~~May 21, 2002 CPC~~
~~August 20, 2002 CPC~~
~~October 15, 2002 CPC~~
~~December 17, 2002 CPC~~
~~February 18, 2003 CPC~~
~~March 12, 2003 BS~~
April 23, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

02SN0209

Southern Land Company LLC

Matoaca Magisterial District
North line of Beach Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

Residential, office and commercial uses with exceptions to Ordinance requirements are proposed. Specifically, a maximum of 2,392 residential units with supporting commercial, office and recreational uses is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF PROFFERED CONDITIONS 1 THROUGH 8.L AND 8.N THROUGH 16 ON PAGES 2 THROUGH 11.

AYES: MESSRS. GECKER, LITTON, CUNNINGHAM AND STACK.
NAYS: MR. GULLEY.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

A. The proposed residential uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for 2.0 dwelling units per acre or less. Further, the non-residential uses comply with the Plan which suggest that such uses are appropriate within a coordinated development.

B. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate serve levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax Identification Number 714-663-0471 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with a conditional use planned development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains one exhibit described as follows:

Exhibit A – Plan titled "Preliminary Zoning Map," prepared by Jordan Consulting Engineers, P.C. and dated June 20, 2001, last revised September 10, 2002, (the "Plan") is made a part of this application as Exhibit A, which shall be considered as a general illustration of the proposed development and does not reflect a blueprint for future action for the Property, except as explicitly outlined in the Textual Statement and the proffered conditions. The Tracts shown on the Exhibit may be further divided into Sub-Tracts (a designated portion of the Tract) at the time of site plan or tentative subdivision review, subject to the provisions outlined in the Textual Statement and proffered conditions.

(STAFF/CPC) 1. Utilities.

a. A conceptual overall water and wastewater systems plan for this property, accompanied by a utilities infrastructure phasing plan (the "Utility Plans "), shall be submitted to the Department of Utilities at least thirty (30) days prior to the submission of the first tentative subdivision, site, or construction plan for the Property. Should the Department of Utilities find that later variations in line sizing and/or location

of the lines are deemed "significant" changes then the Utility Plans shall be revised and submitted for re-approval prior to approval of any additional tentative subdivision, site, or construction plans for the Property.

b. Public water and wastewater systems shall be used.

c. The Developer shall dedicate to the County a water line easement along the east side of the Otterdale Road Extension (the North/South Arterial) right-of-way to facilitate future construction of a planned water transmission interconnection. The width of this easement shall be determined by the Utilities Department prior to, or at the time of submittal of, the first construction plan for Otterdale Road Extension <u>or</u> the first tentative subdivision that incorporates any portion of the Otterdale Road Extension for County review.

d. The Developer shall incorporate into the on-site water distribution system for the development a water line along the east/west collector road. The Developer shall construct this line to the easternmost and westernmost boundaries of this development. Subject to applicable County policies, this water line shall be over-sized if requested by the Utilities Department.

e. Prior to the issuance of the first building permit for each tentative subdivision plat ("Plat") or prior to a building permit for each site plan ("Plan") approved for the Property, the Developer shall make payments to Chesterfield County in the amount of $200.00 per acre (not to exceed an aggregate payment of $239,400 based upon the total acreage in the Property) for that particular Plat or Plan as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. (U)

(STAFF/CPC) 2. <u>Timbering</u>. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

(STAFF/CPC) 3. <u>Density</u>. The maximum number of dwelling units permitted on the Property shall be 2392, except that for each acre of commercial and/or office uses developed on the Property the total number of dwelling units shall be reduced at a rate of two (2) dwelling units/acre. Commercial or office development shall not include

Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential units, or the Recreational Areas (all as defined in the Textual Statement).

(STAFF/CPC) 4. Age Restriction.

a. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units may be restricted to "housing for older persons " as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units ").

b. Lots, Tracts, or Sub-Tracts for Age-Restricted Dwelling Units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential dwelling units. At the time of recordation of a subdivision plat the lots shall be noted as age-restricted. Any site plan for Age-Restricted Dwellings Units shall also note the restriction. (B & M & P)

(STAFF/CPC) 5. Cash Proffer.

a. For each dwelling unit developed, except Age Restricted Dwelling Units, the applicant, subdivider, or assignee(s) shall pay $7,800.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $7,800.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County.

b. For each Age-Restricted Dwelling Unit developed, the applicant, subdivider, or assignee(s) shall pay $4,235.00 per

unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. The $4,235.00 for any units developed shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: $805 for parks, $280 for library facilities, $312 for fire stations, and $2,838 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $4,235.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees in a manner as determined by the County. (B&M)

(STAFF/CPC) 6. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County.

a. These dedications shall be in conjunction with recordation of the initial subdivision plat or prior to any final site plan approval for the development, whichever occurs first. The exact location of these rights-of-way shall be approved by the Transportation Department.

(i) A ninety (90) foot wide right-of-way for Otterdale Road Extension from its existing termination to the southern Property line.

(ii) A ninety (90) foot wide right-of-way for the East/West Connection from the eastern Property line to the western Property line.

b. Forty-five (45) feet of right-of-way on the north side of Beach Road measured from the centerline of that part of Beach Road immediately adjacent to the Property frontage shall be dedicated in conjunction with recordation of the initial subdivision plat or prior to any final site plan approval for the development of Property adjacent to Beach Road or within

sixty (60) days after a request by the Transportation Department, whichever occurs first. (T)

(STAFF/CPC) 7. Access Plan.

a. Prior to any site plan or tentative subdivision approval, whichever occurs first, a conceptual access plan for Otterdale Road Extension and for the East/West Connection shall be submitted to and approved by the Transportation Department. Access for this development shall conform to the approved access plan or as otherwise approved by the Transportation Department.

b. There shall be no access or road connection from the Property to Dry Creek Road.

c. Access from the Property to Beach Road shall be limited to Otterdale Road Extension. (T)

(STAFF/CPC) 8. Transportation. To provide an adequate roadway system at the time of complete development, the Developer shall be responsible for the following improvements. Alternate road improvements, as requested by the Developer and approved by the Transportation Department, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the road improvements identified in this condition. If any of the improvements are provided by others, or if they are determined unnecessary by the Transportation Department as demonstrated by updated traffic studies acceptable to the Transportation Department, then the specific required improvement shall no longer be required by the Developer. The road improvements shall be phased in accordance with the phasing plan outlined herein.

a. Construction of Otterdale Road and Otterdale Road Extension to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as:

(i) A four-lane, divided road section from Route 360 to the Hampton Park Drive intersection.

(ii) A four-lane, undivided road section from Hampton Park Drive through the East/West Connection intersection to a two-lane road 1,000 feet south of the intersection (approximately 400' of full width lane with a 600' taper).

(iii) A two-lane, undivided road section from approximately 1,000 feet south of the East/West Connection intersection to Beach Road.

b. Construction of the East/West Connection to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as a two-lane, undivided road section from the eastern Property line to the western Property line.

c. Construction of left and right turn lanes along Otterdale Road Extension and the East/West Connection at each approved access, including at the Otterdale Road Extension and the East/West Connection intersection, if warranted, based on Transportation Department standards.

d. Construction of the Otterdale Road Extension intersection with Beach Road as a three-lane section consisting of a northbound lane and two southbound lanes. The exact length of this improvement shall be approved by the Transportation Department.

e. Construction of a right turn lane and a left turn along Beach Road at the Otterdale Road Extension intersection.

f. Construction of dual left turn lanes from westbound Route 360 to southbound Otterdale Road.

g. Construction of a third left turn lane from westbound Route 360 to southbound Otterdale Road with an additional lane of pavement (receiving lane) from Route 360 to Hampton Park Drive.

h. Construction of dual right turn lanes along northbound Otterdale Road at its intersection with Route 360. The exact length of this improvement shall be approved by the Transportation Department.

i. Full cost of traffic signal installation for the following intersections, if warranted, based on Transportation Department standards:

(i) Route 360 and Otterdale Road.

(ii) Otterdale Road Extension and the East/West Connection.

(iii) Otterdale Road and Hampton Park Drive.

(iv) Route 360 and Hampton Park Drive.

j. Construction of left and right turn lanes along Otterdale Road at the Hampton Park Drive intersection, if warranted, based on Transportation Department standards.

k. Construction of dual left turn lanes from westbound Route 360 to southbound Hampton Park Drive with an additional lane of pavement (receiving lane) on Hampton Park Drive to Ashbrook Parkway.

l. Construction of dual right turn lanes along northbound Hampton Park Drive at its intersection with Route 360. The exact length of this improvement shall be approved by the Transportation Department.

m. WITHDRAWN

n. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified and phased as outlined herein. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described, the Developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department.

o. The phasing of these improvements shall be as outlined herein unless otherwise requested by the Developer and approved by the Transportation Department.

