~~May 18, 2004 CPC~~
~~June 15, 2004 CPC~~
July 28, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0226

Windsor Properties

Dale Magisterial District
Beulah Elementary, Falling Creek Middle and Meadowbrook High Attendance Zones
Western terminus of Mistyhill Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12).

PROPOSED LAND USE:

A single family residential subdivision containing a maximum of nineteen (19) lots is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 5.

AYES: MESSRS. GECKER, LITTON AND WILSON.
NAYS: MESSRS. BASS AND GULLEY.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

A. The proposed zoning and land use do not conform to the Central Area Plan which suggests the property is appropriate for community-scale development to include shopping centers, other commercial and office uses and integrated townhouse units.

B. The proposed zoning and land use fail to provide for appropriate transitions.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) 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

(CPC) 1. Public water and wastewater shall be used. (U)

(CPC) 2. 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 prior to the issuance of building permit:

A. $9,000.00 per dwelling unit, if paid prior to July 1, 2004; or

B. The amount approved by the Board of Supervisors not to exceed $9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.

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)

(CPC) 3. 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)

(CPC) 4. The minimum gross floor area for dwelling units shall be 2000 square feet. (P)

(CPC) 5. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)

(CPC) 6. A maximum of nineteen (19) lots shall be permitted on the property. (P)

(CPC) 7. All lots shall have sole access from Misty Hill Road, through Irongate Subdivision, Section 4. (P)

(CPC) 8. The minimum average lot size shall be 16,400 square feet. (P)

(CPC) 9. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:

a. The Architectural Board shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements, and the open space, if any, appurtenant thereto on all property. It shall prepare standards and promulgate design and development guidelines and application and review procedures. The standards shall incorporate all restrictions and guidelines relating to development and construction contained in this Declaration as well as restrictions and guidelines with respect to location of structures upon property, size of structures, driveway and parking requirements, foundations and length of structures, and landscaping requirements. Copies shall be available from the Architectural Board for review. The guidelines and procedures shall be those of the Architectural Board and they shall have sole and full authority to prepare and to amend the standards available to Owners, builders, and developers who seek to engage in development of or construction upon property within their operations strictly in accordance therewith. The Architectural Board shall consist of three (3) persons; initial board members shall be Greg Simmons, Jim Baker, and Don Balzer. At such times as fifty percent (50%) of all property within the subject property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, one (1) Board members shall be replaced by a new resident of said development. At such time as one hundred percent (100%) of all property has been developed, improved, and conveyed to purchasers in the normal course of development and sale, shall thereafter determine among themselves the members of the Architectural Board.

b. No lot shown on a plat of subdivision of the Property shall be used except for single-family residential purposes and for purposes incidental thereto, except for model homes utilized by builder. Only one residence shall be constructed on a Lot; provided, however that outbuildings and other improvements may be constructed if approved by the Board as hereinbefore provided.

c. No sign of any kind shall be displayed to the public view on any Lot except one sign of not more than six square feet advertising the Lot for sale or signs used by a builder to advertise the Lot during the construction and sale period.

d. No structure of a temporary character, trailer, tent, shack, garage, or other outbuilding shall be used at any time as a residence either temporarily or permanently.

e. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats and other household pets may be kept, provided: (i) they are not raised, bred or kept for commercial purposes, and (ii) they shall not become an annoyance or nuisance to other Lot owners.

f. No obnoxious or offensive activity shall be carried on or allowed upon any portion of the Property, nor shall anything be done thereon that may be or become a nuisance or any annoyance.

g. No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers maintained in a neat and orderly manner. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition in rear yards only.

h. No Lot may be subdivided, altered or modified except as provided on the subdivision plat(s) recorded and to be recorded in connection with the development of the Property except that if no Lots shown on any such plat have been sold, the Owner may modify same by duly recorded instrument.

i. Each Lot shall be maintained free of tall grass, undergrowth, dead trees, and weeds, and, generally, free of any condition that would decrease the attractiveness of the Property with the exception of areas deemed to be wetlands and/or RPA.

