

McDonalds Rezoning Application (135 Richmond Highway)

April 7, 2017

Golden Arch Limited Partnership, through its signatory Scott Thompson and representative Scott Frye, has applied for what is effectively a rezoning of the McDonalds site at 135 Richmond Highway (TM#96A4-A-174B).

The property is zoned B-2 (Conditional) General Commercial District per an ordinance adopted on July 20, 1994. The applicant requests adjustments to condition 3 (add the option of screening the dumpster with masonry materials) and condition 4 (eliminating the prohibition on drive-through speakers) or that ordinance.

The property in question fronts on a primary highway that runs from the bypass to Main Street in the Town of Amherst, and beyond the corporate limits from Virginia Beach to Los Angeles. This area is obviously suited to businesses that serve the traveling public

The Planning Commission's public hearing on this application has been set up via newspaper advertisement required by the Code of Virginia and a sign posted on the site per the Town Code. The text of the notice follows and a draft of an amended conditional zoning ordinance follows.

PUBLIC HEARING NOTICE

The Town of Amherst Planning Commission will hold a public hearing at PM on May 3, 2017 at 7:30 PM in the Council Chambers of the Town Hall at 174 South Main Street. The subject of the hearing is a proposal by Golden Arch Limited Partnership to adjust the conditions on the zoning for the McDonalds site at 135 Richmond Highway (TM#96A4-A-174B), currently zoned B-2(Conditional) General Commercial District. If approved, an option of screening the dumpster with masonry materials would be added and the prohibition on drive-through speakers would be removed.

Documents relating to the request are available for public inspection at www.amherstva.gov and in the Town Hall during normal working hours.

AN ORDINANCE AMENDING THE CONDITIONS ON THE B-2, (CONDITIONAL), GENERAL COMMERCIAL DISTRICT ZONING OF THE MCDONALDS SITE AT 135 RICHMOND HIGHWAY.

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst that the conditions in the July 20, 1994 ordinance pertaining to property located in the Town of Amherst and described as a parcel of land on the northern boundary of U.S. Route 60 shown as Tax Map 96A4-A-174B containing approximately .64 acres, zoned B-2, (Conditional) General Commercial District, at the request of owner Golden Arches Limited Partnership, are hereby amended to read as follows:

1. SIGN HEIGHT:

No freestanding sign on the property shall have a height exceeding twenty-five feet above road level.

2. LANDSCAPING:

The entire northern boundary of the property shall be landscaped with evergreen trees or shrubs, which attain a minimum height of five (5) feet within three years of planting. Along this boundary, shrubs shall be planted at a minimum of three feet on center; trees shall be planted at a minimum of five (5) feet on center.

The western and eastern boundaries shall be landscaped as well and shall consist of plant materials indigenous to the area and shall be watered, trimmed and maintained in an attractive, professional manner.

3. TRASH DUMPSTER SCREENING:

The trash dumpster shall be installed at the northeast corner of the property and shall be fully enclosed eight foot fencing of either pressure treated wood or masonry walls matching the building exterior. In addition, the dumpster area will be landscaped and maintained in an attractive, professional manner.

~~The trash dumpster shall be installed at the northeast corner of the property and shall be fully screened by eight foot, pressured treated solid wood fencing. In addition, the dumpster area will be landscaped and maintained in an attractive, professional manner.~~

~~4. DRIVE THRU FACILITY:~~

~~The drive thru service area shall not utilize electronic voice boxes or speakers.~~

4. There will be no designated dog walk/pet relief areas on the property.

5. HOURS OF OPERATION:

Hours of operation will end by 11:00 p.m. Sunday through Thursday and by 12:00 midnight Friday and Saturday.

6. TRASH RECEPTACLES:

There will be a minimum of seven (7) exterior trash receptacles on the property, with a minimum of six (6) of these receptacles located on the perimeter of the property.

7. USE OF THE PROPERTY

The property will only be used for the purpose of a McDonalds restaurant.

