~~April 15, 2003 CPC~~
May 28, 2003 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0202

M-3 Investors LLC

Midlothian Magisterial District
North line of Midlothian Turnpike

REQUEST: Conditional Use to permit Residential Multi-family (R-MF) uses in a Community Business (C-3) District plus proffered conditions on an adjacent Residential (R-7) tract.

PROPOSED LAND USE:

A mixed use project to include multi-family residential development containing a maximum of 330 dwelling units and Corporate Office (O-2) uses, as restricted by proffered conditions, is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 11.

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

STAFF RECOMMENDATION

Recommend approval for the following reasons:

A. Although the Northern Area Plan suggests the property is appropriate for general commercial uses, a goal of the Plan is to provide for appropriate transition from residential areas to commercial areas through buffers and land use variations. The

proposed residential multi-family uses and proffered use limitations promote appropriate land use transitions from the commercial corridor along Midlothian Turnpike to the established residential development to the north which is not achieved under the property's existing Community Business (C-3) zoning.

B. The proposed Residential Multi-family (R-MF) and Corporate Office (O-2) uses are designed to provide maximum compatibility with, and minimal impact upon, adjacent residential development. Proffered conditions address use, density and design controls that further ensure land use compatibility and transition.

C. 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 schools, parks, libraries, fire and transportation facilities is identified in the County's adopted Public Facilities Plan, the Thoroughfare Plan and 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 the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED ON THE CONDITIONAL USE PORTION OF THE REQUEST OR THE PROPERTY OWNER MAY PROFFER CONDITIONS ON ANY PORTION OF THE REQUEST. 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

(STAFF/CPC) I. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated 3-21-03 and prepared by Balzer & Associates, Inc., but the location and size of Tracts B and C may be modified provided the tracts generally maintain their relationship with each other, with Tract A, 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 provisions of the Zoning Ordinance for Site Plan appeals. (P)

(STAFF/CPC) II. Tract A

A. Uses. The acreage of Tract A shall be included solely for the purpose of 1) calculating density for the residential multi-family development on Tracts B and C provided such multifamily development is contiguous to Tract A, as determined, by the Planning Department, and 2) any

associated focal point acreage referenced in Proffered Condition III.A.3.iv. (P)

B. Buffer: The 100 foot buffer required by Case 74-26 shall comply with the requirements of the Zoning Ordinance for 100 foot buffers.

(Note: This condition is in addition to the Condition of Case 74-26.) (P)

(STAFF/CPC) III. Tract B

A. Uses. Uses in Tract B shall be limited to the following:

1. Nursing, convalescent, rest homes and group care facilities. Unless located within 400 feet of the ultimate right of way of Midlothian Turnpike, such buildings shall be located generally parallel to Tract A with parking areas to be located south of the buildings. Furthermore, alternate locations for these buildings shall be permitted if the overall campus site design provides for other buildings for other permitted uses to be located generally parallel to Tract A with the parking areas to be located generally south of the buildings. (P)

2. Corporate Office (O-2) uses permitted by right or with restrictions with the exception of schools-commercial, trade, music, dance, vocational, training, hospitals and warehouses, provided such uses are located within 400 feet of the ultimate right of way of Midlothian Turnpike. (P)

3. Residential multi-family uses. Such uses shall comply with the requirements of the Zoning Ordinance for Residential Multi-Family (R-MF) Districts except as follows:

a. Four (4) or less attached units:

i. Setbacks from roads and property lines. All structures shall be set back a minimum of eight (8) feet from interior private driveways providing access exclusively to parking areas

and fifteen (15) feet from all other driveways. There shall be no required setback for structures from any parking space. (P)

ii. Distance between buildings. The minimum distance between buildings shall be fifteen (15) feet. (P)

iii. Driveways and Parking Areas. All roads, driveways and parking areas shall have concrete curbs and gutters except those driveways that provide access exclusively to parking areas serving individual lots. (P)

iv. Focal Point. A minimum of 0.75 acres of open space/recreation area shall be provided on the Property (may include areas in Tracts A, B and C) to provide a "focal point" as one enters the project. Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. A portion of the focal point may include areas devoted to water facilities. The focal point shall be developed concurrent with the first phase of residential development that the focal point is intended to serve. The exact design and location shall be approved by the Planning Department at the time of site plan review. (P)

v. Sidewalks. Sidewalks shall be provided on the side of any road that has units fronting on the road. (P)

