~~March 21, 2006 CPC~~
~~May 16, 2006 CPC~~
~~June 20, 2006 CPC~~
July 18, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

05SN0285

Liberty Property Development Corp.

Bermuda Magisterial District
Enon Elementary; Chester Middle; and
Thomas Dale High Schools Attendance Zones
Northwest intersection of Kingston Avenue and River's Bend Boulevard

REQUEST: Amendment to Conditional Use Planned Development (Case 99SN0109) relative to uses permitted in a Business Center Tract.

PROPOSED LAND USE:

A residential development of up to 150 dwelling units, yielding a density of approximately 9.9 dwelling units per acre is proposed. In addition, community recreational facilities, marketing/sales center and model homes uses are proposed.

(NOTE: IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST ON JULY 18, 2006, A $500.00 DEFERRAL FEE MUST BE PAID PRIOR TO THE MEETING.)

RECOMMENDATION

Recommends denial for the following reasons:

A. The proposed land uses do not conform to the Consolidated Eastern Area Plan which suggests the property is appropriate for light industrial use. This proposal represents an encroachment into an area designated for economic development.

B. Transportations concerns, relative to road improvements and right of way dedication have not been addressed.

C. The proffered conditions do not address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.

B. IT SHOULD BE NOTED THAT THE AMENDMENTS WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO REVIEW THESE PROFFERS AND TEXTUAL STATEMENT.)

PROFFERED CONDITION

The Owners and the Developer (the "Developer") in this zoning case, pursuant to subsection 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 818-655-2192 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning amendment to the conditional use planned development is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning amendment is granted, these specific proffers and conditions will be in addition to the applicable proffers from case 95SN0109 now existing on the Property.

In order to provide a transition between any industrial and residential uses, a minimum of a 100-foot building setback shall be required and measured from the existing centerline of Meadowville Road. Within that 100-foot setback, a 50-foot buffer shall be provided. The 50-foot buffer may be provided within the existing right-of-way of Meadowville Road if such right-of-way is abandoned or vacated at the time of site plan or subdivision review. Such buffer shall be landscaped in accordance with perimeter landscaping C. (P)

GENERAL INFORMATION

Location:

West line of Meadowville Road and north line of Kinston Avenue. Tax ID 818-655-2192 (Sheet 27).

Existing Zoning:

I-1 with Conditional Use Planned Development

Size:

15.2 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - C-2 with Conditional Use Planned Development; Multifamily residential or vacant
South - I-1 with Conditional Use Planned Development; Industrial
East - I-1 with Conditional Use Planned Development, R-15 and A; Single-family residential or vacant
West - C-2 with Conditional Use Planned Development; Vacant

UTILITIES

Public Water System:

A twelve (12) inch water line extends along the south side of Kingston Avenue opposite this site. Use of public water is required as a condition of zoning. (Case 95SN0109, Proffered Condition D.1.)

Public Wastewater System:

There is an existing twelve (12) inch wastewater trunk line extending along a portion of Kinston Avenue, adjacent to this site. Use of the public wastewater system is required as a condition of zoning. (Case 95SN0109, Proffered Condition D.1.)

ENVIRONMENTAL

This request will have minimal impact on these facilities.

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 fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 150 dwelling units, this request will generate approximately thirty-four (34) calls for fire and emergency medical service each year. The applicant has not addressed the impact of this proposed development on these facilities.

The Rivers Bend Fire Station, Number 18 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 eighty (80) students will be generated by this request. Currently, this site lies in the Enon Elementary School attendance zone: capacity - 562, enrollment - 609; Chester Middle School: capacity - 846, enrollment - 991; and Thomas Dale High School: capacity - 1,913, enrollment - 2,259. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006.

There are currently four (4) trailers at Enon Elementary and four (4) trailers at Chester Middle. A new elementary school is scheduled to open in the fall of 2007 that will provide relief for Enon Elementary and other schools in this area of the county. A new middle school is scheduled to open in the fall of 2009 that will provide relief for Chester and other schools. This area of the county continues to experience growth and these schools will provide much needed space.

This case, combined with other residential developments and zoning cases in the area, will continue to push these schools to capacity, especially at the secondary level, necessitating some form of relief in the future. The applicant has not addressed the impact of this development on school facilities.

Libraries:

Consistent with Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Chesterfield

County Public Facilities Plan identifies a need for additional library space throughout the County.

Development of the property noted in this case could affect either the Chester Library or the Enon Library. The Public Facilities Plan identifies a need for additional library space in both of these service areas. The applicant has not addressed the impact of his development on library facilities.