And the zoning administrator shall forthwith cause the "Official Zoning Map of the Town of Amherst" to be amended in accordance therewith.

DATE 03-07-17

CERTIFICATE OF OWNER'S REPRESENTATIVE
TOWN OF AMHERST
POST OFFICE BOX 280
AMHERST, VIRGINIA 24521
(804) 946-7885

Property Owner	Scott Thompson (Authorized Agent)
Company	Golden Arch Limited Partnership
P.O. Box	P.O. Box 418
City, State, Zip	Nellysford, VA 22958
E-mail Address	scott.thompson@us.mcd.com
Telephone	(919) 637-3274
Fax	

This is to confirm that I am the owner of the property described as follows:

Deed Book/Page Number	691 270
Tax Map Number	96A4 A 174B
Street Address	135 Richmond Highway/Amherst, VA 24521
Other Description	McDonald's Restaurant

and that I hereby make, constitute and appoint:

Representative	Scott Frye
Company	Stimmel Associates, P.A.
P.O. Box	601 N. Trade St., Ste. 200
City, State, Zip	Winston-Salem, NC 27101
E-mail Address	sfrye@stimmelpa.com
Telephone	(336) 409-2429
Fax	

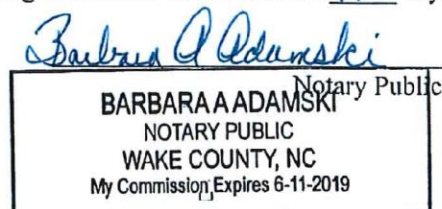
my true and lawful agent and in my name, place and stead giving unto this individual full power and authority to do and perform all acts and make all representation necessary, without any limitation whatsoever, to make application for zoning change(s), special use permit(s), and/or variance(s) for the property referenced herein. The right, powers, and authority of said agent herein granted shall commence and be in full force and effect as of the date this is signed and shall remain in full force and effect thereafter until actual notice is received by the Town Manager of the Town of Amherst stating that the terms of this power have been revoked or that another individual has been appointed as my representative.


Owner (SEAL)

North Carolina
STATE OF ~~VIRGINIA~~ AT LARGE, TO WIT:
CITY/COUNTY OF Wake

I, Barbara A Adamski, a Notary Public in and for the State of North Carolina At Large do hereby certify that Scott Thompson signed the foregoing instrument before me this 17th day of March, 2017.

My Commission Expires: 6-11-2019



Stimmel



Stimmel Associates, PA

Landscape Architecture
Civil Engineering
Land Planning

March 7, 2017

Mr. Jack Hobbs
Town of Amherst
174 S. Main Street
P.O. Box 280
Amherst, VA 24521

RE: Rezoning application for McDonald's restaurant at 135 Richmond Highway/Amherst, VA

Mr. Hobbs,

This letter is to accompany the attached Application For Rezoning to be heard by the Planning Commission and Town Council, specifically regarding Conditional Zoning Ordinance #940720. We are requesting, on behalf of the property owner, changes to two of the existing zoning conditions which were imposed during the original rezoning of the property on July 20, 1994.

The first request is amend condition #3 to read as follows, with the substantive change indicated in blue:

"The trash dumpster shall be installed at the northeast corner of the property and shall be fully enclosed by eight foot fencing of either pressure treated solid wood or masonry walls matching the building exterior. In addition, the dumpster area will be landscaped and maintained in an attractive, professional manner."

The reason for this change is to be consistent with McDonald's normal method of dumpster area screening, and if approved the change would not take place on the site until future renovation or reconstruction of this location occurs.

The second requested change is to eliminate condition #4 in its entirety, which currently reads:

"The drive-thru service area shall not utilize electronic voice boxes or speakers."

This change is requested to enable faster and more efficient drive-thru service for the restaurant's customers, and allow this store location to be operated similarly to virtually all other McDonald's and other casual dining restaurant uses.