(i) Prior to recordation of a cumulative total of more than 400 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the improvements specified in proffers 8.a.(i), 8.f. as dual turn lanes and 8.h. as a single right turn lane from northbound Otterdale Road to Route 360, unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department), that any of these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(ii) Prior to recordation of a cumulative total of more than 500 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the Otterdale Road Extension in 8.a.(ii) and (iii) from its existing terminus to Beach Road, 8.d., and 8.e., unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that any of these improvements are not yet needed (as determined by the Transportation Department) (except for the completion of Otterdale Road Extension from its then existing terminus to Beach road as a two-lane road) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(iii) Prior to recordation of a cumulative total of more than 1200 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct 8.g., 8.h., 8.k. and 8.l. unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(iv) Prior to recordation of any subdivision plat or final approval of any site plan a phasing plan of the remaining road improvements shall be submitted to and approved by the Transportation Department. Such phasing plan shall include the above referenced phases. (T)

(STAFF/CPC) 9. Manufactured Homes. Manufactured Homes shall not be permitted on the Property. (P)

(STAFF/CPC) 10. Buffers Along Roads. The buffers required by Section 17-70 of the Subdivision Ordinance along roads shall be located within recorded open space. (P)

(STAFF/CPC) 11. Transportation Densities. For traffic planning purposes, the maximum density of the Property shall be 70,000 square feet of shopping center, 30,000 square feet of general office, 1,220 single family detached residential units, 650 retirement community units, and 400 condominiums or townhouses or equivalent densities as approved by the Transportation Department. (T)

(STAFF/CPC) 12. Covenant. Prior to recordation of any subdivision plat or final approval of any site plan, the Developer shall record the following covenant for the Property: "Certain roads within the Property are intended to connect to an existing or a future road. Notice is hereby given to all persons interested in purchasing or living within the development that such road connections are planned. Each road that is intended to extend or connect to other roads is shown on the overall road plan attached to these covenants. Any such road is also posted with a sign (located at its temporary terminus) stating "Future road extension."" (T)

(STAFF/CPC) 13. Pedestrian Tunnel. In conjunction with the construction of the improvements noted in Proffer 8.a.(ii), the Developer shall construct a pedestrian tunnel, acceptable to the Transportation Department, under Otterdale Road near its current terminus which will link the existing walking trials within Hampton Park. (T)

(STAFF/CPC) 14. Landscaping. In conjunction with the construction of the improvements noted in Proffer 8.a.(ii), if approved by the owners of the open space the Developer shall install a double row of evergreen trees (at least five feet tall at the time of planting) within the existing recorded open space that parallels Otterdale Road and is located within Hampton Park. These evergreens shall be installed in the open space where adjacent to the residential lots along Otterdale Road that are south of the intersection of Otterdale Road and Hampton Park Drive and north of the stormwater management facilities. A

landscape plan showing these improvements shall be submitted to the Planning Department for approval at the time of submittal of road construction plans for that section of Otterdale Road set forth in 8.a.(ii). the evergreens shall be installed between 5 feet and 12 feet on center, based on the species selected by the Developer for such installation. (P)

(STAFF/CPC) 15. House Size. For lots adjacent to Hampton Park and west of Otterdale Road Extended, the houses shall have a minimum gross floor area of 2400 square feet. (P)

(STAFF/CPC) 16. Open Space. An area of open space shall be established between Hampton Park and the Property (west of Otterdale Road) such that lots on the Property adjacent to Hampton Park shall not include any areas designated as Resource Protection Areas ("RPA") on county maps, and; provided, further the open space area between the property line for the Property and such lots abutting the RPA shall not be less than 85 feet. (P)

GENERAL INFORMATION

Location:

Fronting in three (3) places on the north line of Beach Road, lying across from Coalboro Road, and at the southern terminus of Otterdale Road. Tax ID 714-663-0471 (Sheets 15 and 23).

Existing Zoning:

A

Size:

1196.2 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-9, R-9 and R-TH with Conditional Use Planned Development, R-12 and A; Single family residential, community recreation or vacant
South - A; Single family residential or vacant
East - A and R-25; Single family residential or vacant
West - A; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the west side of Otterdale Road that terminates adjacent to Hampton Glen Lane, approximately 860 feet north of this site. In addition, there is an existing eight (8) inch water line extending along the eastern side of Shady Banks Drive in Ashbrook Subdivision, approximately 100 feet north of this site.

The Upper Swift Creek Plan recommends the use of the public water system for all development and its use has been proffered. (Proffered Condition 1.b.)

The applicant has proffered to provide an "Overall Water and Wastewater Systems Plan" and a "Utilities Infrastructure Phasing Plan" (Proffered Condition 1.a.). The on-site water distribution system for this development will include a water line along the north/south collector road (future Otterdale Road Extended) towards Beach Road. Staff initially requested that the applicant agree to oversize this line so that it could be incorporated as part of a planned future transmission interconnection between water lines in Winterpock Road and in Route 360 west of Hampton Park. This transmission interconnection is reflected in the County's Water and Wastewater Facilities Plan. However, upon further evaluation it was determined that the high pressures at which this transmission interconnection would be operated would likely cause unusually high pressures within the adjacent development. To avoid that possibility, the Utilities Department intends to construct that future transmission interconnection through the development with no ties to the on-site water distribution system. Instead of oversizing the water line along the north/south collector road, the applicant has agreed to dedicate to the County a water line easement along the east side of the north/south collector right of way to facilitate future construction of the planned transmission interconnection. The width of this easement is to be determined by the Utilities Department when the first construction plan for the north/south collector or the first tentative subdivision that incorporates any portion of the north/south collector is submitted to the County (Proffered Condition 1.c.). In addition, the applicant has proffered to construct an east/west water line to the boundaries of the property to allow for future development to the west. (Proffered Condition 1.d.)

Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line extending along Fuqua Branch in the adjacent Ashbrook Subdivision, terminating approximately 100 feet northeast of this site. In addition, there is an existing eighteen (18) inch wastewater trunk line extending along Dry Creek in the adjacent Hampton Park Subdivision, and adjacent to a portion of the northern boundary of this site.

The Upper Swift Creek Plan recommends the use of the public wastewater system for all development, and its use has been proffered. (Proffered Condition 1.b.)

The applicant has proffered to provide an "Overall Water and Wastewater Systems Plan" and a "Utilities Infrastructure Phasing Plan" (Proffered Condition 1.a.). In addition, the applicant has proffered to pay the County $200.00 per acre (based on total acreage of the request site, not to exceed $239,400.00) as a contribution towards expansion of the Dry Creek Wastewater Pump Station. Payments will be made over time as the property develops, with payment for each section or site to be made prior to issuance of the first building permit for that section or site. (Proffered Condition 1.e.)

ENVIRONMENTAL

Drainage and Erosion:

The property drains via tributaries into Swift Creek Reservoir. The property is heavily wooded and, as such, should not be timbered without first obtaining a land disturbance permit. This will ensure that adequate erosion control measures are in place prior to any land disturbance activity. (Proffered Condition 2)

Water Quality:

A perennial stream is located along the eastern property line; therefore, the area adjacent to the stream is subject to the requirements of the Resource Protection Area (RPA).

Participation in the Upper Swift Creek Regional Stormwater Master Plan is required with payment of a pro-rata construction fee and a fee per residential unit for BMP maintenance. There are three watershed-wide BMPs located on, or partially on, the property. There are also several Riparian Corridor Management-Non Resource Protection Areas (RCM-NRPA) that will limit any disturbance within the 100-year floodplain.

To address concerns relative to the aesthetics of any open basins required for water quantity or quality control that are not County-owned facilities, the applicant has agreed that any such facility will be landscaped or otherwise improved so that they become visual enhancements to uses developed on the property. (Textual Statement I.D.)

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 2,392 dwelling units, this request will generate approximately 366 calls for fire and rescue services each year. The applicant has addressed the impact on fire service. (Proffered Condition 5)

The Clover Hill Fire Station, Company Number 7, currently provides fire protection and emergency medical service. Fire Station Number 19, currently under construction on Beach Road, will eventually provide primary fire and emergency medical service to this property.

When the property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately 1,268 students could be generated by this development. Currently this site lies in the Grange Hall Elementary School attendance zone: capacity - 650, enrollment - 528; Bailey Bridge Middle School zone: capacity - 1,200, enrollment - 1,588; and Manchester High School zone: capacity - 2,000, enrollment - 2,327.

There are currently sixteen (16) trailers at Bailey Bridge Middle; and seventeen (17) trailers at Manchester High. The students generated by this development would create significant enrollment increases at the elementary, middle and high school levels. A final determination of the school attendance zone will be made when the building permits are issued. This development will have an impact on area schools. The applicant has fully addressed the impact on school facilities. (Proffered Condition 5)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Taking into account the additional space provided by the new La Prade and Chester Libraries, there is still a projected need for approximately 55,000 additional square feet of library space County-wide by 2015.

The development will most likely affect the existing Clover Hill Library or a proposed new facility on Beach Road. The Public Facilities Plan identifies a need for additional library space in this area of the County. The applicant has addressed the impact of this proposed development on library facilities. (Proffered Condition 5)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015.

The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations. The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreational facilities. (Proffered Condition 5)

Transportation:

This request consists of approximately 1,196 acres, currently zoned Agricultural (A). The applicant is requesting rezoning to Residential (R-12) with Conditional Use Planned Development, which would allow a mixed-use development that includes various residential housing types, plus recreational, retail and office uses. The applicant has submitted a map (Exhibit A) that subdivides the property into twelve (12) tracts: Tracts A through L. Based on the Textual Statement, Tract L could be developed for commercial and office uses, limited to a maximum of 100,000 square feet (Textual Statement III. A.). The applicant has proffered that a maximum of 2,392 dwellings will be developed on the property (Proffered Condition 3). For each acre of commercial and/or office uses developed, the proffer requires the maximum number of residential units to be reduced at a rate of two (2) dwelling units per acre. As some comparison of the proposed residential density, Smoketree Subdivision has approximately 610 dwelling units; Walton Park Subdivision has approximately 820 dwelling units; Deer Run Subdivision has approximately 1,010 dwelling units; and Salisbury Subdivision has approximately 1,250 dwelling units.

