~~June 20, 2006 CPC~~
July 18, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0190

Gray Land and Development Company, LLC

Midlothian Magisterial District
Watkins Elementary, Midlothian Middle and Midlothian High Schools Attendance Zones
West line of Route 288

REQUEST: Rezoning from Agricultural (A) and General Industrial (I-2) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

A mix of residential, office and commercial uses is proposed. A maximum of 1,600 residential units to include cluster residential, townhome and multifamily, as well as a maximum of 350,000 gross square feet of commercial and office uses is planned. (Proffered Condition 3)

RECOMMENDATION

Recommend approval subject to the applicant reducing residential densities north of the creek (Tract C). This recommendation is made for the following reasons:

A. Although the proposed commercial uses south of the creek do not conform to the Route 288 Corridor Plan which suggests the property is appropriate for a mix of residential and office uses, the proposal provides a unique opportunity for traditional neighborhood development where both residential and commercial uses can work in synergy to create an urban lifestyle environment.

B. The proposed residential densities north of the creek do not conform to the Route 288 Corridor Plan which suggests the property is appropriate for residential uses

of one (1) dwelling per acre or less. As proposed, residential densities north of the creek would yield approximately 2.9 dwelling units per acre.

C. The proffered conditions adequately 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 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 PROFFERED CONDITIONS AND TEXTUAL STATEMENT WERE REVISED 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 THOROUGHLY REVIEW THESE REVISED PROFFERS.)

PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §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 715-714-4678, 713-712-8031 (part), and 716-713-5414 (part) (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for rezoning to C-3, with a conditional use planned development and a conditional use are 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 is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement dated November 14, 2005, and last revised June 29, 2006, the Zoning Plan titled "Zoning Map, Rose Tract (West), The Village of Westchester, Midlothian, Virginia," dated June 5, 2006, prepared by Glavé & Holmes Associates, and the Conceptual Plan titled "Conceptual Plan, Rose Tract (West), The Village of Westchester, Midlothian, Virginia," dated June

5, 2006, prepared by Glavé & Holmes Associates, shall be considered the Master Plan. The Master Plan shall be considered the schematic plan set forth in Zoning Ordinance Section 19-261. (P)

2. Timbering. With the exception of timbering, which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

3. Density.

   A. The maximum number of dwelling units permitted on the Property shall be 1,600, of which a maximum of 400 dwelling units shall be permitted on Tract C and a minimum of 100 dwelling units shall be provided in Tract A.

   B. Commercial and office uses shall be limited to a total maximum of 350,000 gross square feet.

   C. Any commercial or office square footage located within the Live/Work units, as defined in the Textual Statement, shall count toward the non-residential maximums.

   D. Until construction has begun on a minimum of 70,000 gross square feet of commercial and/or office uses in Tract A, no more than a cumulative total of 900 residential dwelling units shall be permitted within Tracts A, B, and C. (P)

4. Transportation Density. The maximum density of this development shall be 250 single-family units, 1,100 townhouses, 250 senior adult units – detached, 75,000 square feet of shopping center, 150,000 square feet of general office, and 100 room hotel; or equivalent density as determined by the Transportation Department. (T)

5. Cash Proffers. The Developer, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the Property:

   A. $15,600.00 per dwelling unit if paid prior to July 1, 2006. At the time of payment, the $15,600 will be allocated pro-rata among the facility costs as follows: $5,331 for schools, $602 for parks and recreation, $348 for library facilities, $8,915 for roads, and $404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $15,600.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

B. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay $10,269.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006. The $10,269.00 for any units developed shall be allocated pro-rata among the facility costs as follows: $602 for parks, $348 for library facilities, $404 for fire stations, and $8,915 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $10,269 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

C. If, upon the mutual agreement of the Transportation Department and the Developer, the Developer provides road improvements (the "Improvements"), other than those identified in Proffered Condition 10, then the transportation component in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the road component of the cash proffer as determined by the Transportation Department. Once the sum total amount of the cash proffer credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Developer shall commence paying the cash proffer as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Developer shall receive prior written approval by the Transportation Department for the Improvements and any credit amount.

D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees 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 in addition to, any impact fees, in a manner as determined by the county. (B&M)

6. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. (B&M)

7. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition on age-restriction shall be noted on the site plan and/or on any subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)

8. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County, prior to, or in conjunction with recordation of the initial subdivision plat or prior to any first site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first. The exact location of these rights-of-way shall be approved by the Transportation Department.

   A. Dedication of a ninety (90) foot wide right-of-way for the proposed east-west major arterial ("Road A") from Watkins Centre Parkway to Route 60.

   B. Dedication of a ninety (90) foot wide right-of-way for the proposed east-west major arterial ("Road B") from Road A to Huguenot Springs Road.

   C. Dedication of forty-five (45) feet of right-of-way from the centerline of Huguenot Springs Road along that part of Huguenot Springs Road immediately adjacent to the Property. (T)

9. Access.

   A. No direct vehicular access, except for Road B and access for emergency or construction shall be provided from the Property to Huguenot Springs Road.

   B. Prior to any site plan or in conjunction with tentative subdivision review, an access plan from the Property to Watkins Centre Parkway, Road A, or Road B, shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to these roads shall conform to the approved access plan. Prior to any site plan approval for Tract D, an access easement acceptable to the Transportation Department shall be recorded and/or a right-of-way dedicated to Chesterfield County, as determined by the Transportation Department, from Road A across Tract D to the adjacent properties. (T)

10. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required of the Developer. The exact design and length of these improvements shall be approved by the Transportation Department.

    A. Construction of a four-lane divided road, to VDOT Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, for Road A from Watkins Centre Parkway to Route 60.

B. Construction of a two-lane road, to VDOT Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, for Road B from Road A to Huguenot Springs Road.

C. Improve/widen the east side of Huguenot Springs Road for the entire Property frontage to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.

D. Construction of additional pavement along Huguenot Springs Road at the Road B intersection to provide left and right turn lanes.

E. Construction of additional pavement along Watkins Centre Parkway, Road A, and Road B at each approved access, including the Road A/Road B intersection, to provide left and right turn lanes, based on Transportation Department standards.

F. Construction of a new crossover on Route 60 to serve Road A, if approved by VDOT, including left turn lanes in both eastbound and westbound directions.

G. Construction of additional pavement along Route 60 at the Watkins Centre Parkway and at the Road A intersections to provide right turn lanes.

H. Construction of additional pavement along Watkins Centre Parkway at its intersection with Route 60, to provide a six-lane typical section (i.e., two (2) northbound lanes and four (4) southbound lanes).

I. Construction of additional pavement along Road A at its intersection with Route 60, to provide a six-lane typical section (i.e., two (2) northbound lanes and four (4) southbound lanes).

J. Construction of four (4) lane divided road including two (2) roundabouts for Watkins Centre Parkway to Urban Minor Arterial Standards (50MPH) with modifications approved by the Transportation Department, from Route 60 to Roundabout 3, as generally shown on Exhibits A and B.

K. Construction of an additional westbound lane along Route 60 from the end of the Route 288 southbound ramp to a point beyond the Watkins Centre Parkway intersection for a distance of approximately 1,000 feet.

L. Full cost of traffic signalization at the Route 60 and Watkins Centre Parkway intersection; at the Road B and Huguenot Springs Road intersection; at the Road A and Road B intersection; at the Road A and the

Route 60 intersection; and at each approved access onto Road A and onto Road B, if warranted, as determined by Transportation Department.

M. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, 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)

11. Phasing Plan. Prior to any site plan or prior to construction plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 10, shall be submitted to and approved by the Transportation Department. Unless otherwise mutually agreed upon by the Transportation Department and the Developer with supporting traffic study as required by the Transportation Department, the approved phasing plan shall require, among other things, that:

A. In conjunction with initial development, a four-lane divided road for Road A from Route 60 to Watkins Centre Parkway and a two-lane road for Road B from Road A to Huguenot Springs Road including turn lanes and traffic signals for both roadways as determined by the Transportation Department, as described in Proffered Conditions 10.A, B, E, F, G, I and L, shall be completed, as determined by the Transportation Department.

