abutting residential property.
- Limit signage.
- Require a 15 foot building setback along the rear property line.
- Restrict the floor area ratio to 1.0.

Considerations

The property has served the community as a financial institution for over 30 years. While the property is located on one of the most heavily trafficked commercial corridors in Roanoke, it also directly abuts single family residences in a residential zoning district.

Surrounding Zoning and Land Use:

	<i>Zoning District</i>	<i>Land Use</i>
<i>North</i>	CG, Commercial-General District, with conditions and CLS, Commercial-Large Site District	Retail sales establishments, eating establishments, financial institutions
<i>South</i>	R-7, Residential Single-Family District	Dwelling, single-family, detached
<i>East</i>	CG, Commercial-General District, with conditions	Personal service establishment, retail sales establishment, and eating establishment
<i>West</i>	MX, Mixed Use District, and R-7, Residential Single-Family District	Financial institution and Dwelling, single-family, detached

Compliance with the Zoning Ordinance:

The purpose of the CG District is to permit motor vehicle dependent uses that are generally developed as single use developments on individual lots, subject to landscaping, access, and signage standards. Such development is generally characterized by individual curb cuts, access drives, and signage. It is intended that this district be applied primarily along heavily traveled arterial streets, with an emphasis on clustering such development at major intersections. While recognizing the motor vehicle traffic generated by the uses permitted in this district, it is the intent of the regulations of the district to encourage and recognize pedestrian access and public transit forms of transportation by locating parking to the side and rear of buildings and minimizing conflict through landscaping and signage standards. The uses permitted in this district generally require a high volume of

traffic along the frontage of the establishment and include horizontally oriented buildings. Such permitted uses include general retail establishments, offices, service establishments, motor vehicle related sales and service, eating establishments, and entertainment uses. The CG District is also intended to accommodate travel-oriented uses such as hotels, motels, and gasoline stations.

The future development of the property is subject to dimensional and development standards of the ordinance and if the rezoning is approved, would be subject to the additional proffers restricting land use and development.

Conformity with the Comprehensive Plan and Neighborhood Plan:

Both *Vision 2001-2020* and the *Williamson Road Area Plan* encourage the redevelopment of existing properties within existing commercial zoning districts. The existing financial institution seeks to expand to fully occupy the existing commercial building along Hershberger Road, but cannot as the use is nonconforming. The rezoning with the addition of proffered conditions will allow the use of the property in a manner appropriate to the surrounding area. Relevant policies and action items in the comprehensive plan include:

- ED P6. Commercial development. Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors.
- ED A26. Identify underutilized commercial sites and promote revitalization.

The *Williamson Road Area Plan* recognizes the need for the redevelopment of commercial sites within the Williamson Road area. The property is part of an area along a commercial corridor that has had a commercial use for nearly 40 years. Relevant policies and action items in the neighborhood plan include:

Community Design Policies

Commercial zoning: General commercial and light industrial zoning will be limited within the area to locations where existing land uses and scale of development reflect the purpose of those zoning districts. In areas between identified nodes/clusters, zoning should be changed to less intense uses such as light commercial or residential. Future expansions of general commercial zoning will be discouraged except where they reinforce identified nodes or strategic initiatives.

Relationships between commercial and residential uses can and should be harmonious. Businesses, as the more intense of the uses, should design their sites to ensure the necessary activities of commerce do not spill over to residential properties.

Economic Development Policies

A network of commercial nodes will be established along major corridors. Areas between these centers will be encouraged to transition to lower intensity commercial uses, high density residential uses, or a mixture thereof.

Public Comment Summary

There have been general inquiries regarding the project, but no comments.

Planning Commission Work Session (October 7, 2016):

The following items were discussed in the Planning Commission work session:

The proffered conditions regarding landscaping between the proposed drive through facility and Eden Drive should be clarified regarding the spacing and size of trees.

Screening between the drive-thru and the parcel No. 2280814 should be considered to buffer the adjacent property from the relocated drive through facility (e.g, headlight intrusion). Trees and shrubs along the first forty feet of that property line would be appropriate.

The Applicant subsequently filed Amended Application No.1 and Amended Application No. 2 revising the list of uses permitted, clarifying landscaping between the proposed drive through and Eden Drive, and adding a proffer for additional landscaping between the proposed drive-through and the abutting residential property.

Conclusions and Recommendations:

As previously noted, the property has served the community as a financial institution for over 30 years on one of the most heavily trafficked commercial corridors in Roanoke. Both *Vision 2001-2020* and the *Williamson Road Area Plan* encourage the redevelopment of existing commercially zoned properties to maximize their potential in a manner respectful of the surrounding area. The proposed uses for the property are low intensity commercial uses within the CG District and are appropriate for the transition area between the more intensive commercial uses to the north and residential area to the south. The proposed change to a CG district, with the conditions proffered by the applicant, is appropriate.