In accordance with the Development Standards Manual in the Zoning Ordinance, a traffic analysis is necessary to assist in evaluating the impact of a development of this magnitude. The applicant submitted a traffic study, which satisfies the Transportation Department requirements for an analysis of the site's traffic at build-out. The applicant has proffered a maximum density, consistent with the density analyzed in the traffic study (Proffered Condition 11). The applicant proposes to develop the property for 1,220 single family detached homes, 400 condominium/townhouse units, 650 retirement community units, 30,000 square feet of general office, and 70,000 square feet of shopping center, which could generate approximately 20,210 average daily trips.

The Thoroughfare Plan identifies Beach Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet

of right of way, measured from the centerline of Beach Road (Proffered Condition 6.b.). The condition requires this right of way to be dedicated when development occurs adjacent to Beach Road or within sixty (60) days after a request by the Transportation Department, whichever occurs first.

The Thoroughfare Plan also identifies a north/south arterial ("Otterdale Road Extended") and an east/west arterial ("the East/West Arterial") extending through the property, with recommended right of way widths of ninety (90) feet. Otterdale Road Extended is a continuation of the road that was constructed south from Hull Street Road (Route 360) to the northern boundary of the subject property with the partial development of the adjacent subdivision to the north, Hampton Park. Otterdale Road Extended is planned to extend through the subject property to Beach Road, near the Coalboro Road intersection.

A property located on the south side of Beach Road has approval to operate a quarry. As part of the site plan approval for that operation, an "access drive" must be constructed from Beach Road north to Otterdale Road, generally along the alignment of Otterdale Road Extended. There are no contractual commitments to build the "access drive". If the quarry never reopens, the "access drive" will not be built as part of the quarry's operation.

The East/West Arterial is planned to parallel Beach Road, and extend from Winterpock Road, west through the property, across Baldwin Creek Road to Beaver Bridge Road. The East/West Arterial as currently shown on the Thoroughfare Plan is an extension of West Hensley Road from Winterpock Road. Due to area development, the alignment should be shifted to the north as shown on the attached map title "Thoroughfare Plan" and as generally shown on Exhibit A.

The applicant has proffered to dedicate a ninety (90) foot wide right of way for Otterdale Road Extended from its current terminus to the southern property, and for the East/West Arterial from the eastern property line to the western property line. (Proffered Condition 6 a.)

The Thoroughfare Plan identifies a north/south arterial ("Ashlake Parkway Extended") from Route 360 adjacent to the Ashbrook Subdivision, crossing the East/West Arterial, then extending through the eastern part of the subject property, aligning with Dry Creek Road, and continuing south of Beach Road. Due to the development that has occurred along Dry Creek Road and south of Beach Road, staff supports eliminating the section of Ashlake Parkway Extended south of the East/West Arterial. The applicant has proffered that there will be no road connection from the property to Dry Creek Road. (Proffered Condition 7.b.)

Access to major arterials, such as Beach Road, Otterdale Road Extended and the East/West Arterial, should be controlled. The applicant has proffered to submit an access plan for approval that identifies access from the property to Otterdale Road Extended and the East/West Arterial (Proffered Condition 7.a.). The applicant has also proffered to limit direct access from the property to Beach Road to Otterdale Road Extended. (Proffered Condition 7.c.)

The Subdivision Ordinance requires that subdivision streets must conform to the Planning Commission's Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. In accordance with the Stub Road Policy, there will be many sections of the internal subdivision street network that must be designed, at a minimum, as "no-lot frontage" residential collectors.

In conjunction with development of the adjacent subdivision to the north (Ashbrook), a residential collector street (Shady Banks Drive) was constructed through part of that development. The right of way for Shady Banks Drive was stubbed to the subject property. Based on Exhibit A, an access is proposed from this development to Shady Banks Drive. Providing a direct connection between the East/West Arterial and Shady Banks Drive could result in a significantly high volume of traffic on that subdivision street. Shady Banks Drive was not designed to facilitate this potential traffic. If this connection is made, the street network in this part of the subject property should be designed to minimize the potential for cut-through traffic.

The applicant's traffic study analyzes the impact of traffic generated by this development being distributed north and south along Otterdale Road Extended. The proposed Otterdale Road Extended/Beach Road intersection, Otterdale Road Extended /Route 360, and Hampton Park Drive/Route 360 were intersections that were specifically studied. Most (approximately 95 percent) of the traffic was assumed to be distributed north to Route 360. Part of the applicant's initial traffic study also considered the impact of this development if the East/West Arterial was extended to Winterpock Road.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Route 360, Otterdale Road and Beach Road will be directly impacted by development of this property. At such time as the East/West Arterial is extended to the east, Winterpock Road will also be impacted by this development.

The 2001 traffic volumes along the section of Route 360 from Otterdale Road to Route 288 range from 15,000 to 61,000 vehicles per day. The volume of traffic from Woodlake Parkway to Route 288 exceeds the capacity of the road, and drivers experience extreme congestion, especially during peak periods. The Virginia Department of Transportation Six-Year Improvement Program did include a project to widen Route 360 to six (6) and eight (8) lanes from Swift Creek to Winterpock Road. Part of the project, improvements to the Swift Creek Bridge was recently completed. However, due to State budgetary shortfalls, no construction funds have been allocated to complete the balance of this project.

Otterdale Road, north of Route 360, had a 2002 traffic count of 1,885 vehicles per day. Sections of this road have twenty (20) to twenty-one (21) feet wide pavement with no shoulders, with substandard vertical and horizontal alignments and large trees located close to the edge of pavement. Based on the current volume of traffic during peak hours, Otterdale Road is at capacity (Level of Service E). Winterpock Road had a 2000 traffic count of 7,139 vehicles per day. Sections of this road have twenty-one (21) to twenty-two (22) feet wide pavement with no shoulders. Based on the current volume of traffic during peak hours,

Winterpock Road is at capacity (Level of Service E). Beach Road had a 2000 traffic count of 1,217 vehicles per day. Sections of this road have twenty (20) to twenty-one (21) feet wide pavement with no shoulders. The capacity of this road (Level of Service C) is acceptable for the volume of traffic it currently carries. The standard typical section for Otterdale Road, Winterpock Road and Beach Road should be twenty-four (24) feet wide, with minimum shoulder widths of eight (8) feet.

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct Otterdale Road/Otterdale Road Extended as a four (4) lane road from Route 360 to a two (2) lane road approximately 1,000 feet south of the East/West Arterial; 2) construct Otterdale Road Extended as a two (2) lane road from approximately 1,000 feet south of the East/West Arterial to Beach Road; 3) construct the East/West Arterial as a two (2) lane road through the property; 4) construct left and right turn lanes along Otterdale Road Extended and the East/West Arterial at each approved access, if warranted, based on Transportation Department standards; 5) construct the Otterdale Road Extended intersection with Beach Road as a three (3) lane section; 6) construct right and left turn lanes along Beach Road at the Otterdale Road Extended intersection; 7) construct dual left turn lanes from westbound Route 360 to southbound Otterdale Road; 8) construct a third left turn lane from westbound Route 360 to southbound Otterdale Road with an additional southbound through lane (receiving lane) along Otterdale Road from Route 360 to Hampton Park Drive; 9) construct dual right turn lanes along northbound Otterdale Road at its intersection with Route 360; 10) full cost of traffic signal installation at the Route 360/Otterdale Road, Otterdale Road Extended/East/West Arterial, and Otterdale Road/Hampton Park Drive intersections and Route 360/Hampton Park Drive, if warranted; and 11) construct left and right turn lanes along Otterdale Road at the Hampton Park Drive intersection, if warranted, based on Transportation Department standards; 12) construct dual left turn lanes along westbound Route 360 to southbound Hampton Park Drive with an additional receiving lane on Hampton Park Drive from Route 360 to Ashbrook Parkway; and 13) construct dual right turn lanes along northbound Hampton Park Drive at its intersection with Route 360 (Proffered Condition 8). The proffered condition would allow the Transportation Department to approve alternative improvements that would provide an acceptable level of service, or eliminate a specific improvement if, based on a revised traffic study, it is determined not to be necessary. In addressing neighborhood concerns, the applicant has proffered to construct a pedestrian tunnel under Otterdale Road near its current terminus (Proffered Condition 13). The applicant has also proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the residential development. (Proffered Condition 5)

The developer may need to acquire "off-site" right of way to provide some of the proffered road improvements. According to Proffer Condition 8, if the developer is unable to acquire the right of way for any of these improvements, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way, and will only be obligated to construct road improvements within available right of way.