B. Prior to recordation or site plan approval for a cumulative total of more than 900 residential units and 35,000 square feet of commercial and/or office uses, a four-lane divided road for Watkins Centre Parkway, from Route 60 to Roundabout 2 at Road A, as generally shown on Exhibits A and B, including a roundabout, turn lanes and a traffic signal as determined by the Transportation Department, as described in Proffered Conditions 10.G, H, J and L, shall be completed as determined by the Transportation Department.

C. In conjunction with any development that includes Road B to Huguenot Springs Road, improvements to and turn lanes along Huguenot Springs Road as described in Proffered Conditions 10. C and D shall be completed as determined by the Transportation Department. (T)

12. Route 288 Setback. A setback distance of two hundred (200) feet for a residential unit or lot, exclusive of required yards, shall be provided from the limited access

right-of-way for Route 288, unless a noise study demonstrates that a lesser distance is acceptable as approved by the Transportation Department. Natural vegetation shall be retained within the setback area unless approved by the Planning Commission. (T)

13. Restrictive Covenant. The following restrictive covenant shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat:

> With respect to any residential lots in Tract C that are adjacent to Chesterfield County Tax Identification Numbers 713-713-3477, 713-714-1250, 713-715-2505, 713-715-9894, 714-715-0732, 714-715-3790, 714-716-5343, 714-716-6785, 714-717-9430, and 715-717-3158, a fifty (50) foot setback for the residential dwelling units shall be provided. Within that fifty (50) feet, a twenty-five (25) foot wide tree preservation area ("Tree Preservation Area") shall be maintained within the rear yard setback of each lot adjacent the existing residential lots. All trees greater than six-inches in caliper (as measured 12-inches above ground surface) within the Tree Preservation Area are to be retained. Any homeowner seeking to clear trees within this area must obtain prior approval from the Property Owners Association. The Tree Preservation Area shall be subject and subordinate to the terms of any utility or drainage easements that may be granted by Declarant or its successors to the County of Chesterfield, Virginia. (P)

14. VDOT Standards. All roads that accommodate general traffic circulation through tracts that are developed for single-family, townhouse or condominium uses, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. (T)

GENERAL INFORMATION

Location:

West line of Route 288 adjacent to Powhatan County and the east line of Huguenot Springs Road, north and south of Dragonade Trail. Tax IDs 713-712- Part of 8031; 715-714-4678; and 716-713-Part of 5414.

Existing Zoning:

A and I-2 with Conditional Use Planned Development

Size:

287.7 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - Powhatan County
South - I-2 with Conditional Use Planned Development; Vacant
East - R-25; Route 288
West - R-25, A and I-2 with Conditional Use Planned Development; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing twelve (12) inch water line along Huguenot Springs Road adjacent to the western boundary of this site. This twelve (12) inch line is served from the twenty-four (24) inch water line along Midlothian Turnpike and the Huguenot Spring Water Tank, which is located adjacent to the intersection of Midlothian Turnpike and Huguenot Springs Road. This site is adjacent to the northern portion of the proposed Watkins Centre, zoning of which has been approved under case 06SN0191. On site improvements of the public water system by the developers of the Watkins Centre will involve extending appropriately sized water lines along the future connector roads between Midlothian Turnpike and Huguenot Springs Road. The final location of these connector roads, relative to the request site, has yet to be finalized. To provide public water to the request site, an extension from the proposed lines in the Watkins Centre will be necessary with looping of an adequately sized water line back to the twelve (12) inch line along Huguenot Springs Road. The water pressure in this area may exceed the maximum allowed pressure for the proposed residential and/or commercial development therefore, individual pressure regulators will be necessary on service lines. Due to the location of the request site within the boundary of the Route 288 Corridor Plan, use of the public water system is required by County Code.

Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots.

Public Wastewater System:

The request site lies within the Michaux Creek drainage basin. There is an existing twenty-seven (27) inch wastewater trunk line extending along Michaux Creek approximately 860 feet east of the right-of-way of Route 288. To facilitate future extension of the public wastewater system, a "dry" sixteen (16) inch wastewater line was installed across the right-of-way of Route 288 during the highway construction. Due to the location of the request site within the boundary of the Route 288 Corridor Plan, use of

the public wastewater system is required by County Code. The northern portion of this site drains to a separate basin within the Michaux Creek drainage basin. If this portion of the request site cannot be served by a gravity wastewater line extension from the sixteen (16) inch wastewater line mentioned above, then a separate extension from Michaux Creek, including boring a casing across the right-of-way of Route 288, will be required.

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains under adjacent Route 288 to Michaux Creek and then via Michaux Creek to the James River. There are currently no known on- or off-site drainage or erosion problems and none are anticipated after development. The property is relatively steep; however, the slopes are consistent throughout and care should be taken in the design of the development so as to minimize the amount of disturbance at any one time.

The property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will insure that adequate erosion control measures are in place prior to timbering. (Proffered Condition 2)

Water Quality:

There are several perennial streams on the property. One (1) perennial stream centrally bisects the property. All perennial streams are subject to a 100 foot conservation area inside of which there are very limited uses.

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. The residential portion of 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 new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 1600 dwelling units, this request will generate approximately 280 calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 5)

The Midlothian Fire Station, Number 5 and Forest View Volunteer Rescue Squad currently provide 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.

Where alleys are required to be used for Fire Department access, they must meet the minimum requirements of the 2003 International Fire Code Appendix – D "Fire Apparatus Access Roads".

Schools:

Approximately 848 students will be generated by this development.

Currently this site lies in the Watkins Elementary School attendance zone: capacity - 752, enrollment - 759; Midlothian Middle School: capacity - 1,301, enrollment - 1,467; and Midlothian High School: capacity - 1,589, enrollment - 1,582. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006. There are currently seven (7) trailers at Watkins Elementary and six (6) trailers at Midlothian Middle.

The current Capital Improvements Plan and the Public Facilities Plan contain no new facilities in this area. Increased capacity for this area will be provided by additions to these schools by 2012. This case, combined with other tentative residential developments and zoning cases in the zones, would continue to push these schools to capacity, necessitating some form of relief in the future.

The applicant has addressed the impact of the development on school facilities (Proffered Condition 5)

Libraries:

Consistent with Board of Supervisors 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.

Development of this property would most likely affect the existing Midlothian Library or the proposed new library in the Robious Road area as identified in the Public Facilities Plan. The applicant has addressed the impact of the development on library facilities (Proffered Condition 5)

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 offered measures to assist in addressing the impact of this proposed development on these parks and recreation facilities. (Proffered Condition 5)

Transportation:

The property (287.7 acres) is mostly zoned Agricultural (A), and the applicant is requesting rezoning to Community Business (C-3) with Conditional Use to permit various types of residential uses. The applicant has proffered a maximum density of 250 single-family units, 1,100 townhouses, 250 senior adult-detached units, 75,000 square feet of office, 150,000 square feet of shopping center and a 100 room hotel, or equivalent density (Proffered Condition 4). Based on single-family, townhouse, office, shopping center and hotel trip rates, the proposed mixed-use development could generate approximately 17,680 average daily trips. These vehicles will be initially distributed along Midlothian Turnpike (Route 60) which had a 2005 traffic count of 31,385 vehicles per day, and to Huguenot Springs Road which had a 2004 traffic count of 1,318 vehicles per day. The capacities of both these roads are acceptable (Level of Service B for Route 60 and Level of Service C for Huguenot Springs Road) for the volumes of traffic they carry.

