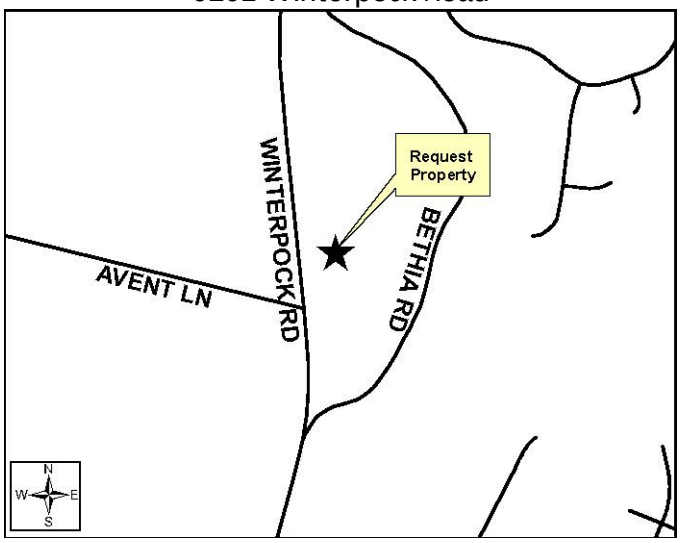
CASE NUMBER: 15SN0655
APPLICANT: Dana M. Phinney

STAFF'S ANALYSIS AND RECOMMENDATION

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

Applicant's Contact:
DANA M. PHINNEY
(804-397-3262)
Planning Department Case Manager:
RYAN RAMSEY (804-768-7592)

CHESTERFIELD COUNTY, VIRGINIA
Magisterial District: **MATOACA**
9201 Winterpock Road



APPLICANT'S REQUEST

Conditional use to permit a group care facility incidental to a dwelling in an Agricultural (A) District.

A group care facility is planned whereby a maximum of three (3) elderly residents would receive full-time care from the applicant in her home.

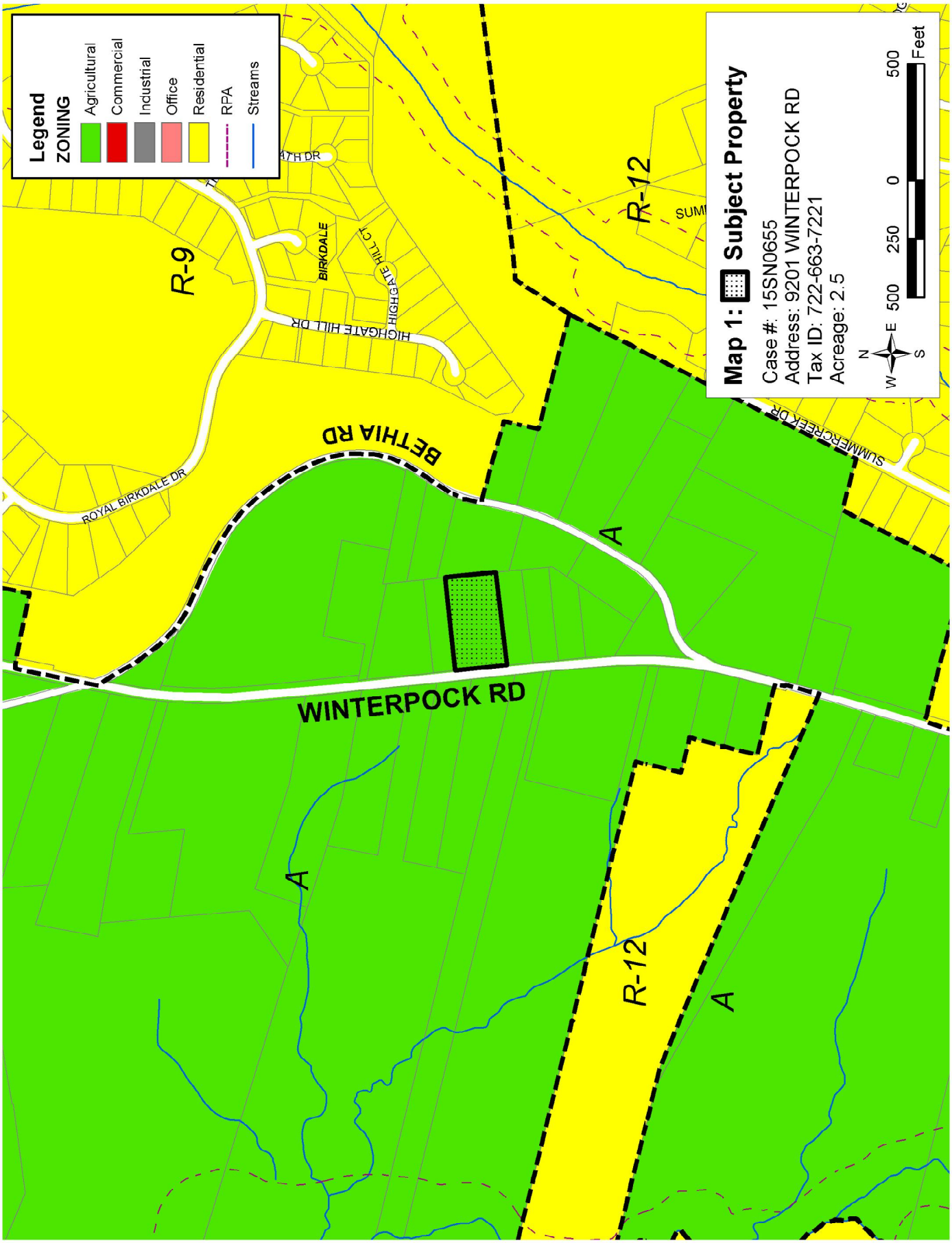
Notes:

