~~September 21, 2004 CPC~~
September 22, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05SN0135

Balzer and Assoc., Inc.

Midlothian Magisterial District
East and West lines of Grove Hill Road

REQUEST: Amendment to Conditional Use Planned Development (Case 91SN0172) to permit bulk exceptions in the Residential Townhouse (R-TH) District.

PROPOSED LAND USE:

Residential townhouse subdivisions known as Ridgemoor and Scotter Hills have been developed within The Grove project. Several units within these subdivisions were constructed in violation of the required setbacks. This request would reduce the side, corner side and rear yard setbacks required for all subject lots within this development equivalent to those approved for cluster home development, thereby legalizing the setbacks for units that are currently in violation and applying this exception uniformly to other subject lots within these developments.

PLANNING COMMISSION RECOMMENDATION

THE COMMISSION IS SCHEDULED TO CONSIDER THIS REQUEST ON SEPTEMBER 21, 2004. STAFF WILL ADVISE THE BOARD OF THE COMMISSION'S ACTION AT THE BOARD'S SEPTEMBER 22, 2004, PUBLIC HEARING.

STAFF RECOMMENDATION

Recommend approval of exceptions consistent with what is necessary to legalize units built in violation of the Residential Townhouse (R-TH) setbacks, rather than those setbacks permitted for cluster home development. This recommendation is made for the following reasons:

A. The recommended condition provides the relief necessary to legalize units built in violation of the Ordinance while maintaining close consistency with the Residential Townhouse (R-TH) requirements.

B. The recommended condition provides for adequate separation of dwelling units, thereby protecting against overcrowding of the development, consistent with the intent of the Ordinance setback requirements.

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

CONDITION

(STAFF) For R-TH uses, the following bulk exceptions shall apply for development on the subject property:

1. Side yard. A side yard of not less than ten (10) feet in width shall be provided for each end residence in townhouse groups or rows having three (3) or more lots.
2. Corner side yard. A corner side yard of not less than ten (10) feet.
3. Rear yard. A rear yard of not less than nineteen (19) feet. (P)

(NOTE: This condition amends Item II of the Textual Statement for Case 91SN0172 for the subject property only. All other conditions of Case 91SN0172 shall remain in effect.)

GENERAL INFORMATION

Location:

Fronting the east and west lines of Grove Hill Road, along the south line of Woolridge Road. Lots 10, 11, 24, 28 and 30 through 66 of the Ridgemoor development and Lots 1 through 5, 23 through 65 and 71 through 81 of the Scotter Hills development (Sheets 5 and 6).

Existing Zoning:

R-TH with Conditional Use Planned Development

Size:

23.5 acres

Existing Land Use:

Single family residential or vacant

Adjacent Zoning and Land Use:

North - O-2 and C-3, both with Conditional Use Planned Development; Vacant
South - R-12 and R-15, both with Conditional Use Planned Development; Single family residential
East - A with Conditional Use Planned Development; Public/semi-public (Grove Shaft Park)
West - A; Vacant

UTILITIES, ENVIRONMENTAL, FIRE AND TRANSPORTATION

This request will have no impact upon these facilities.

Financial Impact on Capital Facilities:

This application will not result in an increase in the number of dwelling units consequently, the proposed zoning will not result in a net increase in the impact on capital facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Midlothian Area Community Plan which suggests the property is appropriate for medium density residential development of 2.51 to 4.0 units per acre.

Area Development Trends:

Surrounding properties to the north, south and east were zoned as part of The Grove mixed use development and are currently vacant or developed for residential single family subdivisions or park use (Grove Shaft Park). Property to the west is vacant and controlled by the YMCA located at the intersection of Woolridge and Coalfield Roads.

Zoning History:

On March 12, 1997, the Board of Supervisors, upon a favorable recommendation by the Commission, approved a rezoning of a 440 acre tract with Conditional Use Planned Development to permit a mixed use project commonly known as The Grove (Case 91SN0172).

The approved master plan identified the subject property within Parcel 7, permitting the development of townhomes or cluster homes. Parcel 7 was recorded for the development of townhome projects commonly known as Ridgemoor and Scotter Hills. Subsequently, staff reviewed and issued building permits for several townhome units incorrectly using the cluster home setback standards specified in the case, rather than the R-TH requirements of the Ordinance. As a result, several units were constructed in violation of side, corner side and rear yard setbacks. To date, eleven (11) of the subject units within the Scotter Hills development and one (1) of the subject units within the Ridgemoor development have been identified as having one (1) or more setback violations, with additional building permits on hold as a result of inadequate setbacks.

Building Setbacks:

Currently, within the Residential Townhouse (R-TH) District, a twenty-five (25) foot rear yard, a twenty-five (25) foot corner side yard, a ten (10) foot side yard for end residences in unit groups of four (4) or fewer and a fifteen (15) side yard for end residences in unit groups of five (5) or more is required for principal buildings. Consistent with a purpose of the Ordinance, building setbacks permit the passage of light and air and protect against the overcrowding of improvements within the development.

This application includes only those lots which have not been transferred to individuals. Staff will request that the Planning Commission initiate a separate application on those lots.

The existing structures built in violation of these setbacks maintain a minimum rear yard of 19.5 feet, a minimum corner side yard of 10.4 feet and a minimum side yard for end units of any grouping of 10.2 feet. This request would reduce the setbacks to those required for cluster home developments as part of Case 91SN0172 requiring a minimum rear yard of fifteen (15) feet, a minimum corner side yard of 7.5 and a minimum side yard of ten (10) feet.