The Thoroughfare Plan identifies Huguenot Springs Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way measured from the centerline of Huguenot Springs Road, in accordance with that Plan. (Proffered Condition 8.C)

The Thoroughfare Plan also identifies a proposed north/south major arterial ("Watkins Centre Parkway") with a recommended right of way width of ninety (90) feet, from Route 60 at the Watkins Centre Parkway intersection north to Route 288. The Plan includes an east/west major arterial with a recommended right of way width of ninety (90) feet, running parallel to Route 60 and extending from Watkins Centre Parkway west to Huguenot Springs Road. Both Exhibits (the Zoning Map and the Conceptual Plan) that were included in the application, propose realignment of the east/west arterial by extending a road ("Road A") from Watkins Centre Parkway to Route 60 and providing another road ("Road B") from Road A to Huguenot Springs Road. The alignments of these roads are consistent with the road alignments that were included in the county's pro-active rezoning case (Case 06SN0191). The applicant has proffered to dedicate ninety (90) foot wide rights of way for Road A and Road B. (Proffered Conditions 8.A and B)

Access to major arterials, such as Huguenot Springs Road, Watkins Centre Parkway, Road A and Road B, should be controlled. The applicant has proffered that direct vehicular access from the property to Huguenot Springs Road, except for emergency or construction access, will be limited to Road B (Proffered Condition 9.A). The applicant has proffered that an access plan will be submitted, for Transportation Department review and approval, which shows access from the property to Watkins Centre Parkway, Road A and Road B (Proffered Condition 9.B). Access from the property to these roads will be based on the approved access plan. Staff has been discussing access to Road A and Road B with the applicant. The accesses as shown on the Conceptual Plan will need to be modified. Tract D is located in the southwest corner of the proposed Watkins Centre Parkway/Road A intersection. Due to its

proximity to that intersection, direct vehicular access from Tract D to these roads may be prohibited. No direct access is anticipated from Tract D to Watkins Centre Parkway. If adequate access separation can be provided along Road A, the applicant has proffered to grant an easement and/or dedicate a right of way to share the Tract D access with adjacent properties. (Proffered Condition 9.B)

As previously stated, the property will be developed for various types of residential uses. Staff recommends that all of the main streets that serve single family, townhouse or condominium uses be accepted into the State Highway System. Having these streets accepted into the State Highway System will insure their long-term maintenance. The applicant has proffered that all of the streets that will accommodate general traffic circulation for these types of residential uses, will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System. (Proffered Condition 14)

The traffic impact of this development must be addressed. The applicant has proffered to: construct four-lane divided roads for Watkins Centre Parkway and Road A; construct six-lane typical sections for Watkins Centre Parkway and for Road A at their intersections with Route 60, construct a two-lane road for Road B; construct an additional westbound lane along Route 60 from the Route 288 southbound ramp through the Watkins Centre Parkway intersection; construct a new crossover on Route 60 to serve Road A, if approved by VDOT; widen and provide shoulders for Huguenot Springs Road for the entire property frontage; and provide the customary improvements such as turn lanes and traffic signals (Proffered Condition 10). It is anticipated that both left and right turn lanes will be warranted at each full access location along Road A and Road B including at the Road A/Road B intersection.

The applicant has proffered to provide a phasing plan for the proffered road improvements (Proffered Condition 11). According to Proffered Condition 11, the approved phasing plan would require, with initial development of the property, the construction of Road A as a four-lane road from Route 60 to Watkins Centre Parkway and the construction of Road B as a two-lane road from Road A to Huguenot Springs Road. The approved phasing plan would also require construction of Watkins Centre Parkway as a four-lane road from Route 60 to Road A prior to more that 900 residential units and 35,000 square feet of commercial/office use on the property. The phasing plan outlined in the proffers does not specifically address when the westbound lane along Route 60 from Route 288 through the Watkins Centre Parkway intersection will be required. The requirement for this improvement will be evaluated beyond development of more that 900 residential units and 35,000 square feet of commercial/office uses.

Acquisition of "off-site" right of way will be necessary to construct some of the road improvements. According to Proffered Condition 10, if the developer needs off-site right of way for any of the proffered road improvements and is unable to acquire it, 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. (Proffered Condition 10.M)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this residential development. The applicant has proffered to provide cash contributions, in an amount consistent with the Board of Supervisors' Cash Proffer Policy, towards mitigating the traffic impact of this development (Proffered Condition 5). Proffered Condition 5 would allow, upon mutual agreement of the Transportation Department and the applicant, the applicant to provide road improvements equal to the cost of such payment(s). This option will be considered at time of site plan and/or tentative subdivision plat review.

As development continues in this part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone 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 Plan.

At time of site plan and/or tentative subdivision plat review, specific recommendations will be provided regarding access, internal street network and phasing of the road improvements.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	1600*	1.00
Population Increase	4,352.00	2.72
Number of New Students		
Elementary	372.80	0.23
Middle	208.00	0.13
High	270.40	0.17
TOTAL	851.20	0.53
Net Cost for Schools	8,556,800	5,348
Net Cost for Parks	966,400	604
Net Cost for Libraries	558,400	349
Net Cost for Fire Stations	648,000	405
Average Net Cost for Roads	14,307,200	8,942
TOTAL NET COST	25,036,800	15,648

* Based on a proffered maximum yield of 1600 dwelling units (Proffered Condition 3.A.). The actual number of dwelling units and corresponding impact 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 $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 been further advised that a maximum proffer of $10,269 would defray the cost of the age-restricted portion of the proposed development, as it will not have an increased impact on school facilities. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash and road improvements, upon mutual agreement between the County and the Developer, to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 5)

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 Route 288 Corridor Plan which suggests property south of the creek is appropriate for a mix of office and residential uses and property north of the creek is appropriate for residential use of one (1) dwelling unit or less per acre.

Area Development Trends:

Adjacent properties to the south are zoned General Industrial (I-2) with Conditional Use Planned Development as part of proactive zoning case initiated by the Board of Supervisors for a mix of commercial, office and industrial uses. These uses include the development of a lifestyle/entertainment center to be located at the northwest quadrant of the Midlothian Turnpike/Route 288 interchange. Properties to the west and northwest are zoned for I-1 and limited I-2 uses as part of the aforementioned proactive zoning case; are zoned Residential (R-25) as part of the Huguenot Ridge Subdivision; or are zoned A and occupied by single family residences on acreage parcels or are currently vacant. It is anticipated that any development/redevelopment of surrounding agricultural properties bordering Powhatan County will be for low density residential development consistent with recommendations of the Plan.

Zoning History:

On February 22, 2006, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved a rezoning of a 786 acre tract to General Industrial (I-2) with Conditional Use Planned Development to permit a mix of commercial, office and industrial uses along the north and south lines of Midlothian Turnpike, between Route 288 and Huguenot Springs Road (Case 06SN0191). A 4.6 acre portion of property affected by this case is included in the current request.

Site Design:

The property is proposed for a mix of residential uses, to include cluster, townhome and multifamily, commercial and office uses, as well as buildings that accommodate a mix of residential and non-residential uses. The development will have a traditional

neighborhood design, generally in a "grid" layout similar to city blocks with buildings located close to sidewalks, and also incorporating street trees, open spaces and alleys serving the rears of many of the uses.

The property is divided into four (4) development tracts. Uses will be located and developed as depicted on the Zoning Plan (Attachment) and the Conceptual Plan (Attachment), as described in the Textual Statement (Attachment) and the proffered conditions. The boundaries and sizes of Tracts A, B and D, including further divisions into Sub-tracts, may be modified so long as their relationship with each other and any adjacent properties is maintained. The location of uses within each Tract may be modified provided the transitions and separations between that Tract and adjacent Tracts as well as adjacent properties are maintained. (Textual Statement II.B and C and Proffered Condition 1)

Unless specifically regulated by the Textual Statement, the development of all Tracts must comply with the requirements of the Zoning Ordinance for Community Business (C-3) uses in an Emerging Growth District. These standards promote high quality, well designed projects. Such standards address access, parking, landscaping, architectural treatment, setbacks, signs, utilities, and screening of dumpster and loading areas.