A. **Conditions may be imposed or the property owner may proffer conditions.**
B. **Proffered conditions are located in Attachment 1.**

RECOMMENDATION

PLANNING COMMISSION (7/23/2015)	RECOMMEND APPROVAL • Use is compatible with existing development • Conditions will minimize impacts on adjacent properties
STAFF	RECOMMEND DENIAL • Does not comply with Plan • Use is not compatible with existing and anticipated development • May set a precedent for future similar requests

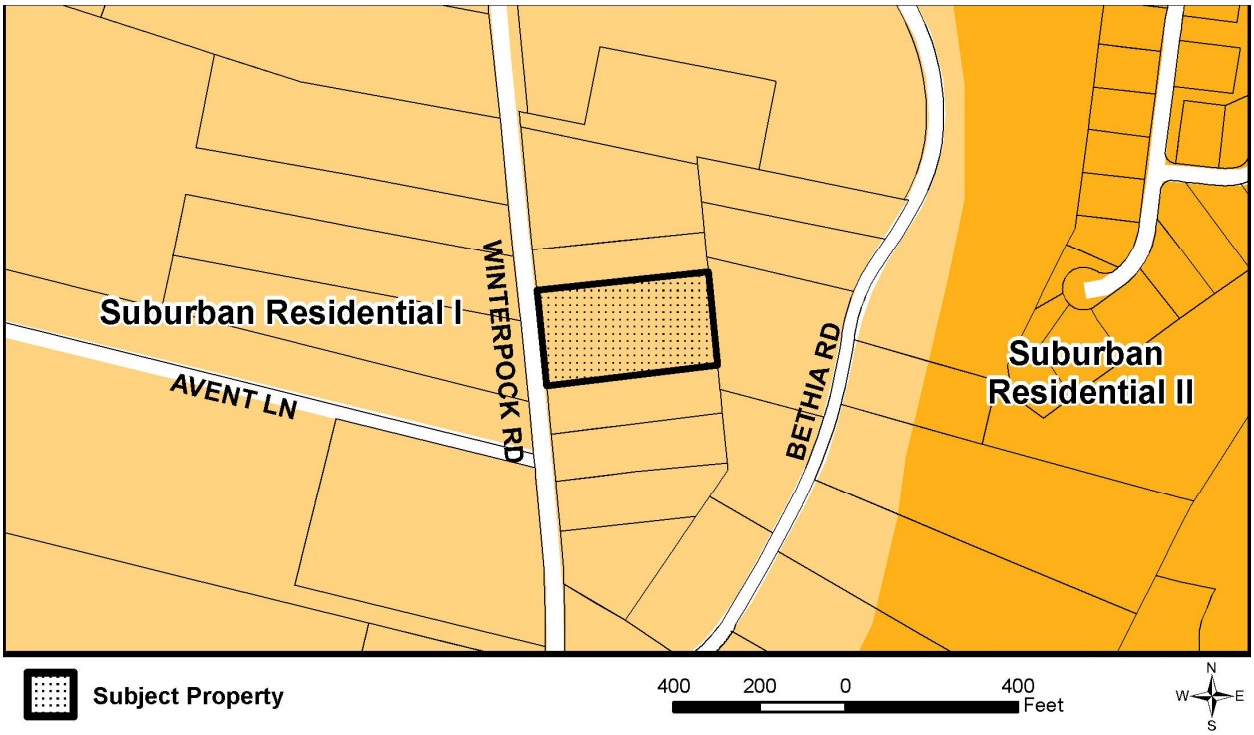
SUMMARY OF IDENTIFIED ISSUES	
Department	**Issue**
PLANNING	• Plan designates residential uses on the request property • Area properties are developed for single-family residential uses • Group care facility first permitted in Neighborhood Office (O-1) zoning district • Alternative to a group care facility is available
FIRE	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-


Legend
ZONING
Agricultural
Commercial
Industrial
Office
Residential
RPA
Streams
Map 1: Subject Property
Case #: 15SN0655
Address: 9201 WINTERPOCK RD
Tax ID: 722-663-7221
Acreage: 2.5
N
W
E
S
500
250
0
500
Feet
WINTERPOCK RD
BETHIA RD
ROYAL BIRKDALE DR
HIGHGATE HILL DR
HIGHGATE HILL CT
BIRKDALE
47H DR
SUMMERCREEK DR
R-9
R-12
A

