



PUP-2024-101250

Pandev, LLC.

Staff Report for Board of Supervisors Public Hearing

Prepared March 3, 2025

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this zoning matter.

I. PUBLIC HEARINGS:

Planning Commission:	November 14, 2024	Recommended for Approval
Board of Supervisors:	December 3, 2024 February 11, 2025 March 11, 2025	Deferred by Board of Supervisors Deferred at Applicant's Request Pending (Deferral requested to April 8, 2025)

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested:	Provisional Use Permit (PUP) to allow for 24-hour operation of a by-right convenience store with fuel canopy
Existing Zoning:	R-3 One-Family Residence District; B-2C Business District (Conditional) <i>Note: B-2C and R-3C proposed for the site via case REZ-2024-101247</i>
Acreage:	2.67 acres
Location:	North line of West Broad Street (U.S. Route 250) between Pine Grove Drive and Hollybrook Avenue
Magisterial District:	Brookland
2026 Comprehensive Plan Recommendations:	Commercial Arterial (CA); and Suburban Residential 2 (SR2), density should not exceed 3.4 units per acre
Parcel Numbers:	761-754-8398, 761-755-5910, 761-755-6607, and 761-755-7503.
Zoning of Surrounding Properties:	North: R-3 One-Family Residence District South: B-3C Business District (Conditional) East: B-3C Business District (Conditional) West: B-3C Business District (Conditional) R-3 One-Family Residence District

III. SUMMARY OF STAFF REPORT:

This is a provisional use permit (PUP) request to allow the 24-hour operation of a convenience store and automobile filling station. The subject property includes four parcels located on the north line of West Broad Street (U.S. Route 250), between Pine Grove Drive and Hollybrook Avenue, approximately 550 feet west of East Parham Road. The applicant has also filed a companion case to amend proffers for the B-2C Business District (Conditional) portion of the site and to conditionally rezone the R-3 One-Family Residence District portion of the site to R-3C One-Family Residence District (Conditional).

Under the Zoning Ordinance, the B-2 Business District designation allows automobile filling stations by right. The revised submitted proffers would largely limit the use of the four B-2C parcels to a convenience store with automobile fueling pumps. The 2026 Comprehensive Plan recommends Commercial Arterial (CA) and Suburban Residential 2 (SR2). The proposed use is allowed by the existing proffers of REZ2018-00022 and the zoning and Commercial Arterial future land use designations indicate commercial development on the portion of the property fronting West Broad Street could be appropriate.

While staff recognizes the proposed convenience store is currently permitted by the proffers of REZ2018-00022, and the inclusion of additional buffer area could provide additional protections for adjacent residents, staff believes the requested 24-hour operation would negatively impact the neighboring properties and set a negative precedent for other commercially zoned properties in the area. For these reasons, staff does not support this request.

At their meeting on November 14, 2024, the Planning Commission recommended approval of this request. Should the Board of Supervisors consider the extended hours of operation appropriate, staff recommends this request be subject to the conditions outlined in Section IV of this report.

The applicant has hosted two community meetings to discuss the project with area property owners and residents: March 3, 2024, with approximately 15-20 persons attending, and September 17, 2024, with approximately 15 persons in attendance. During both meetings, numerous citizens voiced concerns, including the over-proliferation of automobile filling stations, light, noise, and safety of 24-hour use, litter, reduced property values, the need for enhanced screening, and traffic congestion, particularly for those trying to access North Skipwith and the traffic signal at that location.

The Board of Supervisors deferred this request at their December 3, 2024, public hearing. At the time this report was written no additional information has been provided by the applicant. The applicant has requested a one-month deferral to the March Board of Supervisors hearing. The case was deferred at the February 11, 2025, Board of Supervisors public hearing at the applicant's request. The applicant has requested another month's deferral to the April 8, 2025, Board of Supervisors public hearing.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The 2.67-acre subject property is located on the north line of West Broad Street (U.S. 250) between Pine Grove Drive and Hollybrook Avenue. As detailed in the companion case, REZ-2024-101247, the applicant has requested to amend proffers on the existing B-2C portion of the site and rezone two parcels from R-3 to R-3C to include specific buffer requirements for the northern portion of the site. This PUP request is for a 24-hour operation for the B-2C portion on the site.