Uses Permitted in all Tracts:

Passive and active recreational uses limited to facilities and uses that primarily serve the surrounding residential community would be permitted within all Tracts. The Textual Statement provides for setbacks, buffers and other restrictions to minimize the impact of such uses on adjoining properties designated on the Plan for residential development. Temporary model homes located in modular office units and yard sales associated with residential uses would also be permitted throughout the project subject to minimum standards of the Ordinance relative to these uses. (Textual Statement III.A, B and L)

Uses and Special Development Standards: Specific Tracts:

Tract A:

Tract A, consisting of approximately thirty (30) acres, is located at the northwest quadrant of proposed Watkins Centre Parkway and Road "A". This Tract represents the urban center of the development, permitting a mix of commercial and office uses, as well as "Mixed Use Buildings" which accommodate multifamily residential uses on upper floors (Textual Statement IV.A.3). Within Tract A, non-residential uses would be limited to the majority of those uses permitted by right or with restrictions in the Neighborhood Business (C-2) District as well as a limited number of Community Business (C-3) uses that are considered compatible with the project (Textual Statement IV.A.1). Proffered conditions address the minimum amount of residential and commercial uses to be provided in Tract A to insure a mixed-use development. (Proffered Conditions 3.A and D)

Design standards have been proposed to assist in integrating this urban center with the adjacent Tract B thereby promoting community character. These include an overall architectural theme, building height and maximum gross square footages for all commercial users as well as individual users. Setback reductions along Watkins Center Parkway are also consistent with those approved for proposed lifestyle/entertainment center located on the east side of Watkins Center Parkway. (Textual Statement III.F and IV.A.2)

Tract B:

Tract B, consisting of approximately 113 acres, represents the transition north and west between Tract A and the proposed residential uses in Tract C. This Tract would be limited to multifamily and townhouse residential uses, as well as "Live/Work" units which permit commercial or office uses on the first floor of townhouse units. To accommodate a neighborhood-oriented service base that is compatible with area residential development, first floor uses within "Live/Work" units would be limited to the majority of uses permitted by right or with restrictions in the Neighborhood Business (C-2) District. (Textual Statement IV.B)

Tract C:

Uses:

Tract C, located north of the creek, would be limited to a maximum of 400 dwelling units to include cluster residential and townhouse uses (Proffered Condition 3.A). Cluster residential lots would contain a minimum area of 4,580 square feet and townhouse lots would contain a minimum area of 1,280 square feet (Textual Statement IV.C). Development standards would include garage location and hardscaping of driveways, as well as open space, street tree and sidewalk provisions, as discussed herein.

Density:

Tract C contains approximately 140 acres on which a maximum of 400 dwelling units are proposed, yielding a density of approximately 2.9 units per acre. The Plan suggests residential densities of one (1) dwelling unit per acre or less. Staff recommends a reduction in the number of proposed dwelling units to achieve compliance with the suggested densities of the Plan.

Tract D:

Tract D, consisting of approximately five (5) acres, is located at the southwest quadrant of the proposed Watkins Centre Parkway and Road "A". This Tract would be limited to those uses permitted by right or with restrictions in the

Corporate Office (O-2) and Neighborhood Business (C-2) Districts. Conditions require that this property be considered as part of a project with the adjacent I-2 property to the south that was zoned for commercial and office development as part of Case 06SN0191 (Tract C). As such, uses, square footage limitations and setback reductions along Watkins Center Parkway are consistent with those approved for the adjacent property. (Textual Statement IV.D)

Parking:

The Ordinance requires a minimum of two (2) off-street parking spaces for each residential single family, multifamily and townhouse unit, except age restricted multifamily dwellings which require a minimum of 1.2 parking spaces for each such unit. The applicant proposes that the provision for 1.2 parking spaces apply to all age restricted housing, whether multifamily, single family or townhouse. (Textual Statement III.E.2 and 3)

For mixed-use developments (Tracts A and B), parking would be calculated at shopping center standards of 4.4 spaces for every 1000 gross square feet of uses. Given the urban character of this development, it would be appropriate to permit a reduction in the required spaces consistent with Ordinance requirements for Village Districts, or approximately 4.0 spaces for every 1000 gross square feet with a credit for on-street parking where permitted. The applicant is requesting that parking be provided at 3.4 spaces for every 1000 gross square feet of commercial and office uses and 2.5 spaces for every dwelling unit associated with a Live/Work unit, with no parking provision for the "work" portion of each unit. (Textual Statement III.E.4 and 5)

With no data to substantiate reductions in parking requirements for both age-restricted single family and townhouse residential products and mixed-use developments, staff cannot support exceptions to the parking standards of the Ordinance beyond those for Village Districts. Further, the tracking of residential units separate from non-residential square footages for parking space provisions within the mixed use Tracts would be difficult to administer and enforce.

Street Trees, Sidewalks and Open Space:

Sidewalks and street trees shall be provided along each side of public roads, excluding Route 288. (Textual Statement III.C and D)

Conditions require a minimum provision of open space within Tracts B and C, a portion of which must be usable to accommodate public gathering areas and recreational and social events for residents. (Textual Statement III.I)

Parcel Frontage and Setbacks:

To accommodate a traditional neighborhood design, building setbacks will not be required from lot/parcel lines and internal roads (Textual Statement III.H). Buildings

may front on public roads, as well as open spaces or courtyards with appropriate access easements. (Textual Statement III.G)

Alleys:

Alleys may be provided throughout the development. The Textual Statement contains language establishing minimum standards for alleys (III.J). The location and design of alleys is best addressed during plan review when more details are known; therefore, this language should be omitted from the Textual Statement.

Restrictive Covenants:

Proffered Condition 13 requires the recordation of a restrictive covenant in conjunction with the recordation of any subdivision plat. It is important to note that the County will only insure the recordation of the covenant and will not be responsible for its enforcement. Once the covenant is recorded, it can be changed.

CONCLUSIONS

Although the proposed commercial uses south of the creek do not conform to the Route 288 Corridor Plan which suggests the property is appropriate for a mix of residential and office uses, the proposal provides a unique opportunity for traditional neighborhood development where both residential and commercial uses can work in synergy to create an urban lifestyle environment. The proposed residential densities north of the creek do not conform to the Route 288 Corridor Plan which suggests the property is appropriate for residential uses of one (1) dwelling per acre or less. As proposed, residential densities north of the creek would yield approximately 2.9 dwelling units per acre.

The proffered conditions adequately 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 mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended subject to the applicant reducing residential densities north of the creek (Tract C) consistent with those recommended by the Plan.

CASE HISTORY

Planning Commission Meeting (6/20/06):

On their own motion, 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.

Applicant (6/29/06 and 7/7/06):

Revised proffered conditions and Textual Statement were submitted.

Gray Land and Development Company, LLC
Rose Tract (West)

Textual Statement
November 14, 2005
Revised March 24, 2006
Revised June 5, 2006
Revised June 7, 2006
Revised June 9, 2006
Revised June 12, 2006
Revised June 29, 2006

This application contains two exhibits described as follows:

Exhibit A – Plan titled "Zoning Map, Rose Tract (West), The Village of Westchester, Midlothian, Virginia," dated June 5, 2006, prepared by Glavé & Holmes Associates

Exhibit B – Plan titled "Conceptual Plan, Rose Tract (West), The Village of Westchester, Midlothian, Virginia," dated June 5, 2006, prepared by Glavé & Holmes Associates.

I. Rezone. Rezone the 287.7 acre Property (the "Property") from A to C-3 with a Conditional Use ("CU") to permit townhouse and multifamily residential uses and a Conditional Use Planned Development ("CUPD") to permit exceptions to Ordinance requirements as set forth below.

II. General Conditions.

A. The development (or the "Community") shall have a traditional neighborhood design with a mix of residential and non-residential uses within blocks and/or within a building, buildings located close to the sidewalks and other buildings, the streets lined with trees and sidewalks, on-street parking, open spaces, and alleys serving the rears of many of the uses.

