

Index File

UP-743-08

Burger King

**759 East Rochambeau Drive
Assessor's Parcel No. 2-17-A2**

Application No. UP-743-08, Burger King: 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-foot restaurant with a drive-through window on a one-acre parcel located at 759 East Rochambeau Drive (Route F-137) approximately 815 feet north of the intersection of East Rochambeau Drive and Mooretown Road (Route 603). The property, further identified as Assessor's Parcel No. 2-17-A2, is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

Attachments:

- Staff Report
- Zoning Map
- Sketch Plan
- Building Elevations
- Sign Elevations
- Proposed Resolution No. PC08-18

COUNTY OF YORK

MEMORANDUM

DATE: May 29, 2008 (PC Mtg. 6/11/08)
TO: York County Planning Commission
FROM: Timothy C. Cross, AICP, Principal Planner
SUBJECT: Application No. UP-743-08, Burger King

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-foot restaurant with a drive-through window on a one-acre parcel located at 759 East Rochambeau Drive (Route F-137) approximately 815 feet north of the intersection of East Rochambeau Drive and Mooretown Road (Route 603). The property, further identified as Assessor's Parcel No. 2-17-A2, is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Ruby Tuesday Inc.
- Location: 759 East Rochambeau Drive (Route F-137)
- Area: Approximately 1.0 acre
- Frontage: Approximately 267 feet on East Rochambeau Drive
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: Economic Opportunity
- Zoning Classification: EO – Economic Opportunity
- Existing Development: None
- Surrounding Development:

North: IHOP restaurant

East: Wal-Mart and Lowe's

South: The Shops at Cedar Valley shopping center (across East Rochambeau Dr.)

West: Route 199/Mooretown Road interchange

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

CONSIDERATIONS/CONCLUSIONS

1. The subject property is a one-acre out-parcel of the Cedar Valley (Wal-Mart) 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. In June 2006 the County approved a site plan for a Ruby Tuesday restaurant on the property; however, that development is no longer being pursued, and Burger King has submitted this application to develop a fast-food restaurant on the site instead. 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 Sonic, Chik-fil-A, and Starbucks.
2. According to trip generation rates contained in the ITE (Institute of Transportation Engineers) Trip Generation manual (7th edition), a fast-food restaurant of this size with a drive-through window could be expected to generate an average of approximately 1,640 vehicle trips per day, including 175 in the AM peak hour and 114 in the PM peak hour. In accordance with VDOT policy, 25 percent of these trips can be considered “pass-by” trips rather than new trips that would be added to the existing traffic stream. Although the proposed fast-food restaurant meets the Zoning Ordinance thresholds for requiring a traffic impact analysis, no traffic study is required since this out-parcel was included in the overall traffic impact analysis for the Cedar Valley Shopping Center and the traffic expected to be generated by the fast-food restaurant does not exceed the projections assigned to this parcel in that original study.

The proposed restaurant would not have direct access to East Rochambeau Drive. Vehicular access would be internal to the shopping center parking lot via one entrance/exit and a second exit. The property is located at the signalized intersection of East Rochambeau Drive and the shopping center entrance, while another shopping center entrance, which is unsignalized, is located about 300 feet to the north.

3. The site is currently devoid of any landscaping. Although the Zoning Ordinance requires a 45-foot greenbelt buffer along East Rochambeau Drive, the Board of Zoning/Subdivision Appeals approved an application for a variance in 2004 reducing the greenbelt to twenty feet (20'). 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 a greenbelt buffer – which in this case, because of the variance, would be a standard twenty-foot (20') front landscape yard with a minimum of 108 Landscape Credit Units, at least half of which would have to be earned from trees rather than shrubs. In addition, ten-foot landscape yards planted with trees and shrubs will be required along the parcel's side and rear property lines.

