~~July 20, 2004 CPC~~
August 25, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0225

Tascon Group Inc.

Clover Hill Magisterial District
Gordon Elementary, Midlothian Middle and Monacan High School Attendance Zones
West line of Courthouse Road

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

PROPOSED LAND USE:

A multifamily condominium and cluster residential development containing a maximum of four (4) units per acre and yielding approximately 158 dwelling units is planned. Model homes and a temporary modular unit for the purpose of marketing the development are also proposed as well as the retention of three (3) existing single family dwellings located along Courthouse Road.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 8.

STAFF RECOMMENDATION

Recommend approval subject to the applicant addressing the impact of this development on capital facilities, road connectivity to the north and south, enlargement of the existing dwellings along Courthouse Road and the project focal point. This recommendation is made for the following reasons:

A. The proposed zoning and land use conform to the Powhite/Route 288 Development Area Plan which suggests the property is appropriate for medium density residential development of 1.5 to 4.0 units per acre.

B. The proposed zoning and land use are representative of existing and anticipated area development.

C. The proffered conditions do not adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for transportation, schools, parks, libraries and fire stations is identified in the County's adopted Public Facilities Plan, Transportation Plan and Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions do not mitigate the impact on capital facilities, thereby not ensuring that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

D. Proffered Condition B.21 prohibits any road connection to the adjacent property to the north. The Planning Department supports maintaining connectivity options to guarantee accessibility for any future redevelopment of these properties.

E. Proffered Condition B.18 permits limited driveway access to a proposed road extension through the property from Courthouse Road to the south. Given the potential to serve other developments as a future connection to commercial services currently located at Lucks Lane and Courthouse Road, this road should be designed as a residential collector with no private driveway access.

F. The acreage provision within the proffered focal point fails to meet the typical standard for other cluster projects.

G. The Textual Statement permits the enlargement of the three (3) existing dwelling units located along Courthouse Road with the rear portion of these parcels incorporated into the proposed development. Given that these improved parcels will be reduced in size below Subdivision Ordinance standards without the benefit of applying Ordinance requirements, staff does not support the expansion of these units.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER 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

A. The following shall apply to all tracts:

(CPC) 1. Master Plan. The Textual Statement dated February 16, 2004 and last revised June 17, 2004, shall be considered The Master Plan.

(STAFF/CPC) 2. Zoning Plan. Tracts shall be located as generally depicted on the Zoning Plan, dated February 12, 2004, and last revised June 17, 2004, and prepared by Balzer & Associates, Inc., but the location and size of Tracts A and B may be modified provided the tracts 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 provisions of the Zoning Ordinance for Site Plan appeals. (P)

(STAFF/CPC) 3. Utilities. Public water and wastewater systems shall be used.

B. The following shall apply to Tracts A and B. Upon redevelopment of Tract B-1 for multi-family uses, the following shall also apply to Tract B-1:

(STAFF/CPC) 1. Density. Density shall not exceed four (4) dwelling units per acre. (P)

(STAFF/CPC) 2. 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)

(STAFF/CPC) 3. Pond. The existing pond shall remain and shall be landscaped or otherwise improved so that it becomes a visual enhancement to, and an amenity for, the development. The exact treatment shall be reviewed and approved by the Planning Department at the time of site or subdivision plan review. (P)

(STAFF/CPC) 4. Sidewalks. Sidewalks shall be provided on both sides of all street rights of way. The exact treatment and location of these sidewalks shall be approved by the Planning Department at the time of tentative subdivision or site plan review. (P)

(STAFF/CPC) 5. Streets Trees. Street trees shall be planted along each side of the interior roads and common driveways to include entrance roads

from public roads into the development. If existing trees are maintained, they may be counted toward this requirement. (P)

(STAFF/CPC) 6. 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. 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 and/or subdivision tentative review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. Trees may be removed from within the setback/buffer areas to facilitate grading and installation of fencing, berming and other construction related activities as approved by the Planning Department. (P)

(STAFF/CPC) 7. Entrance Fencing. A decorative "wrought iron-style" fence with brick columns shall be provided along Courthouse Road frontage of the Property, such columns are not to be spaced farther apart than sixty (60) feet. (P)

(STAFF/CPC) 8. Driveways. All private driveways shall be hardscaped. (P)

(STAFF/CPC) 9. Building Materials. Dwelling units shall be constructed with materials such as brick or stone veneer; composition, hardiplank, or vinyl siding; and 20-year asphalt shingles. The Planning Department may approve the use of other building materials of equal or better quality. (P)

(STAFF/CPC) 10. Foundation Treatment. All exposed portions of the foundation and exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or exterior insulation and finishing systems (EIFS) materials. (P)

(STAFF/CPC) 11. Garages. For the residential multi-family portion of the development, a minimum of seventy-five (75) percent of the dwelling units shall employ side or rear-loaded garages. For the single family residential portion of the development, the visual impacts of garage doors on single family dwellings facing the street shall be minimized through the use of architectural fenestration and/or orientation. (P)

(STAFF/CPC) 12. Dwelling Size. All dwelling units shall have a minimum gross floor area of 1200 square feet. (P)

(STAFF/CPC) 13. Lighting. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads as approved by the Planning Department. (P)