j. No temporary or above ground swimming pools in excess of 100 square feet shall be permitted on the Property.

k. No more than two unrelated persons shall occupy any dwelling on a Lot other than temporary guests.

l. All driveways and set-back lines shall be subject to the approval of the Board.

m. All exposed foundations of single-family residences constructed on the Property shall be of brick, stone, veneer or stucco.

n. The color of all improvements on the Property shall be subject to the approval of the Board.

o. Easements for utilities and drainage are reserved as shown on the plat and the right is reserved to owner or owners, their successors and assigns, to establish and grant any additional easements along any streets, avenues or drives for the purpose of furnishing utilities in or through said subdivision.

p. No fence of any kind shall be erected on any Lot in the area between the front building set-back line, and the front building set-back line, and the front street line and each must be approved by the Board as to material and design.

q. Except as otherwise provided by applicable law and unless approved by the Board, no antenna, aerial or device of any kind used for the purpose of transmitting or receiving radio, television, microwave or satellite signals shall be placed or erected on any lot, or on the exterior of any structure or house.

r. Any of the provisions of these restrictions may be modified or waived at any time by a majority of the Owners of the Lots recorded in this subdivision. (P)

(CPC) 10. Manufactured homes shall not be permitted. (P)

(CPC) 11. A maximum of eight (8) dwelling units shall be permitted to have front loaded garages. (P)

GENERAL INFORMATION

Location:

Western terminus of Mistyhill Road. Tax ID 775-679-Part of 6282 (Sheet 17).

Existing Zoning:

A

Size:

7.6 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - C-3; Commercial (Irongate Shopping Center)
South - A; Single family dwelling
East - O-2 and R-12; Office (Irongate Square) or single family residential
West - A; Single family residential or vacant

UTILITIES

Public Water System:

An eight (8) inch water line extends along the north side of Mistyhill Road and terminates adjacent to the eastern boundary of this site. Use of the public water system is intended. (Proffered Condition 1)

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along the boundary between Irongate Subdivision, Section 4 and Stonebridge Subdivision, Section 6, that terminates approximately 750 feet east of this site. Use of the public wastewater system is intended. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

The majority of the property drains east through Irongate Subdivision and then via manmade channels and tributaries to Kingsland Creek. There are currently no on- or off-site drainage or erosion problems with none anticipated after development. The property is very flat and may have large wetland areas located within its boundaries.

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 3)

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 nineteen (19) dwelling units, this request will generate approximately one (1) call for fire and emergency medical services each year. The applicant has addressed the impact on fire and emergency medical services. (Proffered Condition 2)

The Dale Fire Station, Company Number 11, currently provides fire protection and emergency medical service. 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 ten (10) students will be generated from this development. This site lies in the Beulah Elementary School attendance zone: capacity - 502, enrollment – 608, Falling Creek Middle School zone: capacity - 1,015, enrollment – 1,179 and Meadowbrook High School: capacity – 1,520, enrollment – 1,611.

This request will have an impact on all schools involved. There are currently four (4) trailers at Beulah Elementary and fifteen (15) trailers at Falling Creek Middle. The applicant has agreed to participate in the cost of providing for area school needs. (Proffered Condition 2)

Libraries:

Consistent with 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 Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development of the property noted in this case would most likely affect the Meadowdale or the Central Library. The Plan indicates a need to add library space in this area of the County. An expansion of the Meadowdale Library is included the Library's current Capital Improvements Program requests. The applicant has offered measures to assist in addressing the impact of this development on these facilities. (Proffered Condition 2)

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 Plan also identifies the unmet demand for greenways and trails in Chesterfield.

The applicant has offered measures to assist in addressing the impact of this proposed development on these Parks and Recreation facilities. (Proffered Condition 2)

Transportation:

The property (7.6 acres) is currently zoned Agricultural (A), and is located just southwest of the Irongate Subdivision. The applicant is requesting rezoning from A to Residential (R-12) and has proffered a maximum density of nineteen (19) units (Proffered Condition 6). Based on single-family trip rates, development could generate approximately 180 average daily trips. These vehicles will be distributed along streets within Irongate Subdivision to Irongate Drive, which had a 2004 traffic count of 3,600 vehicles per day.

