

CASE NUMBER: 16SN0570
APPLICANT: Douglas R. Sowers



**STAFF'S ANALYSIS
AND
RECOMMENDATION**

Planning Commission (CPC)

Public Hearing Date:

FEBRUARY 16, 2016

CPC Time Remaining:

100 DAYS

Applicant's Contact:

DOUGLAS R. SOWERS
(804-794-0837)

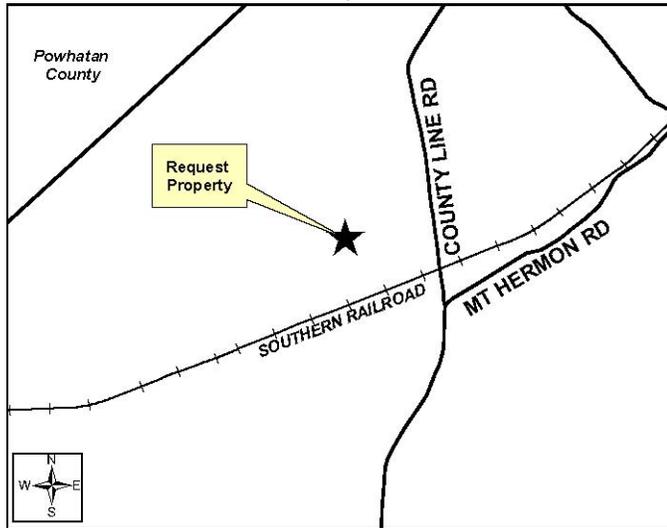
Planning Department Case Manager:

RYAN RAMSEY (804-768-7592)

CHESTERFIELD COUNTY, VIRGINIA

Magisterial District: **MIDLOTHIAN**

1500 County Line Road



APPLICANT'S REQUEST

Rezoning from Residential (R-12) to Agricultural (A).

The applicant proposes to divide the property to create two (2) buildable parcels that would each accommodate a single-family dwelling. An existing and proposed dwelling would be located on individual parcels. A recorded conservation easement would continue to limit development potential on the property.

Notes:

- A. The only condition that may be imposed is a buffer condition. The property owner may proffer conditions.
- B. A proffered condition is located in Attachment 1.