The applicant has proffered a phasing plan for the road improvements outlined in Proffered Condition 8 (Proffered Condition 8.l). According to the proffer, the phasing plan requires that certain road improvements be provided at various stages of the development. Prior to recordation of 400 single family residential units (or equivalent density based on traffic generation), Otterdale Road will be constructed as a four (4) lane road from Route 360 to Hampton Park Drive, dual left turn lanes will be constructed from westbound Route 360 to southbound Otterdale Road, and a single right turn lane will be constructed along northbound Otterdale Road at its intersection with Route 360. Prior to recordation of a cumulative total of 500 single family residential units (or equivalent density based on traffic generation), Otterdale Road/Otterdale Road Extended will be constructed as a four (4) lane road from Route 360 to the East/West Arterial, transitioning to a two (2) lane road and extending to Beach Road with turn lanes at Beach Road. Prior to recordation of a cumulative total of 1,200 single family residential units (or equivalent density based on traffic generation), triple left turn lanes will be constructed from westbound Route 360 to southbound Otterdale Road with an additional southbound through lane (receiving lane) along Otterdale Road from Route 360 to Hampton Park Drive, dual right turn lanes will be constructed along northbound Otterdale Road at its intersection with Route 360, dual left turn lanes along westbound Route 360 to southbound Hampton Park Drive with a receiving lane along Hampton Park Drive, and dual right turn lanes along Hampton Park Drive at Route 360. At time of tentative subdivision review and/or site plan approval, specific recommendations will be provided regarding access, stub road rights of way to adjacent properties and the proposed internal street network. In addition, the phasing plan requires that, prior to any subdivision plat or final approval of any site plan, a phasing plan for the remaining road improvements shall be submitted to and approved by the Transportation Department. The proffered condition allows the Transportation Department to evaluate the traffic generation of this development, and make adjustments to this phasing plan, if appropriate.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	2,392*	1.00
Population Increase	6530.16	2.73
Number of New Students		
Elementary	583.65	0.24
Middle	310.96	0.13
High	382.72	0.16
TOTAL	1,277.33	0.53
Net Cost for Schools	8,601,632	3,596
Net Cost for Parks	1,942,304	812
Net Cost for Libraries	674,544	282
Net Cost for Fire Stations	753,480	315
Average Net Cost for Roads	6,848,296	2,863
TOTAL NET COST	18,820,256	7,868

* Based on a proffered maximum number of 2,392 dwelling units. (Proffered Condition 3)

As noted, this proposed development will have an impact on capital facilities and varies by type of dwelling unit. The applicant has proffered the maximum amount per dwelling unit based on the type of dwelling unit (Proffered Condition 5). The impact by type of dwelling unit is as follows:

Non-Age Restricted Dwelling Units
Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at $7,868 per unit. The applicant has been advised that a maximum proffer of $7,800 per unit would defray the cost of the capital facilities necessitated by this proposed development for these types of dwelling units.

Age Restricted Dwelling Units
Staff has calculated the fiscal impact of every new dwelling unit on roads, parks, libraries and fire stations at $4,272 per unit. The applicant has been advised that a maximum proffer of $4,235 per unit would defray the cost of the capital facilities necessitated by this proposed development for these types of dwelling units.

Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. Note that circumstances relevant to this case, as presented by the applicant, have been

reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 dwelling units per acre or less.

The Plan also suggests that various types of housing, to include townhouses, apartments and condominiums and clustered detached single family dwelling may also be appropriate if included within a large coordinated planned development. Further, convenience and neighborhood commercial nodes may also be appropriate within such a coordinated development subject to adequate access and a design that incorporates an internal focus with open spaces and pedestrian connections.

Area Development Trends:

Properties to the north are zoned Residential (R-9 and R-12), Residential Townhouse (R-TH) and Agricultural (A) and are developed as the Hampton Park and Ashbrook Subdivisions, or are currently vacant. Properties to the east, west and south are zoned Agricultural (A) and Residential (R-25) and are developed as single family residences on acreage parcels created outside the subdivision review process or are currently vacant. It is anticipated that residential zoning and land use patterns will continue in the area consistent with densities suggested by the Plan.

Site Design:

The Master Plan divides the property into several tracts of land (Textual Statement). A total of 2,392 dwelling units could be developed; however, any acreage devoted to "office and commercial" uses will result in a reduction in the number of total units at a ratio of two (2) units per acre (reference "Density" section, included herein). It should be noted that the administrative tracking of the permitted densities will be difficult and costly. Tracts H and I are proposed for development of cluster residential, townhouse, multi-family, cluster condominium, single family residential and nursing, convalescent and rest home uses, all of which are discussed in further detail herein (Textual Statement III.B.). If any individual tract or subtract is developed for two (2) or more dwelling types, the Textual Statement requires submission of a conceptual plan to either the Planning Commission or Planning Department for approval. At the time of review of a conceptual plan, conditions may be imposed to insure land use compatibility and transition. (Textual Statement I.C.)

Tract L is proposed for development of Neighborhood Business (C-2) and Corporate Office (O-2) uses, as well as single family residential, cluster residential, townhouse, multi-family and cluster condominium uses (Textual Statement III.A.). A mix of residential and non-

residential uses is permitted. The Textual Statement requires submission of a schematic plan if Tract L is developed for a mixture of residential and non-residential uses (Textual Statement III.A.1) and a conceptual plan if Tract L is developed for a mixture of residential types (Textual Statement I.C.). It should be noted that the Zoning Ordinance will require submission of an overall schematic plan for the entire project prior to any site or tentative subdivision plan approval.

The remaining tracts (Tracts A through G, J and K) are proposed for single family residential uses conforming, at a minimum, to Residential (R-12) requirements. (Textual Statement III.C)

Within all tracts, community recreational and equestrian uses and recreational vehicle storage lots are proposed as permitted uses (Textual Statement II.A. through C). Within Tracts H, I and L, park and ride lots are proposed as permitted uses. (Textual Statement II.D.)

Density:

A maximum of 2,392 dwelling units has been proffered, yielding an overall maximum density of 2.0 units per acre (Proffered Condition 3). Further, for every acre developed for commercial and/or office uses, the total number of permitted dwelling units will be reduced by two (2) units per acre.

Cluster Residential: (Tracts H, I and L)

Development of cluster residential lots in Tracts H, I and L will be regulated by the standards set forth in the Textual Statement (III.A.3 and III.B.1.). These residences are proposed to be developed as detached or two (2) attached units on individual lots having an area of not less than 6,000 square feet, but not more than 12,000 square feet. If lots sizes differ by more than 2,000 square feet, a conceptual plan addressing land use transition and compatibility must be submitted for review and approval by either the Planning Department or the Planning Commission. Density will not exceed seven (7) units per gross acre for that area occupied by such uses.

Other restrictions include provision of a focal point, street trees, street lighting, landscaping and sidewalks; treatment of individual driveways and parking areas; lot width, lot coverage and setbacks.

With one exception, requirements offered for cluster homes are consistent with those typically required by the Commission and Board on similar projects recently approved. The provision fails to minimize the number of garage doors oriented to roads or address standards which will minimize the visual predominance of garages facing the road.

Townhouse: (Tracts H, I and L)

Development of residential townhouse lots in Tracts H, I and L will be regulated by the standards set forth in the Zoning Ordinance for Residential Townhouse (R-TH) Districts, except as modified by the Textual Statement (III.A.5. and III.B.1.). These residences are proposed to be developed with no more than six (6) attached units. Density will not exceed seven (7) units per gross acre for that area occupied by such uses. Other restrictions include provision of a focal point, street trees, street lighting, landscaping, treatment of individual driveways and parking areas, sidewalks, parcel area, setbacks and curb and gutter.

With one exception, requirements offered to offset the impact of lots sizes smaller than 12,000 square feet are consistent with those typically required by the Commission and Board on similar project recently approved. The provision fails to minimize the number of garage doors oriented to roads or address standards which will minimize the visual predominance of garages facing the road.

Multi-Family: (Tracts H, I and L)

Development of multi-family units in Tracts H, I and L will be regulated by the standards set forth in the Zoning Ordinance for Residential Multi-family (R-MF) Districts, except as modified by the Textual Statement (III.A.6, III.B.1.). Density will not exceed ten (10) units per gross acre for that area occupied by such uses.

With one exception, requirements offered for multi-family development are consistent with those typically required by the Commission and Board on similar projects recently approved. Although the Zoning Ordinance requires that sidewalks be provided within a residential multi-family project, there is no requirement for the provision of sidewalks on both sides of all internal rights of way. Higher density developments warrant the provision of sidewalks on both sides of all internal rights of way to provide a form of passive recreation as well as a safe and convenient access to open space areas within the development.

Cluster Condominium: (Tracts H, I and L)

Development of cluster condominiums in Tracts H, I and L will be regulated by the standards set forth in the Zoning Ordinance for Residential Multi-family (R-MF), except as modified by the Textual Statement (III.A.4. and III.B.1). These units may be either attached or detached. Density will not exceed seven (7) units per gross acre.

With one exception, requirements offered for cluster condominiums are consistent with those typically required by the Commission and Board on similar projects recently approved. The provision fails to sufficiently minimize the number of garage doors oriented to roads or address standards that will minimize the visual predominance of garages facing the road.

Single Family Residential: (Tracts A through L)

Single family residential uses would be permitted anywhere within the boundaries of the development (Textual Statement III.A.,B.,C.). Any single family residential uses would be required to be developed in accordance with Zoning Ordinance requirements for Residential (R-12) Districts. The minimum lots size would be 12,000 square feet.

Open Space and Recreation Areas: (Tracts A through L)

Within the cluster residential and townhouse developments (Tracts H, I and L), where lots are reduced below the minimum 12,000 square feet, the Zoning Ordinance will require that a comparable amount of square footage be placed in open space. The Zoning Ordinance defines open space as any area "not occupied by a building, structure, drive or parking area". The Subdivision Ordinance will require creation of a Homeowners' Association to maintain any common open space.