4. The development will be limited to a single freestanding sign on East Rochambeau Drive. As required by the Zoning Ordinance for development in the EO district, it must be a ground-mounted monument type sign with a maximum area of 64 square feet and a maximum height of ten feet (10'). Sign elevations submitted by the applicant are attached.

RECOMMENDATION

Staff believes the proposed fast-food restaurant is an appropriate use for this one-acre shopping center out-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. PC08-18.

TCC

Attachments

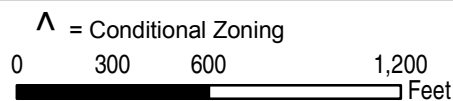
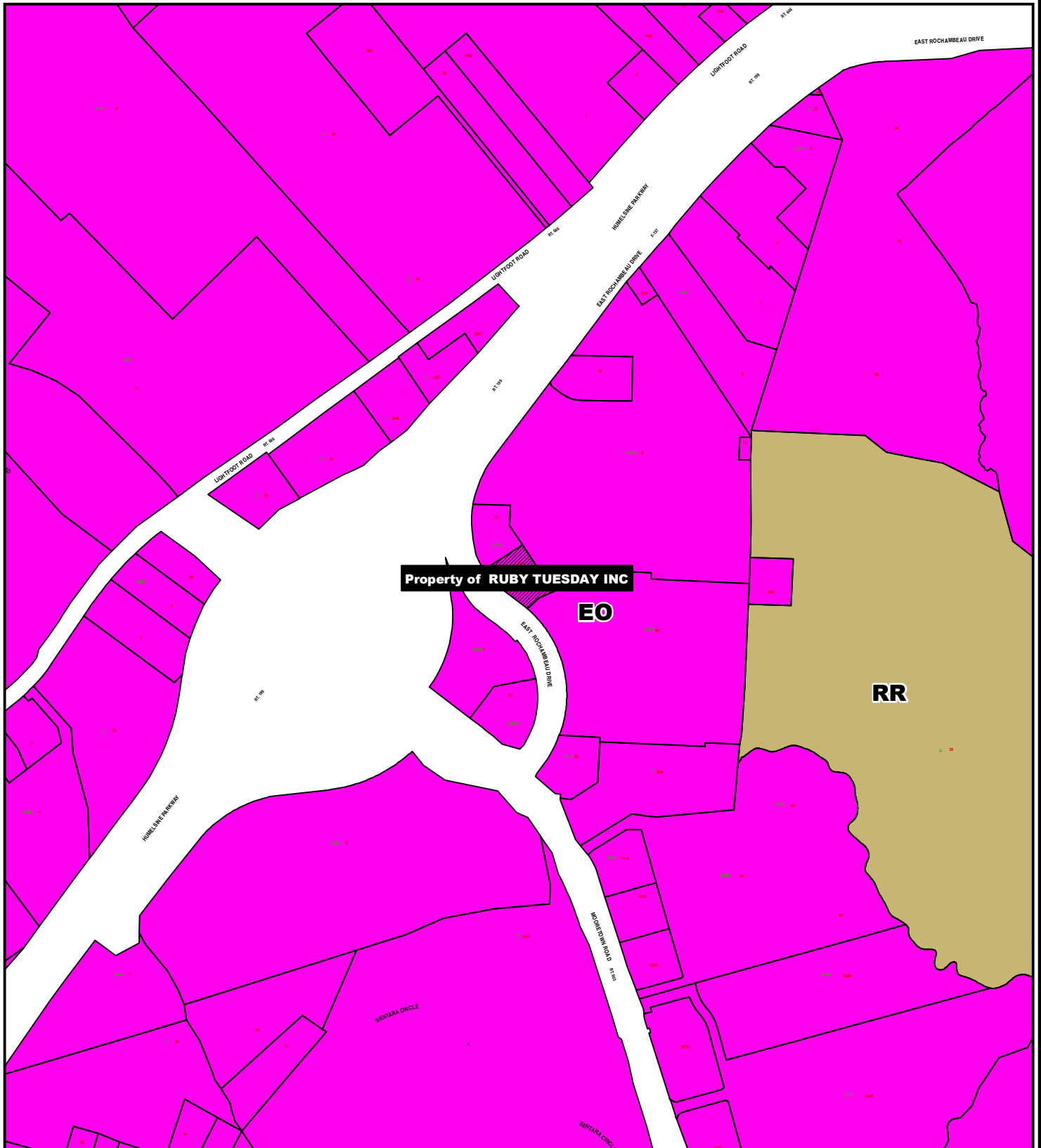
- Zoning Map
- Sketch Plan
- Building Elevations
- Sign Elevations
- Proposed Resolution No. PC08-18