(CPC) 14. Open space/Recreation area. Open space/recreation area shall be provided throughout the development, with a minimum of 0.60 acres in the clubhouse area, to provide a "focal point" as one enters each tract within the project. Should both tracts be developed for multi family residential dwellings only one focal point shall be required. Part of the area shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings. The exact design and location shall be approved by the Planning Department at the time of site plan and/or subdivision tentative review. The clubhouse building and its related recreational amenities shall be developed concurrent with the first phase of development. (P)

(STAFF/CPC) 15. Restriction on Children's Play Facilities. The common area recreational amenities shall not include playground equipment, play fields or other facilities primarily associated with children's play. (P)

(STAFF/CPC) 16. Buffer. Within the cluster residential portion of the development, a fifty (50) foot buffer shall be provided along the northern property boundary adjacent to Tax IDs 743-699-2831 and 743-699-5936. Such buffer shall comply with the requirements of the Zoning Ordinance for Sections 19-520 through 19-522 but shall be exclusive of required yards. (P)

(STAFF/CPC) 17. Landscaped Setback. Within the residential multi-family portion of the development, the required fifty (50) perimeter yard along the northern property boundary shall be planted at one and one-half times the requirements of Perimeter Landscaping C. Further, an additional twenty-five (25) foot setback shall apply to parking, buildings and drives adjacent to the southern boundary of Tax IDs 743-699-2831 and 743-699-5936. (P)

(CPC) 18. Road to South. A public road shall be constructed from Courthouse Road, through the property, to the northern boundary of Tax ID 744-698-3673. A maximum of five (5) private driveways that directly or indirectly serve dwelling units shall have direct access to this public road. The exact location of this road

shall be approved at the time of site plan and/or tentative subdivision review. (P)

(STAFF/CPC) 19. Virginia Condominium Act. All multi-family dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)

(CPC) 20. Impacts on Capital Facilities. 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 per dwelling unit:

a. $6,199.00 per dwelling unit, if paid prior to July 1, 2004. At the time of payment, the $6,199.00 will be allocated pro-rata among the facility costs as follows: $598.00 for parks and recreation, $324.00 for library facilities, $4,380.00 for roads, $551.00 for schools, and $346.00 for fire stations; or

b. The amount approved by the Board of Supervisors not to exceed $6,199.00 per dwelling unit pro-rated as set forth above and 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.

d. Should any impact fees be imposed by Chesterfield County 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 be in addition to, any impact fees, in a manner determined by the County. (B&M)

(STAFF/CPC) 21. Access. Direct access from the property to Courthouse Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. There shall be no direct access from the property to the adjacent fifty (50) foot wide right of way to the north. (T & P)

(STAFF/CPC) 22. Road Improvements. Prior to the issuance of an occupancy permit, the owner/developer shall be responsible for the following:

a. Construction of additional pavement along Courthouse Road at the approved access to provide a right turn lane;

b. Construction of an additional lane of pavement along Courthouse Road from the approved access to the southern property line;

c. Dedication, free and unrestricted, to and for the benefit of Chesterfield County of any additional right of way required for these improvements. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for these improvements, the developer may request, in writing, that the County 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 shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

(STAFF/CPC) 23. Dedication. All roads that accommodate general traffic circulation through the development (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Prior to any site plan approval, forty (40) foot wide rights of way for the Public Roads shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. Prior to the issuance of an occupancy permit, unless otherwise approved by the Transportation Department, the Public Roads shall be constructed and approved for State acceptance. (T)

(STAFF/CPC) 24. Restrictive Covenants. The following provisions shall be contained in restrictive covenants which shall be recorded for any single family development. Further, the following provisions in the restrictive covenants shall not be modified or amended for a period of at least twenty (20) years following recordation:

a. No unit shall be used except for residential purposes.

b. No accessory buildings shall be erected, placed, or permitted on the premises.

c. No noxious or offensive activity shall be carried on upon by any resident, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.

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, and to this end, any building to be constructed in this development shall be completed within one year from the issue date of it's building permit.

e. NO CAMPERS, HOUSE TRAILERS, OR BOATS SHALL BE PARKED on the premises, except for loading and unloading activities. No skateboard platforms and except as otherwise provided by applicable law, large dish television antennae (exceeding two feet in diameter), or television or radio towers shall be placed on the premises. No dish television antennae shall be visible from the street for the respective residence.

f. No sign of any kind shall be displayed to the public view on any yard except one professional sign of not more than three square feet and one sign of not more than five square feet advertising the property for sale, and one sign of not more than five square feet a builder to advertise the property during the construction and sales period.

g. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purposes.

h. No part of this development shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No rubbish, trash, garbage, and other waste shall be kept by any unit except in sanitary containers, and all equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No central dumpsters shall be provided.

i. Each and every covenant and condition herein imposed may be enforced by the undersigned or by the owner of any unit by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same to prevent or rectify such violation and to recover damages therefore.

j. The covenants and conditions herein contained shall run with the land and shall be binding upon the subsequent owner or owners of all or any unit and each and every portion of the land shown on the plat and all parties claiming through or under such owner or owners.

k. All dwelling units shall have washer and dryer hookups.

l. All residential dwelling units shall have an attached garage containing a minimum of 200 gross square feet. (P)

GENERAL INFORMATION

Location:

West line of Courthouse Road, approximately 1,500 feet south of Smoketree Drive. Tax IDs 743-698-9862; 743-699-7943; 744-699-1309, 2760, 6243, 7252, 7715 and 7907 (Sheet 6).