The subject property comprises four lots initially platted as part of the Pine Grove subdivision, which were previously all developed with single-family homes. The four parcels are vacant and

zoned B-2C (via REZ2018-00022). Two additional parcels, zoned R-3 General Residence District are involved in the overall project, but are not involved in this PUP request. Existing single-family homes are present on these parcels, but would be removed as part of the convenience store development. Additional residential parcels with existing single-family homes, included in the Pine Grove subdivision, are located further north of the subject site for this request.

Other surrounding properties, including those across West Broad Street, are zoned and developed for commercial use (B-2C and B-3C). The intensity of these commercial uses varies, with larger properties developed as automobile dealerships. Directly west of the site is a smaller B-2C parcel developed with a lower-intensity general retail building.

The applicant has submitted several exhibits accompanied by proffers for the companion rezoning case. They include a conceptual plan showing a 6,132-square foot convenience store, 44 45 parking spaces, 6 dual-sided fuel pumps, and transitional buffers. Access to the subject property is shown via Pine Grove Drive and Hollybrook Avenue. These are existing residential streets that serve as the primary access to the Pine Grove subdivision. The location of the fuel pumps is closer to the access from Hollybrook Avenue, and there is a loading zone at the site's southeastern corner. Elevations have also been submitted and show masonry details and generally include prototypical and corporate identification architectural elements typical to other Sheetz establishments.

The proffers accepted with REZ2018-00022 would allow the proposed automobile filling station and convenience store on the property. The revised submitted proffers would largely limit the use of the four B-2C parcels to a convenience store with automobile fueling pumps and would also prohibit several additional incompatible uses. The proffers on the two R-3 parcels to the rear of the site would provide buffers to the existing B-2C property.

The 2026 Comprehensive Plan designates the portion of the site fronting West Broad Street as Commercial Arterial, and the two rear parcels as Suburban Residential 2 (density not to exceed 3.4 units per acre). These designations indicate commercial development of the portion of the property fronting West Broad Street could be appropriate; however, staff is concerned allowing 24-hour operation on this site could set a negative precedent for other properties on West Broad Street. Uses that operate 24 hours per day increase the chances that impacts from general operations, such as noise and lighting, could negatively impact nearby residents. Expanded hours of operation would likely increase the number of late-night vehicle trips through the area, which would negatively impact the existing neighborhood.

While staff recognizes the proposed convenience store is currently permitted by the proffers of REZ2018-00022, and that the inclusion of additional buffer area could provide additional protections for adjacent residents, staff believes the requested 24-hour operation would negatively impact the neighboring properties and set a negative precedent for other commercially zoned properties in the area. For these reasons, staff does not support this request.

At their meeting on November 14, 2024, the Planning Commission recommended approval of this request. Should the Board of Supervisors consider the extended hours of operation appropriate, staff recommends this request be subject to the following conditions:

1. The proffered conditions accepted of REZ-2024-101247 shall also be made part of this Provisional Use Permit.
2. The buffer areas shown on all property included in REZ-2024-101247 must be provided and maintained prior to or during extended hours of operation on the property.