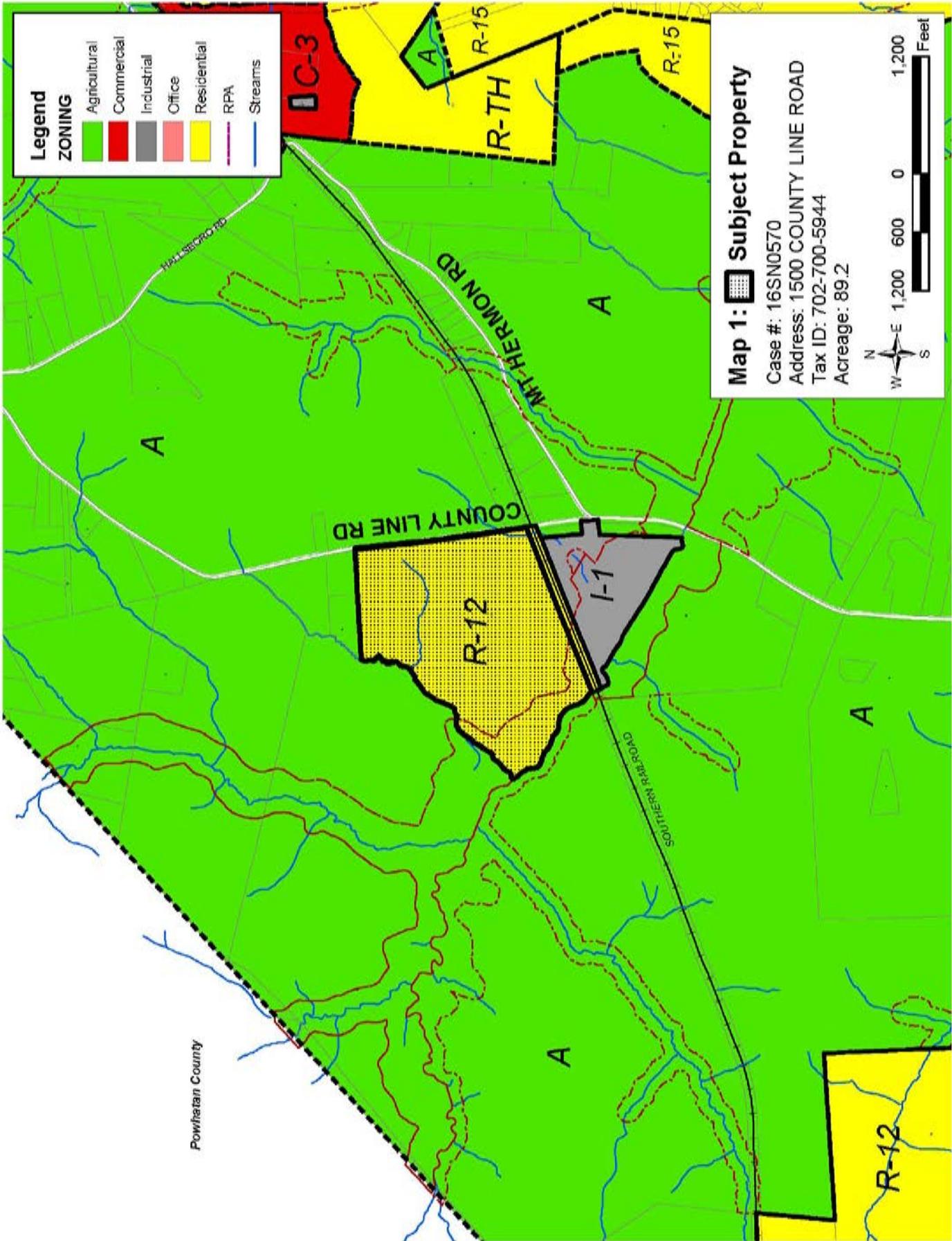
RECOMMENDATION

STAFF

RECOMMEND APPROVAL

- Complies with Comprehensive Plan
- Conservation easement precludes Residential (R-12) single-family subdivision development
- Prior to Planning Department approval of any subdivision, conservation easement "Holder" must submit acknowledgement and approval of subdivision

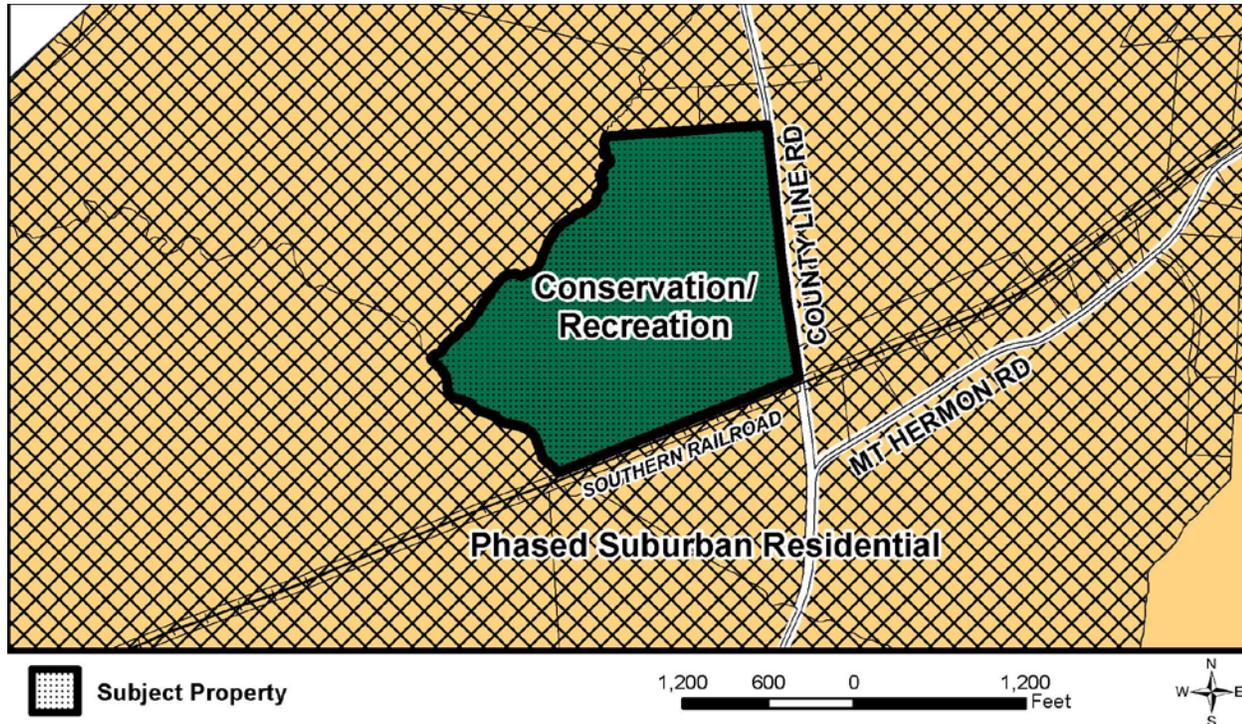
SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	-
BUDGET AND MANAGEMENT	-
FIRE	-
PARKS AND RECREATION	-
LIBRARIES	-
SCHOOLS	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-
REVITALIZATION	-