Within the cluster residential, townhouse and cluster condominium developments, a minimum of .75 acre of open space/community area to serve as a focal point as one enters those tracts is proposed (Textual Statement III.A.3.e, III.A.4.h and III A.5.f.). Benches and other amenities are to be provided within these areas to facilitate outdoor gatherings.

To address concerns of area property owners, within the single family residential developments, an area of open space will be provided between Hampton Park Subdivision and the subject property, west of Otterdale Road. (Proffered Condition 16)

The Zoning Ordinance requires that within Residential Townhouse (R-TH) and Residential Multi-family (R-MF) developments, at least ten (10) percent of the property designated for these uses, and in no event less than 1.5 acres, be provided for on-site recreational uses. The Textual Statement provides for no recreation facilities except as mandated through restrictive covenants (II.A.2). The County would not be required to enforce these covenants and therefore, cannot guarantee that any recreational facilities will be provided within the development. Staff does not support this exception. Higher density developments warrant the provision of on-site recreational facilities in accordance with Zoning Ordinance Standards.

The Textual Statement addresses development criteria for any recreational area developments to include setbacks, outside public address systems, lighting and platting. (II.A. 3 through 9)

Equestrian Uses and Recreational Vehicle Storage:

The Textual Statement proposes both horse riding trails and boarding facilities throughout the development (II.B.). Boarding facilities must meet minimum acreage and setback requirements to insure compatibility with adjacent uses.

Recreational vehicle storage lots are proposed throughout the development (Textual Statement II.C.). Such areas would be screened from view of public roads and residential developments, meet minimum setbacks and employ security lighting only to promote compatibility within residential areas.

Park and Ride Lots: (Tracts H, I and L)

The Textual Statement proposes park and ride lots within Tracts H, I or L (II.D.). Fifty (50) foot buffers would be provided around the perimeter of all lots, except where adjacent to office or commercial uses. The maximum lot size would be 250 parking spaces. Such lots could accommodate car, van or bus services.

Park and ride lots are first permitted by right in the Community Business (C-3) District of the Zoning Ordinance. As a commercial use, the location of such lots has been limited to Tracts H, I and L which represent areas within or adjacent to the commercial core of the development. This would minimize the impact of these facilities upon adjacent residential developments with respect to noise, traffic, lighting and hours of operation.

Commercial Nodes and Uses: (Tracts I and L)

In addition to various types of residential development, Tract I also permit nursing, convalescent and rest home uses, subject to the requirements of the Zoning Ordinance for the Corporate Office (O-2) District plus Emerging Growth District Standards. (Textual Statement III.B.1 and 2.)

Tract L, which is located at the intersection of the proposed North/South and East/West Arterials, is proposed for Neighborhood Business (C-2) and Corporate Office (O-2) uses. Such uses would be limited to a maximum of 100,000 gross square feet. This tract will provide the opportunity to accommodate limited commercial and office uses to serve the residents in the community and avoid the necessity for travel to the commercial areas along Hull Street Road or those areas proposed within the project to the north.

The Textual Statement requires any commercial/office uses in Tract L to conform to the requirements of the Zoning Ordinance for the respective C-2 and O-2 Districts plus Emerging Growth District Standards. These requirements address access, landscaping, architectural treatment, setbacks, parking, signs, buffers and utilities and ensure compatibility with the surrounding residential areas.

Buffers:

The Subdivision Ordinance requires that fifty (50) foot buffers be maintained along the North/South and East/West Arterials, as well as Beach Road. This buffer may be included within the boundaries of individual lots. It has been staff's experience that individual homeowners tend to clear these areas resulting in a zoning violation on that individual lot. To preserve the integrity of these buffers, the applicant has proffered that these areas be

provided in open space, thereby becoming the responsibility of the Homeowners' Association (Proffered Condition 10). It should be noted that the water line easement which the applicant has agreed to grant along Otterdale Road Extended cannot be included within the buffer area unless modifications to buffer requirements are granted through the subdivision process.

To address concerns of area property owners, landscaping will be provided within open space areas adjacent to the proposed improvements to Otterdale Road within Hampton Park Subdivision where such open spaces abut residential lots. (Proffered Condition 14)

Prohibition on Manufactured Homes:

Proffered Condition 9 prohibits the location of manufactured homes on the subject property. The current Zoning Ordinance would not allow manufactured homes; however, there is pending State legislation that proposes to mandate that localities allow manufactured homes in those districts that allow single family dwellings constructed to the Uniform Statewide Building Code. Should this State legislation be adopted, depending upon the final language, Proffered Condition 9 may, or may not, have the effect of prohibiting manufactured homes.

Dwelling Size:

To address concerns of area property owners, proffered conditions to address minimum house size. (Proffered Condition 15)

CONCLUSIONS

The proposed zoning and land uses comply with the Upper Swift Creek Plan.

The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (5/21/02):

At the request of the applicant, the Commission deferred this case to August 20, 2002.

Staff (5/22/02):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than June 17, 2002, for consideration at the Commission's August 20, 2002, public hearing. The applicant was also advised that a $150.00 deferral fee was due.

Applicant (6/5/02):

The $150.00 deferral fee was paid.

Applicant (6/6/02, 6/22/02, 7/31/02 and 8/6/02):

Revised proffered conditions and textual statements were submitted.

Applicant (7/12/02):

A traffic analysis was submitted.

Applicant (7/24/02):

As a result of a request from the Transportation Department, the appendices for the Traffic Analysis were submitted.

Staff (7/30/02):

The Transportation Department provided written comments to the applicant on the Traffic Analysis.

Planning Commission Meeting (8/20/02):

At the request of the applicant, the Commission deferred this case to October 15, 2002.

Staff (8/21/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than August 26, 2002, for consideration at the Commission's October 15, 2002, public hearing. The applicant was also advised that a $250.00 deferral fee was due.

Applicant (9/5/02):

The $250.00 deferral fee was paid.

Applicant (9/10/02, 9/26/02 and 9/30/02):

Revised proffered condition, textual statement and Master Plan were submitted.

Planning Commission Meeting (10/15/02):

On their own motion, the Commission deferred this case to December 17, 2002.

Staff (10/16/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than October 21, 2002, for consideration at the Commission's December 17, 2002, public hearing.

Applicant (11/8/02, 11/15/02 and 11/27/02):

Revised proffered conditions and Textual Statement were submitted.

Planning Commission Meeting (12/17/02):

At the request of the applicant, the Commission deferred this case to February 18, 2003.

Staff (12/18/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than December 23, 2002, for consideration at the Commission's February 18, 2003, public hearing. The applicant was also advised that a $250.00 deferral fee was due.

Applicant (12/30/02):

The $250.00 deferral fee was paid.

Staff (1/30/03):

To date, no new information has been submitted.

Staff, Applicant and Ashbrook Subdivision Residents (2/13/03):

A meeting was held to discuss the applicant's request. Area residents expressed concerns relative to traffic, schools, impacts on the Ashbrook Lake, development phasing and proposed housing types.

Applicant (2/17/03 and 2/18/03):

Revised proffered conditions were submitted. These proffers addressed Transportation Department concerns relative to the Hampton Park Drive/Hull Street Road intersection improvements as well as area residents' concerns relative to buffers, open space and dwelling sizes as discussed herein.

Planning Commission Meeting (2/18/03):

The applicant accepted the recommendation. There was support and opposition present. Those in support noted the proposal's compliance with the Upper Swift Creek Plan; the benefits of a large planned parcel versus piecemeal development; and that the impacts on capital facilities had been addressed.

Those in opposition expressed concerns relative to the impact of this proposal upon the County's infrastructure (roads and schools) and the Swift Creek Reservoir; and the need to reevaluate the Upper Swift Creek Plan with respect to growth management.

Mr. Stack noted that the proposed regional Best Management Practices (BMPs) will assist in addressing environmental impacts on the reservoir; that staff continues to evaluate methodology for determining student numbers generated by the requests; and that more money needs to be allocated to road improvements through other means in addition to the cash proffer system. He indicated that the request was consistent with the Plan, supported by staff; did not have a detrimental impact upon neighboring properties; represented a long-range project completion; and, as a larger property, was a better planned development.

Messrs. Litton and Cunningham concurred with Mr. Stack's position.

Mr. Gulley agreed that the proposal represented a good quality development, but that his main concern was water quality and the impact of growth on the water supply. He noted that

there needed to be specific timing and construction details for the regional BMPs rather than speculation.

Mr. Gecker agreed with Mr. Gulley with respect to the environmental issues associated with phosphorus loading, but felt this was caused by the Route 288 project and other commercial construction. He disagreed that the solution was to stop additional rezoning on a case by case basis, but favored looking for an overall solution with standards for construction in the watershed. Mr. Gecker expressed his frustration with the lack of meaningful interaction with the School Board relative to the school planning process. He noted that the proposal complies with the Plan; provides a variety of housing types; addresses a significant portion of transportation needs; incorporates a comprehensive plan for large acreage development; and represents a natural extension of growth.

In response to a question of Mr. stack, the applicant indicated that all other conditions proffered would remain applicable should the Commission not accept Proffered Condition 8.m.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission recommended approval of this request and acceptance of Proffered Conditions 1 through 8.l. and 8.n. through 16. The Commission recommended that Proffered Condition 8.m. not be accepted.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
NAY: Mr. Gulley.

Applicant (3/3/03):

Proffered Condition 8.m. was withdrawn.

Board of Supervisors' Meeting (3/12/03):

At the request of the applicant, the Board deferred this case to April 23, 2003, to allow the applicant time to meet with area citizens.