vi. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be "hardscaped". The exact design and treatment shall be approved at the time of site plan review. (P)

vii. Garage Doors. The number of units with garage doors fronting streets shall be limited or designed so as to minimize the visual impact of garage doors facing the streets. At the time of site plan review, plans depicting these requirements shall be submitted for review and approval. (P)

viii. Noise Setback. A setback distance of two hundred (200) feet, exclusive of required yards shall be provided from the Powhite Parkway right of way, unless a noise study demonstrates that a lesser distance is acceptable as approved by the director of transportation. Natural vegetation shall be retained within the setback area unless removal is required to install noise attenuation measures or is approved by the Planning Commission. (T)

b. More than four (4) attached units:

i. Site Design. The multi-family development shall be restricted to a maximum of two (2) buildings to be located generally parallel to Tract A with parking areas to be located south of the buildings. Furthermore, alternate locations for the multi-family building(s) shall be permitted if the overall campus site design provides for other buildings for other permitted uses to be located generally parallel to Tract A with the parking areas to be located generally south of the buildings. This would not preclude fire access as required by the Fire Department to the north of the buildings. Should such building(s) be located within 400 feet of the ultimate right of way of Midlothian Turnpike, this building/parking orientation requirement shall not apply. (P)

ii. Dwelling units. There shall be no limit to the number of dwelling units permitted on one floor level of a building. (P)

c. All units:

i. Parcel(s) area and density. The minimum contiguous development size shall be ten (10) acres. Density shall not exceed thirty-three (33) dwelling units per gross acre with a maximum density of 330 units. (P)

ii. Conceptual Plan. Residential units shall be grouped together by type (four (4) or less attached or more than four (4) attached). If there is a desire to mix the types of residential uses within a Tract, the mixing may be permitted in a Conceptual Plan is submitted for review and approval by either the Planning Department or the Planning Commission. The Conceptual Plan shall address the land use transitions and compatibility between the different uses within a Tract. Land use compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses, buffers and site design. Review of the Conceptual Plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. (P)

iii. Emergency Access. In lieu of a second public access, an emergency access shall be provided from Midlothian Turnpike to the site prior to occupancy of more than fifty (50) units. The location of this emergency access shall be reviewed and approved by the Transportation and Fire Departments. The design and maintenance of this emergency access shall be reviewed and approved by the Fire Department in conjunction with site plan approval. (F & T)

iv. Recreation area required. Required recreation shall be provided in the form of passive recreation consisting of walking trails throughout the development. (P)

v. Age restriction. 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 shall 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&M)

vi. Street Trees. Street trees shall be installed along each side of the interior roads and common driveways to include entrance roads from public roads into the development in accordance with the requirements of the Zoning Ordinance for Subdivisions. (P)

vii. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas not occupied by recreational facilities or other structures. 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; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)

viii. Lighting. Light poles shall have a maximum height of twenty (20) feet. (P)

ix. Impacts on Capital Facilities.

1. Prior to the issuance of building permit(s), the applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield for any dwelling unit:

   a. $2,168.00 per dwelling unit, if paid prior to July 1, 2003. At the time of payment, the $2,168.00, will be allocated pro-rata among the facility costs as follows: $598.00 for parks and recreation, $324.00 for library facilities, $900.00 for roads, and $346.00 for fire stations; or

   b. The amount approved by the Board of Supervisors not to exceed $2,168.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.

   c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

2. Prior to the issuance of building permit(s), the applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield for any dwelling unit

that is located in a building that contains more than 100 dwelling units:

a. $1,268.00 per dwelling unit, if paid prior to July 1, 2003. At the time of payment, the $1,268.00, will be allocated pro-rata among the facility costs as follows: $598.00 for parks and recreation, $324.00 for library facilities, and $346.00 for fire stations; or

b. The amount approved by the Board of Supervisors not to exceed $1,268. 00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2002, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2003.

c. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)

(STAFF/CPC) IV. Tract C

A. Uses. Uses in Tract C shall be limited to the following:

1. Those uses permitted by right or with restrictions in the Corporate Office (O-2) District with the exception of schools-commercial, trade, music, dance, vocational, training; hospitals and warehouses. (P)

2. Residential multi-family uses, subject to the requirements identified for Tract B. (P)

(STAFF/CPC)

