

INDEX FILE

UP-848-14

BURGERBUSTERS

823 EAST ROCHAMBEAU DRIVE

ASSESSOR'S PARCEL NO. 2-17-1C

Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize the establishment of a fast-food restaurant with drive-through windows on a 1.34-acre parcel located at 823 East Rochambeau Drive (Route F-137) at the intersection of East Rochambeau Drive and Mooretown Road (Route 603). The property, further identified as Assessor's Parcel No. 2-17-1C, is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

Attachments:

- Staff Report
- Zoning Map
- Narrative
- Sketch Plan
- Traffic Impact Analysis
- Proposed Resolution No. PC14-36

COUNTY OF YORK

MEMORANDUM

DATE: October 30, 2014 (PC Mtg. 11/12/14)
TO: York County Planning Commission
FROM: Earl W. Anderson, AICP, Planner
SUBJECT: Application No. UP-848-14, BurgerBusters, Inc.

ISSUE

This application seeks a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize the establishment of a fast-food restaurant with drive-through windows on a 1.34-acre parcel located at 823 East Rochambeau Drive (Route F-137) at the intersection of East Rochambeau Drive and Mooretown Road (Route 603). The property, further identified as Assessor's Parcel No. 2-17-1C, is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Kahn Development East, LLC
- Location: 823 East Rochambeau Drive (Route F-137)
- Area: 1.34 acres
- Frontage: Approximately 210 feet on East Rochambeau Drive and approximately 160 feet on Mooretown Road
- Utilities: Public water available on-site and public sewer available across East Rochambeau Drive or Mooretown Road
- Topography: Flat at the northwest corner extending into the site about 170 feet, then dropping significantly to the south and east
- 2035 Land Use Map Designation: Economic Opportunity
- Zoning Classification: EO – Economic Opportunity
- Existing Development: None
- Surrounding Development:
 - North: Lowe's
 - East: Stormwater facility owned by York County

South: East Rochambeau Drive/Mooretown Road interchange
West: Wells Fargo Bank (across East Rochambeau Dr.)

- Proposed Development: Fast-food restaurant with drive-through window

CONSIDERATIONS/CONCLUSIONS

1. The subject property is a 1.34-acre out-parcel of the Cedar Valley Shopping Center on East Rochambeau Drive in the Lightfoot area. The parcel and the entire surrounding area are zoned EO (Economic Opportunity) and designated Economic Opportunity in the Comprehensive Plan. All development surrounding the parcel is commercial. BurgerBusters has submitted this application to develop a Taco Bell fast-food restaurant on the site. Unlike sit-down restaurants, fast-food restaurants require a Special Use Permit in the EO zoning district; in recent years the Board of Supervisors has approved use permits for several other fast-food establishments in the Lightfoot area, including Burger King, Sonic, Chik-fil-A, and Starbucks.
2. According to trip generation rates contained in the ITE (Institute of Transportation Engineers) *Trip Generation* manual (9th edition), a fast-food restaurant of this size (1,933 square feet) with a drive-through window could be expected to generate an average of approximately 960 vehicle trips per day, including 88 in the AM peak hour and 63 in the PM peak hour. The Traffic Impact Analysis submitted by the applicant and reviewed by VDOT allows 49 percent of the AM trips and 50 percent of the PM peak-hour trips to be considered “pass-by” trips rather than new trips that would be added to the existing traffic stream. Therefore, the traffic impact of the proposed use is very minimal. Additionally, the proposed restaurant would not have direct access to East Rochambeau Drive. Vehicular access would be internal to the Lowe’s home center parking lot via one entrance/exit.
3. The site is currently devoid of any landscaping, except scrub brush. Although the Zoning Ordinance requires a 45-foot greenbelt buffer along East Rochambeau Drive and Mooretown Road, the Board of Zoning/Subdivision Appeals approved an application for a variance in 2004 reducing the greenbelt to twenty feet (20’) along East Rochambeau Drive and thirty-five feet (35’) along Mooretown Road. Pursuant to Section 24.1-245(c) of the Zoning Ordinance, which requires landscaping of unvegetated and under-vegetated greenbelts, the developer will be required to establish the greenbelt buffer – which in this case, because of the variance, would be a standard twenty-foot (20’) front landscape yard along East Rochambeau Drive and thirty-five feet (35’) along Mooretown Road. In addition, landscape yards planted with trees and shrubs will be required along the parcel’s side and rear property lines.