When Irongate Subdivision was developed, a stub road (Mistyhill Road) was provided to the property. From Irongate Drive, three (3) existing roads in the subdivision may be used to access Mistyhill Road: Turngate Road, Gateline Drive, and Graymoss Road. Due to the alignment of these roads it is anticipated that most of the vehicles accessing the property will use Gateline Drive or Graymoss Road. Gateline Drive and Graymoss Road had 2003 traffic counts of 180 and 102 vehicles per day, respectively. The Subdivision Ordinance requires that subdivision streets 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. The additional traffic generated by this development will not cause the volumes on any of the streets within Irongate Subdivision to exceed this acceptable level.

The traffic impact of this development must be addressed. Traffic generated by this development will travel along Irongate Drive to Route 10 and Beulah Road. Sections of Beulah Road have little or no shoulders, fixed objects adjacent to the edge of pavement, and poor vertical and horizontal alignments. Beulah Road needs to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 2). Cash proffers alone will not cover the cost of the road improvements needed in this area. There are no public road improvement projects in this area, which includes Beulah Road, currently included in the Six-Year Improvement Plan.

At time of tentative subdivision review, specific recommendations will be provided regarding a stub road right-of-way to the adjacent property to the south and the proposed internal street network.

Financial Impact on Capital Facilities:

		A. PER UNIT
Potential Number of New Dwelling Units	19*	1.00
Population Increase	51.68	2.72
Number of New Students		
Elementary	4.56	0.24
Middle	2.47	0.13
High	3.23	0.17
TOTAL	10.26	0.54
Net Cost for Schools	92,093	4,847
Net Cost for Parks	13,167	693
Net Cost for Libraries	7,125	375
Net Cost for Fire Stations	7,619	401
Average Net Cost for Roads	78,071	4,109
TOTAL NET COST	198,075	10,425

*Based on a proffered maximum number of units. Actual number of units and corresponding impact may vary. (Proffered Condition 6)

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at $10,425 per unit. The applicant has been advised that a maximum proffer of $9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. 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. (Proffered Condition 2)

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 Central Area Plan which suggests the property is appropriate for Community Business (C-3) zoning as part of a community-scale development to include retail and office uses with integrated townhouse units.

One (1) of the goals of the Plan is to protect the validity of a variety of land uses by providing adequate separation and buffering. The Plan establishes the intersection of Irongate Drive and Iron Bridge Road as an appropriate location for commercial services. Further, the Plan suggests that transitional uses would be appropriate further south and west of this intersection, providing an appropriate balance with surrounding residential developments located off the Iron Bridge Road Corridor.

The proposed residential development lies adjacent to and south of Community Business (C-3) property developed for shopping center uses. As such, this proposal fails to provide an appropriate transition not only between the existing commercial development and this proposed residential project, but also between the shopping center and the established Irongate and Stonebridge neighborhoods. A more appropriate development pattern for this area would include the subject property within a larger mixed use development consisting of agricultural tracts to the west, with development and access oriented towards Iron Bridge Road and away from existing neighborhoods.

Area Development Trends:

Properties to the north and northeast are zoned Community Business (C-3) and Corporate Office (O-2) and are developed as the Irongate Shopping Center and Irongate Square Office Park. Property to the east is zoned Residential (R-12) and is part of the Irongate Subdivision development, while properties to the south and east are currently zoned Agricultural (A) and are occupied by single family residences or remain vacant.

Comparison of Area Lot Sizes and Densities:

The request property abuts Irongate Subdivision to the east which is zoned Residential (R-12) and must comply with R-12 development standards. Proffered Condition 7 limits access from the property to Mistyhill Road. In an effort to address compatibility with this adjacent development, the applicant has proffered conditions relative to overall average lot sizes and densities comparable to those that exist in Irongate Subdivision. Specifically, the overall average lot size and density for those lots will be a minimum of 16,400 square feet and a maximum of nineteen (19) lots, yielding a density of approximately 2.5 units per acre. (Proffered Conditions 6 and 8)

Dwelling Size; Architectural Treatment; and Restrictive Covenants:

To address concerns of adjacent property owners, proffered conditions address minimum house size; foundation treatment and recordation of restrictive covenants (Proffered Conditions 4, 5 and 9). It should be noted that the County will only insure the recordation of the covenants and will not be responsible for their enforcement. Once the covenants are recorded, they can be changed.