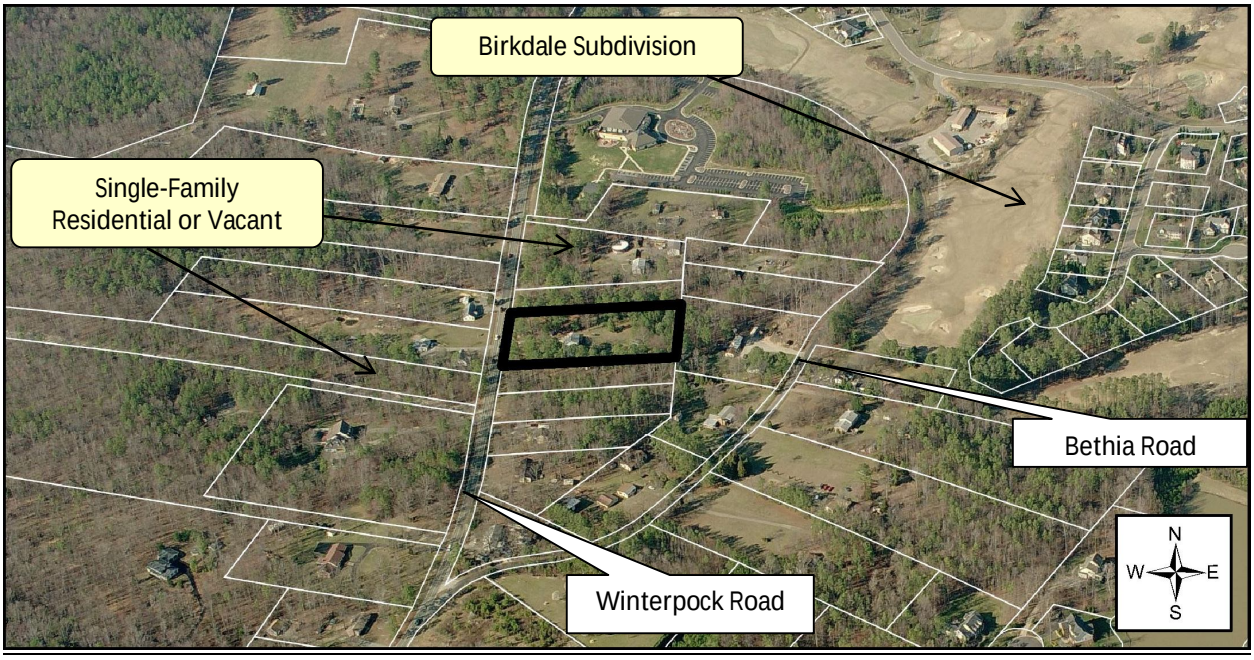
Map 2: Comprehensive Plan

Classification: **SUBURBAN RESIDENTIAL I**

The designation suggests the property is appropriate for up to a maximum of 2.0 dwellings per acre.



Map 3: Surrounding Land Uses & Development



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

ZONING HISTORY

Case Number	BOS Action	Request
70-3 U	Approved (01/1970)	Use Permit to allow a beauty shop inside a home, for the applicant only (Mary F. Worrell)

PROPOSAL

A group care facility, with a maximum of three (3) elderly adults who receive full-time care, is proposed within the applicant's home.

GROUP CARE FACILITY

"Group care facilities" are first permitted by-right in a Neighborhood Office (O-1) District and require a conditional use in an Agricultural (A) District.

The Zoning Ordinance provides for an alternative designation for the care of elderly adults known as a "residential care home". A "group care facility" and a "residential care home" are defined by the Ordinance with the following requirements:

	Group Care Facility (Conditional Use)	Residential Care Home (By-right)
Type of Individuals Receiving Care	Adult and/or child caring institution or facility, provide residential services to: • individuals requiring rehabilitation or personal services because they are physically handicapped, mentally ill, mentally retarded, developmentally disabled, aged, infirm, chronically ill, incurably afflicted, children in need of services or children separated from their parents or guardian *Definition in Attachment 2*	Adult and/or child caring home, provide residential services to: • individuals who are mentally ill, mentally retarded, or developmentally disabled • individuals who are aged, infirmed or disabled *Definition in Attachment 2*
License from State?	License from State not required by County definition[1]	Licensed by Virginia State Department of Behavioral Health and Developmental Services or Department of Social Services (DSS) required by County definition