V. All Tracts:

A. Utilities. Public wastewater shall be used. (U)

B. Timbering. Except for timbering 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 installed. (EE)

C. Drainage. Stormwater shall be retained onsite and released so that the culvert under Brucewood Drive meets VDOT criteria for passing a 10-year storm. The Department of Environmental Engineering shall approve the design of such systems at time of site plan review. (EE)

D. BMP Designed as Amenity. Any above-ground facilities required for water quantity or quality control shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, uses developed on the property. At the time of site plan review, a plan depicting these requirements shall be submitted for review and approval. (P&EE)

E. Access to Pinetta Drive. Direct access from the property to Pinetta Drive shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. This condition shall not preclude the provision of an emergency access from Pinetta Drive, subject to the review and design requirements of Proffered Condition III.A.3.c.iii. (T&F)

F. Access to Midlothian Turnpike. No direct access shall be provided from the property to Midlothian Turnpike, other than an emergency

access as referenced in Proffered Condition III.A.3.c.iii. (T)

G. Dedication. Prior to any site plan approval, thirty-five (35) feet of right-of-way on the east side of Pinetta Drive, measured from the centerline of that part of Pinetta Drive immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

H. Road Improvements. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:

1. Construction of additional pavement along Pinetta Drive at the approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards; and

2. Dedication to and for the benefit of Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)

I. Phasing. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition V.H. shall be submitted to and approved by the Transportation Department. (T)

J. Transportation Densities. For traffic planning purposes, the maximum density of the property shall be 200,000 square feet of general office(324 AM and 298 PM peak hour trips) or equivalent densities as approved by the Transportation Department. Equivalent densities shall be determined by comparing AM and PM peak hour trip generation estimates. (T)

GENERAL INFORMATION

Location:

Lies along the north line of Midlothian Turnpike and the east line of North Pinetta Drive, west of, and adjacent to, Powhite Parkway. Tax IDs 754-706-3006 and 4831 (Sheets 6 and 7).

Existing Zoning:

C-3 and R-7

Size:

17.6 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-7; Single family residential
South - C-3 and C-5; Public/semi-public (post office), office or commercial
East - Powhite Parkway
West - C-3 and R-15; Commercial or vacant

UTILITIES

Public Water System:

A sixteen (16) inch water line extends along the north side of Midlothian Turnpike and continues within an easement on the request site, adjacent to the right of way of Powhite Parkway. In addition, a twelve (12) inch water line extends along North Pinetta Drive, adjacent to this site. Use of the public water system is required by County Code.

Public Wastewater System:

There is an eight (8) inch wastewater collector extending along Brucewood Drive, approximately 500 feet north of the request site. Extension from this wastewater line will be necessary to serve this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition V.A.)

ENVIRONMENTAL

Drainage and Erosion:

The property is 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 V.B.). The property drains to the southeast corner of Pinetta and Brucewood Drives. The existing culvert was installed in the late 1960's and appears to be undersized. The developer must therefore analyze the existing channel down through the culvert at the intersection of Pinetta and Brucewood Drives. If the culvert does not meet current criteria for passing a ten (10) year storm without topping the road for the entire watershed, the developer must retain water on-site so that the release rate from the detention/retention facility will obtain adequacy from the existing culvert. (Proffered Condition V.C.)

Water Quality:

To address concerns relative to the aesthetics of any open basins required for water quantity or quality control, 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. (Proffered Condition V.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 330 dwelling units, this request will generate approximately 103 calls for fire and rescue services each year. The applicant has addressed the impact on fire service. (Proffered Condition III.A.3.c.ix.)

The Buford Fire/Rescue Station, Company Number 9, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical services. When the property is developed, the number of hydrants and quantity of water needed for fire protection will be evaluated during the plans review process.

The Zoning Ordinance requires the construction of a second public or private road access prior to the occupancy of more than fifty (50) units. Further, additional accesses may be required where more than 200 units are constructed. The application proposes the provision of one (1) full access from Pinetta Drive and a restricted second access from

Midlothian Turnpike (Proffered Condition III.A.3.c.iii.). A second restricted access is proposed from Pinetta Drive should a third access point be required (Proffered Condition V.E.). The Fire Department typically does not support the use of an emergency access in place of a second unrestricted access. A second means of unrestricted access allows emergency services to expeditiously access a development in an emergency situation and provides future residents with an alternative means of ingress/egress should one (1) access become blocked. However, extenuating circumstances exist that result in no practical means of providing a second public access. Specifically, the location of the Powhite Parkway interchange in combination with limited parcel frontage precludes a full access from Midlothian Turnpike. Further, as a collector road, access to Pinetta Drive has been limited to one. Given these access limitations, the Fire Department accepts the use of an emergency access from Midlothian Turnpike in lieu of a second, unrestricted access.