Staff (3/13/03):

The applicant was advised in writing that any significant new or revised information should be submitted no later than March 18, 2003, for consideration at the Board's public hearing. The applicant was also advised that a $250.00 deferral fee was due.

Applicant (3/24/03):

The $250.00 deferral fee was paid.

Staff (3/27/03):

To date, no new information has been submitted.

The Board of Supervisors, on Wednesday, April 23, 2003, beginning at 7:00 p.m., will take under consideration this request.

Textual Statement
Southern Land Company LLC

February 4, 2002
Revised May 15, 2002
Revised May 29, 2002
Revised July 18, 2002
Revised July 30, 2002
Revised September 10, 2002
Revised September 26, 2002
Revised September 30, 2002
Revised October 9, 2002
Revised October 28, 2002

Rezone from A to R-12 for the uses permitted in R-12 with a Conditional Use Planned Development ("CUPD") to permit use and ordinance requirement exceptions as delineated on the Preliminary Zoning Map prepared by Jordan Consulting Engineers, P.C. dated April 4, 2002, and last revised September 10, 2002, (the "Plan"), as described herein, and as provided in the accompanying proffers.

I. General Conditions

A. To accommodate the orderly development of the Property, the Tracts shall be located as generally depicted on the Plan, but their location and size, including further divisions into Sub-Tracts, may be modified so long as the parcels generally maintain their relationship with each other and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. Sub-Tract (a designated portion of a Tract) divisions may be created at the time of tentative subdivision or site plan approval and shall not require a separate review as a Tract adjustment provided there is no adjustment in the overall Tract boundary unless the Tract boundary has been approved for adjustment as stated herein.

B. Whenever a provision refers to or requires a conceptual plan ("Conceptual Plan") to be submitted for review and approval, such a plan may be approved by either the Planning Department or the Planning Commission at the election of the Developer, and such review shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals.

C. Residential units [i.e.: Cluster Residential, Cluster Condo, Townhouse, or Multi-Family (as defined herein)] shall be grouped together within a Tract or Sub-Tract. If there is a desire to mix the types of residential uses within a Tract or Sub-Tract the mixing may be permitted if a Conceptual Plan is submitted for review and approval. The Conceptual Plan shall address the land use transitions and compatibility between the different uses within a Tract or Sub-Tract. Land use

compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses, buffers, and site design.

D. Any open basins required for water quantity or quality control located on the Property and not owned by Chesterfield County shall be designed as wet ponds and shall be landscaped or otherwise improved so that the facilities become visual enhancements to and visual amenities for the uses developed on the Property. At the time of tentative subdivision or site plan submission, a plan depicting these requirements shall be submitted for review and approval.

II. Requirements and Exceptions for All Tracts

A. Recreational Facilities

1. Recreational facilities shall be permitted within all Tracts. These uses shall be limited to facilities and uses that primarily serve the surrounding residential community including but not limited to passive recreation such as trails, paths, sidewalks, ponds, open space, and vistas, as well as active facilities like swimming pools; courts, such as tennis, basketball, volleyball; playgrounds; picnic areas, clubhouses, and private dining facilities.

2. No recreational areas shall be required for the Property except as set forth in the covenants. In conjunction with recordation of each subdivision plat or prior to final site plan approval for any residential uses the following covenants shall be recorded and a copy shall be provided to the County. These covenants shall not be amended for a period of twenty (20) years from the date of recordation.

a. For each Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas at least one and half (1.5) acre of recreational area shall be provided.

b. For Single Family uses a minimum of 10 acres of recreational area shall be provided for each 1000 dwelling units.

c. Recreational areas may be consolidated into a single recreational area or separated into smaller areas. Such recreational areas may include but are not limited to passive recreation such as trails, paths, sidewalks, ponds, open space, and vistas, as well as active facilities like swimming pools; courts, such as tennis, basketball, volleyball; playgrounds; picnic areas, clubhouses, and private dining facilities.

d. The recreational areas for the Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas may be provided on-site or off-site. If provided off-site, such as a joint facility with other Cluster Residential, Cluster Condo, Townhouse, or Multi-Family uses, or as a part of the overall recreational areas for the single family development, the off-site facilities shall meet the following requirements:

(1) The existing or proposed recreational area meets the minimum cumulative acreage requirements of the Zoning Ordinance for the uses that it is proposed to serve.

(2) The recreational area is within ¼ mile from the boundaries of the Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas.

(3) The Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas are connected to the recreational area by a pedestrian path, trail system, or sidewalk.

(4) The Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas are permitted (by covenant, homeowners' association or condominium association declaration, or other like agreement) to use the off-site recreational area or facility.

3. Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and used only in conjunction with a pool.
4. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, outdoor play fields, courts, swimming pools, horse boarding facilities, and similar active recreational areas facilities shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
5. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
6. Any playground area (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.
7. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.
8. Exterior lighting for recreational uses shall comply with Section 19-573 of the Zoning Ordinance, and the maximum height for light posts shall not exceed twenty (20) feet.
9. In conjunction with the recordation of any lot adjacent to active recreational area(s), such recreational area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions.

B. Equestrian Uses.

1. Horse riding trails shall be permitted throughout the development.
2. Horse boarding facilities to include pasture and barn areas shall be permitted if located on a minimum (15) acre parcel ("Boarding Parcel"). Any barns shall be located a minimum of 150 feet from the Boarding Parcel's property line.
3. The location of such uses shall be identified on the schematic plan.

C. Recreational Vehicle (including boats, travel trailers, and campers) Storage.

1. Recreational vehicle storage lots shall be permitted throughout the development. The location of such storage lots shall be identified on the schematic plan.
2. Storage areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
3. Storage areas shall be screened from view of any proposed or existing residential development and public roads. Screening shall comply with the requirements of the Zoning Ordinance.
4. Parking areas shall comply either with the surface treatment requirements of the Zoning Ordinance or be constructed of a paving material or paving system is similar to "Grassy™ Pavers," "PermaTURF®," "Presto GEOBLOCK®," or "GEOWEB®." The exact method shall be approved at the time of site plan review.
5. Where these areas are adjacent to any residential use, the storage lot lighting shall be limited to security lighting.

D. Park and Ride Lots

1. Park and Ride Lots shall be permitted in Tracts H, I, or L. Park and Ride Lots shall be located with direct access to an arterial or a collector road. A fifty (50) foot buffer shall be provided along the perimeter of any Park and Ride Lot except where adjacent to office or commercial uses. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers except the requirements may be modified by the Planning Commission through site plan approval. No Park and Ride Lots shall contain more than 250 parking spaces unless modified at the time of schematic plan approval.
2. All Park and Ride Lots shall have a designated stop or shelter located on or immediately adjacent to the Park and Ride Lot that can accommodate buses, vans, or cars without interfering with traffic flow. The exact location and design of the stop or shelter shall be determined at the time of site plan approval.

III. Requirements for Specific Tracts.

A. Within Tract L the following requirements shall be met.

1. Permitted non-residential uses shall be limited to those uses permitted in the Neighborhood Business (C-2) and the Corporate Office (O-2) Districts. Such uses shall comply with the standards of the Zoning Ordinance for the respective C-2 and O-2 Districts plus Emerging Growth Area standards. Further, permitted residential uses shall include those uses permitted in Cluster Residential, Cluster Condo, Townhouse, Multi-Family, and Single Family Residential (as defined herein), provided the schematic plan insures land use compatibility and transition. Such residential uses shall be subject to the development requirements described herein.
2. Commercial and office uses shall be limited to a maximum of 100,000 gross square feet.
3. "Cluster Residential" is defined as any dwelling that is located on a lot having an area of not less than 6,000 square feet but not more than 12,000 square feet. Further, in any Cluster Residential area, lot size shall not differ by more than 2,000 square feet. Provided, however, within the Cluster Residential area, the mixing of lot sizes that differ by more than 2,000 square feet or the mixing of attached and detached units may be permitted if a Conceptual Plan is submitted for review and approval and the Conceptual Plan addresses land use transitions and compatibility between areas within the Cluster Residential areas. Cluster Residential may include detached or attached units, provided that no more than two (2) units are attached.

a. Density. The overall density within each Tract or Sub-Tract containing Cluster Residential shall not exceed 7.0 units per gross acre.

b. Lot area and width. Each lot shall have an area of not less than 6,000 square feet and a lot width of not less than fifty (50) feet.

c. Percentage of lot coverage. All buildings, including accessory buildings, on any lot shall not cover more than fifty (50) percent of the lot's area.

d. Yards.

(1) *Front yard.* Minimum of ten (10) feet in depth.

(2) *Side yard.*

(i) For detached units, two (2) side yards, one (1) a maximum of five (5) feet in width, the other a minimum of ten (10) feet in width, with a minimum distance of fifteen (15) feet between buildings.

(ii) For attached units, two (2) side yards, one (1) at zero (0) feet, the other a minimum of ten (10) feet in width, with a minimum distance of twenty (20) feet between buildings.