Zoning Amendment Application RECEIVED



DEC 01 2016 ROANOKE

Department of Planning, Building and Development
Room 166, Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
Phone: (540) 853-1730 Fax: (540) 853-1230

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

[Click Here to Print](#)

Date: December 01, 2016

Submittal Number: AMENDED APPLICATION NO. 2

Request (select all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Rezoning, Not Otherwise Listed | <input type="checkbox"/> Amendment of Proffered Conditions |
| <input checked="" type="checkbox"/> Rezoning, Conditional | <input type="checkbox"/> Amendment of Planned Unit Development Plan |
| <input type="checkbox"/> Rezoning to Planned Unit Development | <input type="checkbox"/> Amendment of Comprehensive Sign Overlay District |
| <input type="checkbox"/> Establishment of Comprehensive Sign Overlay District | |

Property Information:

Address: 1430 Hershberger Rd. NW; 0 Hershberger Rd NW

Official Tax No(s): 2280801 ; 2280803

Existing Base Zoning:

(If multiple zones, please manually enter all districts.)

MX, Mixed Use

With Conditions

Without Conditions

Ordinance No(s). for Existing Conditions (If applicable):

Requested Zoning:

CG-Commercial
General

With Conditions

Without Conditions

Proposed

Land Use:

Financial Institution
with Drive-Thru

Property Owner Information:

Name:

Blue Eagle Credit Union
Attn: Jeff Thompson

Phone Number:

540-855-3629

Address:

2121 Electric Rd. Roanoke, VA 24018

E-Mail:

Jeff.Thompson@
blueeaglecredit
union.com

Property Owner's Signature:

Applicant Information (if different from owner):

Name:

Phone Number:

Address:

E-Mail:

Applicant's Signature:

Authorized Agent Information (if applicable):

Name:

Caldwell White Associates
Attn: Corbin White

Phone Number:

540-366-3400

Address:

PO Box 6260 Roanoke, VA 24017

E-Mail:

CWAroanoke@

aol.com

Authorized Agent's Signature:

Zoning Amendment

Application Checklist



The following must be submitted for **all** applications:

- Completed application form and checklist.
- Written narrative explaining the reason for the request.
- Metes and bounds description, if applicable.
- Filing fee.

For a **rezoning not otherwise listed**, the following must also be submitted:

- Concept plan meeting the Application Requirements of item '2(c)' in Zoning Amendment Procedures.

For a **conditional rezoning**, the following must also be submitted:

- Written proffers. See the City's Guide to Proffered Conditions.
- Concept plan meeting the Application Requirements of item '2(c)' in Zoning Amendment Procedures. Please label as 'development plan' if proffered.

For a **planned unit development**, the following must also be submitted:

- Development plan meeting the requirements of Section 36.2-326 of the City's Zoning Ordinance.

For a **comprehensive sign overlay district**, the following must be submitted:

- Comprehensive signage plan meeting the requirements of Section 36.2-336(d)(2) of the City's Zoning Ordinance.

For an **amendment of proffered conditions**, the following must also be submitted:

- Amended development or concept plan meeting the Application Requirements of item '2(c)' in Zoning Amendment Procedures, if applicable.
- Written proffers to be amended. See the City's Guide to Proffered Conditions.
- Copy of previously adopted Ordinance.

For a **planned unit development amendment**, the following must also be submitted:

- Amended development plan meeting the requirements of Section 36.2-326 of the City's Zoning Ordinance.
- Copy of previously adopted Ordinance.

For a **comprehensive sign overlay amendment**, the following must also be submitted:

- Amended comprehensive signage plan meeting the requirements of Section 36.2-336(d) of the City's Zoning Ordinance.
- Copy of previously adopted Ordinance.

For a proposal that requires a **traffic impact study** be submitted to the City, the following must also be submitted:

- A Traffic Impact Study in compliance with Appendix B-2(e) of the City's Zoning Ordinance.

For a proposal that requires a **traffic impact analysis** be submitted to VDOT, the following must also be submitted:

- Cover sheet.
- Traffic impact analysis.
- Concept plan.
- Proffered conditions, if applicable.
- Required fee.

*An electronic copy of this application and checklist can be found at www.roanokeva.gov/pbd by selecting 'Planning Commission' under 'Boards and Commissions'. A complete packet must be submitted each time an application is amended, unless otherwise specified by staff.