Limit on the Number of Individuals Receiving Care	No limit	Limit of 8 individuals receiving care in a home

[1] A license to care for four (4) or more individuals in any facility is required by DSS.

The major distinction between a "group care facility" and a "residential care home" is the licensure of the facility and the number of individuals under the care of the caregiver. A license to care for four (4) or more individuals in a home setting is required by DSS. The applicant's request could be classified as a residential care home if the applicant obtained a voluntary license from DSS. The applicant has indicated that she does not want to pursue a voluntary license from DSS.

The following provides an overview of the proffered conditions offered by the applicant to assist in mitigating the impact of the use on area properties:

General Overview	
Requirements	**Details**
Non-Transferable Ownership	Use limited to applicant only *Proffered Condition 1*
Number of Adults Receiving Care	Maximum of three (3), who are a minimum of 62 years old *Proffered Condition 2*
Limitation on Size	No exterior additions or alterations to existing structure *Proffered Condition 3*
Signage	One (1) sign, limited to : • 4 square feet in area • 3 feet in height *Proffered Condition 4*
Time Limitation	Three (3) years *Proffered Condition 5*
Employees	One (1) employee permitted, other than family member employees who reside on the premises *Proffered Condition 6*

While the proffered conditions would minimize the intensity of the use and maintain the residential character of the property, the operation of group care facility is inconsistent with the existing and anticipated residential land uses around the request property. Finally, an alternative exists for the applicant to obtain a voluntary license from DSS to become classified as a residential care home by the Ordinance, which is a permitted use by-right.