Existing Zoning:

A

Size:

39.6 acres

Existing Land Use:

Single family residential or vacant

Adjacent Zoning and Land Use:

North and South - A; Single family residential, public/semi public (church) or vacant
East - R-9, R-15 and A; Single family residential
West - R-9; Single family residential

UTILITIES

Public Water System:

The public water system is available to serve the request site. A sixteen (16) inch water line extends along the eastern boundary of Courthouse Road opposite this site. Use of the public water system is intended. (Proffered Condition A.3)

Public Wastewater System:

The public wastewater system is available to serve the request site. A fifteen (15) inch wastewater trunk line extends along the western boundary of this site, following a tributary of Falling Creek. In addition, an eight (8) inch wastewater collector line extends along the western boundary of Courthouse Road, adjacent to this site. However, this collector line can only serve a limited portion of the site. Use of the public wastewater system is intended. (Proffered Condition A.3)

ENVIRONMENTAL

Drainage and Erosion:

The property drains west into Mansfield Creek and then under Courthouse Road to Falling Creek. The existing pond and dam located on the property must remain in place and may be used to address any water quality and/or quantity issues with the parcel. If not used to address water quality and/or quantity issues, the pond will still be designed as a project amenity (Proffered Condition B.3). There are currently no on- or off-site drainage or erosion problems with none anticipated after development.
To insure that proper erosion control devices are in place, the applicant has addressed postponing timbering activity until a land disturbance permit has been issued and the approved devices are installed. (Proffered Condition B.2)

Water Quality:

Mansfield Creek to the rear is a perennial stream subject to a 100-foot conservation area (Resource Protection Area).

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 158 dwelling units, this request will generate approximately twenty-three (23) calls for fire and emergency medical services each year. The applicant has not adequately addressed the impact on fire and emergency medical services. (Proffered Condition B.20)

The Wagstaff Fire Station, Company Number 10, and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. The new Courthouse Road Fire Station, currently under construction, will be the primary provider of service by the time this project begins. 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 eighty-four (84) school age children will be generated by this development. The site lies in the Gordon Elementary School attendance zone: capacity - 756, enrollment - 649; Midlothian Middle School zone: capacity - 1,331, enrollment – 1,399; and Midlothian High School zone: capacity - 1,704, enrollment - 1,686.

This development will have impact on middle and high schools. There are five (5) trailers at Midlothian Middle and one (1) trailer at Monacan High. The applicant has not addressed the impact of this development on these facilities. (Proffered Condition B.20)

Libraries:

Consistent with Board of Supervisor's policy, the impact of development on library services is assessed Countywide. 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 this property could impact the existing La Prade Library, Clover Hill Library or a proposed new facility near Lucks Lane. The Plan identifies a need for additional library space in this area of the County. The applicant has not adequately addressed the impact of this proposed development on library facilities. (Proffered Condition B.20)

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 not offered measures to adequately assist in addressing the impact of this proposed development on these Parks and Recreation facilities. (Proffered Condition B.20)

Transportation:

The property (approximately forty (40) acres) is currently zoned Agricultural (A) and the applicant is requesting rezoning from A to Residential Multi-Family (R-MF) with a Conditional Use Planned Development. The applicant has proffered to limit development to a maximum of 158 units (Proffered Condition B.1). Based on apartment trip rates, development could generate approximately 1,060 average daily trips (ADT); however, the applicant intends to market these units primarily to senior adults. Based on trip rates for senior adult housing, development could generate approximately 590 ADT. These vehicles will be initially distributed along Courthouse Road, which had a 2004 traffic count of 45,119 vehicles per day between Lucks Lane and Smoketree Drive. Courthouse Road is a four-lane divided roadway that accommodates (Level of Service C) the volume of traffic it currently carries.

Development must adhere to the Zoning Ordinance relative to access and internal circulation (Article 7). The Thoroughfare Plan identifies Courthouse Road as a major arterial. Access to major arterials, such as Courthouse Road, should be controlled. The applicant has proffered to limit direct access from the property to Courthouse Road to one (1) public road, the "Public Road" (Proffered Condition B.21). There are several parcels that are located immediately north of the subject property that have been developed for single-family residential use. These residents access Courthouse Road by way of a paved road (the "Private Road") within a fifty (50) foot wide right of way that is not in the state system. Because of the proximity along Courthouse Road between the Public Road intersection and the Private Road intersection (approximately 280 feet), traffic should not be permitted to access the property by using the Private Road/Courthouse Road intersection. The applicant has proffered that there will be no direct access from the property to the Private Road. (Proffered Condition B.21)

The Zoning Ordinance allows streets within multi-family developments to be privately maintained. Staff recommends that all of the main streets within this project be accepted into the State Highway System. Having these streets accepted into the State Highway System will ensure their long-term maintenance. The applicant has proffered that all

streets which accommodate general traffic circulation will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System (Proffered Condition B.23).

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct additional pavement along Courthouse Road at the Public Road intersection to provide a right turn lane, and 2) construct an additional lane of pavement along Courthouse Road from the approved access to the southern property line (Proffered Condition B.22.b). The six-lane section of Courthouse Road terminates just north of the property. Construction of the right turn lane and additional lane of pavement will require the developer to extend the third southbound lane and curb and gutter along Courthouse Road to the southern property line.