APPLICANT
Burger King

Fast-food restaurant w/drive-through window
759 EAST ROCHAMBEAU DR

ZONING MAP

APPLICATION NUMBER: UP-743-08

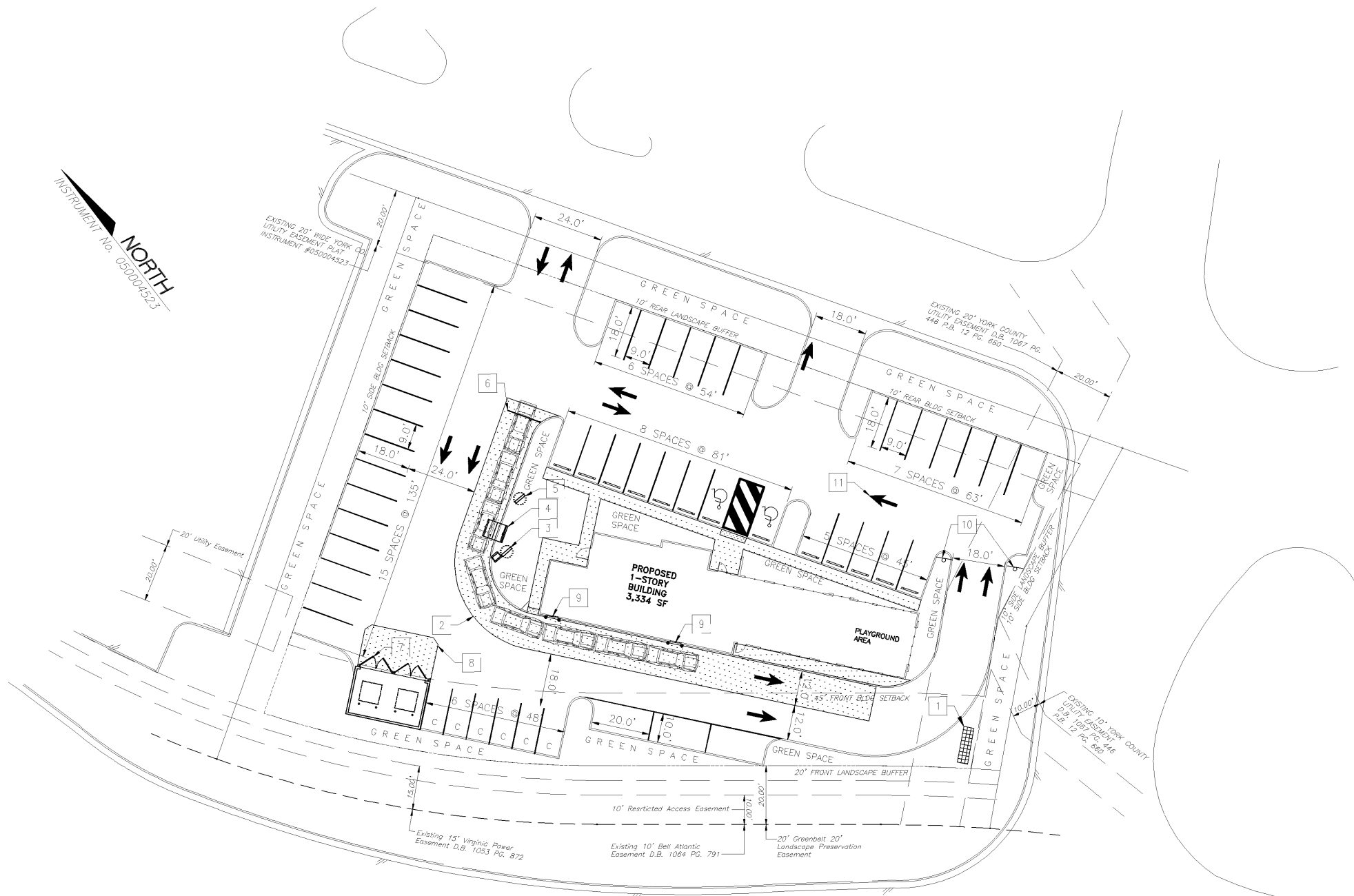


Printed on May 15, 2008

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

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

INSTRUMENT No. 050004323
NORTH



E ROCHAMBEAU DR

NOTES

- 1 BURGER KING MONUMENT SIGN
- 2 8" CONCRETE DRIVE AISLE
- 3 BURGER KING MENU BOARD
- 4 BURGER KING DRIVE THRU CANOPY SYSTEM
- 5 BURGER KING PREVIEW BOARD
- 6 BURGER KING CLEARANCE SIGN
- 7 MASONRY TRASH ENCLOSURE, TO MATCH PROPOSED BUILDING
- 8 CONCRETE APRON FOR DUMPSTER PAD APPROACH
- 9 DRIVE-THRU WINDOW
- 10 ONE WAY DO NOT ENTER SIGN
- 11 DIRECTIONAL ARROWS FOR REPRESENTATION PURPOSES ONLY.

PARKING REQUIREMENTS

CATEGORY 11: BUSINESS / PROFESSIONAL SERVICE