B. To accommodate the orderly development of the Property, the Tracts shall be located as generally depicted on the Zoning Map. Further, the location and size of Tracts A, B and D may be modified so long as they generally maintain their relationship with each other and any adjacent properties. All Tracts may be further divided into Sub-Tracts. A plan for Tract modification shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for site plan appeals. Sub-Tract (a designated portion of a Tract) divisions may be created at the time of Tentative Subdivision or Site Plan review and shall not require a separate review as a Tract modification, provided there is no adjustment in the overall Tract boundary. There shall be no adjustment in the boundary of Tract C. The boundary of Tract C adjacent to Tract B is generally a line 100 feet from the southern edge of the creek that

bisects the Property, as depicted in Exhibit A and Exhibit B. The boundary between Tracts A and D shall be the approved alignment of Proposed Road "A."

C. The development shall be designed as generally depicted on the Conceptual Plan. Specifically, the general relationship between the uses in each Tract to adjacent Tracts shall be maintained; within Tracts, development shall be generally designed in a "grid" layout similar to city blocks (consistent with and responsive to the natural topography) with parking areas, except for those parking areas located within streets, located in courtyards as further described herein; and with a pedestrian emphasis throughout the project. Further, the location of uses within each Tract may be modified so long as the nature of the transitions and separations between that Tract and adjacent Tracts as well as adjacent properties is maintained. A plan for modification to the Conceptual Plan shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for site plan appeals.

III. Requirements and Exceptions for All Tracts.

A. Model Homes.

1. Temporary model homes (sales offices), located in modular office units, shall be permitted.

2. The model homes (sales offices) shall only be used for sale of dwelling units within the property.

3. The model homes (sales offices) shall not be the primary real estate office for the companies marketing the development.

B. Yard sales associated with residential uses, provided that the sale:

1. Is accessory to a principal use on the same property

2. Does not exceed two days in duration

3. Is conducted by the owner or lessee of the property on which it occurs and includes only personal property owned by the seller and usual to a household

4. Does not occur on the same property more than four times in any one calendar year and not more than twice within a 30-day period.

C. Sidewalks.

Generally, sidewalks shall be located on both sides of all public roads, exclusive of Route 288. Sidewalks shall be provided to facilitate pedestrian

access within the Community and to link to uses on adjacent property unless otherwise required by the Subdivision Ordinance.

D. Street Trees.

Street trees shall be planted or retained along each side of all public roads, with the exception of Route 288.

E. Parking.

1. If on-street parking is permitted, those spaces shall be counted towards the required number of parking spaces for all uses.

2. Except for "housing for older persons" and Live/Work Units, residential units shall provide parking based on 2.0 spaces per dwelling unit.

3. "Housing for older persons" shall provide parking based on 1.2 spaces per dwelling unit.

4. Live/Work Units shall provide parking based on 2.5 spaces per dwelling unit. There shall be no additional parking requirement for the first floor area devoted to commercial or office uses.

5. Commercial or office uses in Tract A shall provide parking based on 3.4 spaces/1,000 gross floor area.

6. Parking may be further reduced based on Zoning Ordinance Section 19-512.

7. Parking shall not be required on each parcel or site where the use is located, but rather may be provided off-site, including on-street parking, subject to approval at the time of plans review, which may include requirements for easements.

8. Parking areas, except for those located within streets, shall be generally located so as minimize their exposure to internal roads. Specifically, parking areas shall be located to the side or rear of buildings; no closer to rights-of-way than the fronts of buildings; and within courtyard areas such that the buildings provide a barrier between the road and the parking, as generally shown on the Conceptual Plan.

F. Architectural Standards.

1. In conjunction with the initial site plan approval for development within Tracts A and B, a written and/or graphic description of the planned overall architectural treatment of all buildings within these Tracts (architectural theme) shall be submitted to the Planning

Department for review and approval. Architectural treatment of buildings, including materials, color and style, shall be compatible within these Tracts. Compatibility may be achieved through the use of similar building massing, materials, scale, colors and other architectural features.

2. Except as provided elsewhere in the Textual Statement and within Tract C, all buildings shall be a minimum of two (2) stories in height.

3. The maximum height for Mixed-Use Buildings, offices, or hotels shall be six (6) stories. This height limit shall not restrict use of the roof of a six (6) story building for features such as, but not limited to, patios, decks, or gardens.

G. Frontage.

1. All buildings shall front on a public street, public or private open space, or public or private courtyard.

2. Road frontage for dwelling units shall not be required provided there is access to a public road via an easement or right of way and that such dwelling unit fronts on public or private open space, or a public or private courtyard.

H. Setbacks/Yards.

With the exception of Watkins Center Parkway, Road "A," Road "B," and Huguenot Springs Road, all residential and non-residential buildings (including accessory structures related thereto) shall have zero (0) foot setback from all internal roads and lot/parcel boundaries. Provided however, that corner side yards shall meet sight distance requirements as may be established at the time of subdivision/site plan review.

I. Open Space.

1. Within Tract B, a minimum of 10 percent of the gross acreage of Tract B shall be devoted to open space. Of this open space, a minimum of 50% shall be usable to accommodate public gathering areas such as civic association events, special commercial events, and cultural activities. Facilities to accommodate these uses shall be provided in these spaces and can include, but not be limited to, pavilions, gazebos, and amphitheatres.

2. Within Tract C, a minimum of 20 percent of the gross acreage of Tract C shall be recorded as open space. Of this open space, a minimum of 50% shall be usable to accommodate recreational and social gathering areas for residents. These areas shall include, but not be limited to, neighborhood parks, trails, hardscaped areas with benches and other

amenities to facilitate community use. These open space areas shall not include recreational areas as identified in III. L.

3. Open space shall be provided throughout the Property, including the areas along the creek beds and external rights of ways as generally noted in green on the Conceptual and Zoning Plans. These areas may include the open space listed above; landscaped setbacks and boulevard medians; creeks, ponds, and trails; active and passive recreational areas, and neighborhood parks.

J. Alleys.

1. Alleys, where provided, will generally serve the rear or side portion of a lot.

2. When provided, alleys will be located within a minimum eighteen (18) foot wide private easement.

3. Alley pavement shall be a minimum of twelve (12) feet in width.

4. All or part of the alley easement may be provided on the lot.

5. Utility easements may be permitted in the alleys as allowed by Chesterfield County and private utility companies.

6. Alleys will be privately maintained by a property owners association.

K. Streets.

Except for Watkins Centre Parkway, Road "A," and Road "B," as permitted by VDOT and the Chesterfield County Transportation Department, street design and pavement widths shall be based on VDOT's Subdivision Street Design Guide effective January 1, 2005. These standards allow for curb-to-curb widths of a twenty-two (22) foot width and a right-of-way of thirty (30) feet, based on average daily traffic. The minimum right-of-way shall be established at the time of Site Plan review based on the street layout.

L. Recreational Facilities.

1. Community recreational facilities shall be permitted for use by residents of the community. Separate recreation areas for the various types of residential units are not required. The recreational uses shall be limited to facilities and uses that primarily serve the surrounding residential community including but not limited to passive recreation (i.e.: formal courtyards, parks, plazas, tot-lots, mews, picnic areas, trails, paths, sidewalks, ponds, open space, and vistas) and active facilities (i.e.: swimming pools, outdoor courts, and clubhouses).

2. Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and shall only be used in conjunction with a pool.

3. With the exception of passive recreation, outdoor play fields, outdoor courts, swimming pools, and similar active recreational areas facilities shall be located a minimum of 100 feet from adjacent property designated by the Plan for residential development. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, outdoor play fields, courts, swimming pools and similar active recreation facilities shall be located a minimum of fifty (50) feet from an existing or proposed public road. Within the 100-foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers. These buffers and setbacks may be modified by the Planning Commission at the time of plan review.

4. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of forty (40) feet from adjacent property designated by the Plan for residential development. Within this forty (40) foot setback, a buffer (which may be less than 40' in width) shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements (except in width) of the Zoning Ordinance for fifty (50) foot buffers. These buffers and setbacks may be modified by the Planning Commission at the time of plan review.