The developer may need to acquire "off-site" right of way to provide the road improvements along Courthouse Road. According to Proffered Condition B.22.c, if the developer is unable to acquire the right of way for 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 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 B.20). As development continues in this part of the County, traffic volumes on area roads will substantially increase. Cash proffers along will not cover the cost of the improvements needed to accommodate the traffic increases. No road improvement projects in this part of the County are included in the Six Year Improvement Program.

At time of tentative subdivision or site plan review, specific recommendations will also be provided regarding the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	158*	1.00
Population Increase	429.76	2.72
Number of New Students		
Elementary	35.71	0.23
Middle	19.91	0.13
High	25.28	0.16
TOTAL	80.90	0.51
Net Cost for Schools	874,056	5,532
Net Cost for Parks	124,662	789
Net Cost for Libraries	63,832	404
Net Cost for Fire Stations	67,150	425
Average Net Cost for Roads	695,042	4,399
TOTAL NET COST	1,824,742	11,549

* Based on a proffered density of four (4) dwelling units per acre (Proffered Condition B.1). The actual number of lots 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 schools, roads, parks, libraries and fire stations at $11,549 per unit. The applicant has been advised that a maximum proffer of $11,500 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has offered cash in the amount of $6,199 per unit. Accordingly, the County's ability to provide adequate public facilities to its citizens will be adversely affected. (Proffered Condition B.20)

Staff has reviewed this case in a manner consistent with the Board's Policy in respect to the recently adopted new maximum cash proffers. This case was not in front of the Commission prior to the change in the maximum cash proffer and therefore has been evaluated using the newly adopted fiscal impact figures.

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.

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 below the value of the maximum acceptable amount.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Powhite/Route 288 Development Area Plan which suggests the property is appropriate for medium density residential development of 1.51 to 4.0 dwelling units per acre.

Area Development Trends:

Properties to the north and south are currently zoned Agricultural (A) and are developed for residential, public/semi-public (church) uses or are vacant. Properties to the east are zoned Residential (R-7 and R-15) and are developed as part of the Heatheridge and Lake Crystal Farms Subdivision developments, or are zoned Agricultural (A) and are occupied by single family residences.

Site Design:

The Zoning Plan divides the property into three (3) tracts of land (Proffered Condition A.2). A maximum of four (4) units per acre may be developed yielding a total of 158 dwelling units within these three (3) tracts (Proffered Condition B.1). Tract boundaries may be modified subject to staff review and approval, thereby ensuring these tracts maintain their relationship with one another and adjacent properties.

As previously noted, the request incorporates multifamily as well as single family residential uses on lots containing a minimum of 6,600 square feet in area. When requests are made to reduce the minimum lot size below 12,000 square feet or to modify other Ordinance requirements as part of a Conditional Use Planned Development, staff examines the uniqueness of each request to determine if the development proposal warrants a reduction in these requirements. Through the Commission and Board's consideration of these requests, standard conditions have evolved to address the quality of these smaller lot developments through the use of design and the provision of appropriate amenities. These typical standards include, but are not limited to, the provision of sidewalks, street trees, landscaping around buildings, streetscaping, sidewalk and pathways and side or rear entry garages.

Multifamily Residential:

Multifamily residential uses would be permitted in both Tracts A and B. Currently, Tract B-1 is developed for three (3) single family residences. Upon redevelopment, Tract B-1 would also permit multifamily residential dwellings. (Textual Statement Items I. A, II.A and III.A)

Except as modified by this request, multifamily residential development must conform to the requirements established in the Zoning Ordinance for Multifamily Residential (R-MF)

District. The applicant has requested exceptions to several of these standards, as noted in the Textual Statement submitted with this application. These Ordinance standards were designed to address a typical, suburban high-density residential project. The majority of these exceptions will allow flexibility in site design to accommodate a unique multifamily project that has a character more in keeping with a single family development.

Single Family Residential:

Single family residential uses would be permitted within Tract B. As previously noted, the three (3) existing single family dwellings may be retained within Tract B-1 under certain conditions, until this tract is redeveloped for multifamily uses. (Textual Statement Items II.B and III.B)

Within Tract B, except as modified by this request, single family residential development must conform to the requirements established in the Zoning Ordinance for the Residential (R-12) District. The applicant has requested exceptions to several of these standards, as noted in the Textual Statement submitted with this application. These exceptions will allow flexibility in site design to accommodate cluster residential units on lots containing a minimum of 6,600 square feet in area.

Within Tract B-1, the western portion of the existing parcels will be severed and included within the boundaries of Tract A for the proposed multifamily portion of the development. The existing single family dwellings will be maintained on parcels that conform to the Residential (R-12) requirements of the Ordinance, except for side yard setbacks, until redeveloped for multifamily uses. Currently, these three (3) parcels are nonconforming with respect to Ordinance requirements for parcels created outside of the subdivision process. Once reduced in area, these parcels will no longer be nonconforming and must comply with the requirements of the Zoning and Subdivision Ordinances. Rather than meet these standards, it would be appropriate to restrict these units to their existing floor area, as done with nonconforming uses. The applicant has requested limited expansion of such dwellings only if the driveway accesses are closed from Courthouse Road and provided through Tracts A and B of the project (Textual Statement Item III.B.1). Staff does not support this expansion without addressing other requirements of the Zoning and Subdivision Ordinances to include buffers, setbacks and public road frontage.

