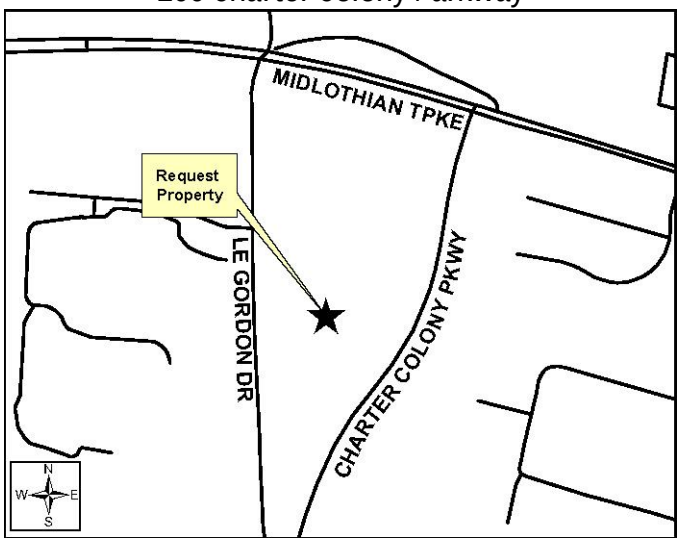
CASE NUMBER: 15SN0634
APPLICANT: Charter (E & A) LLC

STAFF'S ANALYSIS AND RECOMMENDATION

Board of Supervisors (BOS)
Public Hearing Date:
AUGUST 26, 2015
BOS Time Remaining:
365 DAYS

Applicant's Agent:
BRENNEN KEENE
(804-775-1005)
Applicant's Contact:
REYNOLDS ALLEN
(301-652-3588)
Planning Department Case Manager:
RYAN RAMSEY (804-768-7592)

CHESTERFIELD COUNTY, VIRGINIA
Magisterial District: **MIDLOTHIAN**
200 Charter Colony Parkway



APPLICANT'S REQUEST

Amendment of conditional use planned development (Cases 94SN0138 & 13SN0509) to permit exceptions to density and residential townhouse standards.

An eighty (80) unit residential townhouse development is planned. Density within Charter Colony is currently limited to 1,800 dwelling units with the development of John Tyler Community College. Eighty (80) additional dwelling units above the permitted 1,800 dwelling units in Charter Colony are proposed.

In addition, exceptions relative to bulk standards in the Residential Townhouse (R-TH) District for setbacks, lot size, unit variation, buffers, landscaping, open space and recreational areas are requested.

Notes:

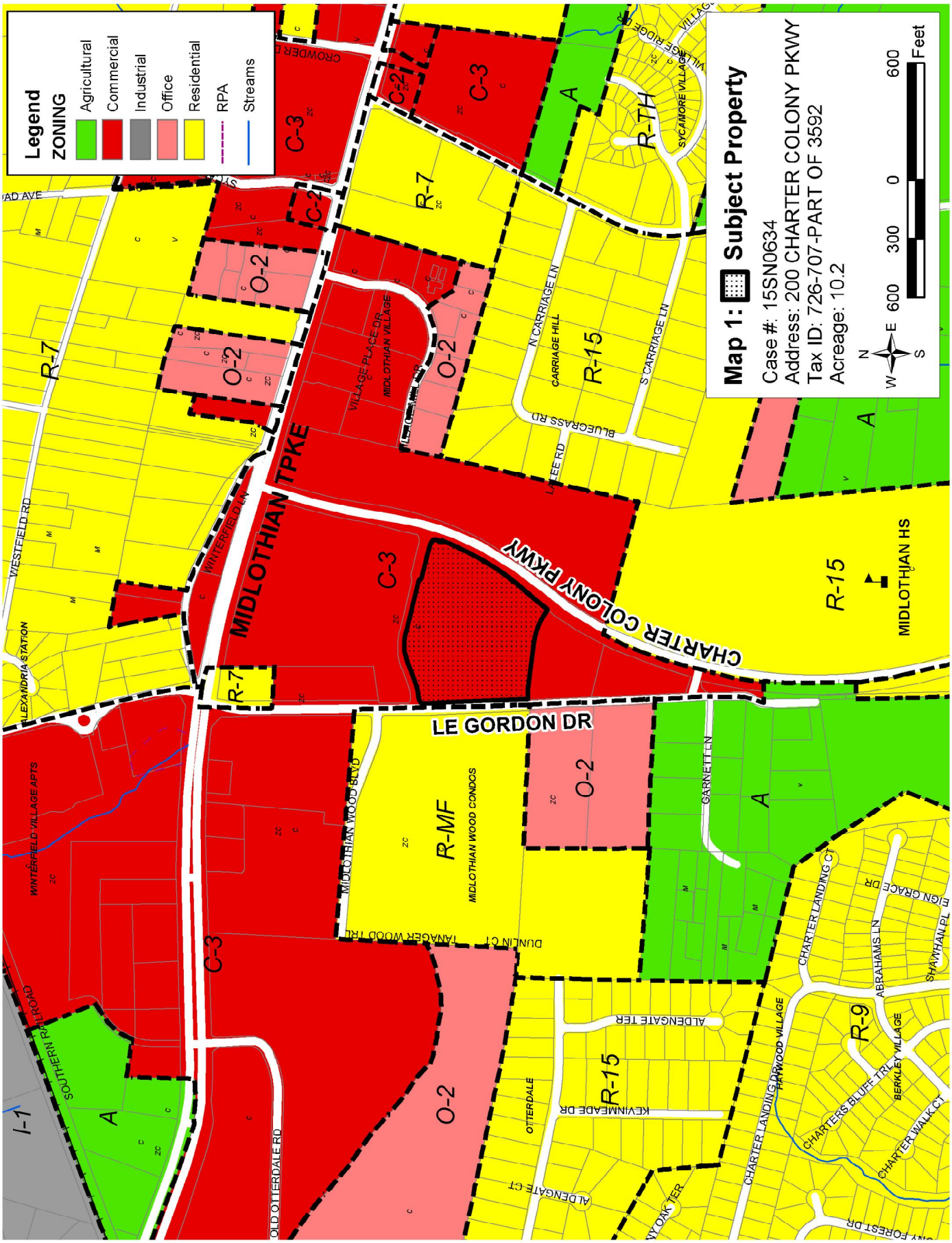
A. **Conditions may be imposed or the property owner may proffer conditions.**
B. **Proffered conditions and Textual Statement are located in Attachments 1 and 2.**

RECOMMENDATION

PLANNING COMMISSION (7/21/2015)	RECOMMEND APPROVAL • High-quality, village-concept townhouse community • Future development on Le Gordon Drive is limited • Substantial capital facilities improvements already constructed as a part of Charter Colony

RECOMMENDATION (CONTINUED)	
PLANNING COMMISSION (7/21/2015)	RECOMMEND APPROVAL **AYES**: Gulley, Waller and Wallin **NAYES:** Brown **ABSENT:** Patton
STAFF	RECOMMEND DENIAL • Request does not address impacts on capital facilities