Schools:

Since there is an age restriction on the proposed development, this request will have no impact on schools. (Proffered Condition III.A.3.c.v.)

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. Even if the facility improvements that have been made since the Public Facilities Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

This development is located such that it could affect either the existing Bon Air or La Prade Library or a proposed new library near Lucks Lane. The Plan identifies a need for additional library space in these areas of the County. The applicant has agreed to participate in the cost of providing for area library needs. (Proffered Condition III.A.3.c.ix.)

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 Recreation facilities. (Proffered Condition III.A.3.c.ix.)

Transportation:

The property (17.6 acres) is currently zoned Community Business (C-3) and Residential (R-7). There are currently no conditions of zoning on the C-3 portion of the property. Based on shopping center trip rates, current zoning on the Community Business (C-3) portion of the property would allow development that could generate approximately 4,650 average daily trips. The applicant is requesting a Conditional Use to permit Residential Multi-family (R-MF) and has proffered to limit other uses to nursing, convalescent, rest homes and group care facilities and limited corporate office (O-2) uses. The applicant has proffered that a maximum density of 200,000 square feet of general office, or development that results in an equivalent traffic generation will be developed on the property (Proffered Condition V.J.). Based on general office trip rates, development could generate approximately 2,260 average daily trips (324 AM peak hour trips and 298 PM peak hour trips).

As previously noted, the requested zoning would allow various land uses to be developed on the property. The applicant prepared one (1) possible development scenario for a mixed-use project that shows 330 independent living units, an eighty (80) bed assisted living facility, a 120-bed nursing home and 15,000 square feet of medical office. This mixed-use development could generate approximately 2,458 average daily trips (126 AM peak hour trips and 179 PM peak hour trips). In evaluating equivalent traffic generation, staff compares the volumes of peak hour traffic. Based on the maximum density proffer, staff would approve the mixed-use project as represented on that schematic plan. Vehicles generated by this development will be distributed along Pinetta Drive, which had a 2003 traffic count of 5,509 vehicles per day.

The Thoroughfare Plan identifies Pinetta Drive as a collector with a recommended right of way width of seventy (70) feet. The applicant has proffered to dedicate thirty-five (35) feet of right of way, measured from the centerline of Pinetta Drive, in accordance with that Plan. (Proffered Condition V.G.)

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). The property has limited frontage along Midlothian Turnpike (Route 60). Due to the proximity of Powhite Parkway to Pinetta Drive and the volume of traffic on Route 60 (approximately 75,000 vehicles per day), drivers experience extreme congestion, especially during peak periods. The applicant has proffered that no direct access will be provided to Route 60, other than an emergency access. (Proffered Condition V.F.)

Access to collectors, such as Pinetta Drive, should also be controlled. The applicant has proffered that direct access from the property to Pinetta Drive will be limited to one (1) entrance/exit (Proffered Condition V.E.). This access will be located towards the northern property line. If required by the Fire Department, Proffered Condition V.E. would allow an emergency access to be provided onto Pinetta Drive.

The traffic impact of this development must be addressed. The applicant has proffered to construct additional pavement along Pinetta Drive at the approved access to provide left and right turn lanes (Proffered Condition V.H.). Based on the proffered maximum density, 200,000 square feet of general office, the traffic generated by this development is not anticipated to warrant a traffic signal on Pinetta Drive.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Pinetta Drive will be directly impacted by development of this property. Sections of this road have twenty-one (21) to twenty-four (24) foot wide pavement with one (1) to two (2) foot wide shoulders. Pinetta Drive had a 2003 traffic count of 5,509 vehicles per day. The capacity of this road is acceptable (Level of Service D) for the volume of traffic it currently carries.