In no event would these three (3) parcels have direct access to the proposed road extension to the south. (Textual Statement Item III.B.3)

Recreation and Open Space:

The Ordinance requires that not less than ten (10) percent of the gross acreage of the multifamily portion of the project be devoted to recreational use, with a minimum provision 1.5 acres. The applicant has proffered that these common recreational areas

will not include amenities primarily associated with children's play. (Proffered Condition B.15)

Within smaller lot developments, focal points are provided in a central location to visually announce a project upon entry and create green space at the entrance of a development. Generally, focal points should be a minimum of .75 acre to provide usable open space to accommodate hardscaping and facilitate the gathering of residents. The applicant has provided a minimum of .6 acre of open space for a focal point within each type of residential product developed (Proffered Condition B.14). Given the project's overall size and density, the design should accommodate this minimum provision of a .75 acre focal point acreage.

All common areas within the multifamily portion of the development must be maintained by a condominium association. (Proffered Condition B.19)

Buffers and Landscaped Setbacks:

Adjacent properties to the north are zoned Agricultural (A) and are occupied by single family residences. The Ordinance would require a fifty (50) foot landscaped setback adjacent to these parcels for the multifamily portion of the development, while no landscaped setback or buffer would be required for the single family residential portion of the development. In response to area property owners' concerns, for multifamily development, proffered conditions would require additional landscaping within the required fifty (50) foot setback along the northern project boundary and an additional twenty-five (25) foot setback adjacent to two (2) agricultural parcels to the north, as identified on the attached map for multifamily development, for a total setback of seventy-five (75) feet (Proffered Condition B.17). Further, for any single family residential development, a fifty (50) foot buffer, exclusive of building setbacks, would be provided adjacent to these same two (2) agricultural parcels to the north (Proffered Condition B.16). As this buffer will be recorded as part of each individual lot and not in common area, it may become difficult for staff to enforce the integrity of this buffer if those property owners upon whose lot the buffer is recorded decide to clear the vegetation.

Garages and Driveways:

In conjunction with the provision of smaller lots, the applicant has requested an associated reduction in building setbacks and lot width (Textual Statement). With the potential for dwellings to be significantly closer to the road, the appearance of garage doors along adjoining streets becomes an important design issue relative to their impact on streetscape. Typically, similar developments have addressed this impact by limiting the number of garage doors that face the street. The applicant has proffered that seventy-five (75) percent of the garages within the multifamily portion of this development will be restricted to side and rear entry (Proffered Condition B.11). However, within the single family portion of this development, garage door orientation or architectural

fenestration will be employed to minimize the impact of garage doors upon the streetscape. Given the close proximity of the proposed cluster units to one another and to the streets, limiting garage doors to side and rear entry provides a better guarantee that their impact on the streetscape will be softened.

All private driveways must be hardscaped. (Proffered Condition B.8)

Road to South:

To provide connectivity to future development to the south as well as to commercial services currently located at the intersection of Courthouse Road and Lucks Lane, proffered conditions provide for the construction of a public road from Courthouse Road to the southern project boundary adjacent to property identified on the attached map (Proffered Condition B.18). The applicant has proffered that a maximum of five (5) private driveways that directly or indirectly serve dwelling units may have direct access to this road. Given the potential for this road to carry traffic other than that which is generated by this development, this road should be designed as a residential collector with no private driveway access.

Road to North:

Proffered Condition B.21 precludes a direct road connection from the property to a road located to the north that currently serves single family residences and is commonly known as "Condrey Road". Condrey Road is a dedicated but not state maintained right of way. Should the properties along this road ever be redeveloped, Condrey Road could not provide access to Courthouse Road due to the insufficient separation between this road and that which is proposed to serve development of the subject property. As such, provision of a stub road through the subject property to the north should be provided with an actual right of way connection made if and when redevelopment of these private road properties occurs. Therefore, staff does not support acceptance of this proffered condition.

Building Materials and Dwelling Size:

The applicant has proffered the use of specific building materials and foundation treatments (Proffered Conditions B.9 and B.10). Proffered Condition B.9 also suggests the Planning Department may approve other siding or roofing materials of equal or better quality. This proffer is difficult to enforce when making a determination as to what is equal or better when it comes to quality. Staff would recommend that this proffer be modified to delete this subjective determination. Both single family and multifamily dwelling units will contain a minimum of 1,200 square feet. (Proffered Condition B.12)

Lighting and Development Entrance:

Proffered Conditions B.13 and B.7 address lighting height within the project and decorative fencing at the development's entrance at Courthouse Road.