 BUILDING: 3,334 SF
 REQUIREMENT: 1.5 SPACES PER 100 SF OF GROSS FLOOR AREA (NO OUTSIDE DINING)

PARKING REQUIRED: 50 SPACES
 PARKING PROVIDED: 50 SPACES
 HANDICAP SPACES REQUIRED: 2 SPACES
 HANDICAP SPACES PROVIDED: 2 SPACES

COMPACT SPACES ALLOWED
 PER CODE: 10 SPACES @ 8' X 16' MIN.
 COMPACT SPACES PROVIDED: 9 SPACES @ 8' X 16' MIN.



RESTAURANT FOR:

© 1998, BURGER KING CORPORATION. ALL RIGHTS RESERVED. THIS PLAN IS THE PROPERTY OF BURGER KING CORPORATION. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BURGER KING CORPORATION. YOUR ARCHITECT IS HEREBY ON NOTICE THAT A NEW SET OF PLANS MUST BE SUBMITTED TO THE LOCAL HEALTH DEPARTMENT FOR REVIEW AND PERMITS. THESE PLANS MAY NOT COMPLY WITH ALL FEDERAL, STATE AND LOCAL LAWS AND CODES, INCLUDING, BUT NOT LIMITED TO, THE AMERICANS WITH DISABILITIES ACT.