CALDWELL WHITE ASSOCIATES
ENGINEERS / SURVEYORS / PLANNERS

RECEIVED

DEC 01 2016

4203 MELROSE AVENUE
P.O. BOX 6260
ROANOKE, VIRGINIA 24017-0260
PHONE (540) 366-3400
FAX (540) 366-8702

CITY OF ROANOKE
PLANNING BUILDING &
DEVELOPMENT

LETTER OF TRANSMITTAL

December 01, 2016

To: City of Roanoke, VA
Dept. of Planning, Building & Development

Attn: Katharine Gray / Tina Carr

From: Corbin White

RE: AMENDED APPLICATION NO. 2
Proposed Rezoning of Tax Parcels 2280801 & 2280803 from MX to CG

Attached please find:

Amended Application No. 2 rezoning package, consisting of:
Zoning Amendment Application dated 12/01/2016
Zoning Amendment Application Checklist
Rezoning Request Narrative
Proffered Conditions to be Adopted
11"x17" Concept Site and Building Plans, including Elevations
DVD containing PDF version of above

Information transmitted via:

Hand-delivered

Katharine,

As discussed, the attached reflects the following:

- The rezoning plan has been revised to graphically show the landscaping proposed in the proffers. No changes have been made to the proffered landscaping.
- The list of proffers has been revised to remove three uses that would have been allowed with a special exception under the previous Amended Application No. 1. These uses are a "car wash abutting a residential district", "eating and drinking establishment abutting a residential district" and "microbrewery or microdistillery abutting a residential district". These were removed at the request of the neighborhood Group

Otherwise, this Amended Application No. 2 is identical to the previous Amended Application No. 1.

Please call me if you have questions or require additional information.

Thanks

cc: Mr. Jeff Thompson – Blue Eagle Credit Union



CALDWELL WHITE ASSOCIATES

ENGINEERS / SURVEYORS / PLANNERS

4203 MELROSE AVENUE
P.O. BOX 6260
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AMENDED APPLICATION NO. 2

Blue Eagle Credit Union Site

Proposed Rezoning from MX to CG (with conditions)

City of Roanoke Tax Parcels 2280801 & 2280803 – 1430 Hershberger Road, NW

Rezoning Request Narrative

Description of Proposed Use and Development of the Property

The facility that currently exists on the site was constructed in 1980, and for the majority of time since its original construction, the eastern portion of the structure has been used as a branch bank or credit union with a drive-thru. The western portion of the building has at times been rented out to office and other financial-type uses.

Under proposed conditions, the site will remain a financial institution with drive-thru. As Blue Eagle's Member base has seen substantial growth, they will now be expanding into the western portion of the building, and performing some remodeling of the building. As shown on the attached Concept Plan, the only substantial changes proposed for the site will be to:

- 1) Remove the existing, dated drive-thru canopy on the eastern side of the building in its entirety, and replace the existing pavement and canopy area with green space to include lawn grasses, trees and shrubs.
- 2) Construct a new full-service remote drive-thru facility on the western face of the building, adjacent to Eden Drive. This will allow this 24-hour use to be located in an area deemed to be more secure, as there is more public activity on this face of the building, and the drive-thru area will be readily visible from the public streets.
- 3) As a result of the new drive-thru location, certain on-site circulation patterns will change, and the northern Eden Drive curb-cut will be reconstructed to become right-turn, exit only.

Justification for the Change

Through the 2005 City-wide change in zoning designations, the site was included in the MX-Mixed Use zoning district, which allows neither financial institutions, nor drive-thru facilities. For the past eleven (11) years, this has not created any problems for the owners, as there have been no need to make changes to the site's content or operation. Now, with the desire to relocate the drive-thru technology, Blue Eagle has been informed by the City that this "non-conforming use" cannot be relocated under the current MX zoning designation.

In short, the rezoning is requested to bring the existing uses into conformance with the requirements of the Zoning Ordinance.

The CG zoning district is by definition:

“to permit motor vehicle dependent uses that are generally developed as single use developments on individual lots, subject to landscaping, access, and signage standards. Such development is generally characterized by individual curb cuts, access drives, and signage. It is intended that this district be applied primarily along heavily traveled arterial streets, with an emphasis on clustering such development at major intersections. While recognizing the motor vehicle traffic generated by the uses permitted in this district, it is the intent of the regulations of the district to encourage and recognize pedestrian access and public transit forms of transportation by locating parking to the side and rear of buildings and minimizing conflict through landscaping and signage standards. The uses permitted in this district generally require a high volume of traffic along the frontage of the establishment and include horizontally oriented buildings. Such permitted uses include general retail establishments, offices, service establishments, motor vehicle related sales and service, eating establishments, and entertainment uses. The CG District is also intended to accommodate travel-oriented uses such as hotels, motels, and gasoline stations”

As this site is a long-standing financial institution, is located along one of the City’s largest arterial streets, and is considered a service establishment, it seems only fitting to pair the correct zoning designation to this site and the uses it contains. It is a fact that the site is not a perfect match for the district’s definition, as the building and parking layout are more in tune to the development patterns that were in-place at the time of its original construction. However, without major changes to the structure’s location and relative parking scheme, these items are unavoidable.