Prohibition on Manufactured Homes:

Proffered Condition 10 prohibits the location of manufactured homes on the subject property. This proffer was submitted at the request of area residents. The Zoning Ordinance would not allow manufactured homes; however, should State legislation ever be adopted that would mandate localities to allow manufactured homes in those districts that allow single family dwellings, depending upon the final language, Proffered Condition 10 may, or many not, have the effect of prohibiting manufactured homes.

Buffers:

Currently, the Ordinance requires the establishment of a seventy-five (75) foot buffer between Community Business (C-3) uses and Residential (R-12) zoning. It should be noted that with the development of the Irongate Shopping Center, the Ordinance did not require the provision of a buffer along the southern property line, adjacent to the subject property. As such, no buffer was provided. Buffer provisions have not been proffered with this development.

CONCLUSIONS

The proposed zoning and land use do not conform to the Central Area Plan which suggests the property is appropriate for community-scale development to include shopping centers, other commercial and office uses and integrated townhouse units.

One (1) of the goals of the Plan is to protect the validity of a variety of land uses by providing adequate separation and buffering. Located adjacent to and south of Community Business (C-3) property developed for shopping center uses, this proposal fails to provide an appropriate transition not only between the existing commercial development and this proposed residential project, but also between the shopping center and the established Irongate and Stonebridge neighborhoods.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Applicant (5/18/04):

In response to concerns from area residents, Proffered Condition 11 was submitted relative to garage door orientation. Also, at the request of the County Attorney's Office, Proffered Condition 9.q. was modified.

Planning Commission Meeting (5/18/04):

The applicant did not accept staff's recommendation. There was no opposition present. The public hearing was closed.

Mr. Gulley noted his concern relative to the lack of transition provided between the existing commercial and proposed residential developments.

Mr. Litton noted that the adjoining Irongate Subdivision residents were supportive of this request and that better access would be needed for other types of uses.

A motion by Mr. Litton, seconded by Mr. Wilson, to approve the request did not carry.

AYES: Messrs. Litton and Wilson.
NAYS: Messrs. Bass and Gulley.
ABSENT: Mr. Gecker.

There was no alternate motion, therefore the case was carried over to the Commission's June 15, 2004, 3:00 p.m. public meeting.

Staff (5/19/04):

The applicant was advised in writing that any significant new or revised information should be submitted no later than May 24, 2004, for consideration at the Commission's June 15, 2004, public hearing.

Staff (5/27/04):

To date, no new information has been submitted.