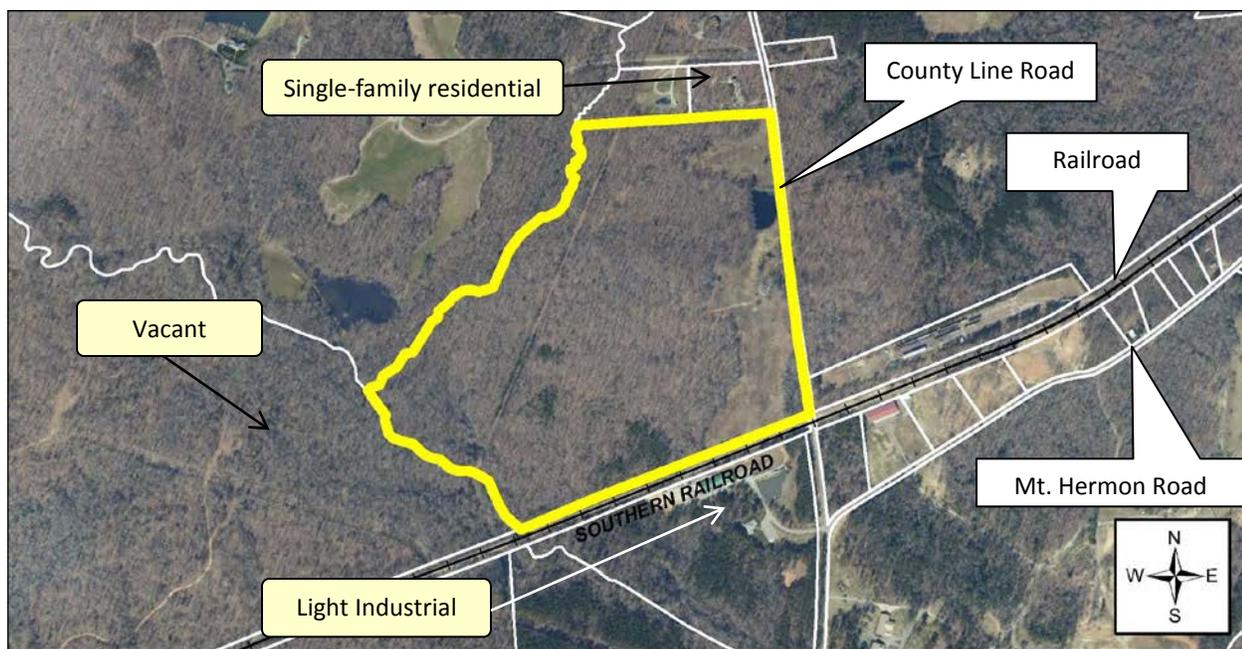
Map 2: Comprehensive Plan

Classification: **CONSERVATION/RECREATION**

The designation suggests the property is appropriate for property to be preserved or promoted for its natural function, character or historical significance. This designation includes federal, state and county parklands, and privately owned land held in voluntary or private trust.