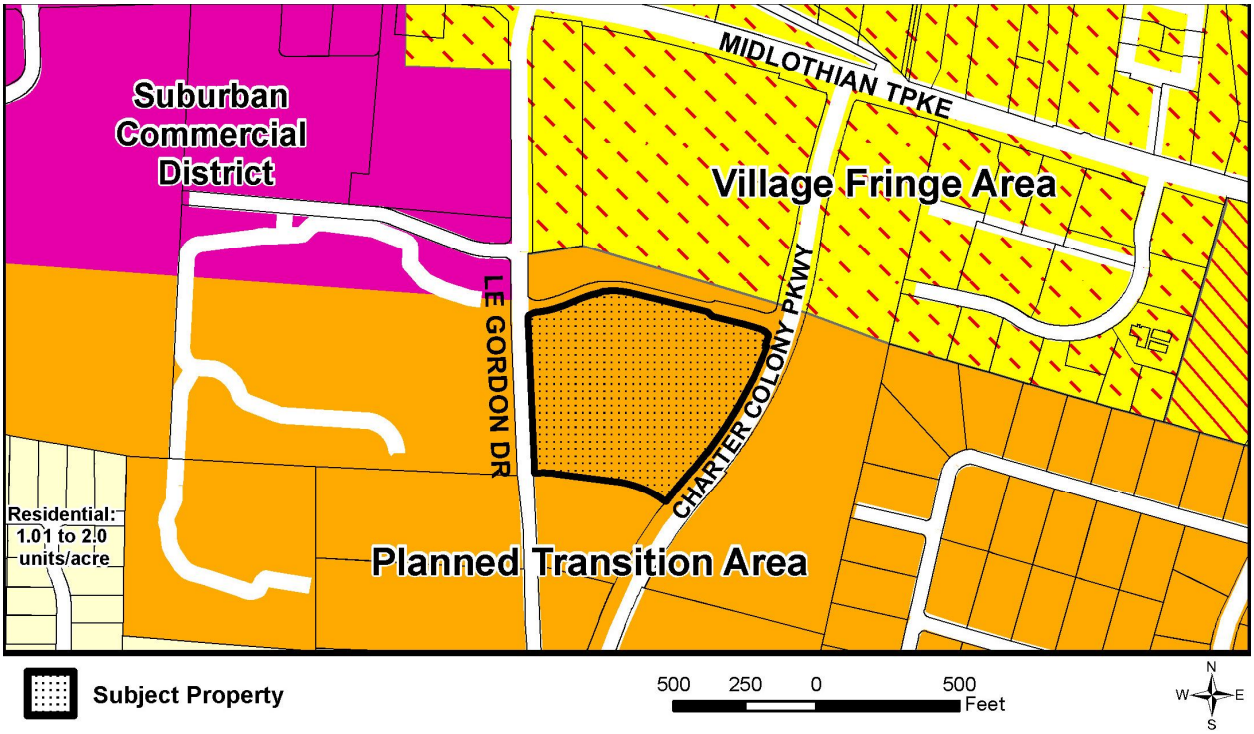
SUMMARY OF IDENTIFIED ISSUES	
Department	**Issue**
PLANNING	-
BUDGET AND MANAGEMENT	Fails to address the development's impact in accordance with Board's Cash Proffer Policy
FIRE	Fails to address development's impact on fire and EMS in accordance with Board's Cash Proffer Policy
PARKS AND RECREATION	Fails to address development's impact on parks and recreational facilities in accordance with Board's Cash Proffer Policy
LIBRARIES	Fails to address development's impact on library facilities in accordance with Board's Cash Proffer Policy
SCHOOLS	Fails to address development's impact on school facilities in accordance with Board's Cash Proffer Policy
CDOT	Fails to address development's impact on traffic in accordance with Board's Cash Proffer Policy
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-


Legend
ZONING
Agricultural
Commercial
Industrial
Office
Residential
RPA
Streams
Map 1: Subject Property
Case #: 15SN0634
Address: 200 CHARTER COLONY PKWY
Tax ID: 726-707-PART OF 3592
Acreage: 10.2
600 300 0 600
Feet
MIDLOTHIAN TPKE
CHARTER COLONY PKWY
LE GORDON DR
MIDLOTHIAN HS
MIDLOTHIAN WOOD CONDOS
MIDLOTHIAN VILLAGE
VILLAGE PLACE DR
WINTERFIELD VILLAGE APTS
SOUTHERN RAILROAD
WESTFIELD RD
WINTERFIELD LN
ALEXANDRIA STATION
MIDLOTHIAN WOOD BLVD
TANAGER WOOD TRL
DUNLIN CT
OLD OTTERDALE RD
OTTERDALE
KEVINMEADE DR
ALDENGATE TER
ALDENGATE CT
CHARTER LANDING DR
HATWOOD VILLAGE
CHARTER LANDING CT
ABRAHAMS LN
BERKLEY VILLAGE
CHARTERS BLUFF TRL
CHARTER WALK CT
GARNETT LN
N CARRIAGE LN
S CARRIAGE LN
CARRIAGE HILL
BLUEGRASS RD
LATEE RD
SYCAMORE VILLAGE
VILLAGE RIDGE DR
CROWDER DR
R-7
R-15
R-MF
R-9
R-TH
O-2
C-2
C-3
A
I-1

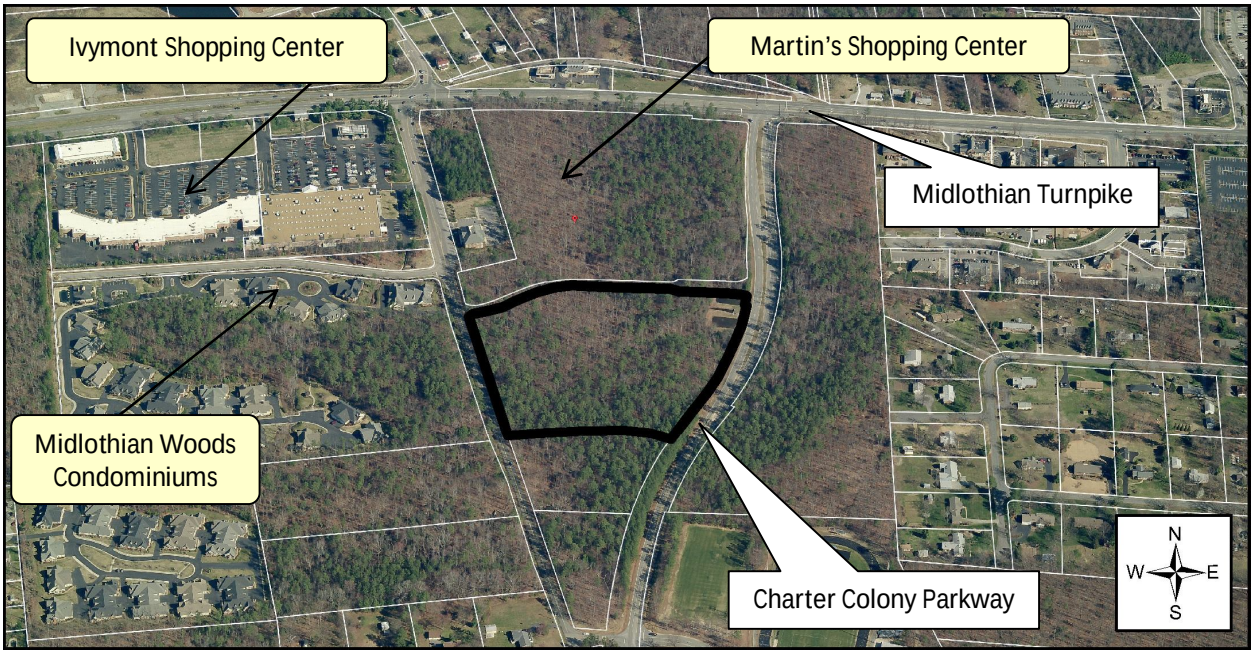
Map 2: Comprehensive Plan (Midlothian Area Community Plan)

Classification: **PLANNED TRANSITION AREA**

The designation suggests the property is appropriate for mixed-use development that contributes to an overall transition to a smaller scale, pedestrian-oriented environment in Midlothian Village. Primary uses will include office, medium-density housing (7-14 dwelling units per acre), personal services and community facilities.



Map 3: Surrounding Land Uses & Development



PLANNING
Staff Contact: Ryan Ramsey (804-768-7592) ramseyrp@chesterfield.gov

ZONING HISTORY

Case Number	BOS Action	Request
94SN0138	Approved (08/24/1994)	Rezoning from R-15 to R-9 of 764.3 acres, from R-TH to R-9 of 6.2 acres, and from R-15 to C-3 of 3.6 acres, all with Conditional Use Planned Development to permit use and bulk exceptions.
13SN0509	Approved (06/26/2013)	Amendment of Conditional Use Planned Development (Case 94SN0138) within Tract 7 to modify the location and reduce setbacks along of the East-West Collector Road and obtain conceptual landscape plan approval for the area fronting on Le Gordon Drive.

PROPOSAL

An eighty (80) unit residential townhouse development is planned. The request property is located within a portion of Tract 7, an area defined by the Master Plan in the original Charter Colony zoning request. Residential townhomes are a permitted use, when developed in accordance with the Residential Townhouse (R-TH) District standards and zoning conditions. Several exceptions to these development standards and the overall density limitations are requested.

CHARTER COLONY DENSITY

The following chart provides an overview of the development's density modification:

Case Number	Permitted Overall Density	Request
94SN0138	1,800 Dwelling Units [1] • If Tract 4 is developed for non-residential uses 2,100 Dwelling Units [1] • If Tract 4 is developed for residential uses	• Tract 4 has been developed for non-residential purposes (John Tyler Community College) • 1,784 dwelling units have been recorded or approved as of May, 2015 • 16 dwelling units remain (12 of these units may be non-age restricted dwelling units)
15SN0634 (Current Request)	80 Dwelling Units (On the Request Property)	• The proposed 80 lots would be in addition to the permitted 1800 dwelling units permitted elsewhere in the Charter Colony

[1] Density is for the entire Charter Colony zoning request geography, as outlined in Zoning Case 94SN0138.

