July 18, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0301

Tascon Ironbridge LLC

Bermuda Magisterial District
Ecoff Elementary, Chester Middle and Bird High Schools Attendance Zones
East line of Chalkley Road

REQUEST: Amendment to Conditional Use Planned Development (Case 04SN0314) to permit single family dwellings not located on individual lots in Tract B.

PROPOSED LAND USE:

Residential uses are planned. Currently, conditions of zoning permit a maximum of fifty (50) single family dwelling units located on individual lots (Case 04SN0314 – Tract B). This amendment would permit a minimum of forty-nine (49) of these fifty (50) dwelling units to be developed as single family dwellings not located on individual lots.

RECOMMENDATION

Recommend approval subject to the applicant addressing the impact of this request on capital facilities. This recommendation is made for the following reasons:

A. The proposed land use conforms to the Chester Plan which suggests the property is appropriate for residential use of 7.0 dwellings per acre or more.

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

C. The proffered conditions do not 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 do not mitigate the impact on capital facilities, thereby not insuring adequate service levels are maintained nor 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 PROFFERED CONDITIONS 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 THIS REVISED PROFFERS.)

PROFFERED CONDITION

Master Plan. The textual statement dated April 11, 2006 and revised July 5, 2006, shall be considered "The Master Plan". (P)

(Staff Note: This Textual Statement replaces Item II of the Textual Statement approved as part of Case 04SN0314 for Tract B. All other previous conditions of Case 04SN0314 shall remain in effect.)

GENERAL INFORMATION

Location:

East line of Chalkley Road, north of Iron Bridge Road. Tax IDs 779-654-7016; 780-654-0821, 1940 and Part of 0208.

Existing Zoning:

R-MF with Conditional Use Planned Development

Size:

13.4 acres

Existing Land Use:

Single family residential or vacant

Adjacent Zoning and Land Use:

North - R-7; Vacant
South - C-2; Vacant
East - R-MF with Conditional Use Planned Development; Vacant
West - C-2; Single family residential

UTILITIES

Public Water System:

There is an existing twelve (12) inch water line extending along the east side of Chalkley Road that terminates approximately 175 feet north of the request side. This twelve (12) inch line is in the Chester Pressure Zone and will be unable to provide enough water to meet the fire flow demands for this site. Water service for this development will have to come from the existing sixteen (16) inch water line that extends along the south side of Iron Bridge Road, approximately 890 feet south of this site. This sixteen (16) inch water line is in the Courthouse Pressure Zone and computer simulations demonstrate that adequate flows should be available to meet the minimum fire flow and residual pressure. Use of the public water system is required. (Case 04SN0314, Proffered Condition 3)

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. To provide this additional supply point as well as provide an emergency feed, connection to and extension of the twelve (12) inch water line along the frontage of this site with Chalkey Road, may be required.

Public Wastewater System:

There is an existing ten (10) inch wastewater line located approximately 700 feet from the request site, which will serve Phase I of the "Magnolia Lakes" development. This line was constructed as part of the "Great Branch Trunk Sewer Assessment District". However, only a small portion of the request site was included in the design service area for this line. The majority of the request site was included in the design service area for an existing eight (8) inch collector within "Arbor Landing, Section 5", west of Chalkley Road, and approximately 320 feet from the request site. There is a recorded sewer easement along the northeast property line of Lot 12 (aka 11825 Cedar Landing Trail). One off-site easement will need to be obtained. Should the developer encounter difficulty in obtaining the necessary off-site easement, assistance from the County can be requested. Use of the public wastewater system is required. (Case 04SN0314, Proffered Condition 3)

The sewer line crossing of Chalkley Road will bring public sewer service closer to a portion of the existing Buxton subdivision which has been experiencing significant septic system problems. The Utilities Department has worked with thirteen (13) homeowners

on Beckinham Drive and Buckhurst Street to pursue a sewer assessment district based on an extension from this same route, but the cost to the homeowners has been prohibitive. With a sewer line extended across Chalkley Road by new development, the costs for an additional extension to serve the Buxton homeowners will be significantly reduced, which may make creation of a sewer assessment district feasible. The Utilities Department has also looked at the possibility of extending sewer from the Great Branch Trunk, across Ecoff Road, and up through the Buxton subdivision to Buckhurst Street and Beckinham Drive, but this alternative was equally too costly for the homeowners, and would involve forty-eight (48) properties, most of which have not experienced significant septic system problems.