Sidewalks:

The Ordinance requires that sidewalks be provided within a multifamily residential project. 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. The applicant has agreed to provide sidewalks on both sides of all rights of way. (Proffered Condition B.4)

Landscaping:

Street trees and landscaping should be provided to enhance the residential appeal of the development, define private spaces and minimize the predominance of building mass and paved areas. The applicant proposes that street trees be planted along each side of interior roads and common driveways to include any entrance roads from public roads into the development. Landscaping is to be installed around the perimeter of all buildings, between buildings and driveways, within medians and within common spaces not occupied by recreational facilities. (Proffered Conditions B.5 and B.6)

Model Homes:

In residential districts, model homes (sales offices) are permitted provided that, in addition to its permanent use as a dwelling, such home may be used as a temporary real estate office. Within the R-MF District, model homes are not permitted. Therefore, the applicant is requesting an exception to permit model homes subject to the same restrictions applied to such uses within residential districts. (Textual Statement Item IV.A)

The applicant is also requesting the use of a temporary sales office to be located first within a modular office unit and then within the facilities housing recreational uses or a model home on the request property. Given that the modular office unit nor the planned recreational facilities are dwellings, sales would not be permitted. Conditions establish this use as temporary and subject to all other restrictions applied to model homes within residential districts, which will ensure the residential character of the surrounding area is maintained. (Textual Statement Item IV.B)

Restrictive Covenants:

Proffered Condition B.24 would require recordation of restrictive covenants for the subject property. 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.

CONCLUSIONS

The proposed zoning and land use conform to the Powhite/Route 288 Development Area Plan which suggests the property is appropriate for medium density residential development of 1.5 to 4.0 units per acre. The proposed residential uses are representative of existing and anticipated area development.

However, the proffered conditions do not adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for parks, libraries, fire and schools is identified in the County's adopted Public Facilities Plan, Transportation Plan and Capital Improvement Program and the impact of this development is discussed herein. The proffered conditions do not mitigate the impact on capital facilities, thereby not ensuring that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

Further, proffered conditions do not adequately address road connections from this property to the north and south and the typical provision of acreage within a project focal point, nor preclude enlargement of the three (3) dwelling units located along Courthouse Road which will be reduced in lot size below Ordinance requirements as a result of this development, all of which are discussed herein.

Given these considerations, approval of this request is recommended subject to the applicant addressing the impact of this development on capital facilities, road connectivity to the north and south, enlargement of the existing dwellings along Courthouse Road and the project focal point.

CASE HISTORY

Applicant (7/20/04):

Proffered Condition 24.e. relative to restrictive covenants was amended at the request of the County Attorney's office. Proffered Condition 20 was amended relative to impacts on capital facilities, increasing the cash proffer amounts affecting Transportation and School facilities.

Planning Commission Meeting (7/20/04):

The applicant accepted the Commission's recommendation, but did not accept staff's recommendation.

Mr. Gulley noted that there had been numerous community meetings on this request; that existing development to the north, to include homes along Condrey Road and a church, did not warrant the need for access to the north; that the proposed road to the south should carry primarily local traffic, thereby allowing for limited lot frontage along this road; that the adjacent property owners had been satisfied; and that the proposal represented quality development.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission recommended approval and acceptance of the proffered conditions on pages 3 through 8.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, August 25, 2004, beginning at 7:00 p.m., will take under consideration this request.

TASCON COURTHOUSE ROAD
TEXTUAL STATEMENT
CASE 04SN0225
February 16,2004
Revised May 6, 2004
Revised June 28, 2004

I. Tract A

Multi-family residential dwellings subject to the requirements of the Zoning Ordinance for the Residential Multi-Family (R-MF) Districts, except as follows:

A. Setbacks

1. A twenty-three (23) foot exception to the twenty-five (25) foot setback requirement for structures from driveways providing access exclusively to parking area.

2. A fifteen (15) foot exception to the fifteen (15) foot setback requirement for structures from parking spaces.

3. A twenty-five (25) foot exception to the fifty (50) foot setback requirements for structures adjacent to property identified as Tax ID 744-698-8187.

4. A forty (40) foot exception to the fifty (50) foot setback requirement for structures adjacent to rights-of-way.

5. A ten (10) foot exception to the fifteen (15) foot requirement for parking and driveways adjacent to rights-of-way.

B. Sidewalks

Sidewalks shall be provided as proffered herewith.

C. Driveways and Parking Areas

Driveways and parking areas shall not be required to have curb and gutters.

D. Roads

1. A one (1) foot exception to the twenty-four (24) foot pavement width requirement for interior streets.

2. A seven (7) foot exception to the twenty-four (24) foot pavement width requirement for private driveways.

E. Parcel Area

The multi-family area of this development shall not have a minimum parcel size.

II. Tract B

A. Multi-family residential dwellings, subject to the requirements as outlined in Item I of this Textual Statement, or

B. Single family dwellings, subject to the requirements of the Zoning Ordinance for the Residential (R-12) District, except as follows:

1. Lot Area and width. Each lot shall have an area of not less than 6,600 square feet and a width of not less than 60 feet.

2. Side Yard. Two side yards, one a maximum of six (6) feet, the other a minimum of ten (10) feet.

3. Front Yard. Minimum of twenty-five (25) feet.

4. Corner Side Yard. Minimum of twenty-five (25) feet.

III. Tract B-1

A. Multi-family residential dwellings, subject to the requirements as outlined in Item I of this Textual Statement, or

B. The maintenance of three (3) or fewer single family dwellings which currently exist on the property at the time of rezoning, subject to the requirements of the Zoning Ordinance for the Residential (R-12) District except that side yards shall have a minimum of five (5) feet. The following shall also apply:

1. No such dwelling shall be expanded or enlarged more than twenty five (25) percent of the existing gross square footage unless:
   a. Access to all three (3) dwellings is provided through Tracts A and B and not directly from Courthouse Road and
   b. All driveways to Courthouse Road have been closed.