DEVELOPMENT STANDARDS

The request includes a number of modifications to the Residential Townhouse (R-TH) District standards. These exceptions are necessary to promote a village-style townhouse concept rather

than a traditional, suburban-styled development per the current R-TH ordinance requirements. Generally, dwellings would consist of a mix of rear and front loaded townhomes, oriented along public roads and common areas. Alleys would facilitate access to the rear-loaded lots. Townhomes would also front the Special Access Road (East/West Road) and a common area. Sidewalks and pathways would be provided throughout the development, encouraging pedestrian-oriented placement of townhomes that are adjacent to streets and common areas.

The following chart provides an overview of the development's modification to Residential Townhouse (R-TH) District standards:

Design or Bulk Requirement	**Request**
Density	Increased from 8 to 14 dwelling units per acre[1] maximum density *Textual Statement 4.A.*
Lot Area and Width	Reduction in lot size and lot width for end units. *Textual Statement 4.B.*
Setbacks	• Reduced side, corner side and rear yard setbacks • Reduced encroachments for certain improvements (i.e. uncovered stairs, terraces, landings, porches, or enclosed entrances) • Establish a Special Access Road (East/West Road) setback *Textual Statement 4.C. , 4.E., 7.C., 7.D. and 7.E.*
Driveways and Parking Areas	Concrete curb and gutter not required for private alleys and driveways *Textual Statement 4.G.*
Group or Row Design	Eliminate unit variation *Textual Statement 4.H.*
Recreational and Common Area	Active recreational facilities not required. Passive recreation amenities to include a "Pavilion" and "Common Area". *Textual Statement 4.I and Proffered Condition 12*
Street Trees	Mix of large maturing and small ornamental street trees, based on the orientation of garage on unit along public roads, special access street and units fronting common area *Textual Statement 4.J. and Proffered Condition 10*
Building Height	Increased from 3 stories or 40', whichever is less to 4 stories or 45', whichever is less *Textual Statement 7.F.*

[1] Relief to this standard was previously given in Case 94SN0138.

ARCHITECTURE & SITE DESIGN

The applicant has offered several proffered conditions relative to the architecture, unit design and community amenities for the proposed townhouse development. The following chart and Attachment 5 (Exhibit B) provides an overview:

Design Requirement	Request
Architectural and Site Design Criteria	Generally similar to the design shown on Attachment 5 (Exhibit B). In addition, the following restrictions and elements shall be incorporated into townhouse units and community: • Specified exterior and roof materials • Enhanced treatment of townhouse end units and the rear elevations of units adjacent to Charter Colony Parkway • Roofline variation • Front entry porch and walkway widths • Screening of alley access from rights-of-way • Specified fence materials • Minimum garage sizes (1 or 2-car garages) • Allow on-street parking • Concrete driveways • Design and phasing standards for open space area and pavilion *Proffered Conditions 7,8,9,11 and12*

BUFFER, LANDSCAPING AND STREETSCAPE IMPROVEMENTS

The applicant has offered several proffered conditions relative to the design and layout of required buffers, landscaping and streetscape improvements. The following chart provides an overview of the development's requirements:

Design Element	Request
Buffer	• Buffer and supplemental plantings to be reviewed prior to construction commencing on property (along Charter Colony Parkway) • Easements may encroach into buffer, as shown on Exhibit A *Proffered Condition 3 and Textual Statement 7.A*
Unit Lighting	Each townhouse shall have a post light *Proffered Condition 11.D.*
Pedestrian Access & Sidewalks	• Meandering path on south side of Special Access • Pedestrian pathway connection between the townhouse development and Le Gordon Drive • A pedestrian crosswalk installed across the Special Access • Sidewalks on one side of all Public Roads • Sidewalk network around the common area and linking to Private Alleys *Proffered Condition 6 and Attachment 4 (Exhibit A)*

While a number of exceptions are requested, the applicant has proffered several architectural and design elements that will result in a village-style, high-quality, pedestrian-oriented townhouse development that is integrated into nearby existing developments and the larger Charter Colony community. As proffered, the exceptions to the typical R-TH standards will not be detrimental to existing or pending development in the immediate area.

FINANCIAL IMPACT ON CAPITAL FACILITIES

Budget and Management

Staff Contact: Natalie Spillman (717-8767) spillmann@chesterfield.gov

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.

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 $21,261 per unit. The applicant has been advised that the current maximum proffer of $18,966 per unit would defray the cost of the capital facilities necessitated by this proposed development.

The original zoning case 94SN0138 was approved in August 1994. Proffered Condition 2 of 94SN0138 states the maximum number of dwelling units within the development would be limited to 1,800 units, since Tract 4 was utilized for non-residential uses. Proffered Condition 3 states each residential lot developed in excess of 2,088 units would be subject to pay a cash proffer. Since the overall development was limited to 1,800 units, a cash proffer has never been applicable. The applicant has requested to amend the previously approved case which would increase the density, only on Tract 7, to add 80 units; however, they have not offered a way to address the impact of this proposed development on capital facilities. Because the applicant is requesting to increase the density above the currently allowed 1,800 units, staff feels that it is appropriate to accept a cash proffer to assist in mitigating the corresponding impacts on capital facilities.

The Cash Proffer Policy allows the County to assess the impact of all dwelling units in previously approved zoning cases that come back before the Planning Commission and Board of Supervisors using the calculated capital facility costs in effect at the time the case is reconsidered. It is appropriate to accept the maximum cash proffer of $18,966 for each dwelling unit.

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 proffers as offered for this case.

Per Dwelling Unit Impact on Capital Facilities					80* Potential Units
Facility Categories	**FY15 Calculated Impact**	**Cash Proffer on Existing Zoning**	**Current BOS Maximum**	**Applicant Proposal**	**Variance from Maximum**
Schools	$9,376	$0	$8,364	$0	($8,364)
Parks	$1,327	$0	$1,184	$0	($1,184)
Libraries	$340	$0	$303	$0	($303)
Fire Stations	$786	$0	$701	$0	($701)
Roads	$9,432	$0	$8,414	$0	($8,414)
Total	**$21,261**	**$0**	**$18,966**	**$0**	**($18,966)**
Overall Impact on Capital Facilities					
Schools	$750,080	$0	$669,120	$0	($669,120)
Parks	$106,160	$0	$94,720	$0	($94,720)
Libraries	$27,200	$0	$24,240	$0	($24,240)
Fire Stations	$62,880	$0	$56,080	$0	($56,080)
Roads	$754,560	$0	$673,120	$0	($673,120)
Total	**$1,700,880**	**$0**	**$1,517,280**	**$0**	**($1,517,280)**

*Based on Proffered Condition 2 of case 15SN0634. The actual number of dwelling units and corresponding impact may vary.

PUBLIC FACILITIES

FIRE SERVICE

Staff Contact: Anthony Batten (804-717-6167) battena@chesterfield.gov

The mission of Fire and Emergency Medical Services (EMS) is to protect life, property and the environment through a comprehensive fire and life safety program that ensures an adequate and timely response to emergencies. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide Fire & EMS Service Information & Needs		
Recommendations for Fire Stations by 2022	New	5
	Replacement/Revitalization	4
2011 Incidents as a percent of total [1]	Fire	24%
	EMS (Emergency Medical Services)	76%
Fire/EMS Increases in Call Volume from 2001 and 2011	44%	
County Population Increase from 2001 to 2011	17%	

[1] With the aging of population, medical emergency incidents are expected to increase faster than the rate of population growth over time.

Fire Service - Project Impacts	
Estimated Number of Calls for Service Annually	14
Applicant's Proposal to Address Impacts [1]	Applicant has not addressed impacts on fire and EMS facilities (cash proffer not in accordance with current policy).

[1] The financial impact of residential development on fire facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Information:

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.

Information relative to nearby fire and emergency service facilities can be found in Attachment 3.

PARKS AND RECREATION

Staff Contact: Brian Geouge (804-318-8720) geougeb@chesterfield.gov

The County supports a high-quality park system to provide residents and visitors with equitable access to active and passive recreation opportunities. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide Parks and Recreation Needs		
Park Type	Number of New Parks	Aggregate Acreage
Regional	3	600
Community	10	790
Neighborhood	9	180
Special Purpose	3 [1]	-
Urban [2]	-	-
Linear [3]	-	-

[1] The Public Facilities Plan notes facility recommendations for water-based parks. All other facilities are acquired and developed on a site-by-site basis.

[2] Facilities are recommended in urban areas where there is limited acreage available for park development.

[3] Facility needs are assessed on a site-by-site basis as recommended in the Public Facilities Plan.