The Utilities Department has advised the engineer for the "Magnolia Lakes" development that a sewer line extension across Chalkley Road will be required. Staff sees this as an opportunity to address a critical need within an established residential neighborhood by way of planned infrastructure for new development.

ENVIRONMENTAL

This request will have no 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. 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 2002. 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 fifty (50) dwelling units, this request will generate approximately twelve (12) calls for fire and emergency medical service each year. The applicant has not adequately addressed the impact on fire and EMS as discussed in the "Financial Impact" section contained herein.

The Chester Fire Station, Company Number 1, and Bensley Bermuda 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.

Schools:

Approximately twenty-seven (27) students will be generated by this development.

Currently, this site lies in the Ecoff Elementary School attendance zone: capacity - 782, enrollment – 773; Chester Middle School zone: capacity – 846, enrollment – 991; and Bird High School zone: capacity - 1,722, enrollment - 1,835. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006. This request will have an impact on all schools involved. There are currently four (4) trailers at Ecoff Elementary; four (4) at Chester Middle and five (5) at Bird High School. A new middle school is scheduled to open in 2009. The new middle school will provide relief for Chester and Carver Middle Schools. This area of the county continues to experience growth and this school will provide much needed space.

This case combined with other residential developments and zoning cases in the area, will continue to push these schools over capacity, especially at the secondary level, necessitating some form of relief in the future. The applicant has not adequately addressed the impact of this development on schools as discussed in the "Financial Impact" section contained herein.

Libraries:

Consistent with the Board of Supervisor's policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of the property would most likely affect the Central Library or the Chester Library. The Plan identifies a need to expand the Chester Library. The applicant has not adequately addressed the impact of this development on libraries as discussed in the "Financial Impact" section contained herein.

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 adequately addressed the impact of this proposed development on these parks and recreation facilities as discussed in the "Financial Impact" section contained herein.

Transportation:

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Traffic generated by this development will travel along Chalkley Road. Sections of Chalkley Road have little or no shoulders, fixed objects

adjacent to the edge of pavement, and poor vertical and horizontal alignments. The Transportation Department cannot support this case unless the applicant proffers to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development as discussed in the "Financial Impact" section contained herein.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	50*	1.00
Population Increase	136.00	2.72
Number of New Students		
Elementary	11.65	0.23
Middle	6.50	0.13
High	8.45	0.17
TOTAL	26.60	0.53
Net Cost for Schools	267,400	5,348
Net Cost for Parks	30,200	604
Net Cost for Libraries	17,450	349
Net Cost for Fire Stations	20,250	405
Average Net Cost for Roads	447,100	8,942
TOTAL NET COST	782,400	15,648

*Based upon a proffered maximum yield of fifty (50) units (Textual Statement II.A.1). The actual number of units and corresponding impact may vary.

The need for schools, parks, libraries, fire stations, and transportation facilities in this area is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan, and Adopted Capital Improvement Program and further detailed by specific departments in the applicable sections of this request analysis.

The subject parcel is governed by Case 04SN0314, which currently requires a cash proffer payment of $7,150 per unit. Staff did not support the cash proffer conditions for case 04SN0314, as the project was age-targeted instead of age-restricted. The conditions further requested a credit for existing density, a practice that was discontinued with policy amendments approved by the Board of Supervisors on June 25, 2004. The case was approved with a reduced cash proffer for schools. Furthermore, case 04SN0314 requires that the cash proffer be paid for development in excess of 106 units. These conditions would remain in effect for all of the property governed by case 04SN0314, including this subject property.

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 adequately 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 04SN0314 for any unit built in excess of 106 units. Accordingly, the county's ability to provide adequate capital facilities to its citizens would be adversely affected.