Effect of the Proposed Amendment on the Surrounding Neighborhood

As we are not proposing use changes in conjunction with the requested rezoning, there would be no changes to the traffic generation of the site or the way pedestrians can access the facility. In our opinion, the effects that the rezoning may have on the surrounding neighborhood are fairly limited.

One effect is the potential that the requested rezoning may, in some future time, allow uses on the property that may be deemed incompatible given the proximity to surrounding residential areas. In order to alleviate these concerns, we have proffered a list of uses that would be allowed to be placed on the site. This list pares out certain uses that could normally be allowed in the CG District either “by right”, or with “special exception”, but will not be permitted under the proffered conditions, should the rezoning be approved.

Similarly, under the proposed CG Zoning District, the Zoning Ordinance allows a zero rear yard setback and a building floor ratio of 5.0. Given that the property is bounded to the rear by a residential zoning district, and that a floor area ratio of 5.0 would not be in good keeping with the neighborhood, we have offered proffers which would keep the rear yard setback identical to that of the current MX District, so long as the property to the rear is zoned residential, and have further proffered to maintain the floor area ratio of 1.0 which is allowed in the current MX District.

Additionally, we do indeed recognize that relocating the drive-thru facility to the Eden Drive side of the site will place this use in an area more visible to the immediately adjacent neighbors. We feel it prudent to mention that while we hope that the remote drive-thru facility will enhance Blue Eagle’s

business, we are not proposing a high-volume fast food drive-thru window. Under current conditions, the drive-thru facility, which also serves a 24-hour ATM, sees about 25 patrons per day, or about one per hour averaged over the time the facility is available to Members. Even with this relatively low volume, we recognize that the appearance of the structure will change, and therefore proffer to install the trees and shrubs shown in the proffered conditions in the area between the drive-thru lane and the adjacent Eden Drive right-of-way line to soften the effects of the building change.

Similarly, we proffer to install new shrubs and small deciduous trees along the southern edge of the parking lot, to help screen the commercial use from the adjoining residentially-zoned property to the south.

Finally, we proffer that any new signage will be in accordance with the MX Zoning District. As the proposed CG District includes more lenient signage regulations, and could potentially allow future signage not in good keeping with the neighborhood, this would help alleviate any concerns over inappropriate signage configurations, while still allowing the existing signage to remain.

Availability of Other Similarly Zoned Properties in the General Area and in the City

From a review of nearby parcels for sale on Loopnet.com, it appears there are three (3) contiguous parcels for sale at 4812, 4818, and 4820 Williamson Road which are currently zoned CG. However, as the site of the proposed rezoning is not being considered for a new use, it would seem a bit excessive to relocate the existing Blue Eagle facility to a new site.

Relationship of Proposed Amendment to City's Comprehensive Plan and Applicable Neighborhood Plan

The Greater Grandview Area Neighborhood Watch Association, Inc. is the community group that the property is located within. As of the time of preparation of this Narrative, we could find no documentation relative to the development objectives of this group. The City's web-site, however, indicates that the area included in the GGANWA is included in the Williamson Road Neighborhood Plan, which is a component of the City's 2001 – 2020 Comprehensive plan.

The Future Land Use section of the plan indicates that the southern side of Hershberger Road is to be small-and-medium-scale-commercial, which is a perfect fit for a branch credit union. For the desired elements within small-and-medium-scale-commercial, the Plan suggests "*Such areas should be designated with neighborhood commercial, office-residential, and general commercial zoning districts as appropriate for the context, scale, and existing land use pattern*". Given that the context of the Blue Eagle property is financial in nature, it is fitting that the property be permitted to be included in the CG district.

The Commercial Design Guidelines section of the plan includes the following as actions that can be taken for existing buildings and sites:

- **Plant trees.** *Trees are an inexpensive and immediate way to make a positive impact on the appearance of any site.*
- **Remove asphalt** *and replace it with landscaping or buildings. Many businesses have far more paved area than is necessary for typical parking demands. The result is that asphalt becomes the dominant element of the landscape rather than actual business operations.*

Similarly, the Environmental Resources section of this Plan mentions the abundant opportunity to increase the tree canopy in the area.

The proposed Blue Eagle site changes not only reduce the amount of impervious cover on their site, but will also plant new trees at the location of the current drive-thru, along Eden Drive, and along a portion of the southern boundary as well, as outlined above and in the list of proffered conditions.



CALDWELL WHITE ASSOCIATES

ENGINEERS / SURVEYORS / PLANNERS

4203 MELROSE AVENUE
P.O. BOX 6260
ROANOKE, VIRGINIA 24017-0260
(540) 366-3400
FAX: (540) 366-8702

AMENDED APPLICATION NO. 2

Blue Eagle Credit Union Site

Proposed Rezoning from MX to CG (with conditions)

City of Roanoke Tax Parcels 2280801 & 2280803 – 1430 Hershberger Road, NW

Proffered Conditions to be Adopted

The applicant hereby requests that the following proffered conditions be adopted as they pertain to Official Tax Numbers 2280801 and 2280803.