In addition to the rezoning application and as-built survey of the location I have also attached an original letter from Loyd D. and Lillian W. Johnson. The Johnsons own and manage the multifamily use immediately adjacent to the subject property, and were present and involved during the original rezoning process. As you can see from their letter they are not opposed to these requested condition changes.

Thank you in advance for processing the application for the earliest available Planning Commission and Town Council meetings. Please let me know if you have any questions, or need further information from me.


Scott Frye

Governmental Affairs
Stimmel Associates, P.A.
(336) 409-2429
sfrye@stimmelpa.com

February 6, 2017

Loyd D. and Lillian W. Johnson
449 Christian Springs Ct.
Amherst, VA 24521

To whom it may concern,

The purpose of this letter is to state that we are not opposed to specific changes to zoning conditions that McDonald's Corporation is proposing at its restaurant location at 135 Richmond Highway in Amherst, VA. The two changes deal with outdoor speakers at the drive-through and dumpster screening.

It has come to our attention that McDonald's wishes to petition for a rezoning before the Amherst Town Council to make two changes to the previously imposed conditions. The first change is to remove the condition prohibiting outdoor speakers at this location. We were originally in favor of said condition when it was initially approved. However, we believe that advances related to loudspeaker technology since the original rezoning will mean that speakers at the drive-through will not negatively impact adjacent residents.

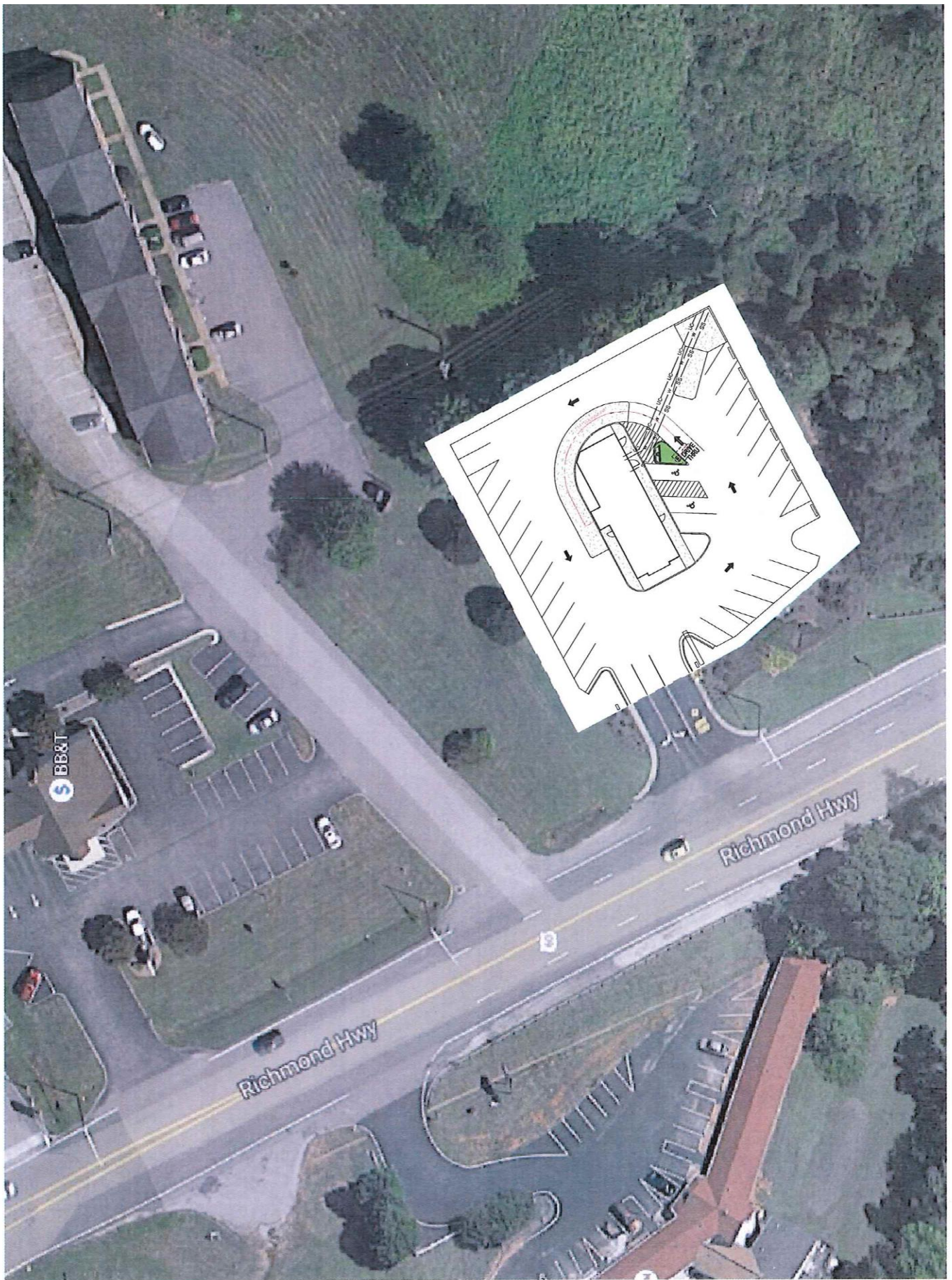
Likewise, we are not opposed to a change including an option for "eight foot masonry walls matching the building exterior" as dumpster screening (in addition to the only existing option of pressure treated solid wood fencing).