In reviewing the applicant's initial proposal, Transportation staff considered this development as a commercial complex of buildings, including apartment-style housing for senior adults with more than 100 units per building, an assisted living facility and supporting medical uses. The fiscal impact on capital facilities for commercial developments are not evaluated based on the Board of Supervisors' Cash Proffer Policy. For any R-MF development, the applicant has proffered a maximum density of 330 units, and that all units will be restricted to "housing for older persons" as defined in the Virginia Fair Housing law and shall have no residents under nineteen (19) years of age (Proffered Conditions III A.3.c.i and v.). The applicant has proffered to contribute cash of $900.00 per unit toward mitigating the traffic impact of this development. (Proffered Condition III. A.3.c.ix)

At time of site plan review, specific recommendations will be provided regarding access and internal site circulation.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	330*	1.00
Population Increase	897.60	2.72
Number of New Students		
Elementary	0.00	0.00
Middle	0.00	0.00
High	0.00	0.00
TOTAL	0.00	0.00
Net Cost for Schools	0.00	0.00
Net Cost for Parks	228,690	693
Net Cost for Libraries	123,750	375
Net Cost for Fire Stations	132,330	401
Average Net Cost for Roads	1,355,970	4,109
TOTAL NET COST	1,840,740	5,578

*Based on proffered density of thirty-three (33) units per acre on ten (10) acres (Proffered Condition III.A.3.c.i.). Actual number of units and corresponding impacts may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on parks, libraries, fire stations and roads at $5,578 per unit. The applicant has been advised that a maximum proffer of $4,815 per unit would defray the cost of the capital facilities necessitated by this proposed development. Furthermore, the Transportation section of this Request Analysis outlines unique circumstances relative to the impact of this request on the transportation capital facilities noting that it is appropriate to accept a reduced cash proffer.

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. The applicant has proffered $2,168 per unit (Proffered Condition III.A.3.c.ix.). 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 of $4,815. The Transportation Department however, indicates the proffers adequately address the impact of this request on the transportation capital facilities.

The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this case that may justify acceptance of proffers as offered.

LAND USE

Comprehensive Plan:

Lies within the Northern Area Plan which suggests the property is appropriate for general commercial uses. One of the goals of the Plan is to provide for appropriate transition from residential areas to commercial areas through buffers and land use variations. Specifically, new development should be sited with special attention given to potential compatibility and encroachment problems with surrounding residential development. Given the location of established residential subdivision development north of, and adjacent to, the subject property, as well as access constraints to the site, general commercial development may no longer be an appropriate use along this portion of Midlothian Turnpike.

Area Development Trends:

Properties to the north are zoned Residential (R-7) and are developed as part of the Brighton Green Subdivision. Properties to the south are zoned Community Business (C-3) and General Commercial (C-5) and are occupied by public/semi-public (United States Post Office), office and commercial uses. The property is bound to the east by the Powhite Parkway interchange and to the west by property zoned Community Business (C-3) that is developed for commercial use or is currently vacant, and Residential (R-15) property. The subject property represents infill development along an established commercial corridor.

Zoning History:

On April 24, 1974, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved the rezoning of a 13.185 acre parcel from Residential (R-7) to Community Business (B-2) (Case 74-26). This approval was subject to a condition requiring the provision of a 100 foot buffer between the lot lines of the lots fronting on Brucewood Drive and North Pinetta Drive and the property line of the subject property. This request incorporated the northern portion of the property that is the subject of the current zoning request.

Site Design:

The Zoning Plan depicts the property is divided into three (3) tracts of development. A total of 330 multi-family dwelling units, consisting of attached groups of four (4) or fewer or more than four (4) units could be developed on Tracts B or C (Proffered Condition III.A.3.). If any individual tract is developed for two (2) dwelling types, a conceptual plan must be submitted 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 (Proffered Condition III.A.3.c.ii.). Further, the boundaries of Tracts B and C may be adjusted subject to Planning Department review. Any adjustment would require that tract relationships be maintained within the project as well as with adjacent properties. (Proffered Condition I.)

Tract A has been included solely for the purpose of calculating density for the residential multi-family development on Tracts B and C and associated open space design standards. Within Tract A, provisions for a 100 foot buffer along the northern property boundary adjacent to the established single family residential development have been maintained. (Proffered Condition II.A. and B.)

In addition to residential multi-family uses, Tract B is proposed for development of nursing, convalescent and rest home use and group care facilities. Corporate Office (O-2) uses, as limited by proffered conditions, are also proposed provided such uses are located within 400 feet of Midlothian Turnpike. (Proffered Condition III.A.1. and 2.)

In addition to residential multi-family uses, Tract C is proposed for development of Corporate Office (O-2) uses, as limited by proffered conditions. (Proffered Condition IV.A.1. and 2.)

It should be noted that the Zoning Ordinance will require submission of an overall schematic plan for the entire project prior to any site plan approval, should a mix of residential and non-residential uses be developed on the property.