3. The installation of pay phones and skill video games are prohibited.
4. Any outdoor speakers and/or sound systems must comply with the following standards:
 - a. Sound systems must be equipped with controls that permit full and complete volume control;
 - b. Sounds(s) emitted from the system must not be audible beyond the distance of one hundred (100) feet measured from the source; and
 - c. Any music being played over any outside speaker system must be prohibited from 11:00 pm until 6:00 am, unless the use of music during those hours is: (1) not plainly audible inside the confines of the dwelling unit, house, or apartment of another person; and (2) not plainly audible in residential areas at least fifty (50) or more feet from the outside.
5. The applicant/owner/operator must submit a paper and digital copy of a Crime Prevention Through Environmental Design (CPTED) Plan for review and approval by the Chief of Police at the time of Plan of Development or Site Plan submission. The Chief of Police shall make a recommendation to the Planning Director whether the CPTED Plan meets the criteria for approval. The applicant/owner/operator shall receive CPTED approval prior to Construction Plan approval for the proposed development. The CPTED Plan must contain information regarding:
 - a. Standard operating procedures pertaining to employees, facility security, security personnel and all other crime prevention measures (including: a security alarm, placement and views of interior and exterior security cameras, physical security measures (door locks, hinges, access control (ex. keycard access)), landscaping, lighting, etc., and describe how the security plan is designed to reduce crime from occurring during the proposed extended hours of operation.
 - b. Trespassing enforcement authorization for the Henrico County Police Division, including the placement of "No Trespassing" signage.
6. Prior to the issuance of a certificate of occupancy, the applicant/owner/operator must meet with the Henrico County Police Division to ensure security measures are in place, as described in the approved CPTED plan.
7. The applicant/owner/operator must be responsible for the installation, operation, and maintenance of a functioning security camera and video system of professional grade and quality and rated for the surveillance of interior and exterior retail operations. The security camera plan shall be a component of the Crime Prevention Through Environmental Design (CPTED) Plan and must, at a minimum, include information regarding:
 - a. Exterior surveillance cameras must monitor all entrance(s), fueling station(s), parking area(s), delivery area(s), and other areas determined necessary by the Crime Prevention Unit of the Division of Police. Such security cameras must provide clear imagery of the establishment's patrons and their vehicles.
 - b. Recording of all activities under surveillance must be preserved for a period of one (1) month by the applicant or owner/operator. Authorized representatives of the Henrico County Division of Police must have full and complete access to all recordings upon request.

8. Store windows must not be tinted or obscured by advertisements, posters, blinds, and/or visual obstructions that inhibit or hinder exterior surveillance. The installation and use of light-blocking devices during daylight hours must be permissible if approved by the Crime Prevention Unit of the Division of Police.
9. The applicant/owner/operator must provide adequate lighting for the entrances, exits, and parking areas that service the use or location. "Adequate lighting" means lighting sufficient for clear, visual, and security camera surveillance.
10. The owner or operator must not permit loitering on the premises during hours of operation.
11. Should evidence (i.e. phone calls to the premises, complaints from other businesses, criminal assaults, etc.) or registered complaints (i.e. increased public nuisance, loitering, excessive noise, etc.) indicate that extended hours of operation are having adverse effects on the area, the Board of Supervisors may hold a public hearing to consider revoking the PUP or amending all or some conditions.
12. The only permitted public entrances to the property must be located along Hollybrook Avenue and Pine Grove Drive.

The applicant has hosted two community meetings to discuss the project with area property owners and residents: March 3, 2024, with approximately 15-20 persons attending, and September 17, 2024, with approximately 15 persons in attendance. During both meetings, numerous citizens voiced concerns, including the over-proliferation of automobile filling stations, light, noise, and safety of 24-hour use, litter, reduced property values, the need for enhanced screening, and traffic congestion, particularly for those trying to access North Skipwith and the traffic signal at that location.

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V. COMPREHENSIVE PLAN ANALYSIS:

2026 Comprehensive Plan Recommendation:

The 2026 Comprehensive Plan recommends Commercial Arterial (CA) for portions of the subject site fronting West Broad Street and Suburban Residential 2 (SR2), density should not exceed 3.4 units per acre, for the remainder portions of the subject site. Commercial uses of a proper intensity and form could be consistent with the CA recommendation, but they may not be applicable.