The applicant submitted an exception request to VDOT to gain an exception for the corner clearance to allow a right-out only exit onto East Rochambeau Drive. VDOT denied the request on July 29, 2014, stating that the additional entrances on East Rochambeau Drive would create conflicting movements within the turn lane.

4. The applicant has shown what appears to be a sign in the northwest corner of the proposal. The proposed development is on a corner lot and is allowed one (1)

freestanding sign on each road frontage, in this case one on East Rochambeau Drive and one on Mooretown Road. However, it should be noted that the Mooretown Road frontage is greatly limited by steep topography that could limit the ability to place a sign. As required by the Zoning Ordinance for development in the EO district, any sign must be a ground-mounted monument type sign with a maximum area of 64 square feet and a maximum height of ten feet (10').

5. On June 25, 2014 the Chesapeake Bay Board reviewed the applicant's Natural Resources Inventory and approved an exception to encroach into the 100-foot Resource Protection Area buffer (headwaters of Queens Creek). Stipulations set by the Board were compliance with the submitted plan, not allowing more than 500 square feet of impervious area, and the submission and approval of a restoration plan for any disturbed buffer areas.

RECOMMENDATION

Staff believes the proposed fast-food restaurant is an appropriate use for this 1.34-acre parcel and, based on the considerations and conclusions as noted, recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC14-36.

EWA

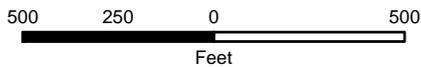
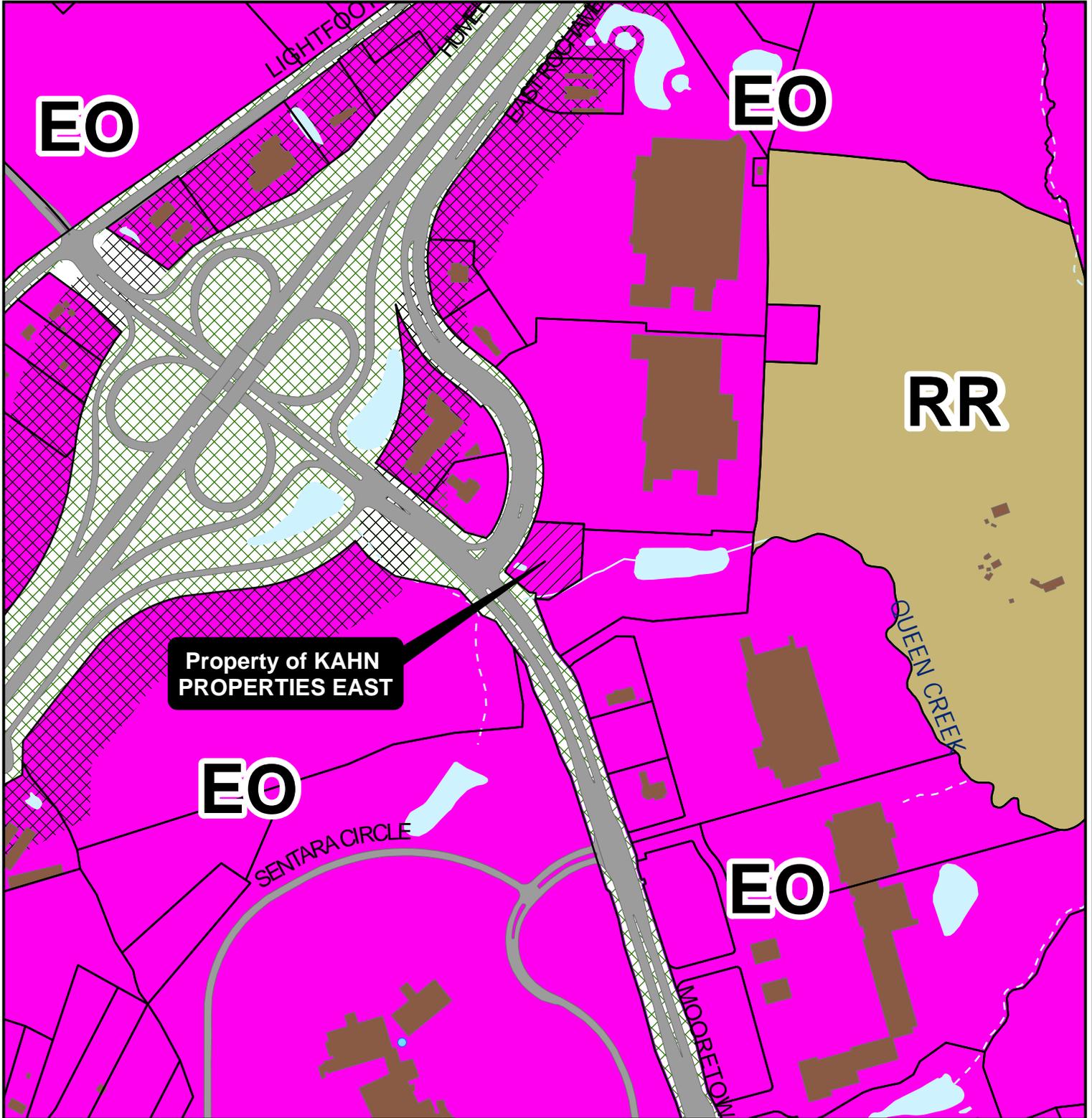
Attachments