Residential Multi-family Uses:

Development of multi-family units in Tracts B and C will be regulated by the standards set forth in the Zoning Ordinance for Residential Multi-family (R-MF) Districts, except as modified by the proffered conditions. A maximum of 330 residential multi-family units have been proffered. Density must not exceed thirty-three (33) dwelling units per gross acre with a minimum project area of ten (10) acres. Multi-family development may occur in a cluster fashion incorporating four (4) or less attached units, within a maximum of two (2) buildings that contain more than four (4) units each, or a combination of the two (2) types.

Requirements offered for multi-family development are consistent with those typically required by the Commission and Board on similar projects recently approved. For the cluster-style development, these include sidewalks, "hardscaped" driveways and parking areas, garage door orientation and a project focal point. For both the cluster-style and the conventional-style development, these also include street trees, landscaping and lighting provisions.

Corporate Office Uses:

Tracts B and C are currently zoned Community Business (C-3), permitting commercial uses as outlined in the Zoning Ordinance. Limitations on such uses have been proposed by the applicant in an attempt to address land use compatibility and transition to the adjacent residential development. Proffered conditions have been submitted that limit uses on these tracts to those permitted in the Corporate Office (O-2) District, exclusive of

schools (commercial, trade, music, dance, vocational, training), hospitals and warehouses. If located within Tract B, such uses must be confined to within 400 feet of Midlothian Turnpike. Beyond this 400-foot distance, permitted non-residential uses will be limited to nursing, convalescent and rest homes and group care facilities. (Proffered Conditions III.A.1. and 2. and IV.A.1.)

The request property lies within a Post Development Area. Except as noted herein, development of the site for these uses must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Architectural Treatment and Building/Parking Orientation:

Currently, architectural treatment of buildings, including materials, color and style, must be compatible with buildings located within the same project. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features. Based upon current Ordinance standards, within Post Development Areas, no building exterior that would be visible to public rights of way can be constructed of unadorned concrete, block or corrugated and/or sheet metal.

Further, currently, any multi-family structure must comply with R-MF standards. Specifically, buildings should be designed to impart harmonious proportions and avoid monotonous facades or large bulky masses. Buildings should possess architectural variety but enhance an overall cohesive residential character. Character shall be achieved through the creative use of design elements such as balconies and/or terraces, articulation of doors and windows, sculptural or textural relief of facades, architectural ornamentation, varied roof lines or other appurtenances such as lighting fixtures and/or planting.

Currently, all junction and accessory boxes must be minimized from view of adjacent property and public rights of way by landscaping or architectural treatment integrated with the building served. Mechanical equipment, whether ground-level or rooftop, must be screened from view of adjacent property and public rights of way and designed to be perceived as an integral part of the building.

In an effort to minimize views of parking areas serving any multi-family buildings containing more than four (4) units, proffered conditions restrict such buildings to a maximum of two (2), to be located generally parallel to Tract A with parking areas located south of the buildings. The location of these multi-family buildings may be modified provided other buildings for other permitted uses are located generally parallel to Tract A so as to create a campus-style design with parking located generally south of the buildings. This building/parking orientation will not apply to such uses if located within 400 feet of Midlothian Turnpike (Proffered Condition III.A.3.b.i.). Similar restrictions are proposed for any nursing, convalescent, rest homes and group care facilities. (Proffered Condition III.A.1.)

Buffers and Screening:

Currently, the Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) be screened from view of adjacent property and public rights of way by a solid fence, wall, dense evergreen plantings or architectural feature, and that such area within 1,000 feet of any residentially zoned property or property used for residential purposes not be serviced between the hours of 9:00 p.m. and 6:00 a.m. In addition, sites must be designed and buildings oriented so that loading areas are screened from any property where loading areas are prohibited and from public rights of way.

Adjacent property to the north is zoned Residential (R-7) and is occupied by single family residences as part of the Brighton Green Subdivision. As previously noted, Case 74-26, approved in April of 1974, required the provision of a 100 foot buffer between the lot lines of the lots fronting on Brucewood Drive and North Pinetta Drive and the property line of the subject property. This condition did not specify the treatment of this buffer. To ensure that the integrity of this buffer is maintained, the applicant has proffered that such buffer will comply with the requirements of the Zoning Ordinance for 100-foot buffers (two and one-half (2½) times the density of Perimeter Landscaping C). (Proffered Condition II.B.)