Vision, Goals, Objectives, and Policies:

This request is not entirely consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

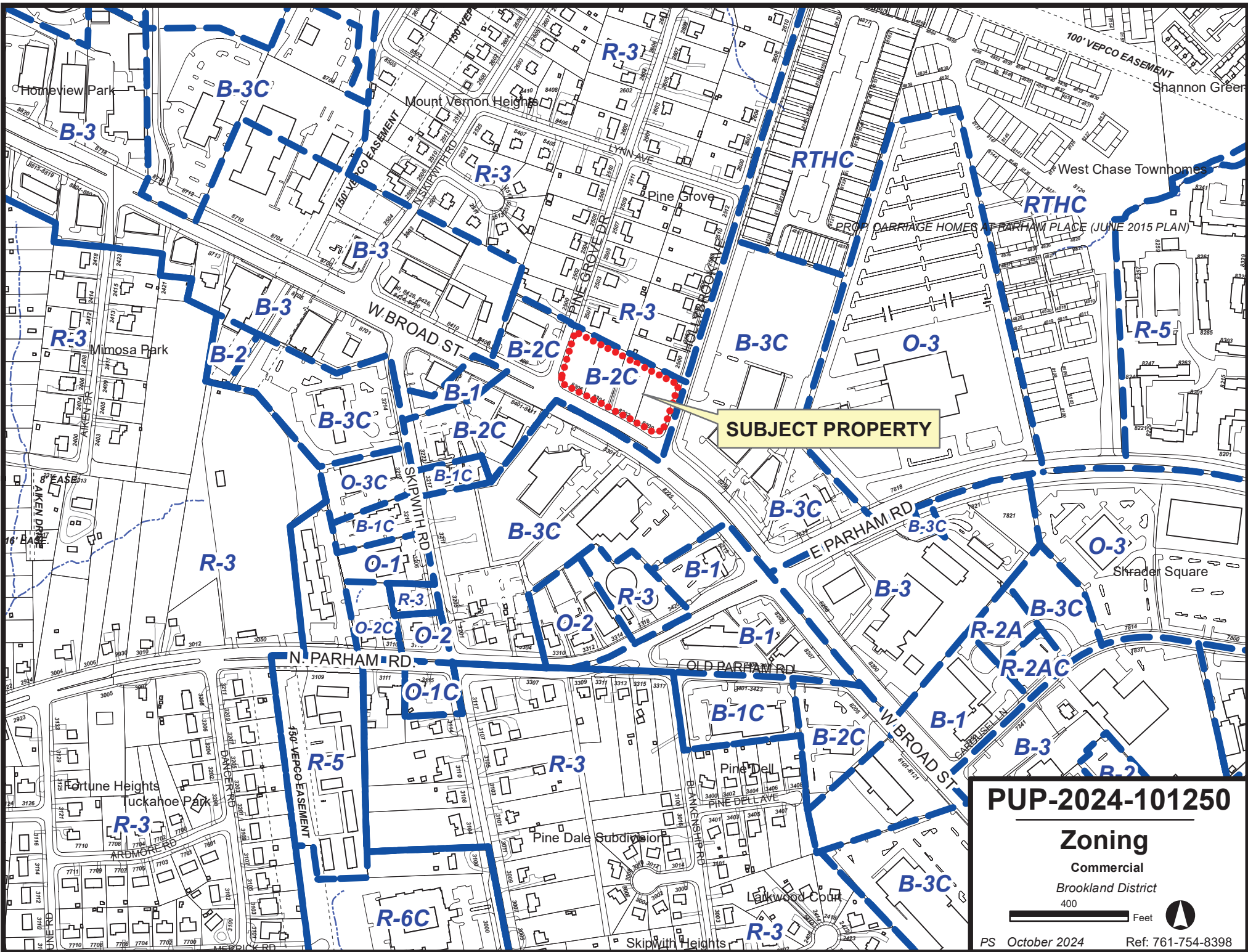
- General Development Policy 2: Encourage the design of new development to be compatible with and complementary to existing land uses. Incompatible uses should not be closely located. Site design and buffering should be used to the maximum extent

feasible to reduce the impacts on adjacent properties, especially between residential and nonresidential areas.

- Land Use and Community Character Objective 39: Protect existing development and residential areas from encroachment by incompatible or inappropriate land uses.
- Residential Keystone Policy 2: Focus on promoting a high quality of life for residents by providing safety and stability within neighborhoods.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Departmental comments and other site considerations are included in Section VI of the staff report for the companion rezoning request (REZ-2024-101247).