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites. The applicant has not addressed the impact of this proposal on these facilities.

Transportation:

In 1994, the Board of Supervisors approved a rezoning request (Case 95SN0109) on 837.7 acres generally located west of Interstate 295 (I-295) and north of East Hundred Road (Route 10) for development of a large mixed-use project (River's Bend). As part of that zoning approval, the Board accepted proffered conditions related to transportation that include maximum density, right-of-way dedications, access control, and construction of specific road improvements. Most of River's Bend has been developed. The subject property (15.2 acres) is part of that project.

The property is currently zoned Light Industrial (I-1). The applicant is requesting rezoning to allow Residential-Townhouse (R-TH), and plans to develop approximately 150 units. Based on townhouse trip rates, development could generate approximately 910 average daily trips. These vehicles will be initially distributed along Kingston Avenue to Route 10, which had a 2003 traffic count of 42,766 vehicles per day (VPD). The capacity of the six-lane section of Route 10 between I-295 and Old Bermuda Hundred Road/Meadowville Road is acceptable (Level of Service C) for the volume of traffic it carries. No road improvements in this part of the county are included in the Six-Year Improvement Plan. However, the county plans to use bond money to provide improvements along Route 10 from Interstate 95 to Ware Bottom Spring Road, including replacement of the bridge over the Seaboard Coastline Railroad. Construction of these improvements is anticipated to begin in summer of 2010.

Staff recommends that all of the main streets in townhouse developments be accepted into the State Highway System. Having these streets accepted into the State Highway System will insure their long-term maintenance. The request should include a commitment that all of the streets that will 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. The applicant has not included such commitment.

The Thoroughfare Plan identifies a proposed interchange along I-295 at Rivers Bend Boulevard/Meadowville Road. This proposed interchange is also included in the Board of Supervisors' Priority List of Highway Projects. The subject property is located in the southwest quadrant of this proposed interchange. As part of the rezoning for the River's Bend project, approximately forty-one (41) acres of right of way was required to be and has been dedicated for the interchange. Construction plans for the interchange have now been approved. Additional right of way is required along a part of the subject property for construction of the interchange. The additional right of way for the interchange should be dedicated as part of this proposed development. The applicant has not included a commitment to dedicate the additional right of way. It should be noted that a proffered condition of zoning for Case 95SN0109 requires that for all residential uses adjacent to the land dedicated for the proposed interchange maintain a setback distance of 200 feet.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this residential development. The applicant has not proffered to contribute cash towards mitigating the traffic impact of this development, in an amount consistent with the Board of Supervisors' Policy.

As previously stated, the applicant has not committed to: 1) construct state maintained streets within this development; 2) dedicate additional right of way for the proposed I-295 interchange; or 3) address the traffic impact according to the Board's Policy. Staff continues to discuss proffered conditions with the applicant's representative. Without these commitments, the Transportation Department cannot support this request

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	150*	1.00
Population Increase	408.00	2.72
Number of New Students		
Elementary	34.95	0.23
Middle	19.50	0.13
High	25.35	0.17
TOTAL	79.80	0.53
Net Cost for Schools	802,200	5,348
Net Cost for Parks	90,600	604
Net Cost for Libraries	52,350	349
Net Cost for Fire Stations	60,750	405
Average Net Cost for Roads	1,341,300	8,942
TOTAL NET COST	2,347,200	15,648

*Based on a maximum yield of 150 lots (Textual Statement 2). The actual number of lots and corresponding impact may vary.

The subject parcel is governed by Case 95SN0109, which requires the payment of a cash proffer in the amount of $6,973 per dwelling unit, much less than the current maximum cash proffer of $15,600. Staff has reviewed this case in accordance with the Board's cash proffer policy that specifies that cases be reviewed based on the policy in effect at the time of the zoning application. 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 $15,648 per unit. The applicant has been advised that a maximum proffer of $15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development.

The applicant has not offered measures that fully address the fiscal impact of this proposed development on such capital facilities. As currently offered, the applicant would pay the cash proffer amount specified by Case 95SN0109. Accordingly, the county's ability to provide capital facilities to its citizens will be adversely impacted. Staff recommends the applicant fully address the development's impact on 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 in this case.

ECONOMIC DEVELOPMENT

The proposed rezoning is guided by the County's Consolidated Eastern Area Plan which incorporates Chesterfield's primary opportunities for industrial development, including the County-owned Meadowville Technology Park. As such, Economic Development has the following concerns about the proposed rezoning:

The Eastern Area has long been a prime location for economic growth, as demonstrated by the vibrant activity in this area over the past 10 years. In addition, the Plan specifically discourages residential and commercial uses in this area. Therefore, all remaining zoned industrial property should be protected from residential encroachment to allow for maximum development potential and the greatest economic impact.