CONCLUSIONS

Although the Northern Area Plan suggests the property is appropriate for general commercial uses, a goal of the Plan is to provide for appropriate transition from residential areas to commercial areas through buffers and land use variations. The proposed residential multi-family uses and proffered use limitations promote appropriate land use transitions from the commercial corridor along Midlothian Turnpike to the established residential development to the north which is not achieved under the property's existing Community Business (C-3) zoning. The proposed Residential Multi-family (R-MF) and Corporate Office (O-2) uses are designed to provide maximum compatibility with, and minimal impact upon, adjacent residential development. Proffered conditions address use, density and design controls that further ensure land use compatibility and transition.

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 County's adopted Public Facilities Plan, the Thoroughfare Plan and 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 the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommend.

CASE HISTORY

Applicant (4/15/03):

The applicant submitted revisions to proffered conditions, as discussed herein.

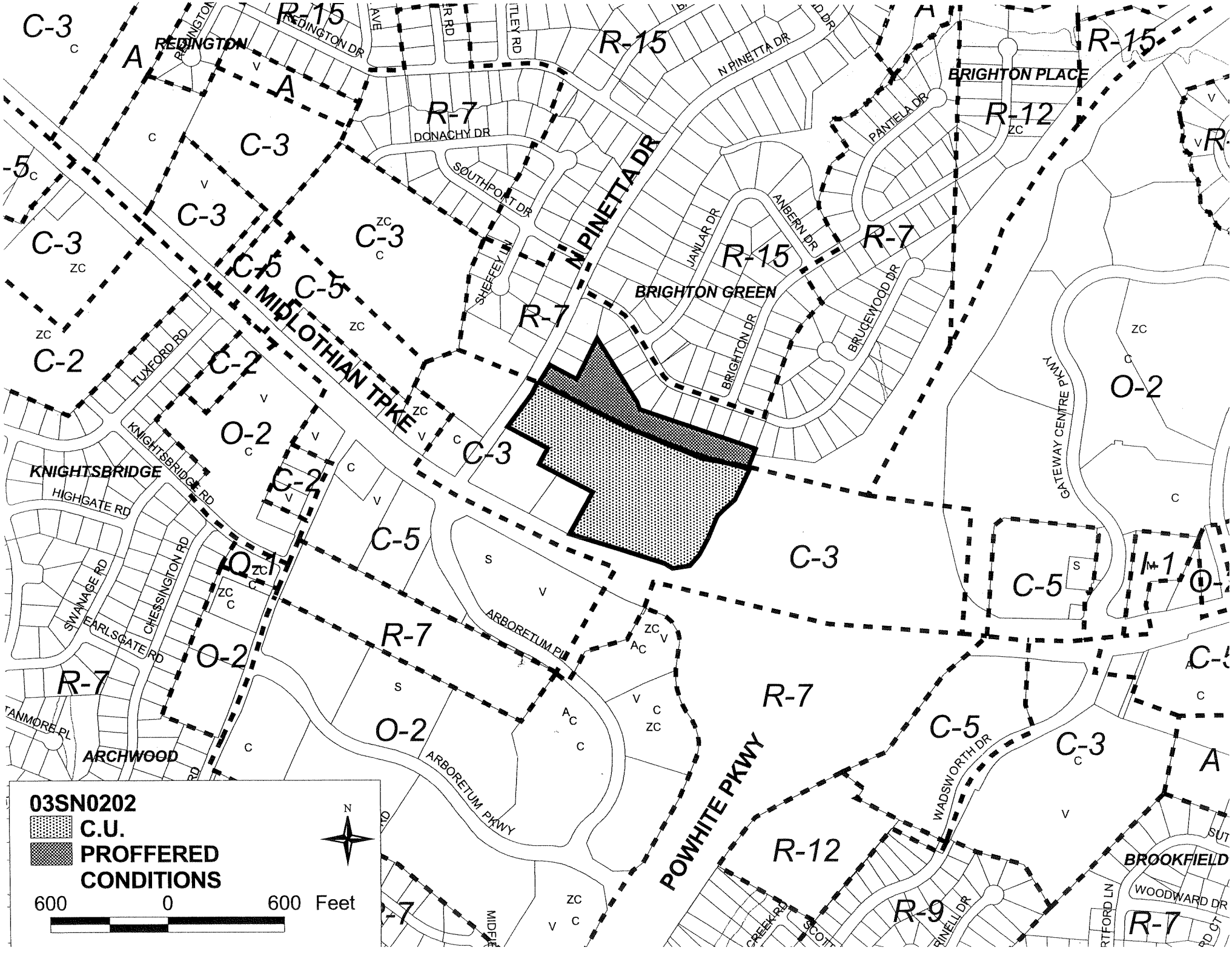
Planning Commission Meeting (4/15/03):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 11.