Parks and Recreation – Project Impacts	
2012 County Level of Service	5.9 Acres of Regional, Community and/or Neighborhood parkland per 1,000 persons
Target Level of Service	9 Acres of Regional, Community and/or Neighborhood parkland per 1,000 persons
Applicant's Proposal to Address Impacts [1]	Applicant has not addressed impacts on parks and recreational facilities (cash proffer not in accordance with current policy). Applicant citing proffers set in zoning case 94SN0138, quality materials, and quality of life contributions.

[1] The financial impact of residential development on parks facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Information:

Information relative to nearby parks and recreation facilities can be found in Attachment 3.

LIBRARIES

Staff Contact: Debra Winecoff (804-751-4475) winecoffd@chesterfield.gov

The public library system's role in the county has expanded beyond its traditional function as a resource for information and materials, and now serves as a community gathering place for educational, cultural and informational services; community support during emergencies; economic development; and revitalization activities. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide Library Needs	
Facility Action	**County-wide Facility Needs**
Expand or Replace	5 Libraries
Construction of New Facilities	• 5 Libraries • 1 Community Arts Center

Libraries - Project Impacts	
2011 County Level of Service	0.45 square feet of library space per person
Standard Level of Service	0.82 square feet of library space per person
Applicant's Proposal to Address Impacts [1]	Applicant has not addressed impacts on library facilities (cash proffer not in accordance with current policy)

[1] The financial impact of residential development on library facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Library Information:

Information relative to nearby library facilities can be found in Attachment 3.

SCHOOLS

Staff Contact: Atonja Allen (804-318-8740) atonja_allen@ccpsnet.net

High performing, high quality public schools contribute to the quality of life and economic vitality of the County. The Comprehensive Plan suggests a greater focus should be placed on linking schools with communities by providing greater access, flexible designs and locations that better meet the needs of the communities in which they are located. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide School Needs		
School Types	**Facilities to Revitalize/Replace**	**New Facilities**
Elementary	16	3
Middle	6	2
High	2	3
Technical	-	1

Schools - Project Impacts		
Average Student Yield	Elementary	17
	Middle	9
	High	12
	Total	38
Applicant's Proposal to Address Impacts [1]	Applicant has not addressed impacts on school facilities (cash proffer not in accordance with current policy)	

[1] The financial impact of residential development on school facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Information:

After review of this request, based on current school assignments and student enrollment the proposed rezoning case will have an impact on schools. It is possible that over time this case, combined with other tentative residential developments and other zoning cases in the area will continue to push these schools to their capacity and therefore impact the capacity of facilities division-wide.

Information relative to schools currently serving area can be found in Attachment 3.

COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-748-1037) banksj@chesterfield.gov

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and recommendations are detailed in the chart below:

Recommendation	Applicant's Proposal
Cash Proffer Policy	Applicant has not addressed traffic impacts in accordance with current policy.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) brian.lokker@vdot.virginia.gov

VDOT Land Use Regulations	
Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	As proffered and proposed the conditions for meeting SSAR street acceptance connectivity (two external connections to a publically maintained street) and pedestrian accommodation criteria (sidewalks on one side of the street) would be met. Street acceptance is further subject to compliance with meeting VDOT's roadway design standards which include verification on the need for turn lanes proposed at roadway access points. The Department will evaluate during the site plan review process.
Land Use Permit (24VAC30-151)	-
Summary	-

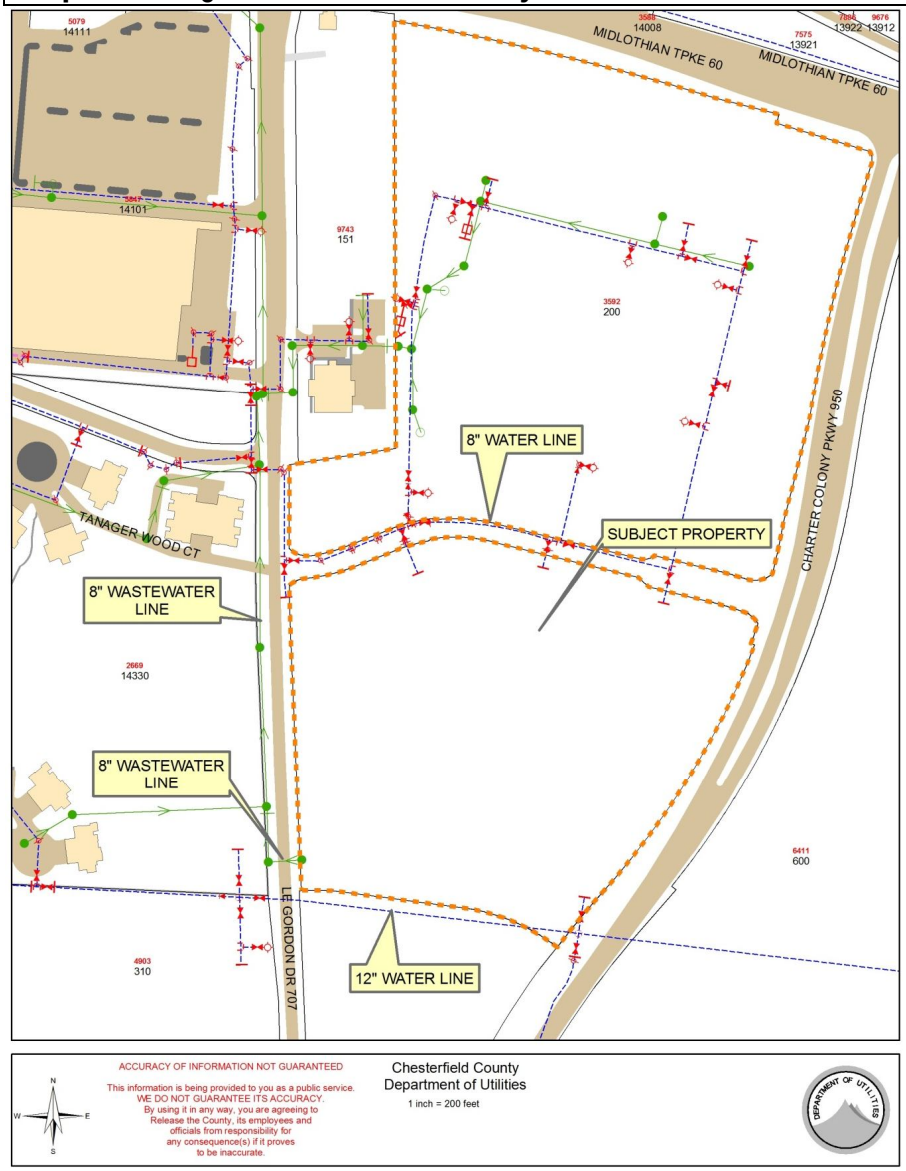
WATER AND WASTEWATER SYSTEMS

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

The proposal's impacts on the County's utility system are detailed in the chart below:

Water and Wastewater Systems			
	Currently Serviced?	**Size of Existing Line**	**Connection Required by County Code?**
Water	No	12" & 8"	Yes
Wastewater	No	8"	Yes

Map 5: Existing Water & Wastewater Systems



Additional Information:

The proposed request will not impact the public water and wastewater systems.

ENVIRONMENTAL

Drainage, Erosion and Water Quality

Staff Contact: Doug Pritchard (804-748-1028) pritchardd@chesterfield.gov

The proposal's impacts on drainage, erosion and water quality are detailed in the chart below:

Stormwater	
Issue	**Discussion/Conditions**
Geography	The property is in the Michaux Creek Watershed which drains into Powhatan County before reaching the James River
Stormwater Management	The necessary stormwater management infrastructure to accommodate this project has already been installed as a part of the site development improvements for the Charter Colony/Midlothian Turnpike/Le Gordon Drive Martin's Grocery Store.

CASE HISTORY	
Applicant Submittals	
3/9/15	Application submitted
5/8/15	Revised proffers and textual statement were submitted
5/11/15 & 5/12/15	Revised proffers and textual statement were submitted
6/29/15	A revised proffer was submitted, relative to permitting engineered wood siding as a permitted building material
Community Meeting	
4/22/15	**Issues Discussed** • Midlothian Planning Commissioner, applicant, agent and staff attended • House size, sales price, number of bedrooms/bathrooms, cash proffer, access to Charter Colony recreational facilities, number of students generated by this development and the impact on the overcrowding situation at Watkins Elementary School
Planning Commission Meetings	
5/19/15	**Citizen Comments** Citizens spoke in support and opposition of the applicant's request: • Development will have high-quality architecture and building materials • Development may worsen the overcrowding at J.B. Watkins Elementary School • Need to meet with area residents and evaluate traffic impacts on Le Gordon Drive • Offering no cash proffer is not acceptable since there is a need for public facilities within the immediate community and on a county-wide basis **Commission Discussion** The Commission noted their desire to defer this case to allow additional time for the applicant to meet with the community to discuss impacts of the development along Le Gordon Drive **Action – DEFERRED TO JULY 21, 2015**
7/21/15	**Citizen Comments** Several citizens spoke in opposition to this case, noting that the applicant has not offered a full cash proffer to address impacts on capital facilities, overcapacity of Watkins Elementary, increased traffic along Le Gordon Drive, and overdevelopment of the site. Two citizens spoke in support of this case, noting that the applicant has presented a quality housing product, there is a need for additional housing in Midlothian Village and that the developer of Charter Colony has already contributed towards offsetting its impact on capital facilities.