River's Bend Center is one of the premiere industrial parks in the County, as well as the Richmond metropolitan area. Several businesses recently locating in the park include Pearson Government Solutions, Redemtech, and Merit Medical, and existing companies such as Cintas and Alcan Packaging continue to grow and expand. There remains approximately 54 acres in the park to be developed, including the property proposed for rezoning; therefore, future development or expansions of existing businesses within the park will be limited.

The applicant's request to rezone approximately 15 acres of I-1 property for multi-family residential use causes additional concerns for neighboring businesses and Economic Development. Specifically, the property proposed for rezoning is located across the street from Cintas (to the west) and Merit Medical Systems (to the south). These companies currently serve as "anchors" to the Park when traveling from River's Bend Boulevard. More importantly, this 15 acres at the corner of Kingston Avenue and River's Bend Boulevard lies along the most viable route currently available for accessing the neighboring Meadowville Technology Park – a development zoned for high-tech, industrial uses. As such, increased truck traffic in this area can be expected, particularly in light of the long-range schedule for constructing the I-295 interchange at Meadowville. Knowing the resistance and concerns, over both industrial traffic and uses, typically expressed by residents living near these areas, it is essential to ensure both existing and newly locating businesses are free to operate and enhance their activities, particularly when their facilities precede residential development. Therefore, the proposed rezoning to permit any additional residential growth at this critical location may jeopardize future development in River's Bend Center, including that which is planned by those businesses in closest proximity – Merit Medical and Cintas --- as well as Meadowville.

While Meadowville Technology Park is expected to be a significant employment center for technology-based companies, including Northrop Grumman, the existing residential developments already nearby provide for several housing options. In addition, since the industries being targeted to locate within Meadowville are those generally paying wages well above the average, it is also likely that future housing needs will be towards single family, rather than multi-family; however, should there be demand for multi-family housing to support the Meadowville employment center, it could easily be served by the current component within River's Bend, as well as several new multi-family properties in nearby Chester.

In summary, Economic Development cannot support this rezoning as it takes away existing and valuable industrial-zoned property, in an area critical to securing Chesterfield's continued and future economic growth.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for light industrial use.

Area Development Trends:

Property to the north is occupied by multifamily residential use or is vacant. Adjacent property to the south is zoned for and occupied by industrial development. Adjacent property to the east and west is occupied by single-family residential use or remains vacant. The Plan anticipates industrial uses continuing in this area and to the south and east, with residential development suggested for properties to the north and west.

Zoning History:

On October 26, 1994, the Board of Supervisors approved rezoning with Conditional Use Planned Development on the request property and portions of other properties included in the original River's Bend mixed use project, originally zoned in 1988, to permit a mixed use development (Case 95SN0109). The subject property was designated for industrial use.

On November 21, 1995, the Board of Supervisors approved an amendment to Case 95SN0109 relative to required road improvements. (Case 96SN0160)

Site Design:

The applicant is proposing to develop the tract for residential uses, community recreational facilities and marketing/sales center and model home use. The residential uses would be required to meet the design standards outlined for such uses in the original zoning (Village Housing B). Such standards would allow traditional style townhouse development with fee ownership of individual lots or condominium ownership.

Density:

A maximum of 150 dwelling units is proposed (Textual Statement 2) and would be in addition to the 860 units currently permitted within the overall River's Bend development. A density of approximately 9.9 dwelling units per acre could be realized on this site.

Setbacks and Buffers:

A minimum 100-foot building setback from the existing centerline of Meadowville Road has been offered in an attempt to address transition between the residential uses on this property and industrial uses on adjacent properties. The applicant has also agreed to provide a minimum 50-foot buffer within is setback. (Proffered Condition)

CONCLUSIONS

The proposed land uses do not conform to the Consolidated Eastern Area Plan which suggests the property is appropriate for light industrial use. Transportation concerns, as discussed herein, have not been addressed.

In addition, the proffered conditions do not address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions do not 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, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (3/21/06):

At the request of the applicant, the Commission deferred this case to May 16, 2006.

Staff (3/22/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than March 27, 2006, for consideration at the Commission's May 16, 2006, public hearing. Also, the applicant was advised that a $250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (4/19/06):

The applicant paid the $250.00 deferral fee.

Staff (4/24/06):

To date, no new information has been received.