- Zoning Map
- Narrative
- Sketch Plan
- Traffic Impact Analysis
- Proposed Resolution No. PC14-36

APPLICANT BurgerBusters, Inc.
Special Use Permit request to establish a
fast-food restaurant with a drive-through window
823 EAST ROCHAMBEAU DR

ZONING MAP

APPLICATION NUMBER: UP-848-14



Printed on October 3, 2014

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes. It is not
suitable for detailed site planning.

September 30, 2014

Mr. Earl W. Anderson, AICP
Planner
County of York Planning Department
224 Ballard St.
Yorktown, VA 23690-0532

OCT - 1 2014

RE: Taco Bell Lightfoot, Williamsburg, VA
SUP Application

Dear Earl:

The purpose of this letter is to re-initiate the SUP application process for the proposed Taco Bell at 823 E. Rochambeau Dr., Williamsburg, VA, at the intersection of E. Rochambeau Dr. and Mooretown Rd. The 1.34 acre property in question is zoned Economic Opportunity (EO) and requires an SUP permit per our discussions.

The revised sketch incorporates the following modifications per our recent discussions:

1. Rotated building and parking orientation
2. Eliminated access to E. Rochambeau
3. Maximum 500 sf impervious impact to RPA per Ches. Bay Board
4. Greenbelt landscaping

We are also hereby requesting consideration of a reduced Greenbelt landscaping width along E. Rochambeau (currently 45') due to the irregularly shaped property and associated limitations. The required landscaping density can still be achieved in the reduced 20' width in this area, as shown on the enclosed exhibit sheet.

I appreciate your review of this information and application. Feel free to contact me with any questions or comments.