The subject properties were recorded and developed as a townhome project, requiring minimum lot areas of 1,520 square feet and lot widths of nineteen (19) feet. Had these projects been recorded for cluster home development, the minimum lot area would have been 6,000 square feet and the minimum lot width sixty (60) feet, affording smaller setbacks without impacting the overall perception of density. It is staff's position that relief to setbacks should be based upon the need to legalize such units while maintaining close consistency with Residential Townhouse (R-TH) requirements of the Ordinance (Condition). To maintain uniformity within the projects, the condition would permit other units the same exception. Further, these townhouse developments have cumulatively provided open space in excess of approximately three (3) acres of Ordinance requirements thereby assisting in balancing the closer separation between dwelling units with respect to density impacts.

CONCLUSIONS

The proposed zoning is for the purpose of legalizing the existing improvements that do not currently comply with requirements of the Ordinance. The provision of project open spaces is in excess of Ordinance requirements protects against the overcrowding of these improvements within the development. The recommended condition provides the relief necessary to legalize units built in violation of the Ordinance while maintaining close consistency with the Residential Townhouse (R-TH) requirements.

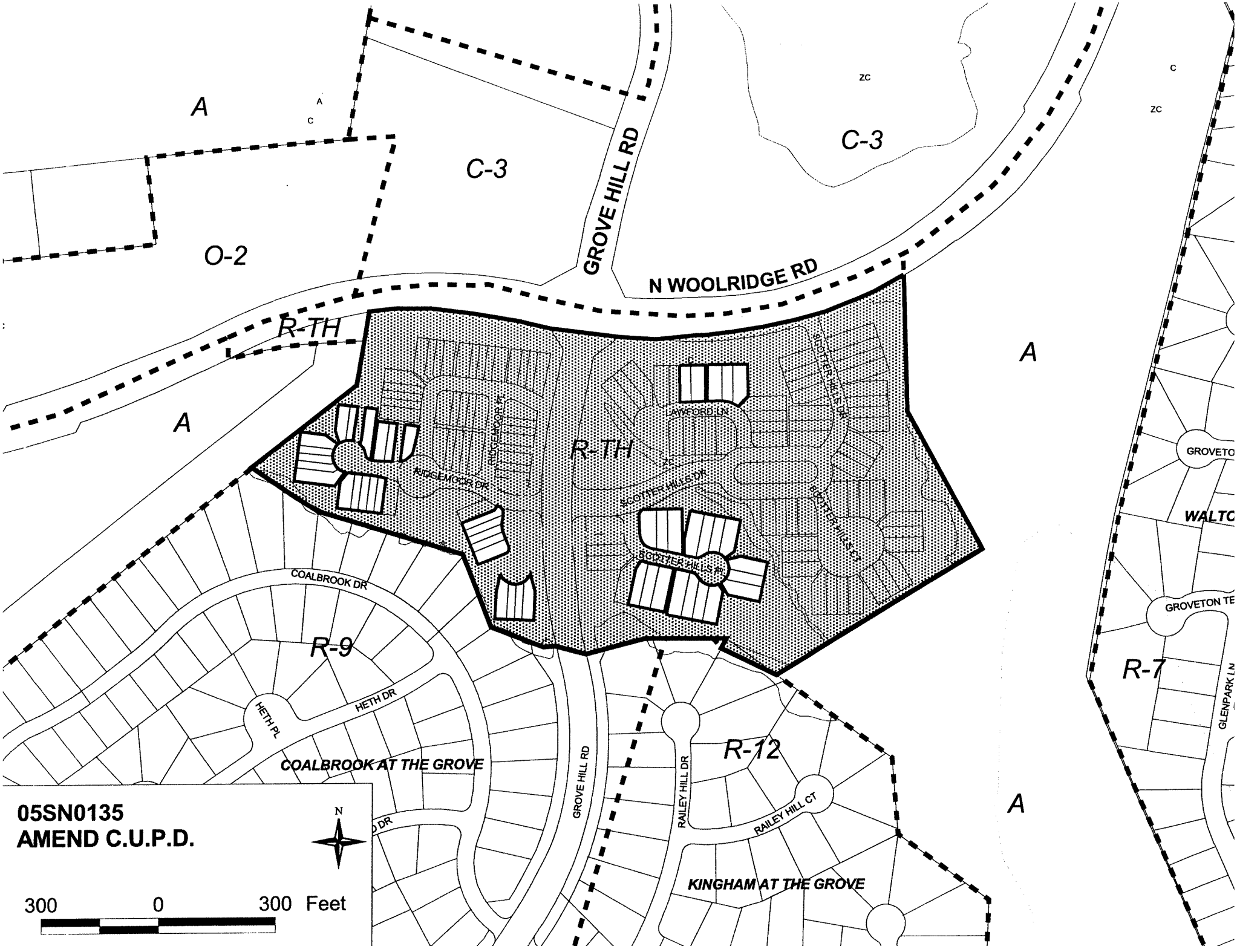
Given these considerations, approval of this request is recommended.

CASE HISTORY

Staff (9/3/04):

> If the Commission acts on this case on September 21, 2004, it will be considered by the Board of Supervisors on September 22, 2004.

The Board of Supervisors, on Wednesday, September 22, 2004, beginning at 7:00 p.m., will take under consideration this request.



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COALBROOK AT THE GROVE
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