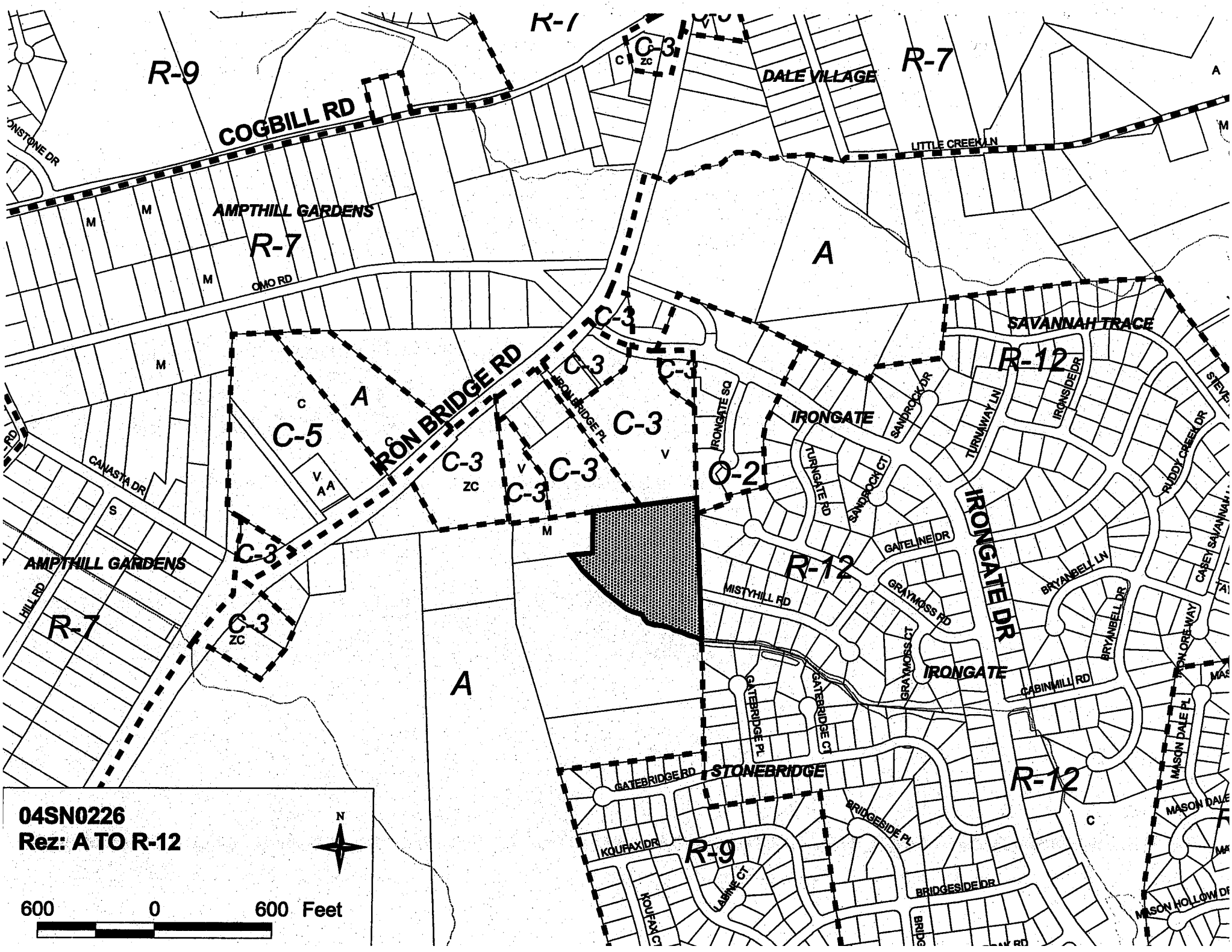
Planning Commission Meeting (6/15/04):

The public hearing was closed on May 18, 2004.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission recommended approval and acceptance of the proffered conditions on pages 2 through 5.

AYES: Messrs. Gecker, Litton and Wilson.
NAYS: Messrs. Bass and Gulley.

The Board of Supervisors, on Wednesday, July 28, 2004, beginning at 7:00 p.m., will take under consideration this request.



04SN0226
Rez: A TO R-12
600 0 600 Feet
N
COGBILL RD
IRON BRIDGE RD
IRONGATE DR
IRONGATE
SAVANNAH TRACE
DALE VILLAGE
AMPTHILL GARDENS
STONEBRIDGE
R-9
R-7
R-12
A
C-3
C-5
O-2
LITTLE CREEK LN
OMO RD
CANASTA DR
HILL RD
MISTYHILL RD
GATEBRIDGE RD
GATEBRIDGE PL
GATEBRIDGE CT
KOUFAX DR
KOUFAX CT
LABINE CT
BRIDGESIDE PL
BRIDGESIDE DR
GRAYMOSS RD
GRAYMOSS CT
GATELINE DR
TURNGATE RD
SANDROCK CT
SANDROCK DR
TURNAWAY LN
IRONSIDE DR
BRYANBELL LN
BRYANBELL DR
CABINMILL RD
RUDDY CREEK DR
CASEY SAVANNAH
IRON ORE WAY
MASON DALE PL
MASON DALE
MASON HOLLOW DR
IRONGATE SQ
IRON BRIDGE PL