2. Upon redevelopment of the existing parcel(s), access shall be provided through Tracts A and B and not directly from Courthouse Road.

3. At no time shall these dwellings be permitted direct access to the public road referenced in Proffered Condition 18.

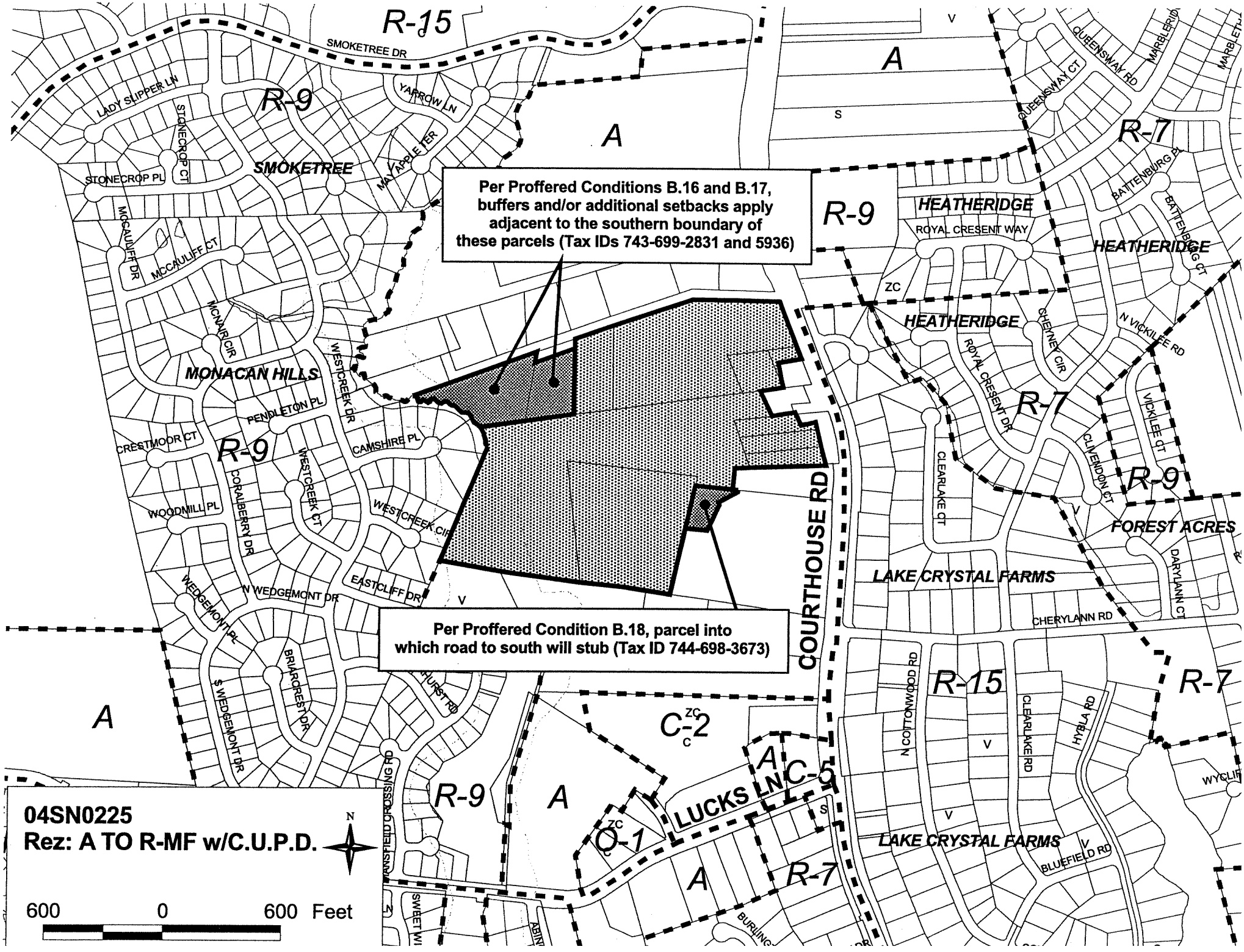
IV. Tracts A and B

A. Model home(s), subject to the requirements of Section 19-65(a) of the Zoning Ordinance.

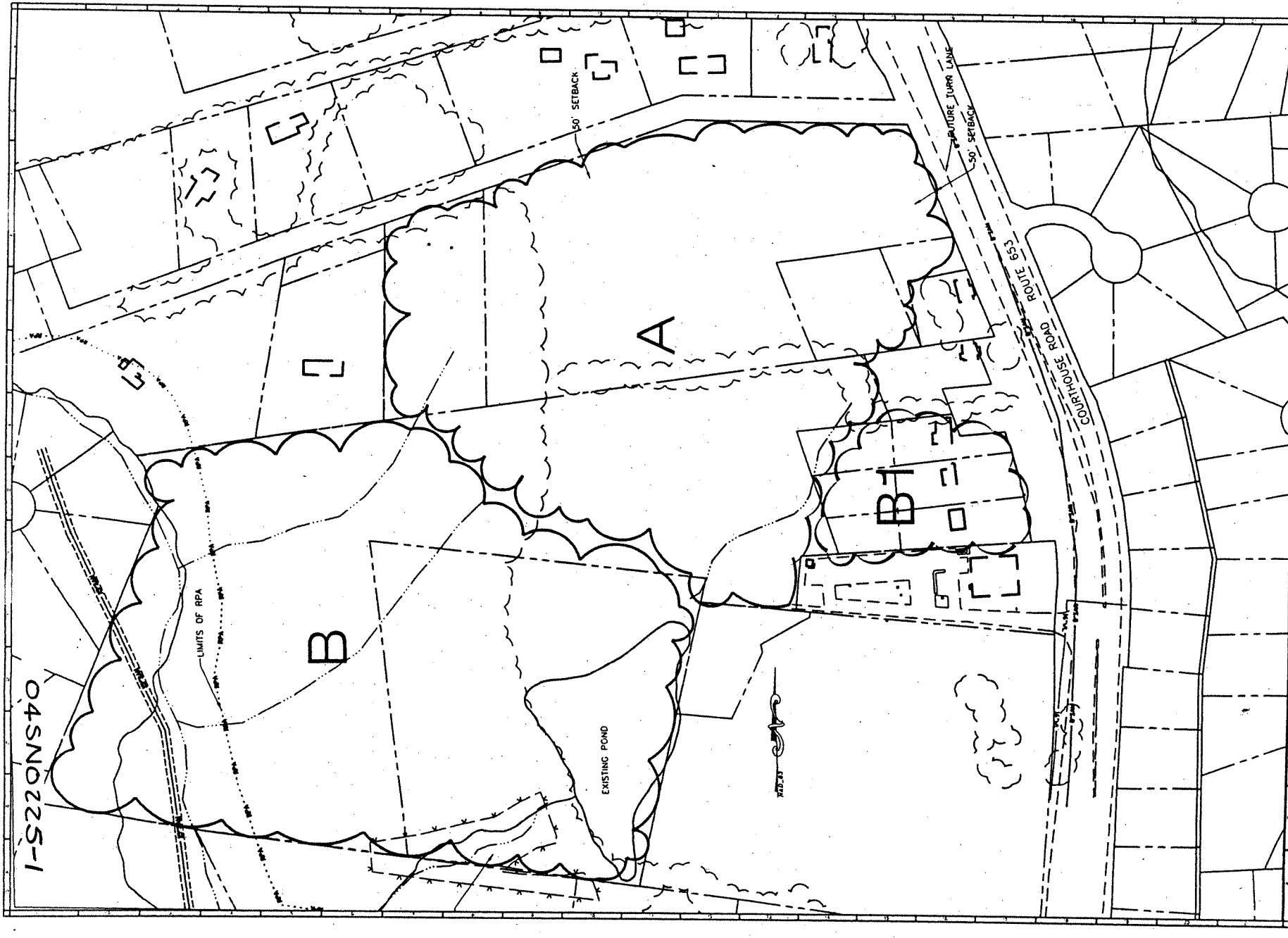
B. One (1) temporary model home permitted in a modular unit provided

1. Such unit shall be utilized for a maximum of two (2) years from the date of Site Plan or Tentative Subdivision approval. At the end of the two (2) years, the temporary sales trailer shall be removed and the sales activities may be located within facilities housing recreational uses on the property.

   ii. Such unit shall be subject to the requirements of Section 19-65(a)(2) through (5) of the Ordinance.



Per Proffered Conditions B.16 and B.17, buffers and/or additional setbacks apply adjacent to the southern boundary of these parcels (Tax IDs 743-699-2831 and 5936)