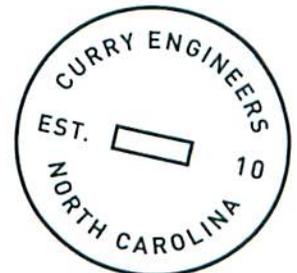
Sincerely,
The Curry Engineering Group, PLLC

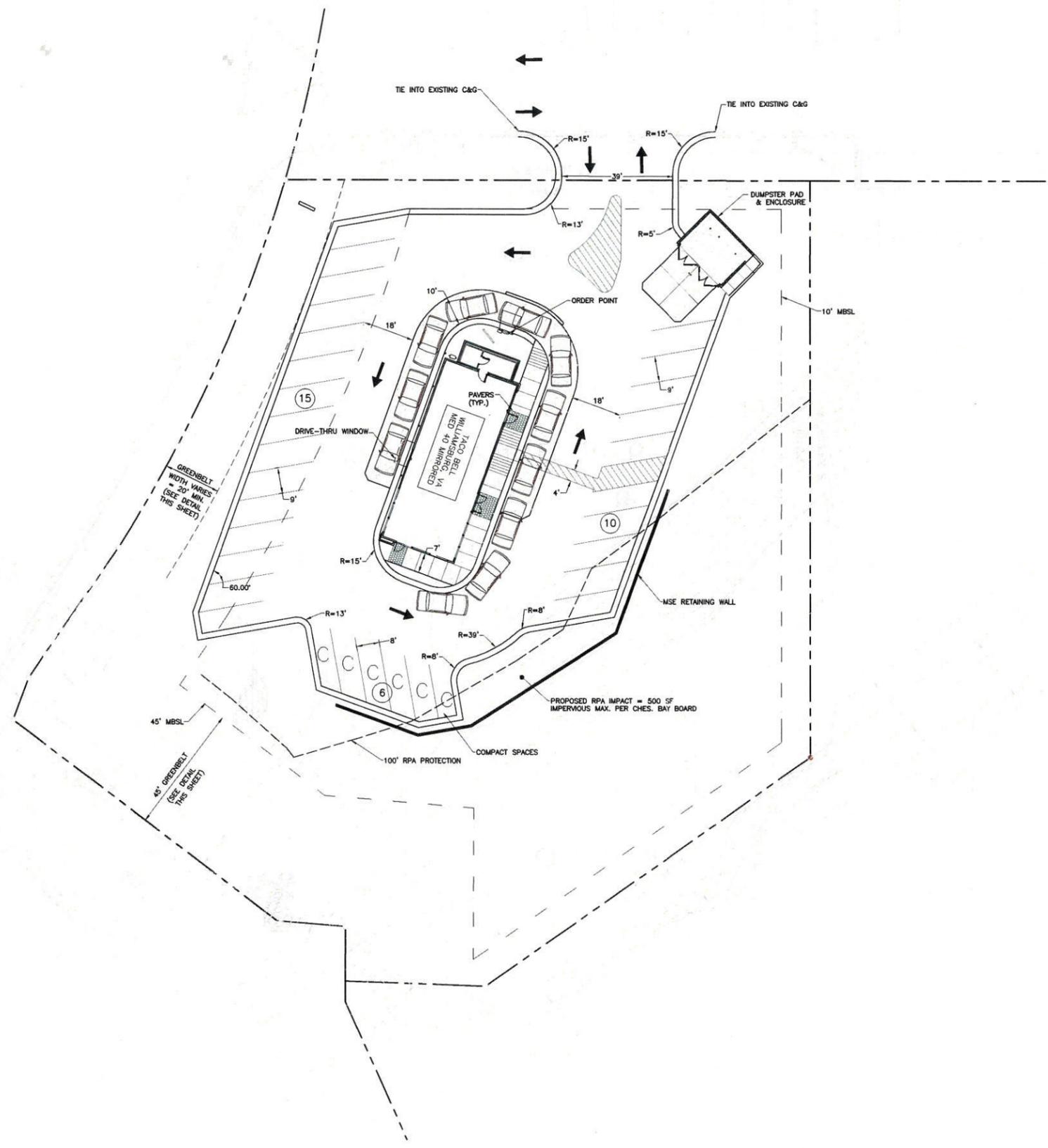

Donald L. Curry, Jr., PE
President

Att: Exhibit Sketch Plan (EX-13)
TIA Analysis from Ramey Kemp

T [919] 552-0849
F [919] 552-2043

205 S. Fuquay Avenue
Fuquay-Varina, NC 27526





SITE INFORMATION

LOCATION: 823 EAST ROCHEMBAU DR.
 COUNTY: YORK COUNTY
 TOTAL PROP ACREAGE: 1.34 +/- AC
 PARCEL ID: B19b-4818-2947
 ZONING: ECONOMIC OPPORTUNITY (EO)