	Commission Discussion The Commission noted their support for this case: • Applicant has provided a village-concept plan for a high-quality townhouse community • Further development opportunities on Le Gordon Drive are limited • Impacts to local schools will need be addressed by the School Board, relative to overcrowding at Watkins Elementary School • A substantial amount of capital facility improvements have already been constructed as a part of Charter Colony development Dr. Brown noted his opposition to this case given development will generate students and usage of capital facilities; therefore a cash proffer to offset these impacts is appropriate. **Recommendation – APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS IN ATTACHMENT 1** **Motion:** Waller **Second:** Wallin **AYES**: Gulley, Waller and Wallin **NAYES:** Brown **ABSENT:** Patton
The Board of Supervisors on Wednesday, August 26, 2015, beginning at 6:30 p.m., will consider this request.	

ATTACHMENT 1

PROFFERED CONDITIONS

Note:
"CPC" – Recommended by the Planning Commission only

The Owners and the Developer (the "Owners") 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 part of Chesterfield County Tax Identification Number 726-707-3592 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for amendment to the Conditional Use Planned Development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Owners, the proffers shall immediately be null and void and of no further force or effect.

The application contains two (2) exhibits described as follows:

Exhibit A – A plan titled "Charter Colony Townhouses, Preliminary Site Plan," dated January 9, 2015, last revised February 24, 2015, and prepared by Youngblood, Tyler & Associates P.C.

Exhibit B – Elevations titled "Conceptual Elevations A, B, C, C-1, and D" prepared by HHHunt.

The Applicant hereby amends Proffered Condition 1 of Case 13SN0509 to read as follows:

(CPC) 1. Master Plan. The Textual Statement dated February 27, 2015, last revised May 11, 2015, shall be considered the Master Plan. (P)

(Note: Except as amended herein, all previous conditions of zoning approved in Case 13SN0509 shall remain in full force and effect.)

The Applicant hereby amends Proffered Condition 2 of Case 94SN0138 to read as follows:

(CPC) 2. Dwelling Units. A maximum of eighty (80) dwelling units shall be permitted on the Property. The dwelling units are independent of, in addition to, and shall not otherwise affect or limit in any manner the original number of dwelling units permitted by Proffered Condition 2 of case 94SN0138. (P)

(Note: Except as amended herein, all previous conditions of zoning approved in Case 94SN0138 shall remain in full force and effect.)

(CPC) 3. Buffers.

A. Charter Colony Parkway.

i. A fifty (50) foot buffer ("50-Foot Buffer") measured from the right-of-way shall be provided along Charter Colony Parkway as shown on Exhibit A.

ii. Natural vegetation within the 50-Foot Buffer shall be maintained to the maximum extent feasible. Prior to any construction on the Property, an on-site inspection by the Planning Department shall identify the trees within the 50-Foot Buffer that should be saved. Those trees shall be tagged and protected.

iii. If insufficient plantings exist within the 50-Foot Buffer, as determined by the Planning Department, additional plantings shall be added. The exact locations, quantities, species, and sizes of any supplemental landscaping shall be determined at the time of subdivision review.

B. Structures.

i. A decorative wall and/or signage may be provided within the 50-Foot Buffer to identify the townhouse development.

ii. Rear yard fencing for lots may be installed within the 50-Foot Buffer, provided that the required landscaping in the buffer is maintained. (P)

(CPC) 4. Setbacks on Special Access. A ten (10) foot setback shall be required for buildings located along the East-West Special Access Road ("Special Access") except as to accommodate improvements noted in Proffered Conditions 5.A. and 10.A. [For clarification, no buffers are required along the Special Access.] (P)

(CPC) 5. Pedestrian Access.

A. A sidewalk or meandering path located within the front yards of the townhouses shall be provided along the south side of the Special Access as generally shown on Exhibit A.

B. A pedestrian connection to the path located along LeGordon Drive shall be provided from the turnaround shown on Exhibit A and as approved by the Planning Department at the time of subdivision review.

C. At least one pedestrian crosswalk located in-line with the sidewalk fronting the shopping center buildings that face Charter Colony Parkway shall be provided across the Special Access, if approved by VDOT.

D. Sidewalks shall be provided on one side of the Public Roads of the townhouse development as shown on Exhibit A. Public Roads are those roads that are internal to the Property and designed to be accepted for state maintenance.

E. Additional sidewalks shall be provided across the Common Area and linking to the Private Alleys as generally shown on Exhibit A.

F. All private sidewalks leading to the front of the dwelling units shall be a minimum of four (4) feet in width. (P)

(CPC) 6. Garages and Parking.

A. Rear-loaded, alley-accessed townhouses shall have two-car garages.

B. Front-loaded townhouses shall have one-car garages.

C. On-street parking shall be permitted on Public Roads as approved by VDOT. (P)

(CPC) 7. Alley Access and Screening. Where an alley is visible from Public Roads, a screening wall, fence, or landscaping shall be used to minimize the view of parking and service areas. (P)

(CPC) 8. Townhouse Design.

A. The architecture design shall be generally similar to those shown on Exhibit B.

B. The townhouse end units that face outside the Property and in the locations noted on Exhibit A as Lots 1, 31, 32, 45, 46, 61, and 62 shall be constructed with additional façade design and detailing such as shown on Conceptual Elevation D.

C. All end units that are internal to the Property shall wrap any brick on the front façade a minimum of eighteen (18) inches along the side of the unit.

D. Exterior materials shall be brick or fiber cement siding (such as HardiePlank, HardieShingle, and HardieTrim) or engineered wood siding (such as LP SmartSide). Vinyl siding shall not permitted as an exterior material.

E. Other materials may be used for trim, architectural decorations, or design elements provided they blend with the traditional and cottage style architecture, as generally depicted in Exhibit B.

F. Roof materials shall be standing seam metal or a thirty (30) year architectural dimensional shingles with algae protection.

G. Roofs or roof lines shall be varied in color, height, or by a visual/material break between the roofs.

H. All front entries shall be covered with a solid porch roof. At least one unit in each group of rear-loaded townhouses shall provide a front porch design extending the full width of the unit to provide variety and vertical breaks to the units.

I. Any rear elevation adjacent to Charter Colony Parkway (Lots 11-31 on Exhibit A) shall be constructed with similar architectural details as those on the front elevation of the townhouse. All single windows shall have a shutter treatment. In addition, a minimum of two (2) dwelling units in a row or group shall incorporate a brick façade treatment from the foundation to the top of the second floor. The units with a brick façade shall not be required to incorporate decorative siding treatment above the brick.

J. The minimum square footage of the townhouses shall be 1600 square feet. (P)

(CPC) 9. Fences.

A. Any rear yard fences constructed shall be vinyl, fiber cement lumber, metal, and/or comparable material.

B. The height of rear yard fences shall not exceed six (6) feet. (P)

(CPC) 10. Streetscape.

A. Large maturing trees, planted approximately 40' on center, shall be provided along the Public Roads of rear-loaded lots, along the Special Access Street, and Common Area, except where there is a conflict with utilities, sightlines, and driveway areas.

B. Small ornamental trees shall be provided between groups of front-loaded lots, except where there is a conflict with utilities.

C. Front yard post lights shall be provided for each townhouse. (P)

(CPC) 11. Driveways. Driveways shall be concrete. Gravel or asphalt driveways shall not be permitted. (P)

(CPC) 12. Common Areas.

A. An open lawn passive recreation area shall be provided as shown as Common Area on Exhibit A.

B. A covered community gathering space such as pavilion, gazebo, or similar structure ("Pavilion") shall be provided on the Property.

i. The Pavilion shall be a minimum of 192 square feet in size and the design of the Pavilion shall be compatible with the architecture of the community.

ii. The exact location of the Pavilion shall be determined at the time of preliminary subdivision plat approval.

iii. Once the location is identified, the Pavilion shall be constructed as part of that row or group of townhouses immediately adjacent to the Pavilion location.

iv. Notwithstanding the provisions above, the Pavilion shall be under construction prior to the issuance of the 40th building permit. (P)

ATTACHMENT 2

TEXTUAL STATEMENT

Case 15SN0634

March 2, 2015
Revised May 8, 2015
Revised May 11, 2015

Tract 7 – C-3 with Conditional Use Planned Development to permit residential multi-family and townhouse uses; recreational uses accessory to residential uses in the development; private schools plus exceptions to C-3 bulk requirements.