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

The Board of Supervisors, on Wednesday, May 28, 2003, beginning at 7:00 p.m., will take under consideration this request.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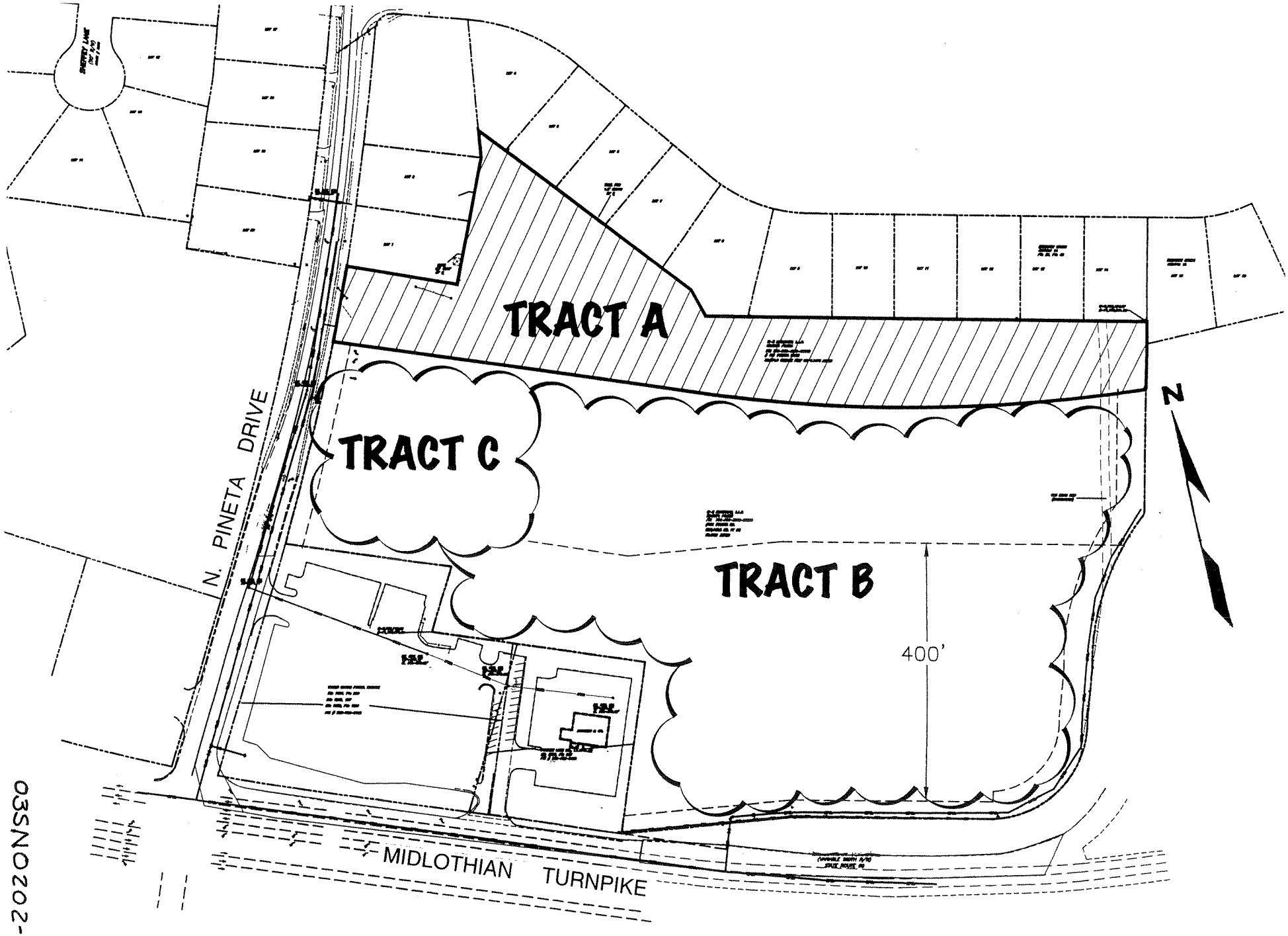
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