Please let us know if you have any questions or need additional information.

Sincerely,

Loyd D. Johnson
Lillian W. Johnson

Handwritten signatures of Loyd D. Johnson and Lillian W. Johnson. The signature of Lillian W. Johnson is written over the signature of Loyd D. Johnson.



Adjacent property owner information for

Special Use Permit Application - Rezoning Application - Conditional Zoning Application - Variance Application - Appeal Application

§ 15.2-2204 of the Code of Virginia requires that a notice of pending action to be mailed to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie outside the Town; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property. The purpose of this form is to assist the applicant to collect the needed information from the Amherst County Commissioner of the Revenue's office.

Tax Map #	Physical Address	Owner's Name	Owner's Mailing Address
96A4 A 174	N/A	Johnson, Lillian and Loyd	P.O Box 22/Amherst, VA 24521
96A4 A 173	116 Richmond Hwy.	Bhakta, Yogesh & Mina	116 Richmond Hwy./Amherst, VA 24521

Applicants should use as many forms as are needed to provide the needed information.

Note: Applicants are reminded that §18.1-1002 of the Town Code requires signs describing pending action by the Planning Commission, Town Council or Board of Zoning Appeals to be posted when approval of a site plan, subdivision, special use permit, rezoning, conditional zoning, variance, or appeal is requested.

128

AN ORDINANCE CHANGING A CERTAIN AREA FROM R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO B-2, (CONDITIONAL), GENERAL COMMERCIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL of the Town of Amherst that the property located in the Town of Amherst and described as follows:

A parcel of land on the northern boundary of U.S. Route 60 shown as Proposed parcel # 4 on a plat by Donald R. Miller, Land Surveyor, dated March 13, 19 9, entitled "Plat Showing parcels 2 & 3 of property of LILLIAN W. & LOYD D. JOHNSON", containing approximately .64 acres,

....is hereby changed from R-3, Medium Density Residential District, to B-2, (Conditional) General Commercial District, subject to the conditions set out hereinbelow which were voluntarily proffered in writing by the owners, namely: Loyd D. Johnson and Lillian W. Johnson, to-wit:

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No freestanding sign on the property shall have a height exceeding twenty-five feet above road level.

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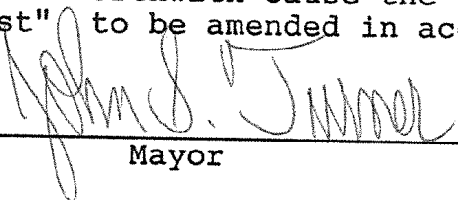
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Mayor

Adopted: 7/20/94