Per Proffered Condition B.18, parcel into which road to south will stub (Tax ID 744-698-3673)
04SN0225
Rez: A TO R-MF w/C.U.P.D.
600 0 600 Feet
N
R-15
R-9
R-7
A
C-2
C-5
O-1
SMOKETREE DR
SMOKETREE
MONACAN HILLS
HEATHERIDGE
ROYAL CRESENT WAY
ROYAL CRESENT DR
FOREST ACRES
LAKE CRYSTAL FARMS
COURTHOUSE RD
LUCKS LN
CHERYLANN RD
N VICKILEE RD
N COTTONWOOD RD
CLEARLAKE RD
BLUEFIELD RD
QUEENSWAY RD
QUEENSWAY CT
BATTENBURG PL
BATTENBURG CT
LADY SLIPPER LN
STONECROP CT
STONECROP PL
YARROW LN
MAYAPPLE TER
MCCAULIFF DR
MCCAULIFF CT
MCNAIR CIR
WESTCREEK DR
PENDLETON PL
CAMSHIRE PL
CRESTMOOR CT
WOODMILL PL
CORALBERRY DR
WESTCREEK CT
WESTCREEK CIR
EASTCLIFF DR
N WEDGEMONT DR
WEDGEMONT PL
S WEDGEMONT DR
BRIARCREST DR
CHEYNEY CIR
CLEARLAKE CT
CLIVENDON CT
VICKILEE CT
DARYLANN CT
HYBLA RD



04SN0225-1

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Tascon Courthouse

Zoning Plan

CLOVER HILL DISTRICT
CHESTERFIELD COUNTY, VIRGINIA

DRAWN BY: ADB
DESIGNED BY: ADB
CHECKED BY: ADB
DATE: 2-12-04
REVISIONS:
5-10-04
6-17-04

SCALE: 100'
SHEET NO.
1
JOB NO.
C0300256