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. Staff recommends the applicant fully address their 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 request that may justify acceptance of cash proffers below the maximum amount.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Chester Plan which suggests the property is appropriate for residential use of 7.0 dwellings per acre or more.

Area Development Trends:

Properties to the north are zoned Residential (R-7) and are developed as part of the Buxton Subdivision or are currently vacant. Properties to the south and west are zoned Neighborhood Business (C-2) and are occupied by commercial or residential uses. Property to the east is zoned Multifamily Residential (R-MF) and is under development along with the subject property as part of the Magnolia Lakes condominium and single family project. It is anticipated that commercial uses will continue to be focused at the intersection of Iron Bridge and Chalkley Roads, with office and high density residential uses providing the transition from this commercial node to established single family residential developments to the north.

Zoning History:

On December 15, 2004, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved the rezoning of a fifty-two (52) acre tract to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit a condominium and cluster residential development containing a maximum of 275

dwelling units. The current request property was part of this case and referenced as Tract B, permitting fifty (50) dwelling units on individual lots.

Site Design:

Development of the single family homes not located on individual lots would be subject to the standards in the attached Textual Statement, revised July 5, 2006 (Proffered Condition). Development of the one (1) single family home located on an individual lot would be subject to Ordinance standards for the Residential (R-12) District except as noted in this Textual Statement. With the exception of the amendment to Item II. of the Textual Statement, all previous requirements of the original Textual Statement and proffered conditions for Case 04SN0314 would remain in effect.

It should be noted that the proposed single family dwellings not located on individual lots would not be subject to Proffered Condition 20 of Case 04SN0314 requiring minimum dwelling sizes for development on lots.

CONCLUSIONS

The proposed zoning and land uses conform to the Chester Plan which suggests the property is appropriate for residential use of 7.0 dwellings per acre or more. The proposed land use is representative of existing and anticipated area development.

The proffered conditions do not 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 do not mitigate the impact on capital facilities, thereby not insuring adequate service levels are maintained nor protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended, subject to the applicant adequately addressing the impact of this development on capital facilities.

TASCON MAGNOLIA LAKES
TEXTUAL STATEMENT
CASE 06SN0301
~~April 11, 2006~~
Revised July 5, 2006

II. Tract B

A. Single family dwellings, not located on individual lots, subject to the following requirements:

1. Dwelling Units. A maximum of fifty (50) dwelling units shall be permitted.

2. Setbacks from Roads and Property Lines. All structures shall be set back a minimum of twenty-five (25) feet from rights of way and property lines.

3. Distance Between Buildings. The minimum distance between buildings shall be ten (10) feet.

4. Driveways. Driveways serving a single dwelling unit shall be a minimum of twelve (12) feet in width. Driveways serving more than one (1) dwelling unit shall be a minimum of twenty (20) feet in width.