PARKING REQUIRED:
 RESTAURANT: 1,933 SF * 1.5 SPACES / 100 SF
 + 11 DRIVE-THRU STACKING SPACES
 = 29 SPACES + 11 D/T SPACES

TOTAL PARKING REQUIRED: 29 SPACES

PARKING PROVIDED:
 RESTAURANT: 31 SPACES + 12 STACKING SPACES

ADA PARKING:
 ADA REQUIRED: 1 SPACE
 ADA PROPOSED: 2 SPACES

GREENBELT BUFFER REQUIREMENT

NOT TO SCALE

- VIRGINIA RED CEDAR (JUNIPERUS VIRGINIA)
10' HIGH @ PLANTING/3" CALIPER
- CREPE MYRTLE (LAGERSTROEMIA INDICA)
10' HIGH @ PLANTING/3" CALIPER
- WAX MYRTLE (MYRICA CERIFERA)
18" HIGH @ PLANTING

NUMBER OF PLANTS PER 100 FEET
 GREENBELT REQUIREMENT = 90 LCU PER 100'

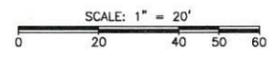
EVERGREEN TREES	4 =>	LCU 9*4=36
DECIDUOUS TREES	3 =>	LCU 9*3=27
SHRUBS	14 =>	LCU 2*14=28
TOTAL=91		

NOTE: UTILIZE EXISTING VEGETATION TO THE EXTENT POSSIBLE. PLANTINGS SHOWN ABOVE SHALL BE PROVIDED AS A SUPPLEMENT TO EXISTING VEGETATION. OWNER TO INVENTORY EXISTING VEGETATION PRIOR TO INSTALLING PROPOSED PLANTINGS.

YORK COUNTY
 York County

NOV - 1 2014

Planning Division



NOT FOR CONSTRUCTION

REVISIONS

DATE: May 2014	FILE NO: 2014-0332
HORIZ. SCALE: 1"=40'-0"	ORIG. SHEET SIZE: 24" x 36"

TACO BELL - WILLIAMSBURG, VA
PLANNING COMMISSION EXHIBIT

T 9191 622-0849
 F 9191 532-2043



Curry
 ENGINEERING

EX-13



RAMEY KEMP & ASSOCIATES, INC
 4343 Cox Road
 Glen Allen, VA 23060
 Phone: 804-217-8560 Fax: 804-217-8563
 www.rameykemp.com

October 31, 2014

YORK COUNTY
 YORK COUNTY

NOV - 1 2014

Mr. Ben Holmberg, P.E.
 Virginia Department of Transportation
 1700 N. Main Street
 Suffolk, Virginia 23434
 Phone: (757) 925-2590

Planning Division

Subject: Proposed Taco Bell Restaurant – Rochambeau Drive – York County, Virginia
 Trip Generation Analysis

Dear Mr. Holmberg,

The purpose of this letter is to provide a trip generation analysis for the proposed Taco Bell restaurant in the east quadrant of the Mooretown Road at Rochambeau Drive intersection in York County. The preliminary site plan has been revised to eliminate the proposed right-in only driveway on Rochambeau Drive, and instead includes one proposed cross-access connection to the existing Lowe’s Home Improvement Warehouse parking lot to the north.