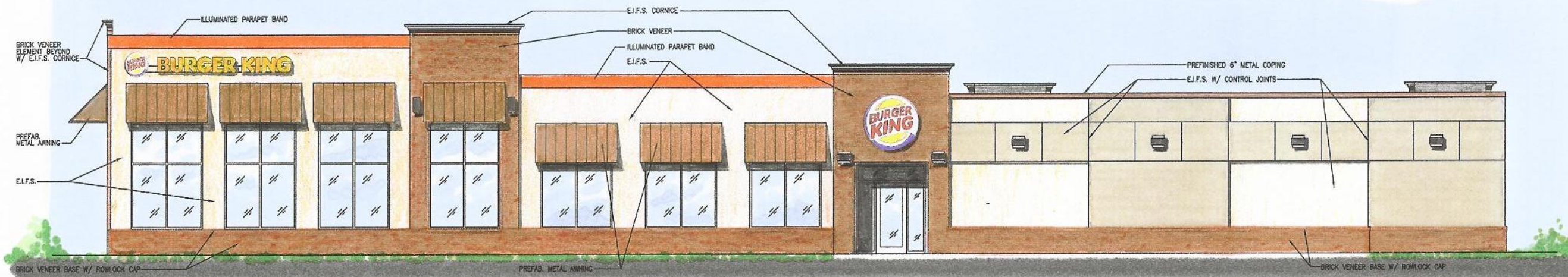
NO.	DATE	REVISION	BY

PROJ. No. 2947.00. SCALE: 1"=20'
**CONCEPTUAL SITE PLAN FOR
 BURGER KING**
 EAST ROCHAMBEAU DRIVE
 YORK COUNTY, VIRGINIA

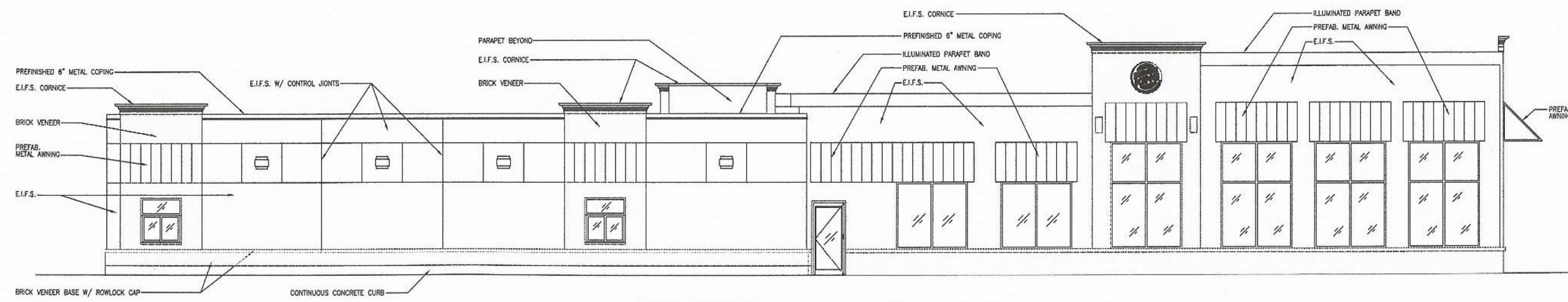
HOGGARD-EURE ASSOCIATES, P.C.