PUBLIC FACILITIES

FIRE SERVICE
Staff Contact: Greg Smith (804-706-2012) smithgd@chesterfield.gov

Nearby Fire and Emergency Medical Service (EMS) Facilities	
Fire Station	The Clover Hill Fire Station, Company Number 7
EMS Facility	The Manchester Volunteer Rescue Squad

This request will have minimal impact on fire and EMS.

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 it is anticipated to be minimal.

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)	-
Land Use Permit (24VAC30-151)	-
Summary	VDOT has examined this request and has no objections to what is proposed at this time.

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"	No
Wastewater	No	N.A.	No

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

Environmental Engineering has no comment on this request.

CASE HISTORY	
Applicant Submittals	
5/8/15	Application submitted
6/18/15	Proffered conditions were submitted
Community Meeting	
7/1/15	**Issues Discussed:** • The District Commissioner, applicant and staff attended this meeting at the Clover Hill Library • Two citizen representatives for an adjoining property owner attended the meeting • General questions were asked relative to improvements and operation of the facility • No opposition was expressed by the representatives
Planning Commission Meeting	
7/23/15	**Citizen Comments** One citizen spoke in support of this case, noting that a need exists for this type of elderly care in the community. **Commission Discussion** The Commission noted their support for this case: • Community meeting was conducted and a petition of support submitted by applicant • Use is compatible with existing development, noting area businesses and churches around the property • No opposition to request • Conditions will minimize impacts on adjacent properties **Recommendation – APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS IN ATTACHMENT 1** **Motion:** Wallin **Second:** Patton **AYES**: Gulley, Waller, Brown, Patton and Wallin
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

(CPC) 1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Dana Phinney, exclusively, and shall not be transferable nor run with the land. (P)

(CPC) 2. Group Care Facility Residents: This conditional use approval shall be limited to providing group care services to a maximum of three (3) adults who reside on the premises. Any resident receiving group care services on the subject property shall be a minimum of sixty-two (62) years of age. (P)

(CPC) 3. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use, except alterations to meet Americans with Disabilities Act (ADA), building code requirements, or regulatory requirements pertaining to the operation of a group care facility and the residents receiving group care in the dwelling. (P)

(CPC) 4. Signage: One (1) sign shall be permitted to identify the group care facility use. The sign shall not exceed four (4) square feet in area and three (3) feet in height. The sign shall not be illuminated. (P)

(CPC) 5. Time Limitation: This conditional use approval shall be granted for a period not to exceed three (3) years from the date of approval. (P)

(CPC) 6. Employees: No more than one (1) employee shall be permitted to work on the premises, other than family member employees that live on the premises. (P)

ATTACHMENT 2

ZONING ORDINANCE DEFINITIONS (SECTION 19.1-570)

Residential Care Home	Group Care Facility
Adult or child caring dwelling housing a maximum of 8 individuals exclusive of one or more resident counselors or other staff. Such facility shall either be licensed by the Virginia State Department of Behavioral Health and Developmental Services to provide residential services to individuals who are mentally ill, mentally retarded, or developmentally disabled, or the Virginia State Department of Social Services to provide residential services to individuals who are aged, infirmed or disabled. For the purposes of this section, mental illness and developmentally disabled shall not include persons who illegally use or are addicted to a controlled substance, as defined in the Code of Virginia.	Adult or child caring institution or facility, other than a residential care home, halfway house or hospital, designed to provide resident services to individuals requiring rehabilitation or personal services because they are physically handicapped, mentally ill, mentally retarded, developmentally disabled, aged, infirm, chronically ill, incurably afflicted, children in need of services, or children separated from their parents or guardian.