SUBJECT PROPERTY

PUP-2024-101250

Zoning

Commercial

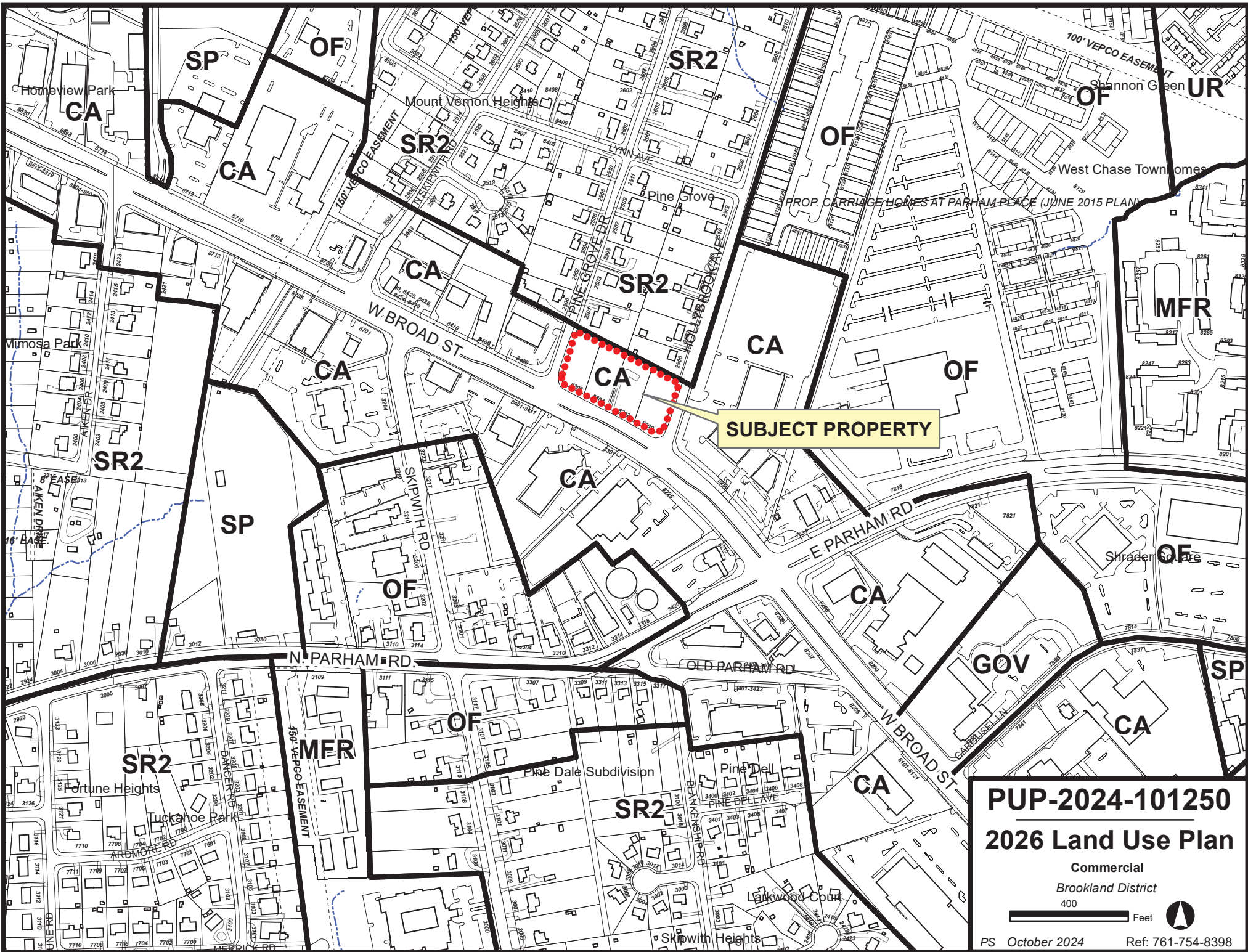
Brookland District

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PS October 2024

Ref: 761-754-8398



PUP-2024-101250
2026 Land Use Plan

Commercial
 Brookland District