(3) *Corner Side Yard.* Minimum of twenty-five (25) feet.
(4) *Rear yard.* Minimum of twenty-five (25) feet.

e. Focal Point. A minimum of 0.75 acres of the required open space shall be located and positioned to provide a "focal point" for each Cluster Residential area. Part of the focal point shall be "hardscaped" and have benches and other amenities that accommodate and facilitate outdoor gatherings. The focal point shall be developed concurrent with the first phase of residential development of the Cluster Residential area in the Tract or Sub-Tract the focal point is intended to serve. The exact size, area, design, and location of the focal point shall be approved by the Planning Department at the time of tentative subdivision approval.

f. Recreational Area. A recreational area provided in accordance with II.A.2.

g. Street Trees. Street trees shall be planted or retained along each side of the roads, except where adjacent to collector or arterial roads.

h. Street Lighting. Street lighting shall be provided along each side of the roads, except where adjacent to collector or arterial roads. Streetlight fixtures, poles and lamp types shall be consistent and their design shall be compatible with the residential development. The exact height, design, and spacing shall be approved at the time of tentative subdivision plan approval.

i. Landscaping. Landscaping shall be provided around the perimeter of all dwelling units. Landscaping shall comply with the requirements of the Zoning Ordinance, Sections 19-516 through 19-518(f). Landscaping shall be designed to minimize the predominance of building mass and paved areas, to define private spaces, and to enhance the residential character of the development. A conceptual landscaping plan shall be submitted for review and approval in conjunction with tentative subdivision plan review and approval. A final landscaping design showing the exact number, spacing, arrangement, and species of plantings shall be approved by the Planning Department prior to the issuance of a building permit for each lot.

j. Sidewalks. Sidewalks shall be provided on the side of any road that has lots fronting on the road.

k. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be "hardscaped." The exact design and treatment of driveways shall be approved at the time of tentative subdivision plan review.

4. Cluster Residential Condominium attached or detached ("Cluster Condo") is defined as any dwelling unit that conforms to the requirements of the Zoning Ordinance for Residential Multi-Family (R-MF) District except

that:

a. Regulation. The Cluster Condo dwelling units shall be regulated by the Virginia Condominium Act.

b. Density. The overall density within each Tract or Sub-Tract containing Cluster Condo shall not exceed 7.0 units per gross acre.

c. Parcel area. The minimum Tract or Sub-Tract area shall be 8.5 acres.

d. Percentage of parcel coverage. All buildings, including accessory buildings, on any lot shall not cover more than fifty (50) percent of the Tract or Sub-Tract area.

e. Setbacks from perimeter of Tract or Sub-Tract. All structures shall be setback a minimum of 50 feet from the perimeter of the Tract or Sub-Tract.

f. Building Setbacks from Roads and Driveways. All structures shall be set back a minimum of ten (10) feet from roads and driveways.

g. Curb and gutter. Road, driveways, and parking areas, except those that serve garages or parking spaces of individual dwelling units and do not provide general circulation within the Cluster Condo, shall have concrete curbs and gutters.

h. Focal Point. A minimum of 0.75 acres of the required open space shall be located and positioned to provide a "focal point" for the Cluster Condo. Part of the focal point shall be "hardscaped" and have benches and other amenities that accommodate and facilitate outdoor gatherings. The focal point shall be developed concurrent with the first phase of residential development of the Cluster Condo area in the Tract or Sub-Tract the focal point is intended to serve. The exact size, area, design, and location of the focal point shall be approved by the Planning Department at the time of site plan approval.

i. Recreational Area. A recreational area provided in accordance with II.A.2.

j. Street Trees. Street trees shall provided in accordance with III.A.3.g.

k. Street Lighting. Street lighting shall be provided along each side of the roads, except where adjacent to collector or arterial roads. Streetlight fixtures, poles and lamp types shall be consistent and their design shall be compatible with the residential development. The exact height, design, and spacing shall be approved at the time of site plan approval.

l. Landscaping. Landscaping shall be provided around the perimeter of all dwelling units. Landscaping shall comply with the requirements of the Zoning Ordinance, Sections 19-516 through 19-518(f). Landscaping shall be designed to minimize the predominance of building mass and paved areas, to define private spaces, and to enhance the residential character of the

development. A conceptual landscaping plan shall be submitted for review and approval in conjunction with site plan review and approval. A final landscaping design showing the exact number, spacing, arrangement, and species of plantings shall be approved by the Planning Department prior to the issuance of a building permit.

m. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be provided in accordance with III.A.3.k.

n. Sidewalks. Sidewalks shall be provided in accordance with III.A.3.j.

5. Residential Townhouse ("Townhouses") is defined as defined as any dwelling unit that conforms to the requirements of the Zoning Ordinance for Residential Townhouse (R-TH) District except that:

a. Density. The overall density within each Tract or Sub-Tract containing Townhouses shall not exceed 7.0 units per gross acre.

b. Parcel area. The minimum Tract or Sub-Tract area shall be 8.5 acres.

c. Group or row design. The total number of units within each attached group or row of townhouses shall not exceed six (6). The front yard setback of each townhouse unit need not be varied provided the design of such buildings meets the requirements specified in Section 19-105 of the Zoning Ordinance as determined by the Planning Department through the subdivision plan review process.

d. Yards.

(1) *Front yard.* Minimum of ten (10) feet in depth.

(2) *Rear yard.* Minimum of twenty (20) feet in depth.

e. Curb and gutter. Road, driveways, and parking areas, except those that serve garages or parking spaces of individual dwelling units and do not provide general circulation within the Townhouses, shall have concrete curbs and gutters.

f. Focal Point. A focal point shall be provided in accordance with III.A.3.e.

g. Recreational Area. A recreational area provided in accordance with II.A.2.

h. Street Trees. Street trees shall provided in accordance with III.A.3.g.

i. Street Lighting. Street trees shall provided in accordance with III.A.3.h.

j. Common Area. Common area shall be provided in accordance with Zoning Ordinance Section 19-14(c)(2).

k. Landscaping. Landscaping shall be provided in accordance with III.A.3.i.

l. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be provided in accordance with III.A.3.k.

m. Sidewalks. Sidewalks shall be provided in accordance with III.A.3.j.

6. Multi-Family Uses shall be limited to Age-Restricted Dwelling Units (as described in Proffered Condition 4.a.) provided the use conforms to the requirements of the Zoning Ordinance for Residential Multi-Family (R-MF) Districts except that:

a. The minimum parcel size shall be 7.0 acres.

b. The maximum number of dwelling units per floor may exceed ten (10).

c. A recreational area is provided in accordance with II.A.2.

7. Single Family Residential Uses shall conform to the requirements of the Zoning Ordinance for Residential (R-12) Districts

B. Within Tracts H and I the following requirements shall be met.

1. The uses permitted shall be limited to Single Family Residential, Cluster Residential, Cluster Condo, Townhouse, Multi-Family residential uses, as described and regulated in III.A. and Nursing, Convalescent, and Rest Home Uses.

2. Any Nursing, Convalescent, or Rest Home Use shall be located adjacent to Tract L and limited to Tract I only. Such uses shall comply with the standards of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Districts. The architectural style shall be compatible with surrounding development in Tract H and I. Compatibility may be achieved through the use of similar building massing, material, scale, or other architectural features.

C. The uses within Tracts A, B, C, D, E, F, G, J, and K shall be limited to those uses permitted in the Residential (R-12) District. Such uses shall comply with the standards of the Zoning Ordinance for Residential (R-12) Districts.

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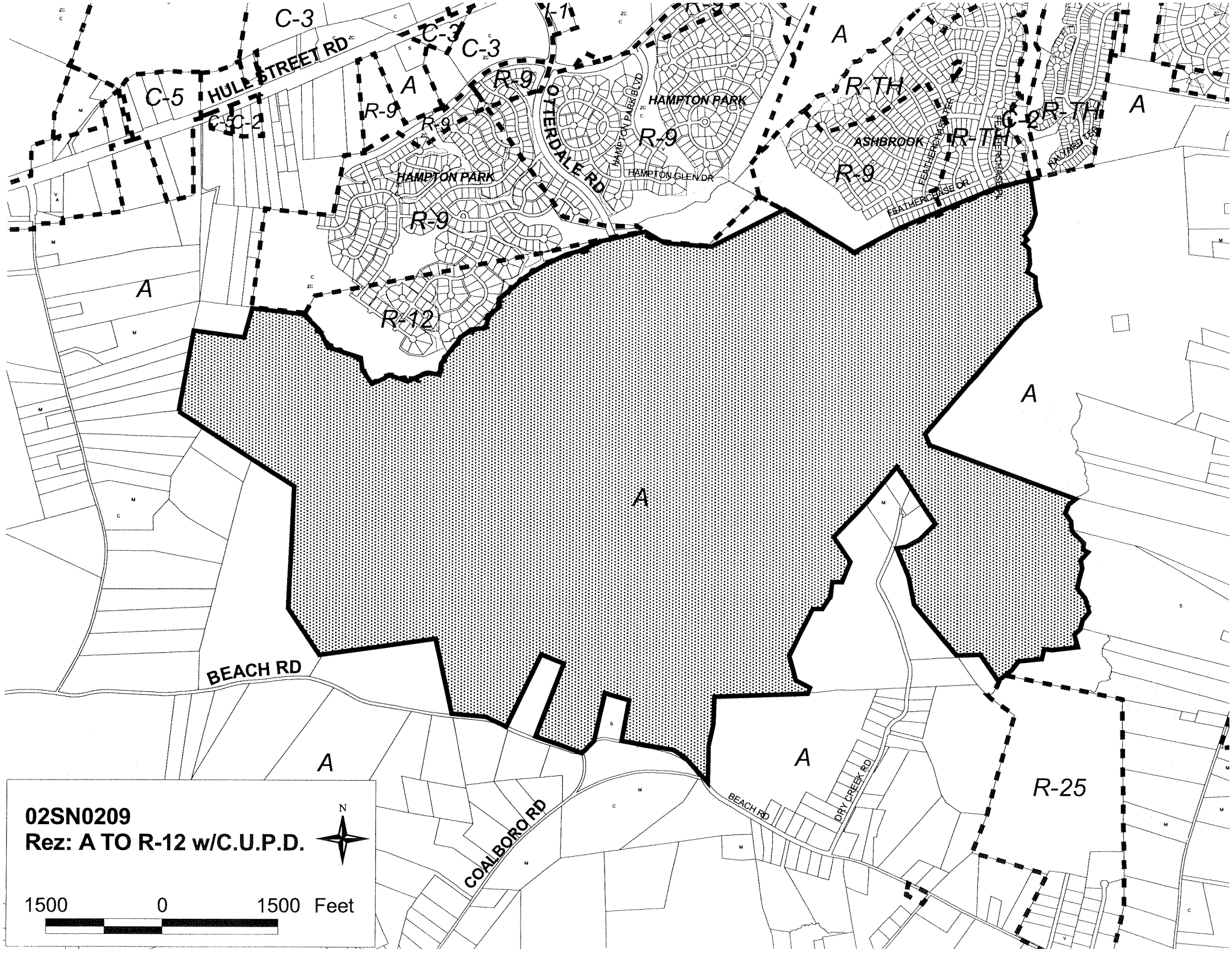