- A) It is proffered that only the following uses will be “permitted by right” on the subject property:
- 1) Business service establishment, not otherwise listed
 - 2) Employment or temporary labor service
 - 3) Financial institution
 - 4) Laboratory, dental, medical, or optical
 - 5) Laboratory, testing and research
 - 6) Medical clinic
 - 7) Office, general or professional
 - 8) Office, general or professional, large scale
 - 9) Caterer, commercial
 - 10) Community market
 - 11) Drive-through facility
 - 12) Drive-through kiosk
 - 13) Funeral home
 - 14) Kennel, no outdoor pens or runs
 - 15) Live-work unit
 - 16) Mixed-use building
 - 17) Studio/multimedia production facility
 - 18) Bakery, confectionary, or similar food production, retail
 - 19) Body piercing establishment
 - 20) Car wash, not abutting a residential district
 - 21) Contractor or tradesman's shop, general or special trade
 - 22) Dry cleaning and laundry pick-up station
 - 23) General service establishment, not otherwise listed
 - 24) Internat sales establishment

- 25) Janitorial services establishment
- 26) Nursery or greenhouse, commercial
- 27) Personal service establishment, not otherwise listed in this table
- 28) Pet grooming
- 29) Retail sales establishment, not otherwise listed
- 30) Tattoo parlor
- 31) Workshop
- 32) Club, lodge, civic, or social organization
- 33) Community center
- 34) Eating establishment
- 35) Eating and drinking establishment, not abutting a residential district
- 36) Health and fitness center
- 37) Meeting hall
- 38) Microbrewery or microdistillery not abutting a residential district
- 39) Park or playground
- 40) Place of worship
- 41) Recreation, indoor
- 42) Theater, movie or performing arts
- 43) Artist studio
- 44) Community food operation
- 45) Community garden
- 46) Day care center, adult
- 47) Day care center, child
- 48) Educational facilities, business school or nonindustrial trade school
- 49) Educational facilities, college/university
- 50) Educational facilities, elementary/middle/secondary
- 51) Educational facilities, industrial trade school
- 52) Educational facilities, school for the arts
- 53) Fire, police, or emergency services
- 54) Government offices or other government facility, not otherwise listed
- 55) Library
- 56) Museum
- 57) Post office
- 58) Supply pantry
- 59) Training facility for police, fire, or emergency services
- 60) Parking lot facility
- 61) Parking, off-site
- 62) Broadcasting studio or station
- 63) Utility distribution or collection, basic
- 64) Wireless telecommunications facility, stealth
- 65) Accessory uses, not otherwise listed in Table 36.2-315 of the Zoning Ordinance of the City of Roanoke

B) It is proffered that only the following uses will be “permitted by special exception” on the subject property:

- 1) Campground
- 2) Outpatient mental health and substance abuse clinic

- 3) Utility distribution or collection, transitional
 - 4) Agricultural operations
- C) It is proffered that a fifteen foot (15') building setback will be maintained along the abutting property line (Official Tax Map No. 2280814), so long as that property is included in a residential zoning district.
- D) It is proffered that the property will maintain no greater than a 1.0 maximum floor area ratio.
- E) It is proffered It is proffered that two 2-inch caliper large deciduous trees spaced between twenty to forty feet on center and twenty evergreen shrubs, minimum 18-inch high at planting, spaced between two to three feet on center shall be installed and maintained between the relocated drive-thru lane and the right-of-way of Eden Drive, NW.
- F) It is proffered that immediately following the rezoning of the subject parcels from MX to CG, the owner will consolidate tax parcels 2280801 and 2280803 into a single property. This property consolidation will be undertaken in accordance with the City's Subdivision Ordinance and review / approval / recordation processes.
- G) It is proffered that any new signage on the property will conform to the requirements of the City of Roanoke Zoning Ordinance, Table 668-1, for the MX, Mixed Use District.
- H) It is proffered that two 5 foot tall small deciduous trees spaced between fifteen to thirty feet on center and fifteen evergreen shrubs, minimum 18-inch high at planting, spaced between two to three feet on center shall be installed and maintained between the parking lot and the abutting property line (Official Tax Map No. 2280814) along the first 40 feet from Eden Drive, NW, so long as that property is included in a residential zoning district.