1. Uses permitted shall be those permitted in the Community Business (C-3) District; Residential Multi-Family (R-MF) District and Residential Townhouse (R-TH) District; recreational uses accessory to residential uses in the development; plus private schools.
2. Development of any non-residential use shall conform to the requirements of the Midlothian Village Fringe District of the Zoning Ordinance, except that the setbacks from the East-West Special Access Road shall be as set forth in Proffered Condition 4 of Case 13SN0509.
3. Residential multi-family ~~and townhouse~~ uses shall conform to the Zoning Ordinance requirements for Residential Multi-family (R-MF) for any multi-family uses ~~and Residential Townhouse (R-TH) for any townhouse uses~~ except there shall be no minimum acreage requirement for such uses and density shall not exceed fourteen (14) units per acre.
4. Residential Townhouse uses shall conform to the regulations set forth in the Residential Townhouse (R-TH) district except as set forth in below and as specified in the Proffered Conditions.
   A. *Density.* There shall be no minimum acreage requirement and density shall not exceed fourteen (14) units per acre.
   B. *Lot Area & Width.* Each lot shall have an area not less than 1,520 square feet and a lot width of not less than 19 feet; except that end lots shall have a minimum area of 2,320 square feet and lot width of not less than 29 feet.
   C. *Setbacks from Special Access Road.* The minimum building setback from the East-West Special Access Road shall be ten (10) feet.
   D. *Side Yard.* The side yard setback for all end lots shall be ten (10) feet.
   E. *Corner Side Yard.* The corner side yard shall be twenty (20) feet.
   F. *Rear yard.* The rear yard shall be twenty (20) feet.
   G. *Driveways and Parking Areas*. All public roads shall have concrete curb and gutter. Alleys and driveways shall not be required to have concrete curb and gutter.

H. *Group or Row Design*. There shall be no required variation in the front yard setbacks for the townhouse units.

I. *Common Area.* No active recreational facilities or areas shall be required; however, passive recreation is provided as set forth in Proffered Condition 12.

J. *Street Trees.* Street tree installation shall be provided as set forth in Proffered Condition 10.

5. At time of site plan review for any recreational uses, conditions may be imposed to insure land use compatibility. These conditions may address, but not necessarily be limited to, buffering screening, lighting and hours of operation.

6. A natural or open space area of approximately four (4) acres shall be maintained between Charter Colony Parkway and LeGordon Drive, generally adjacent to Parcels 2, 4, 5, 7, 10, 19, and 20 on Tax Map 15-15 (1) as illustrated on Exhibit 'B.' This open space may be utilized for access, stormwater retention, wetlands mitigation, water quality facilities, utility extensions and similar uses as may be approved by the Planning Commission, but shall not be used for building or parking. Specific measures shall be required to mitigate the impact of these improvements to LeGordon Drive and adjacent residential areas, if deemed necessary by the Planning Commission. These measures may include but not necessarily be limited to additional landscaping, architectural treatment, fences, walls, hedges, berms, etc.

7. The development of the townhouses shall conform to the Zoning Ordinance except as follows:

A. The buffer along Charter Colony Parkway may be reduced to thirty (30) feet where necessary to accommodate existing easements, utilities running generally parallel to the buffer, fencing, and signage (including a decorative wall).

B. If side entry townhouses are provided, uncovered stairs, terraces, landings, porches, or enclosed entrances may project into the side yard or the corner side yard up to eight (8) feet.

C. Bay windows and eves may project into any yard setback up to three and a half feet (3.5) feet.

D. Covered porches enclosed on three sides may project into a front yard setback up to four (4) feet.

E. The maximum height of all buildings shall be four (4) stories or forty-five (45) feet, whichever is less.

ATTACHMENT 3

SUPPLEMENTAL PUBLIC FACILITIES STATISTICS										
Schools Currently Serving Area										
		Watkins Elementary School			Midlothian Middle School			Midlothian High School		
Current and Projected Figures [2]	Capacity Categories	Membership	Functional Capacity	% Capacity	Membership	Functional Capacity	% Capacity	Membership	Functional Capacity	% Capacity
	2014	1011	818	124	1225	1506	81	1472	1569	94
	2015	1033	-	126	1206	-	80	1548	-	99
	2016	1051	-	128	1213	-	81	1591	-	101
	2021	1072	-	131	1211	-	80	1802	-	115
Trailers	Number of Trailers [1]	3			-			0		

[1] Trailers are not identified in the staff report for schools under 90% capacity.

[2] Disclaimer: Please note that Projected Membership AND Functional Capacity are updated on an ANNUAL BASIS. They are based on the September 30 membership and Space Utilization Study Report for a given year. School boundary adjustments may be made to address over capacity levels.

Nearby Public Facilities	
Fire Station	The Midlothian Fire Station, Company Number 5
EMS Facility	The Forest View Volunteer Rescue Squad
Library	Midlothian Library
Parks & Recreation	Watkins Annex Park, Midlothian Middle Athletic Complex, Mid-Lothian Mines Park

ATTACHMENT 4

EXHIBIT A (CONCEPTUAL LAYOUT)