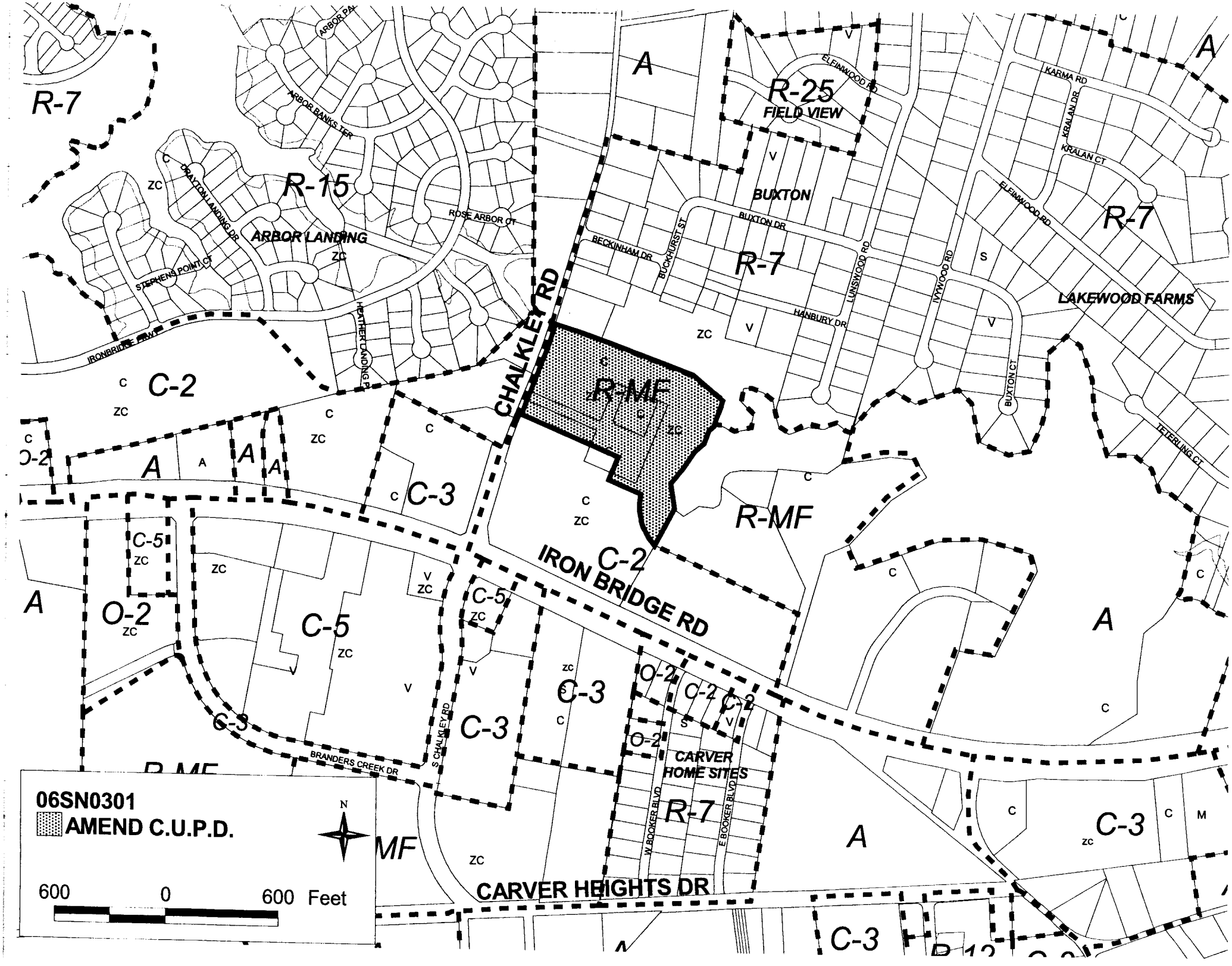
5. Buffer. A thirty-five (35) foot buffer shall be provided adjacent to Chalkley Road. This buffer shall comply with the requirements of the Zoning Ordinance for fifty (50) foot buffers. All structures shall maintain a minimum setback of twenty five (25) feet from the limits of this buffer.