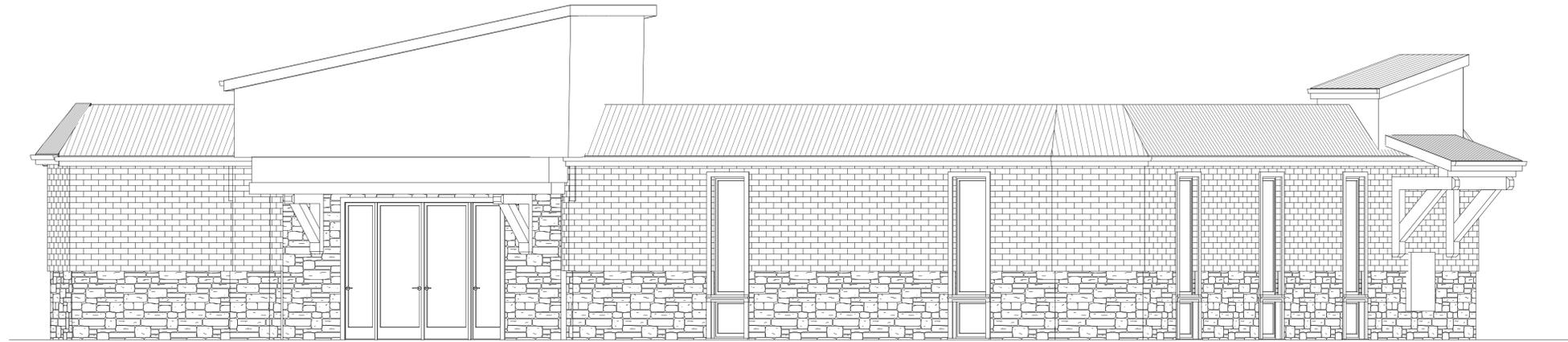
End of Proposed Proffered Conditions

BLUE EAGLE CREDIT UNION

1430 HERSHBERGER RD. N.W.

ROANOKE, VA 24012

OWNERS: BLUE EAGLE CREDIT UNION



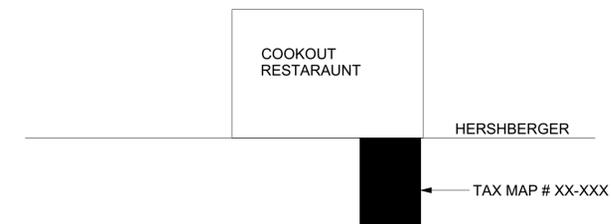
CONCEPTUAL ISOMETRIC

3-D VIEW
DO NOT SCALE

CODE INFO:

USE GROUP: B
 TYPE OF CONSTRUCTION: 5-B
 STORIES: ALLOWED: 2
 ACTUAL: 2
 SPACE: ALLOWED: 9000 SQ. FT.
 ACTUAL: 1230 SQ. FT.
 CODE: 2012 INTERNATIONAL BUILDING CODE

VICINITY MAP



AMENDED APPLICATION NO. 2

JAMISON
DESIGN LLC

1591 ROANOKE RD. SUITE "B"
DALEVILLE, VA 24083
PHONE: 540-992-5317
FAX: 540-992-5327

CUSTOM BUILDING / STRUCTURAL DESIGN

BLUE EAGLE CREDIT UNION
PROPOSED OFFICE RENOVATION
CITY OF ROANOKE, VA

Drawn By: S. JAMISON
 Date: 10/13/13
 Design By: S. JAMISON
 Checked By: W. JAMISON
 Scale: SEE DRAWING