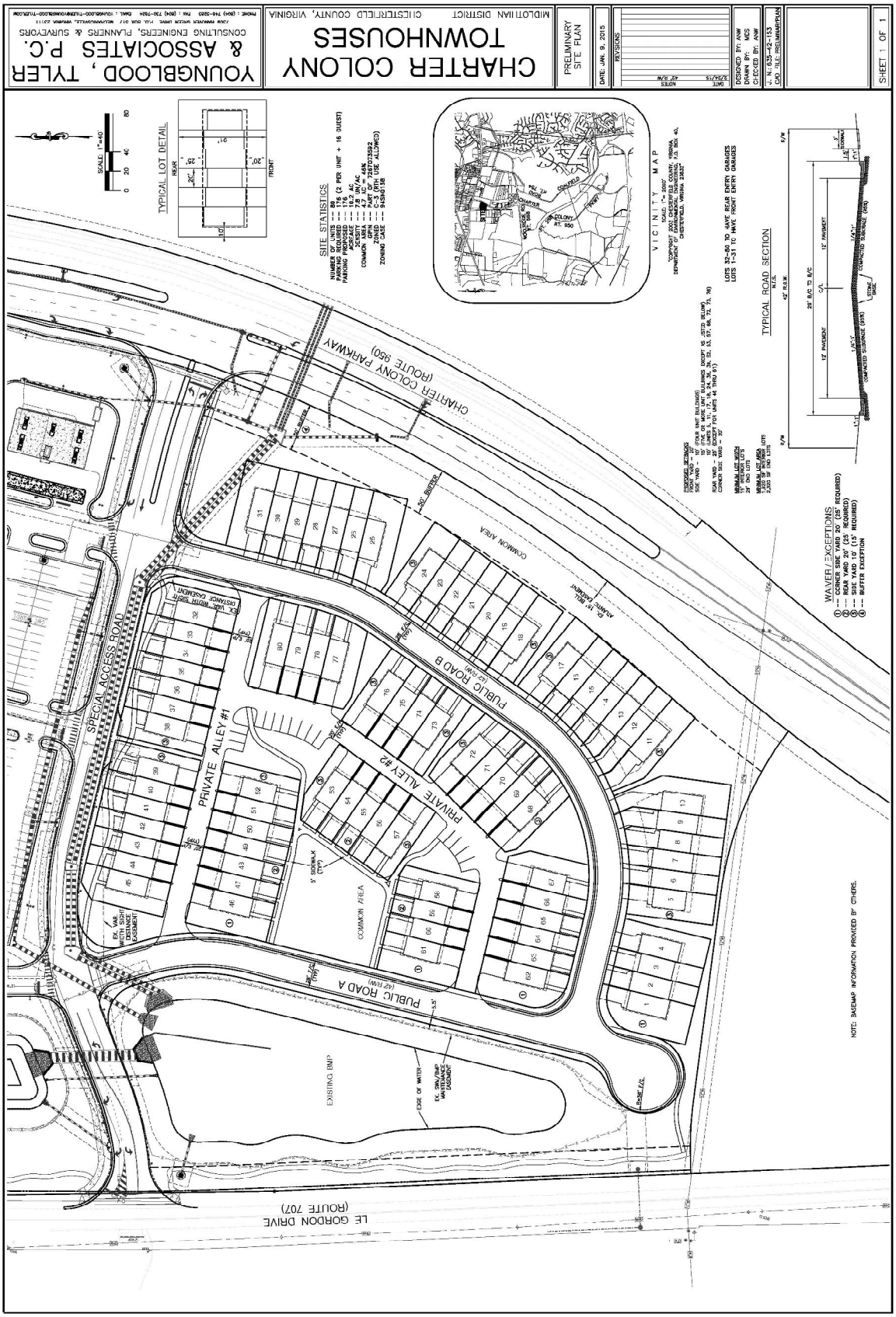
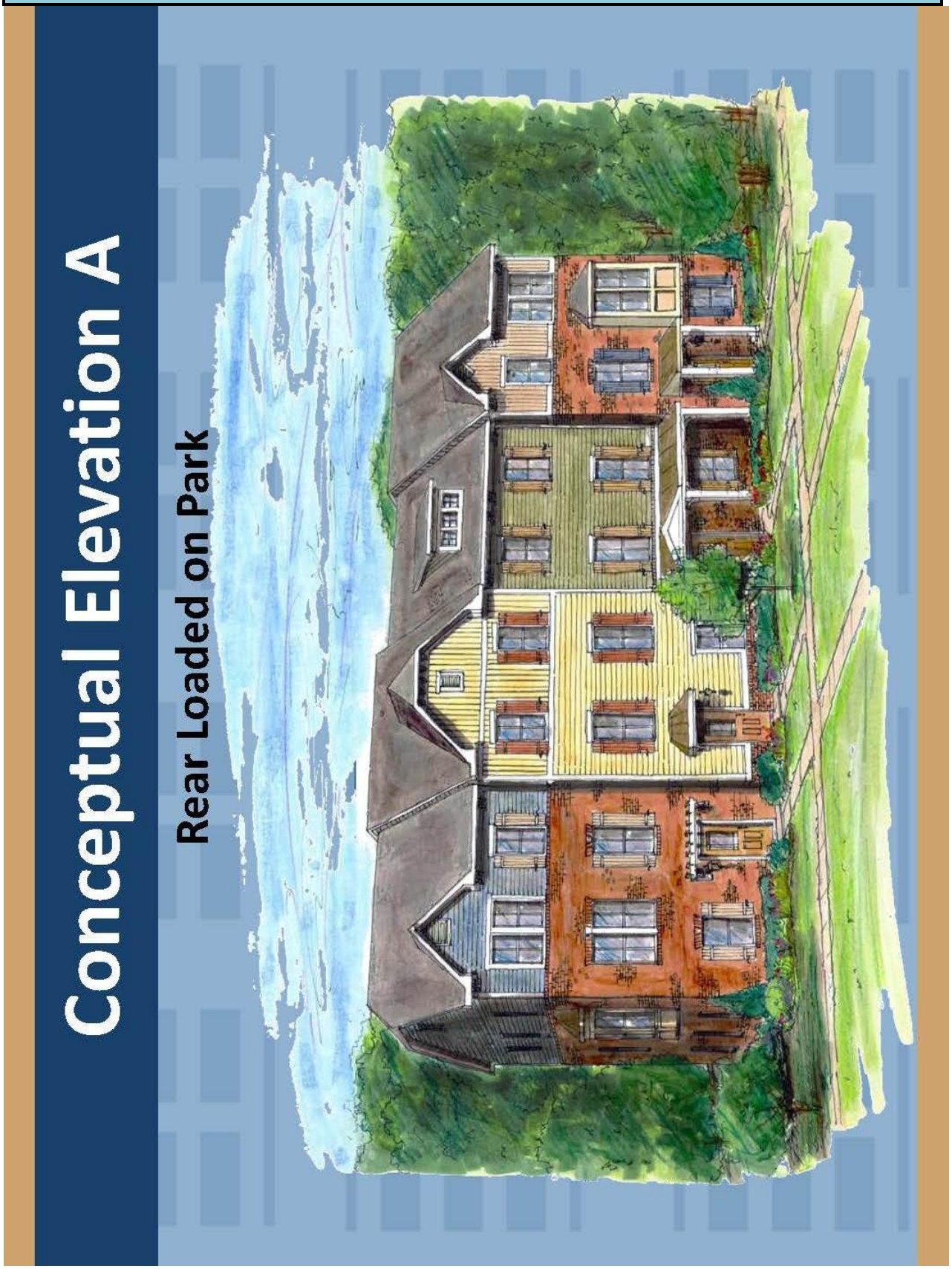


EXHIBIT B (CONCEPTUAL ELEVATIONS)



Conceptual Elevation B

Rear Loaded

Conceptual Elevation C

Front Loaded

Conceptual Elevation D

Side with Public Road Exposure

APPROVED PROFFERED CONDITION 2 (94SN0138)

Mr. George Beadles expressed concerns relative to lot sizes on the property and stated he feels citizens will eventually feel that this case is important to the overall water quality of Swift Creek Reservoir; that due to its potential impact on water quality, conditions should be imposed which further restricts the amount of phosphorus run-off similar to that agreed by the Magnolia Grange development; and that as seen in the earlier case, smaller lots usually become rentals.

Mr. Dave McKenney stated he is an adjacent property owner and he feels people can adjust to most anything; that property owners have the right to use their property the way they wish within reason; and expressed appreciation to Mr. and Mrs. Reynolds who contributed 70 acres for Midlothian High School and the acreage contributed to John Tyler Community College. He requested the Board to approve the request as recommended by the Planning Commission.

Mr. David McKenney, Jr. stated he resides on LeGordon Drive; that his property is the only property adjacent to Tract 5; that he would rather have commercial development on the property rather than residential as recommended by staff; and requested the Board to approve the request as recommended by the Planning Commission.

Mr. Barber stated the difference between this case and others is that this request has in place existing zoning. He further stated with approval of this request, fewer homes would be permitted than in the original zoning and that John Tyler Community College and the right-of-way for Route 288 is significant in the development of this part of the County, therefore, he feels the positive impact outweighs the negative. He expressed appreciation to the applicant and Midlothian District's Planning Commissioner for their efforts in addressing this very intricate and detailed zoning process.

Mr. Barber then made a motion for the Board to approve Case 94SN0138 as recommended by the Planning Commission.

Mr. Daniel seconded the motion. He stated that in the 1970's a request such as this would have been considered by some as having a negative impact on the County, however that vision has changed. He further stated he feels this request will contribute favorably to the Midlothian community.

Mr. McHale called for the vote, on the motion made by Mr. Barber, seconded by Mr. Daniel, for the Board to approve Case 94SN0138 subject to the following condition:

> In Tract 7, any multi-family residential development shall be limited to that area lying north of the East-West Collector.
>
> (Note: This condition is in addition to the Textual Statement, Detailed Tract Conditions, Tract 7.)

And, further, the Board accepted the following proffered conditions:

1. The application, Textual Statement, and the plan prepared by J. K. Timmons and Associates, titled Zoning Map for Charter Colony, and dated June 28, 1994, shall be considered the Master Plan.

2. The total number of dwelling units within the development shall not exceed:

   a. 1800 units provided Tract 4 is utilized for non-residential uses.

94-641 8/24/94

b. 2100 units provided Tract 4 is utilized for residential uses.

3. For each residential lot developed in excess of 2088 units permitted under the existing zoning, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the time of building permit application for infrastructure improvements within the service district for the property.

   a. $5,043 per lot, if paid on or prior to June 30, 1994; or

   b. The amount approved by the Board of Supervisors not to exceed $5,043 per unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1st, 1993 and July 1st of the fiscal year in which the payment is made if paid after June 30th, 1994.

   c. In the event that portion of Tract 4, as designated on the plan prepared by J. K. Timmons and Associates, is developed for residential uses, then for every acre not developed for such use, the above limit of 2088 units shall increase by 2.46 units per acre, not to exceed a total of 2100 units.

4. Building permits for commercial uses on Tract 5 shall not be issued until one of the following events occurs: 1) the year 2004, 2) the construction of the Route 288/Woolridge Road Extended Interchange commences as determined by the Transportation Department, 3) the construction of Woolridge Road Extended east of Coalfield Road to Route 60 commences as determined by the Transportation Department or 4) the construction to four (4) lanes of Charter Colony/Realigned Coalfield Road from Route 60 to Powhite Parkway commences as determined by the Transportation Department.

5. In conjunction with recordation of any subdivision plat, restrictive covenants shall be recorded which include the following:

   Foundations shall have an exterior finish on all sides of either brick, architectural grade stucco finish, architectural grade textured and/or patterned concrete.