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HAMPTON PARK
HAMPTON PARK BLVD
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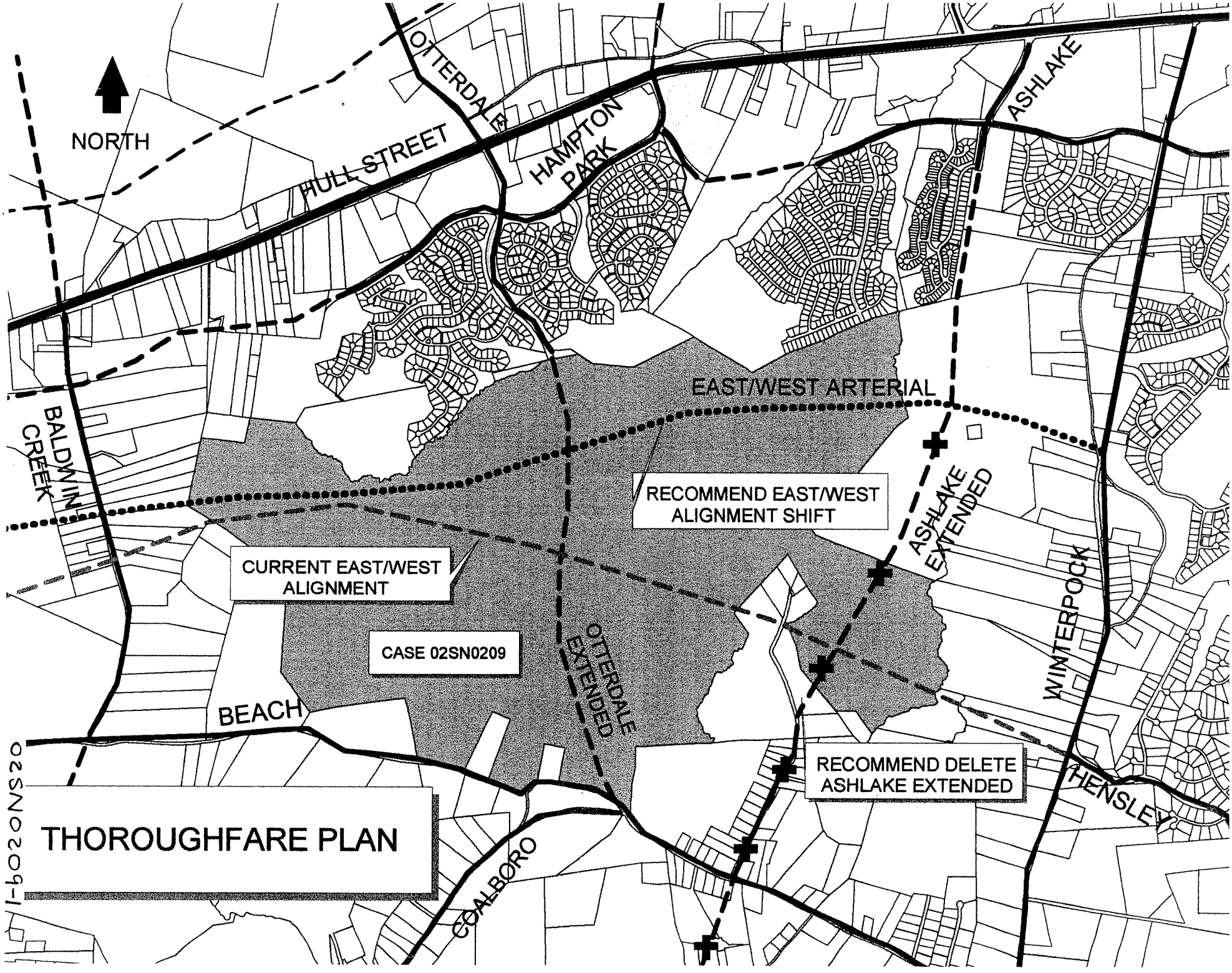
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BALDWIN CREEK
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CURRENT EAST/WEST ALIGNMENT
CASE 02SN0209
OTTERDALE EXTENDED
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THOROUGHFARE PLAN
COALBORO

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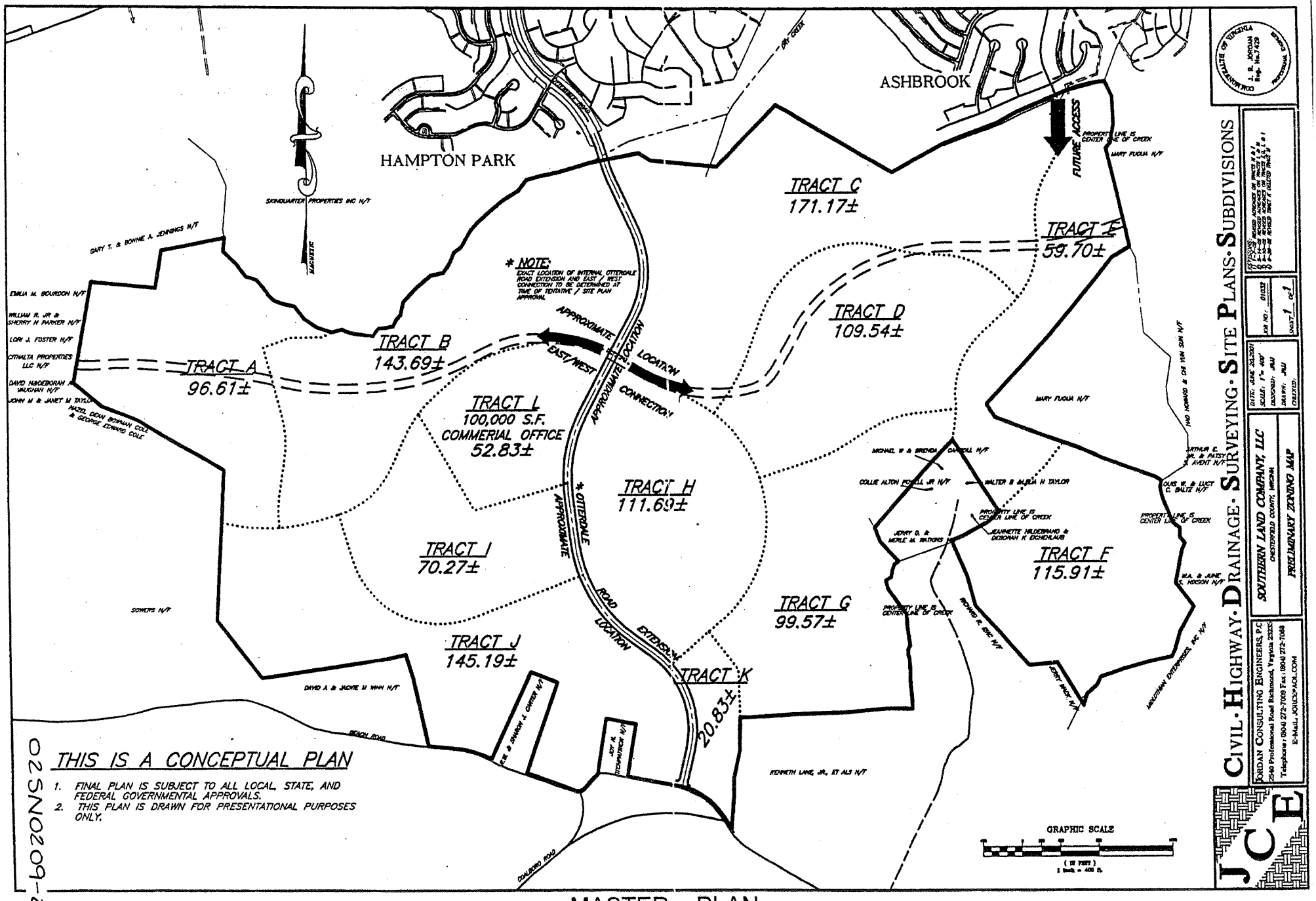

MASTER PLAN

Exhibit A