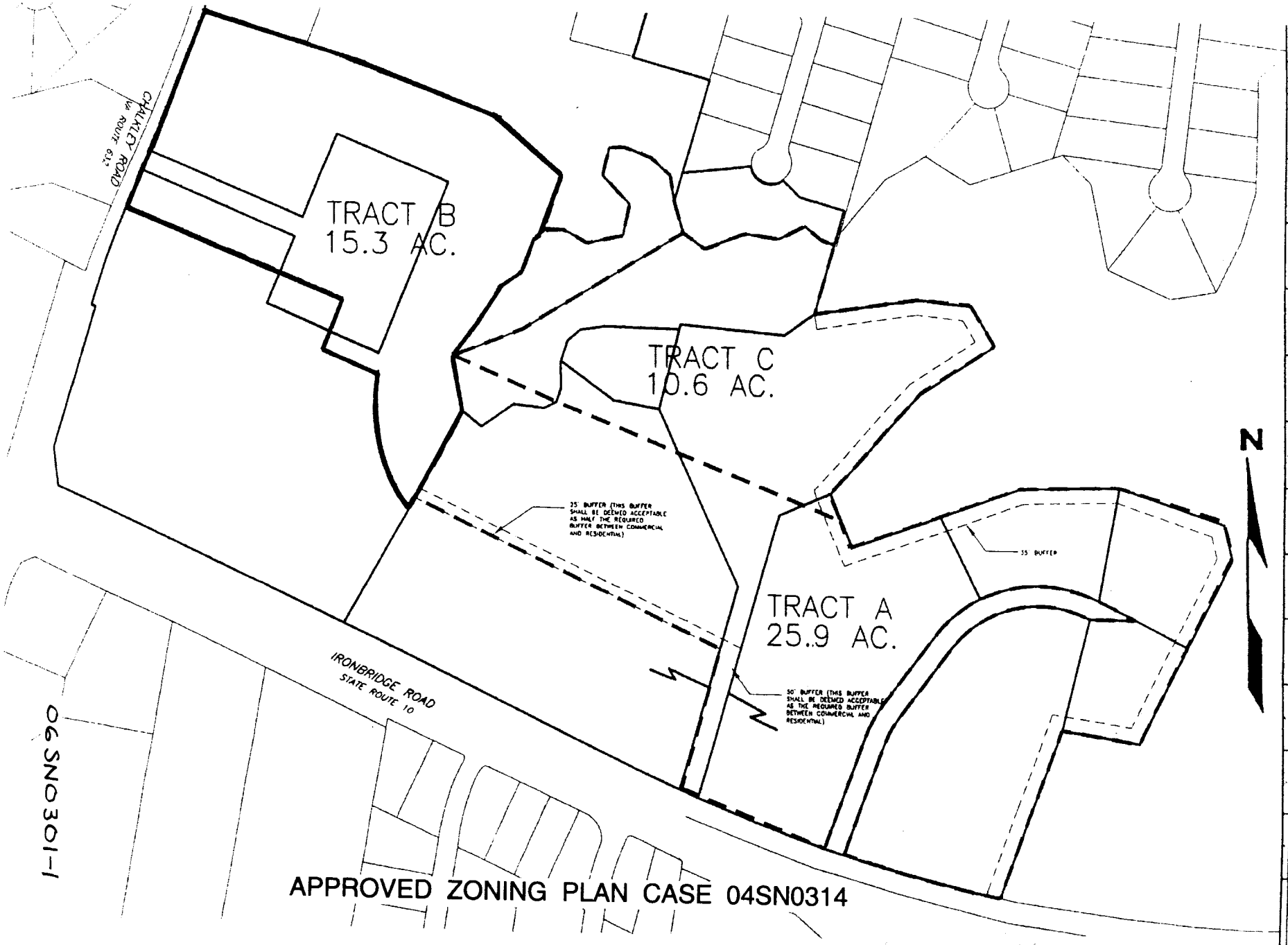
6. At the option of the developer, one of the single family dwellings noted in II.A may be located on an individual lot, subject to the requirements of the Zoning Ordinance for the Residential (R-12) District except as follows:

   i. Side and Rear Yards. Minimum of ten (10) feet

   ii. Front and Corner Side Yards. Minimum of twenty-five (25) feet

   iii. Detached Garage (one-story). Minimum front yard of ten (10) feet.


06SN0301
AMEND C.U.P.D.
N
600 0 600 Feet
R-7
R-15
ARBOR LANDING
ARBOR PA
ARBOR BANKS TER
DRAYTON LANDING DR
ROSE ARBOR CT
STEPHENS POINT CT
IRONBRIDGE PKWY
HEATHER LANDING PL
CHALKLEY RD
A
R-25
FIELD VIEW
ELFINWOOD RD
BUXTON
BUXTON DR
BECKINHAM DR
BUCKHURST ST
LUNSWOOD RD
HANBURY DR
IVYWOOD RD
BUXTON CT
KARMA RD
KRALAN DR
KRALAN CT
LAKEWOOD FARMS
TETERLING CT
R-MF
C-2
C-3
C-5
O-2
IRON BRIDGE RD
BRANDERS CREEK DR
S CHALKLEY RD
CARVER HOME SITES
W BOOKER BLVD
E BOOKER BLVD
CARVER HEIGHTS DR
MF



APPROVED ZONING PLAN CASE 04SN0314

06SN0301-1