IV. Requirements for Specific Tracts.

A. Tract A.

1. Uses. Uses within Tract A shall be limited to the following:

a. Hotels.

b. Liquor stores.

c. Continuous outside display of merchandise for sale, provided that such use not exceed five (5) percent of the gross floor area of the principal use and that such merchandise is displayed so as not to obstruct sidewalks.

d. Sidewalk vendors, to include, but not limited to, food, fruit and vegetable venders, provided that such uses do not obstruct sidewalks.

e. Outdoor recreational uses that accommodate activities accessory to uses located in the Tract and are conducted by area business or homeowners associations within the development. These uses would permit public gatherings for special events such as art shows, concerts and theatrical performances. These uses do not include commercial recreational uses such as, but not limited to, skateboard parks, miniature golf and batting cages.

f. Uses permitted by-right or with restrictions in the Neighborhood Business (C-2) and the Corporate Office (O-2) Districts except that the following uses shall not be permitted:

(i) Appliance store.

(ii) Department stores.

(iii) Funeral homes or mortuaries.

(iv) Furniture stores greater than 5,000 gross square feet.

(v) Hospitals.

(vi) Medical and dental laboratories.

(vii) Motor vehicle accessory stores.

(viii) Radio, television and other home entertainment, sales and services stores greater than 5,000 gross square feet.

(ix) Telephone exchanges.

g. Community agricultural uses, limited to the propagation and cultivation of crops, flowers, trees, and shrubs within open space that is owned, operated and maintained by a homeowner's association (such as a community garden and/or orchard), including farm accessory buildings and structures related thereto.

h. Accessory uses permitted in the C-2 and R-MF Zoning Districts.

i. Mixed-Use Buildings, defined as multi-story buildings that accommodate a combination of commercial and/or office and/or residential uses within the same structure.

2. General Requirements for Tract A.

a. With the exception of a grocery store, which shall not exceed 70,000 gross square feet no other individual commercial users shall be greater than 10,000 gross square feet. Hotels are not subject to this limitation.

b. If development along Watkins Center Parkway is arranged in an urban design layout with adjacent landscaped pedestrian ways, setbacks shall be reduced to twenty-five (25) feet. Within these setbacks, landscaping shall be installed in accordance with "perimeter landscaping H" with low shrubs and ground cover used appropriately in tree and/or shrub beds and at entrances. Otherwise, setback and landscape requirements for the Emerging Growth Areas shall apply.

c. Building setbacks and landscaping (including accessory structures related thereto) for Road "A" shall comply with Ordinance requirements for Emerging Growth Areas.

3. Requirements for Mixed-Use Buildings.

Commercial uses may only be located on the first floor of the building; office uses may be located on any floor; Multi-Family Dwellings may only be located above the first floor.

B. Tract B.

1. Uses. Within Tract B, uses shall be limited to the following:

a. Multiple Family Dwellings, defined as multi-story residential buildings with individual dwelling units on separate floors.

b. Live/Work Units, defined as Townhouses with first floor commercial or office uses with a residential unit on the upper floor(s). The first floor may be occupied by a different user than the occupant of the upper floors.

c. Townhouses, defined as attached multi-story dwelling in groups of two (2) or more.

d. Model homes, in accordance with Zoning Ordinance Section 19-65(a).

2. Requirements for Tract B.

a. If development along Watkins Center Parkway is arranged in an urban design layout with adjacent landscaped pedestrian ways, setbacks shall be reduced to twenty-five (25) feet. Within these setbacks, landscaping shall be installed in accordance with

"perimeter landscaping H" with low shrubs and ground cover used appropriately in tree and/or shrub beds and at entrances. Otherwise, setback and landscape requirements for the Emerging Growth Areas shall apply.

b. Residential and non-residential building setbacks and landscaping (including accessory structures related thereto) for Road "A," Road "B," and Huguenot Springs Road shall comply with Ordinance requirements for Emerging Growth Areas.

3. Requirements for Townhouses:

a. Lot Area and Width: Each lot shall have an area of not less than 1,280 square feet and a lot width of not less than sixteen (16) feet.

b. Percentage of lot coverage. All buildings, including accessory buildings, shall not cover more than ninety (90) percent of the lot's area.

c. Group or Row Design. The total number of lots within each attached group or row of townhouses shall not exceed twelve (12).

d. Building Height. Townhouses shall be a minimum of two (2) stories and a maximum of four (4) stories in height.

e. Garages. Front loaded garages shall be located no closer to the street than the front façade of the dwelling unit.]

4. Requirements for Live/Work Units:

a. Requirements for Live/Work Units shall be the same as set forth for Townhouses.

b. Uses for Live/Work Units shall be uses permitted by-right or with restrictions in the Neighborhood Business (C-2) District except that the following uses shall not be permitted:

(i) Appliance store.

(ii) Churches and/or Sunday schools.

(iii) Communication studios, offices, and stations, exclusive of towers, but does not include computer sales or service.

(iv) Department stores.

(v) Funeral homes or mortuaries.

(vi) Furniture stores greater than 5,000 square feet.

(vii) Hospitals.

(viii) Medical and dental laboratories.

(ix) Motor vehicle accessory stores.

(x) Radio, television and other home entertainment, sales and services.

(xi) Telephone exchanges.

c. At least fifty (50) percent of the ground floor shall be reserved for non-residential uses. The remainder may be used for residential uses, including garage or covered parking area and access to the residential uses on the upper floors.

d. Except as specified, no non-residential uses shall be located above the first floor.

e. The non-residential uses shall front on and have access to the public street.

C. Tract C.

1. Uses.

a. Single Family Detached Dwellings.

b. Townhouses, defined as attached multi-story dwelling in groups of two (2) or more.

c. Model homes, in accordance with Zoning Ordinance Section 19-65(a).

2. Requirements for Tract C.

a. Requirements for Single Family Detached Dwellings

(i) Lot Area and Width: Each lot shall have an area of not less than 4,580 square feet and a lot width of not less than forth-five (45) feet.

(ii) Percentage of lot coverage. All buildings, including accessory buildings, shall not cover more than sixty (60) percent of the lot's area.

(iii) Garages. Front loaded garages shall be located no closer to the street than front façade of the dwelling unit.

(iv) Other Standards. Any other development standards for Single Family Detached Dwellings that are not set forth in this section shall be as set forth in this Textual Statement.

3. Requirements for Townhouses shall be the same as set forth for Tract B.

D. Tract D.

1. Uses.

a. Uses permitted by right or with restrictions in the C-2 Zoning District.

b. Uses permitted by right or with restrictions in the O-2 Zoning District.

2. Requirements.

a. This tract shall be considered as part of a project consisting of this tract and Tax IDs 714-712-9323; 715-711-0444 and 4043; and 715-712-3508. (Tract C of Case 06SN0191)

b. If development along Watkins Center Parkway is arranged in an urban design layout with adjacent landscaped pedestrian ways, setbacks shall be reduced to twenty-five (25) feet. Within these setbacks, landscaping shall be installed in accordance with "perimeter landscaping H" with low shrubs and ground cover used appropriately in tree and/or shrub beds and at entrances. Otherwise, setback and landscape requirements for the Employment Center Districts shall apply.

c. Uses shall be limited to an overall maximum of 8,000 gross square feet per acre.

d. No individual user shall exceed 70,000 gross square feet.