6. In the event Tract 4 is utilized for residential uses, Realigned Coalfield Road/Charter Colony Parkway shall be constructed as a four lane divided facility from Route 60 to the southern property line and Woolridge Road Extended shall be constructed as a 4 lane divided facility from Coalfield Road to the western property line. Construction of any bridges or improvements for Route 288 shall not be required. The exact location and design of Realigned Coalfield Road/Charter Colony Parkway and Woolridge Road Extended shall be approved by the Transportation Department. Prior to the site plan approval or recordation of subdivision plats for more than a cumulative total of 900 residential units/lots for this project, these improvements shall be completed as determined by the Transportation Department.

7. No residential lot shall front on or have direct access to existing Coalfield Road, Realigned Coalfield Road/Charter Colony Parkway, Woolridge Road Extended or the Coalfield Road Connector.

Owners, the proffers shall immediately be null and void and of no further force or effect.

The application contains two (2) exhibits described as follows:

Exhibit A - Plan titled "Special Access Road Plan," prepared by VHB, dated May 1, 2013.

Exhibit B. - Plan titled "Le Gordon Drive Landscaping" prepared by VHB, dated March 11, 2013.

1. Master Plan. The Textual Statement dated January 14, 2013, and last revised April 22, 2013, shall be considered the Master Plan. (P)

2. East-West Special Access Street.

   A. Prior to any site plan approval, a variable width right-of-way for an East West Special Access Street ("Special Access") [as defined in Section 19-505(b) of the Zoning Ordinance in effect at the time of this approval], from Charter Colony Parkway to Le Gordon Drive and as generally shown on Exhibit A, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location and width of this right-of-way shall be approved by the Transportation Department.

   B. The design and location of the Special Access shall be as generally shown on Exhibit A and as set forth in Proffer 3, with modifications approved by the Transportation Department. If the development on the Property requires relocation or realignment of the Special Access from that shown on Exhibit A, upon request by the Owners, the Transportation Department may approve such request. (T)

3. Transportation Improvements. Prior to issuance of a certificate of occupancy for any development that accesses onto the Special Access, two (2) lanes of the Special Access shall be constructed from Charter Colony Parkway through the property to Le Gordon Drive, based on VDOT Urban Local Standards with modifications approved by the Transportation Department. (T)

4. Setbacks.

A. No minimum or maximum setbacks shall be required for buildings, parking, and drives located along the north side of the Special Access except as to accommodate improvements noted in Proffer 4.B. [For clarification, no buffers are required along the Special Access.]

B. Sidewalks and pedestrian lighting shall be located along the north side of the Special Access. Street trees shall be located on both sides of the Special Access, outside of any required site distance easements. The exact location and treatment of these improvements shall be reviewed and approved by the Planning Department as part of the site plan process. (P)

5. Le Gordon Drive Landscaping.

A. Landscaping along Le Gordon Drive shall be designed generally in accordance with Exhibit B, except as modified by subsections C and D below and Proffer 6.A.

B. The tree save area shall be twenty-five (25) feet in width ("Tree Save"). The edge of the BMP adjacent to the Tree Save shall be adjusted to protect the drip lines of the protected trees (extending beyond the tree save area), which will provide for a more organic shape to the BMP as shown on Exhibit B. The trees shown on Exhibit B in the Tree Save reflect only the larger trees that are to be saved.

C. In addition to the larger trees, an on-site inspection by the Planning Department may identify smaller trees within the Tree Save that can also be saved. Those trees shall be tagged and protected, subject to the final location of the pedestrian access as set forth in Proffer 6.

D. If insufficient plantings exist in the Tree Save, as determined by the Planning Department, additional plantings shall be added in accordance to Perimeter Landscaping D. The exact locations, quantities, species, and sizes of any supplemental

landscaping, including any required landscaping around the BMP, shall be determined at the time of site plan review. (P)

6. Pedestrian Path Phasing.

A. In conjunction with development on the north side of the Special Access, a five (5) foot asphalt pedestrian path or other surface type ("Path"), as determined by the Planning Department, shall be provided along Le Gordon Drive adjacent to that portion of the Property that directly abuts Le Gordon Drive. The Path shall meander through the Tree Save in order to protect the trees and any additional required landscaping.

B. If non-residential uses are developed on the Property located to the south of the Special Access, a pedestrian connection to the Path shall be provided, as approved by the Planning Department at the time of site plan review for that phase of the development. This pedestrian connection shall tie into the pedestrian network provided along the south side of the Special Access except at the pond crossing. At least one pedestrian crosswalk located in-line with the sidewalk fronting the shopping center buildings that face Charter Colony Parkway shall be provided across the Special Access, if approved by the Transportation Department. (P)

7. Pedestrian Lighting.

A. Lighting shall be provided along the Path to allow use of the Path during the evening hours. The Path lighting, as approved by the Planning Department, shall be provided as part of the design and construction of the path. Lighting fixtures for the Path may include bollards, tree up lighting, smaller fixtures, or similar lighting types intended to illuminate the Path.

B. Pedestrian lighting shall be maintained in good working condition. (P)

8. Timber Management. For the purpose of enhancing the health and viability of the any timber remaining on the Property, timber management under the supervision of a

qualified forester, will only be allowed upon the submission and approval of the appropriate forest management plan to include, but not limited to, erosion control, Chesapeake Bay Act/wetland restrictions, and the issuance of a land disturbance permit by the Environmental Engineering Department. Any other timbering shall be incorporated into the site development erosion and sediment control plan/narrative as the initial phase of infrastructure construction and will not commence until the issuance of the actual site development land disturbance permit issued as part of any site plan approval. (EE)

Ayes: Jaeckle, Elswick, Warren, Holland and Gecker.
Nays: None.

13-354

06/26/13

APPROVED TEXTUAL STATEMENT (13SN0509)

Textual Statement

January 14, 2013
Revised March 20, 2013
Revised April 22, 2013

Tract 7 – C-3 with Conditional Use Planned Development to permit residential multi-family and townhouse uses; recreational uses accessory to residential uses in the development; private schools plus exceptions to C-3 bulk requirements.

1. Uses permitted shall be those permitted in the Community Business (C-3) District; Residential Multi-Family (R-MF) District and Residential Townhouse (R-TH) District; recreational uses accessory to residential uses in the development; plus private schools.
2. Development of any non-residential use shall conform to the requirements of the Midlothian Village Fringe District of the Zoning Ordinance, **except that the setbacks from the East-West Special Access Road shall be as set forth in Proffer 4**.
3. Residential multi-family and townhouse uses shall conform to the Zoning Ordinance requirements for Residential Multi-family (R-MF) for any multi-family uses and Residential Townhouse (R-TH) for any townhouse uses except that there shall be no minimum acreage requirements for such uses and density shall not exceed fourteen (14) units per acre.
4. ~~In addition to the general landscape requirements along LeGordon Drive, specific measures shall be provided to mitigate the impact of development on this neighborhood access road. These measures may include, but not necessarily be limited to additional landscaping, architectural treatment, fences, walls, hedges, berms, etc. The exact treatment shall be approved by the Planning Commission at the time of site plan review.~~
5. At time of site plan review for any recreational uses, conditions may be imposed to insure land use compatibility. These conditions may address, but not necessarily be limited to, buffering screening, lighting and hours of operation.
6. A natural or open space area of approximately four (4) acres shall be maintained between Charter Colony Parkway and LeGordon Drive, generally adjacent to Parcels 2, 4, 5, 7, 10, 19, and 20 on Tax Map 15-15 (1) as illustrated on Exhibit 'B.' This open space may be utilized for access, stormwater retention, wetlands mitigation, water quality facilities, utility extensions and similar uses as may be approved by the Planning Commission, but shall not be used for building or parking. Specific measures shall be required to mitigate the impact of these improvements to LeGordon Drive and adjacent residential areas, if deemed necessary by the Planning Commission. These measures may include but not necessarily be limited to additional landscaping, architectural treatment, fences, walls, hedges, berms, etc.

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~~7. Prior to any site plan approval for any development on Tract 7 or upon request by the County, whichever occurs first, a seventy (70) foot wide right-of-way for the East-West Collector from Charter Colony Parkway/Realigned Coalfield Road to LeGordon Drive shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The general location of this East-West Collector shall intersect Charter Colony Parkway/Realigned Coalfield Road approximately 1,500 to 1,700 feet south of Route 60 and extend westwardly intersecting LeGordon Drive towards the southern property line of Parcel 11 on Tax Map 15-11(1). The exact location of this East-West Collector shall be approved by the Transportation Department. Prior to site plan approval for development of more than 10 acres on Tract 7, or prior to the issuance of an occupancy permit for any development that accesses onto the East-West Collector, whichever occurs first, two (2) lanes of this East-West Collector shall be constructed from Charter Colony Parkway/Realigned Coalfield Road to LeGordon Drive. This condition shall be deemed satisfied upon construction of the first two (2) lanes of the East-West Collector.~~

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