Table 1 summarizes the trip generation potential of the proposed restaurant during a typical weekday, AM peak hour, and PM peak hour, based on the methodologies published by the Institute of Transportation Engineers (ITE) *Trip Generation Manual – 9th Edition*.

Table 1
ITE Trip Generation – 9th Edition – Weekday

Land Use (ITE Land Use Code)	Size	Weekday Daily Traffic (vpd)		AM Peak Hour (vph)		PM Peak Hour (vph)	
		Enter	Exit	Enter	Exit	Enter	Exit
Fast-Food Restaurant with Drive-Thru Window (934)	1,933 s.f.	480	480	45	43	33	30
ITE Pass-By Trips – 49% AM / 50% PM		-237	-237	-21	-21	-15	-15
Net New Primary Trips		243	243	24	22	18	15

The proposed restaurant is expected to generate only 88 trips during the AM peak hour, and only 63 trips during the PM peak hour. Note that approximately 50% of the site trips are expected to be pass-by trips, which means those customers are already driving past the site today. Only 50% of the restaurant trips will be new trips on the roadway network. Based on our conference call with you on July 7, we understand that a Traffic Impact Analysis (TIA) will not be required.

Mr. Ben Holmberg, P.E.
Page 2 of 2

We appreciate your attention to this matter. Please contact me at (804) 217-8560 if you have any questions about this report.

Sincerely yours,
Ramey Kemp & Associates, Inc.

Carl Hultgren, P.E., PTOE
Regional Manager

Enclosures: Preliminary site plan

Copy to: Mr. Earl Anderson, York County
Mr. Thomas Cook, BurgerBusters, Inc.
Mr. Don Curry, P.E., Curry Engineering



PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2014:

Present

Vote

Melissa S. Magowan, Chair
Timothy D. McCulloch, Vice Chair
Montgoussaint E. Jons
Glenn A. Brazelton
Todd H. Mathes
Richard M. Myer, Jr.
Mark B. Suiter

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO ESTABLISH A FAST-FOOD RESTAURANT WITH A DRIVE-THROUGH WINDOW AT 823 EAST ROCHAMBEAU DRIVE (ROUTE F-137)

WHEREAS, BurgerBusters, Inc. has submitted Application No. UP-848-14, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize the establishment of a fast-food restaurant with a drive-through window on a 1.34-acre parcel located at 823 East Rochambeau Drive (Route F-137) at its intersection with Mooretown Road (Route 603) and further identified as Assessor’s Parcel No. 2-17-1C (GPIN# B19b-4818-2947); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the __ day of _____ 2014, that Application No. UP-848-14 be, and it is

hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a fast-food restaurant with a drive-through window on a 1.34-acre parcel located at 823 East Rochambeau Drive (Route F-137) at its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-17-1C (GPIN# B19b-4818-2947), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a fast-food restaurant with a drive-through window on a 1.34-acre parcel located at 823 East Rochambeau Drive (Route F-137) at its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-17-1C (GPIN# B19b-4818-2947).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Taco Bell – Williamsburg, VA, Site Exhibit 13" prepared by Curry Engineering and dated May 2014, except as modified herein.
3. Development and operation of the fast-food restaurant shall be in accordance with the performance standards set forth in Sections 24.1-470, *Standards for all business and professional service uses*, and 24.1-473, *Standards for drive-in, fast food and carry-out delivery restaurants* of the Zoning Ordinance.
4. Freestanding signage shall be limited a monument-type sign measuring no more than 64 square feet in area and ten feet (10') in height.
5. The twenty foot (20') greenbelt buffer along the front property boundary adjacent to East Rochambeau Drive and the thirty-five (35') greenbelt buffer along the front property boundary adjacent to Mooretown Road shall be landscaped in accordance with the provisions set forth in Section 24.1-245, *Greenbelts* of the Zoning Ordinance.
6. Trash dumpsters shall be screened from both on-site and off-site views by wooden or masonry fencing, supplemented by landscaping designed specifically to screen views from East Rochambeau Drive and Mooretown Road.
7. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.