Surveyors
 Planners
 801 Piedmont Parkway
 Suite 3
 Farmington, Virginia 23704





EAST ELEVATION
SCALE: 3/16" = 1'-0" 1

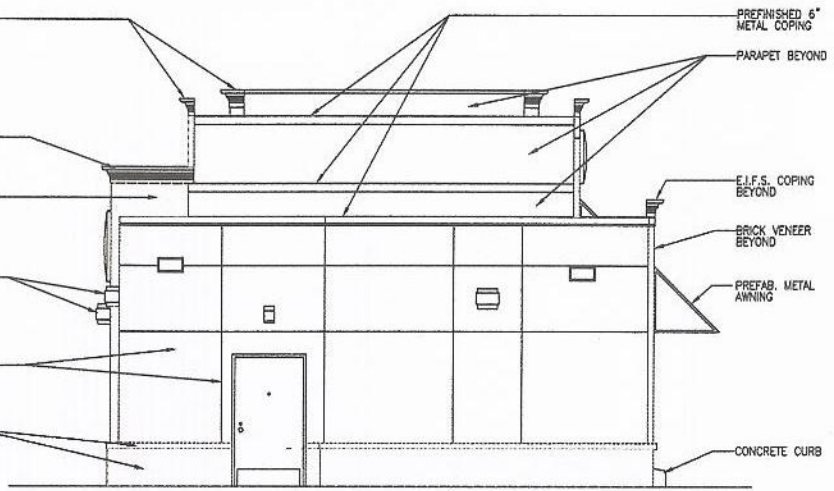


WEST ELEVATION
SCALE: 3/16" = 1'-0" 2



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

3

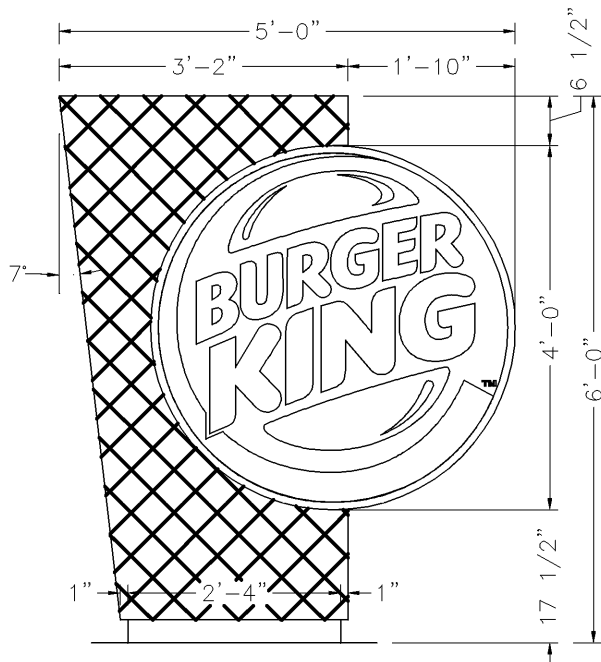


NORTH ELEVATION
SCALE: 3/16" = 1'-0"

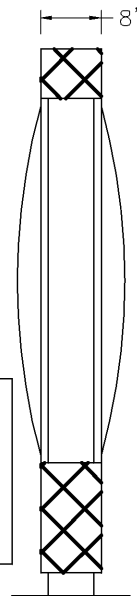
4

- E.I.F.S. CORNICE
- PREFAB. METAL AWNING
- E.I.F.S.
- CONCRETE CURB
- E.I.F.S. COPING
- ILLUMINATED PARAPET BAND
- E.I.F.S. COPING
- BRICK VENEER
- PREFAB. METAL AWNING
- WALL SCONCE - LIGHT FIXTURE
- E.I.F.S. WITH CONTROL JOINTS
- BRICK VENEER BASE WITH ROWLOCK CAP
- PREFINISHED 6" METAL COPING
- PARAPET BEYOND
- E.I.F.S. COPING BEYOND
- BRICK VENEER BEYOND
- PREFAB. METAL AWNING
- CONCRETE CURB

B0730



Elevation



Profile

NOTE:
SIGN STRUCTURAL
FOUNDATION AS REQ'D
BY SITE CONDITIONS.
DESIGN IS THE
RESPONSIBILITY OF THE
SUBCONTRACTOR.

PREMIUM MONUMENT SIGN – SIDE LOGO

SCALE: 1/2" = 1'-0"