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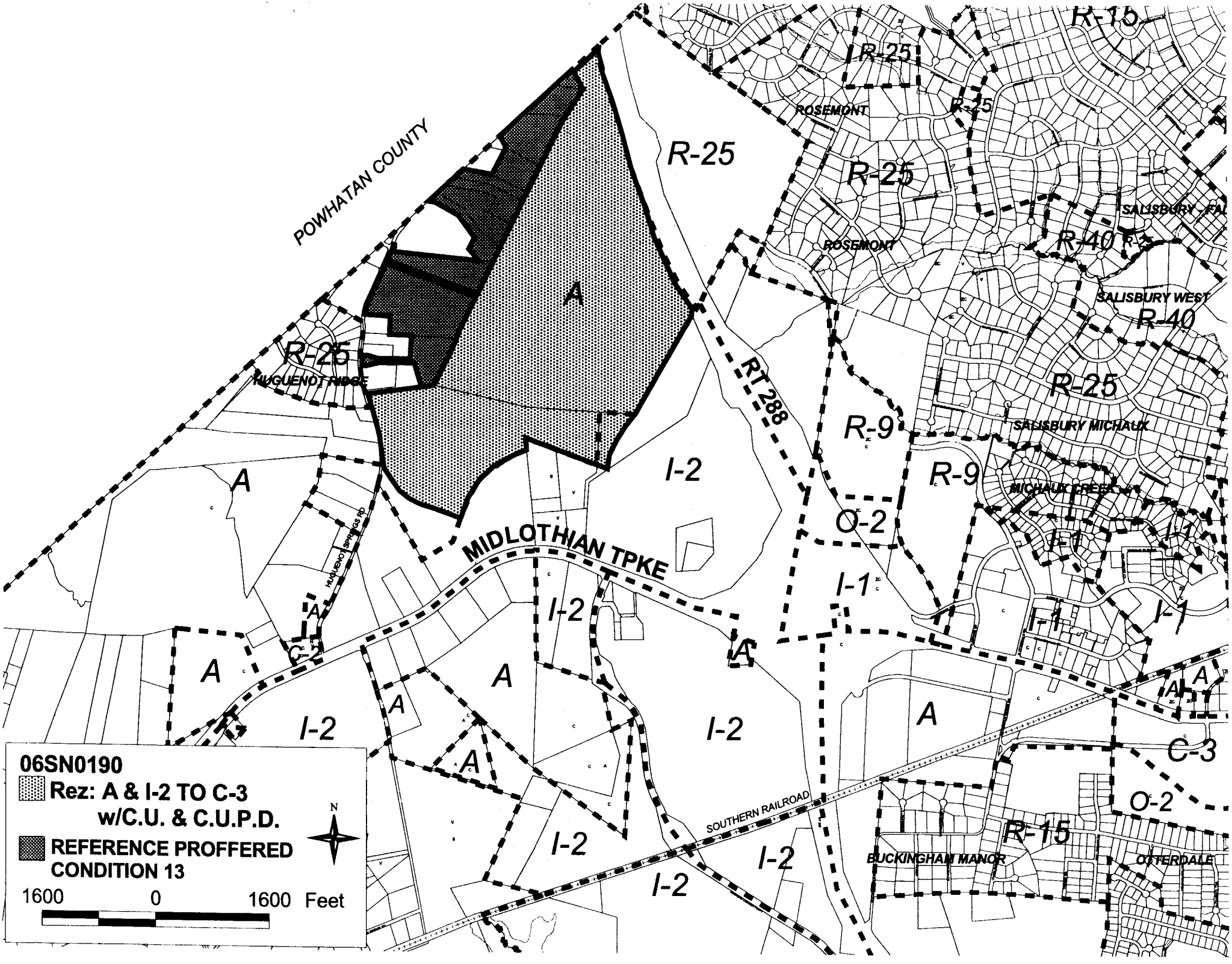
06SN0190
Rez: A & I-2 TO C-3
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REFERENCE PROFFERED
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HUGUENOT SPRINGS RD
ROSEMONT
SALISBURY WEST
SALISBURY MICHAUX
MICHAUX CREEK
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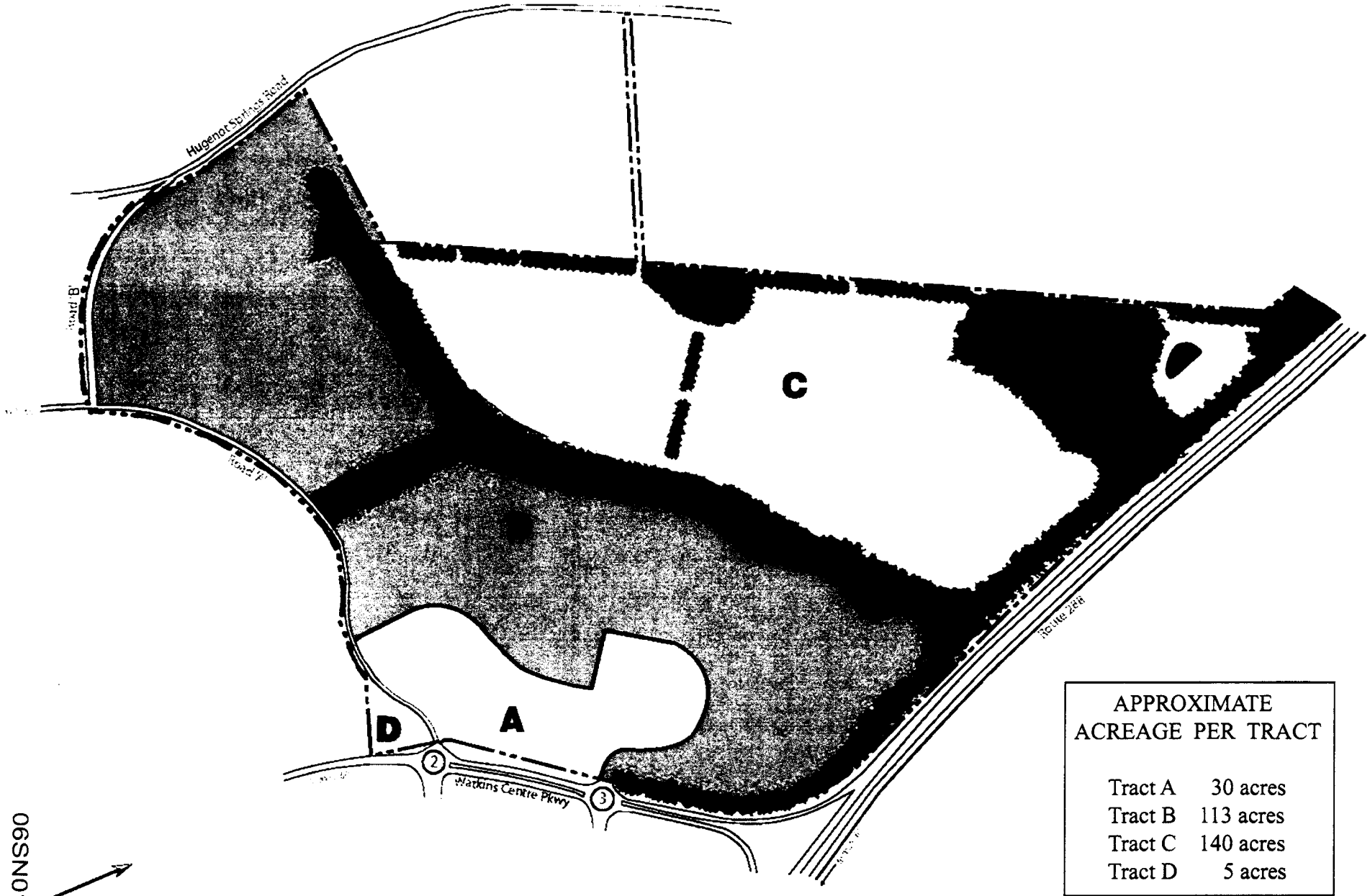
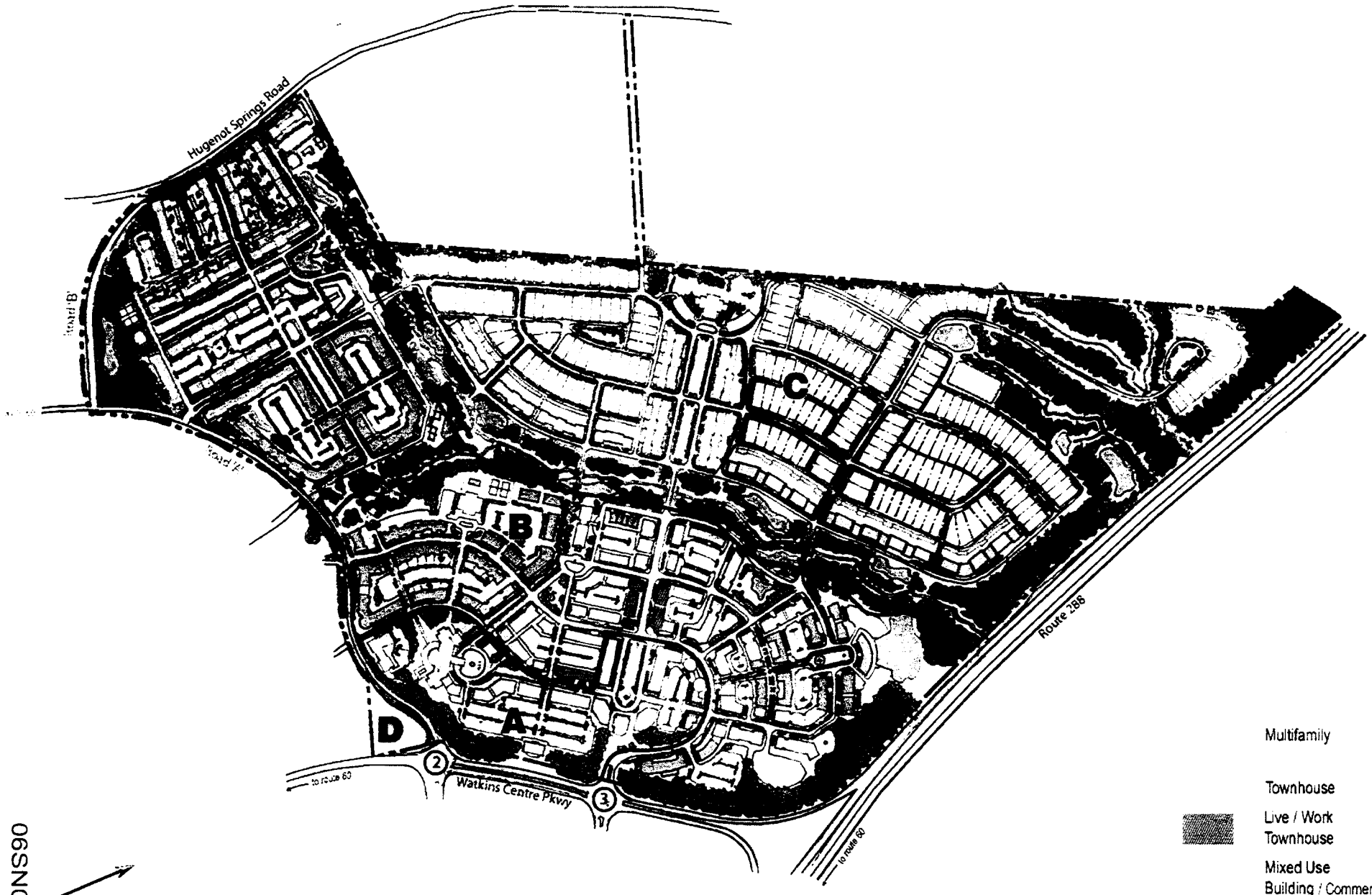