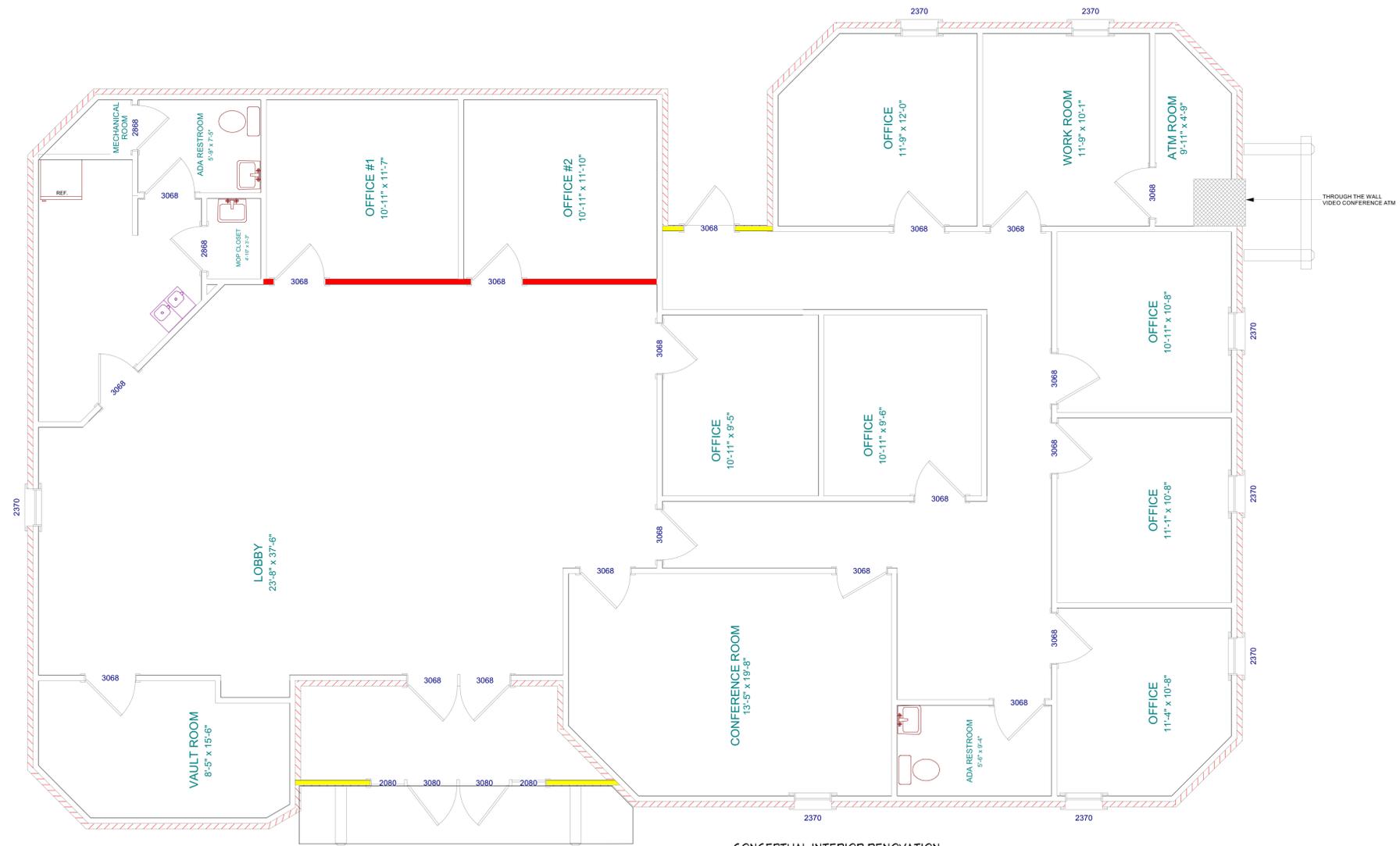
REVISIONS

REVISION	DATE	COMMENTS

Sheet No.

A-C

JOB No. 13095



CONCEPTUAL INTERIOR RENOVATION
 FRONT FACADE UPGRADE
 AWNING AT ATM
 SCALE: 1/4" = 1'-0"

- GENERAL NOTES:
 1. NO STRUCTURAL ELEMENTS TO BE ALTERED.
 2. NO EXTERIOR WALLS TO BE MOVED.
 3. REMOVE EXISTING COVERED CANOPY OVER EXISTING DRIVE THROUGH.
 4. RELOCATE ATM TO NEW LOCATION AS SHOWN.
 5. ADD FRONT FACADE AS SHOWN IN ELEVATION CONCEPTS.

AMENDED APPLICATION NO. 2

JAMISON
 DESIGN LLC
 1591 ROANOKE RD. SUITE "B"
 DALEVILLE, VA 24083
 PHONE: 540-992-5317
 FAX: 540-992-5427
 CUSTOM BUILDING / STRUCTURAL DESIGN

BLUE EAGLE CREDIT UNION
 PROPOSED OFFICE RENOVATION
 CITY OF ROANOKE, VA

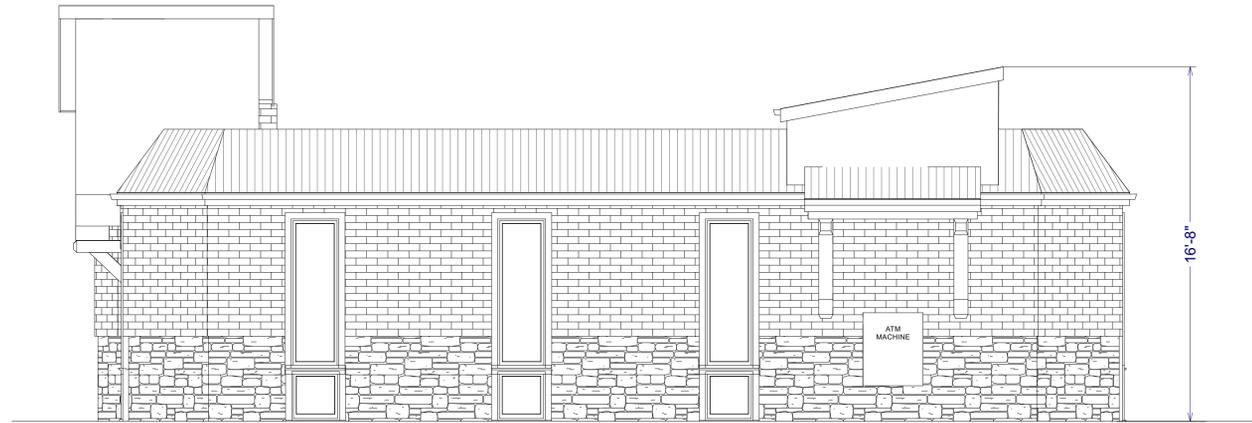
Drawn By: S. JAMISON
 Date: 10/13/13
 Design By: S. JAMISON
 Checked By: W. JAMISON
 Scale: SEE DRAWING