Planning Commission Meeting (5/16/06):

At the request of the applicant, the Commission deferred this case to June 20, 2006.

Staff (5/17/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 22, 2006, for consideration at the Commission's June 20, 2006, public hearing.

Also, the applicant was advised that a $500.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (5/23/06):

To date, no new information has been received nor has the deferral fee been paid.

Applicant (6/7/06):

The deferral fee was paid.

Planning Commission Meeting (6/20/06):

At the request of the applicant, the Commission deferred this case to July 18, 2006.

Staff (6/21/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than June 26, 2006, for consideration at the Commission's July 18, 2006, public hearing.

Also, the applicant was advised that a $500.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (6/29/06):

To date, no new information has been received nor has the deferral fee been paid.

Textual Statement

Amendments to Case 95SN0109
April 14, 2005
Revised February 17, 2006
Revised March 8, 2006

1. Development shall be restricted to Village Housing B, as defined by Case 95SN0109 Textual Statement II. A.; community recreational facilities conforming to Case 95SN0109 Textual Statement II. C. 1.; and marketing/sales center and model homes for the purpose of marketing the development in this tract.

2. The total number of dwelling units shall not exceed 150.

(NOTE: This is in addition to the 860 dwelling units permitted by Case 95SN0109)

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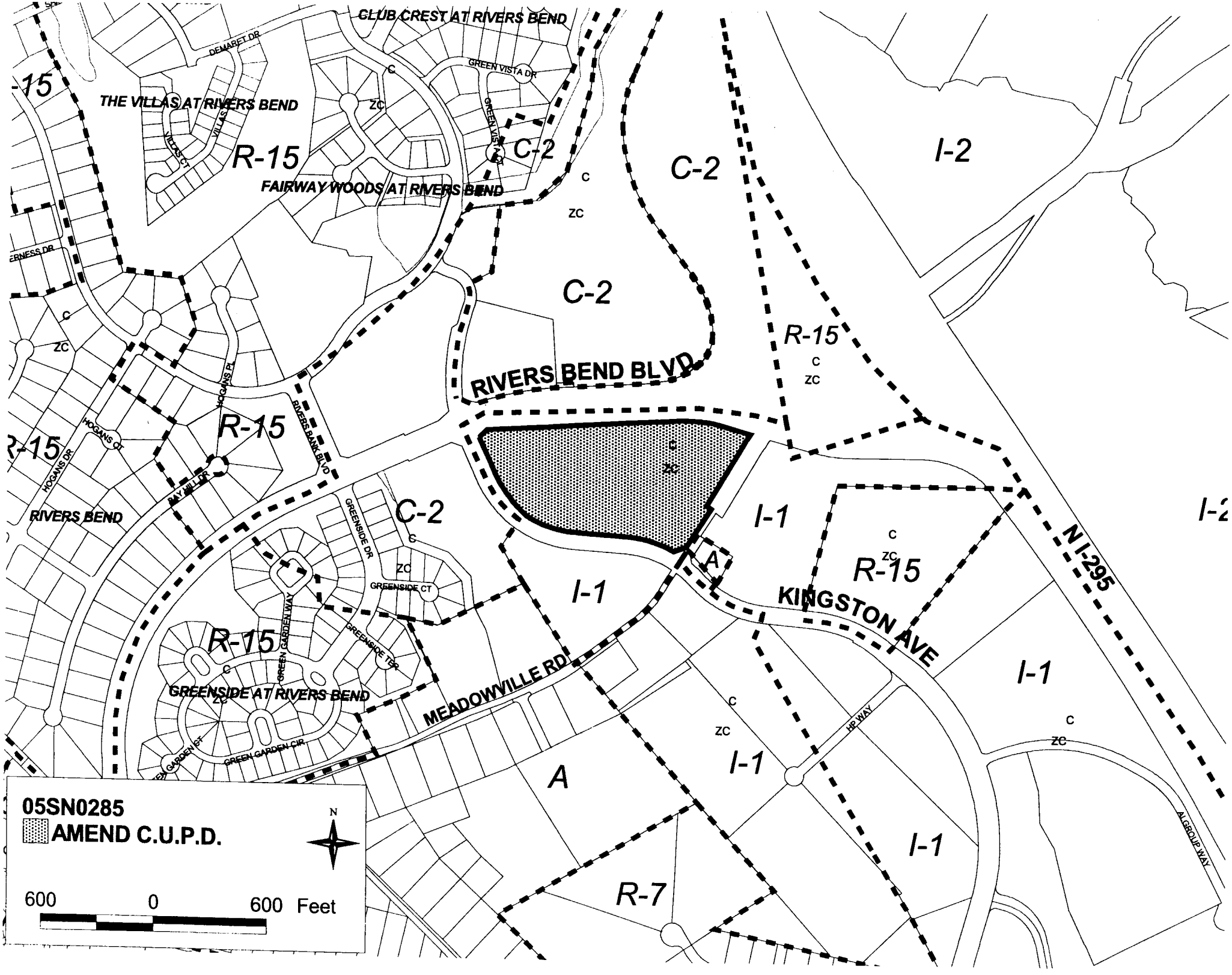
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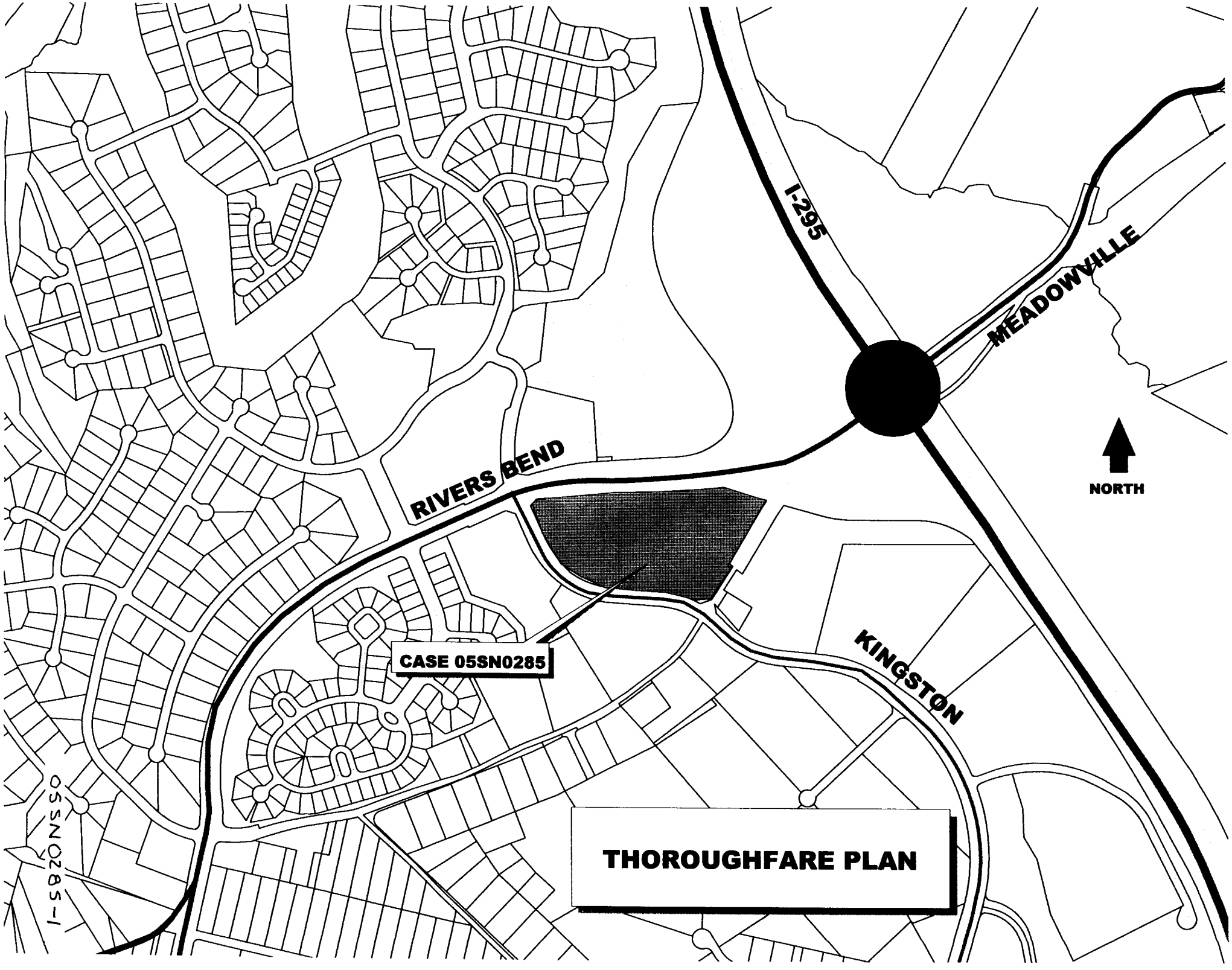
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