06SN0190-1

Zoning Map - Rose Tract (West)
June 5, 2006

The Village of Westchester
Midlothian, Virginia

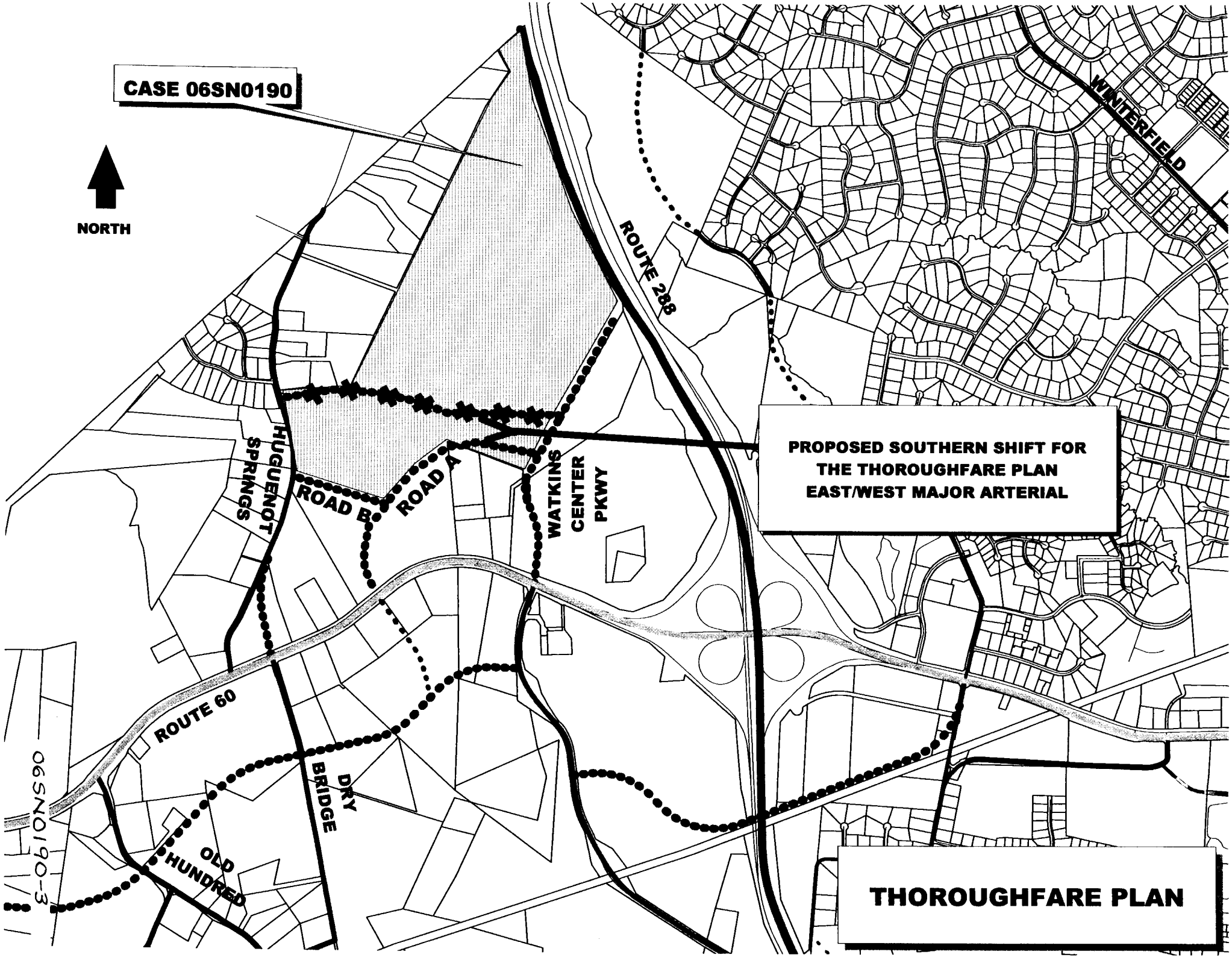
GEWI & HOLME



06SN0190-2

Conceptual Plan - Rose Tract (West)
June 5, 2006

The Village of Westchester
Midlothian, Virginia


CASE 06SN0190
NORTH
ROUTE 288
WINTERFIELD
PROPOSED SOUTHERN SHIFT FOR
THE THOROUGHFARE PLAN
EAST/WEST MAJOR ARTERIAL
HUGUENOT SPRINGS
ROAD B
ROAD A
WATKINS CENTER PKWY
ROUTE 60
DRY BRIDGE
OLD HUNDRED
THOROUGHFARE PLAN
06SN0190-3