REVISION	COMMENTS	DATE

Sheet No.
A-0
 JOB No. 13095

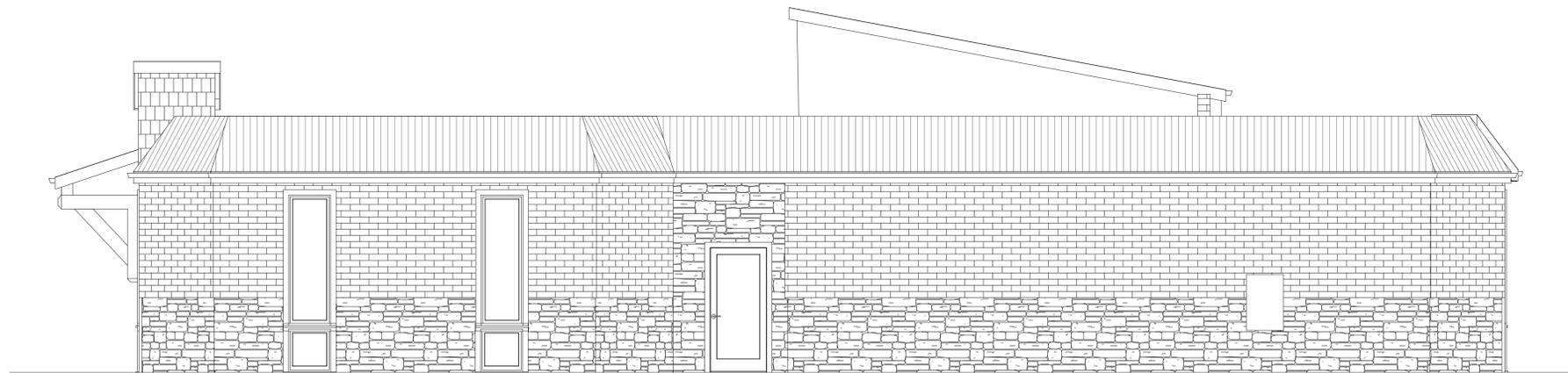


CONCEPTUAL FRONT ELEVATION
SCALE: 1/4"=1'-0"



CONCEPTUAL RIGHT ELEVATION
SCALE: 1/4"=1'-0"

AMENDED APPLICATION NO. 2



CONCEPTUAL REAR ELEVATION
SCALE: 1/4"=1'-0"

JAMISON
DESIGN LLC

1591 ROANOKE RD. SUITE "B"
DALEVILLE, VA 24083
PHONE: 540-892-5317
FAX: 540-892-3427

CUSTOM BUILDING / STRUCTURAL DESIGN

BLUE EAGLE CREDIT UNION
PROPOSED OFFICE RENOVATION
CITY OF ROANOKE, VA

Drawn By: S. JAMISON
Date: 10/13/13
Design By: S. JAMISON
Checked By: W. JAMISON
Scale: SEE DRAWING

REVISIONS

REVISION	COMMENTS	DATE

Sheet No.

E-1

JOB No. 13095



CONCEPTUAL RENDERING

BLUE EAGLE CREDIT UNION
PROPOSED OFFICE RENOVATION
CITY OF ROANOKE, VA

10/13/13

AMENDED APPLICATION NO. 2

ZONING DISTRICT MAP

1430 and 0 Hershberger Road NW
 Official Tax Parcels: 2280801 and 2280803, respectively

 Area to be Rezoned

Zoning

-  AD: Airport Dev
-  CG: Commercial-General
-  CLS: Commercial-Large Site
-  CN: Commercial-Neighborhood
-  D: Downtown
-  I-1: Light Industrial
-  I-2: Heavy Industrial
-  IN: Institutional
-  INPUD: Institutional Planned Unit Dev
-  IPUD: Industrial Planned Unit Dev
-  MX: Mixed Use
-  MXPUD: Mixed Use Planned Unit Dev
-  R-12: Res Single-Family
-  R-3: Res Single-Family
-  R-5: Res Single-Family
-  R-7: Res Single-Family
-  RA: Res-Agricultural
-  RM-1: Res Mixed Density
-  RM-2: Res Mixed Density
-  RMF: Res Multifamily
-  ROS: Recreation and Open Space
-  UF: Urban Flex
-  Conditional Zoning