JUNE 15, 2000

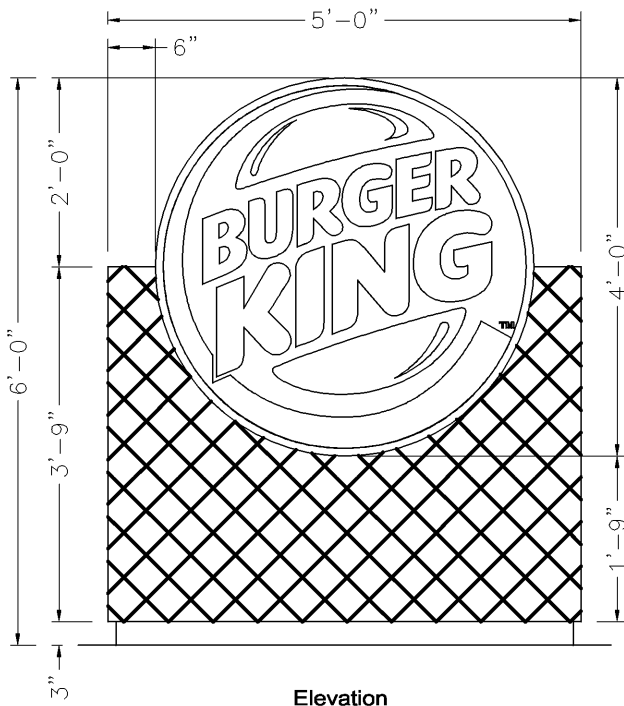


BURGER KING CORPORATION

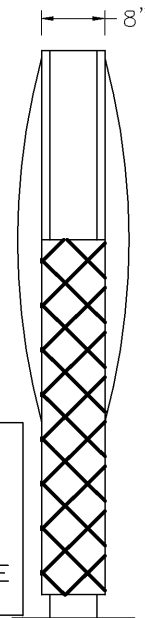
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DATE 6/15/00
REVISED

PREMIUM MONUMENT SIGN – SIDE LOGO

1
OF
1



Elevation



Profile

NOTE:
SIGN STRUCTURAL
FOUNDATION AS REQ'D
BY SITE CONDITIONS.
DESIGN IS THE
RESPONSIBILITY OF THE
SUBCONTRACTOR.

PREMIUM MONUMENT SIGN – TOP LOGO

SCALE: 1/2" = 1'-0"

JUNE 15, 2000



BURGER KING CORPORATION

..\\color logo.jpg

SCALE 1/2" = 1'-0"
DATE 6/15/00
REVISED

PREMIUM MONUMENT SIGN – TOP LOGO

1
OF
1

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 _____, 2008:

Present

Vote

Nicholas F. Barba, Chair
Alexander T. Hamilton, Vice Chair
Christopher A. Abel
John W. Staton
Alfred E. Ptasznik, Jr.
Anne C. H. Conner
John R. Davis

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 DRIVE-THROUGH WINDOWS AT 759 EAST ROCHAMBEAU DRIVE (ROUTE F-137)

WHEREAS, Burger King has submitted Application No. UP-743-08, 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-foot restaurant with drive-through windows on a one-acre parcel located at 759 East Rochambeau Drive (Route F-137) approximately 815 feet north of the intersection of East Rochambeau Drive and Mooretown Road (Route 603) and further identified as Assessor’s Parcel No. 2-17-A2 (GPIN# B19b-4579-3774); 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 ___th day of ____, 2008, that Application No. UP-743-08 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-foot restaurant with drive-through windows on a one-acre parcel located at 759 East Rochambeau Drive (Route F-137) approximately 815 feet north of the intersection of East Rochambeau Drive and Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-17-A2 (GPIN# B19b-4579-3774), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a fast-foot restaurant with drive-through windows on a one-acre parcel located at 759 East Rochambeau Drive (Route F-137) approximately 815 feet north of the intersection of East Rochambeau Drive and Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 2-17-A2 (GPIN# B19b-4579-3774).
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 County prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial accordance with the sketch plan titled "Conceptual Site Plan for Burger King, East Rochambeau Drive, York County, Virginia," prepared by Hoggard/Eure Associates, P.C. and dated May 23, 2008, 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 to a single monument-type sign measuring no more than 64 square feet in area and ten feet (10') in height.
5. Pursuant to Section 24.1-245(c) of the Zoning Ordinance, the unvegetated twenty foot (20') greenbelt along the front property boundary adjacent to East Rochambeau Drive shall be landscaped in accordance with the planting requirements for a front landscape yard. A minimum of fifty percent (50%) of the required landscape credits shall be earned from trees.
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 the adjacent parcel to the north.

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 prior to application for a building permit.

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