Map 3: Surrounding Land Uses & Development



PLANNING

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

ZONING HISTORY

Case Number	BOS Action	Request
05SN0235	Approved (10/24/2007)	<ul style="list-style-type: none">• Rezoning from A to R-12 of 89.2 acres to permit single-family residential uses<ul style="list-style-type: none">○ Density limited to a maximum of 2 dwellings per acre○ Requirement to connect to public water and wastewater

PROPOSAL

A parcel division to permit two (2) single-family dwellings is proposed. The parcel would be divided into two (2) parcels; one would contain an existing dwelling while the other would permit a new single-family dwelling.

CONSERVATION EASEMENT

The property is subject to a conservation easement held by North American Land Trust (“Holder”), which was recorded on November 10, 2011. Restrictive covenants for the conservation easement preclude the development of a traditional Residential (R-12) single-family subdivision. Therefore, the applicant requests to rezone the property to Agricultural (A) to remove previous conditions of zoning associated with a Residential (R-12) single-family subdivision and permit the division of the property per the bulk requirements of the Agricultural (A) District.

The conservation easement’s restrictive covenants establish a number of “reserved rights” for the property owner. One of these “reserved rights” is the ability to add a second “Building Area”, which would accommodate a single-family dwelling. A maximum of two (2) “Building Areas” are permitted on the request property.

To ensure that the conservation easement “Holder” approves any future parcel division, the applicant has proffered a condition which requires documentation be submitted to the Planning Department prior to the County’s approval and recordation of any subdivision plat on the property. The following chart provides an overview of the applicant’s proffered condition:

General Overview	
Requirement	Details
Approval from “Holder” of Easement Agreement	Prior to any subdivision plat approval, documentation would be required from the conservation easement “Holder” that acknowledges their approval of the subdivision and any additional building area for a dwelling <i>Proffered Condition</i>

FINANCIAL IMPACT ON CAPITAL FACILITIES

Budget and Management

Staff Contact: Natalie Spillman (804-717-8767) spillmann@chesterfield.gov

On October 24, 2007, the Board of Supervisors approved zoning case 05SN0235 to rezone the requested property from Agricultural (A) to Residential (R-12), with a density of approximately 178 dwelling units. At the time the maximum cash proffer in place was \$15,600 per dwelling unit; the case was approved with a cash proffer of \$15,600 per unit. The current amount for that cash proffer has escalated to \$21,186 per unit.

If approved as requested, case 16SN0570 would relieve the applicant of \$3,771,108 in cash proffers. In November 2011, the applicant recorded documents to dedicate the land in a conservation easement. Per the conservation easement, the property is limited to a maximum of two (2) dwelling units. In addition, the applicant has proffered to provide an approval letter from the conservation easement holder to acknowledge and approve the creation of any new parcels.

The circumstances relevant to this case, as presented by the applicant/owner, have been reviewed, and it has been determined that the proposed zoning will result in minimal impact on capital facilities.

PUBLIC FACILITIES

FIRE SERVICE

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

This request will have minimal impact on fire and EMS.

Nearby Fire and Emergency Medical Service (EMS) Facilities

Fire Station	The Midlothian Fire Station, Company Number 5
EMS Facility	The Forest View Volunteer Rescue Squad

PARKS AND RECREATION

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

The Parks and Recreation Department offers no comment on this case.

LIBRARIES

Staff Contact: Jennifer Stevens (804-751-4998) stevensj@chesterfield.gov

Libraries offers no comment on this case.

SCHOOLS

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

Schools offers no comment on this case.

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 no comment on this request.

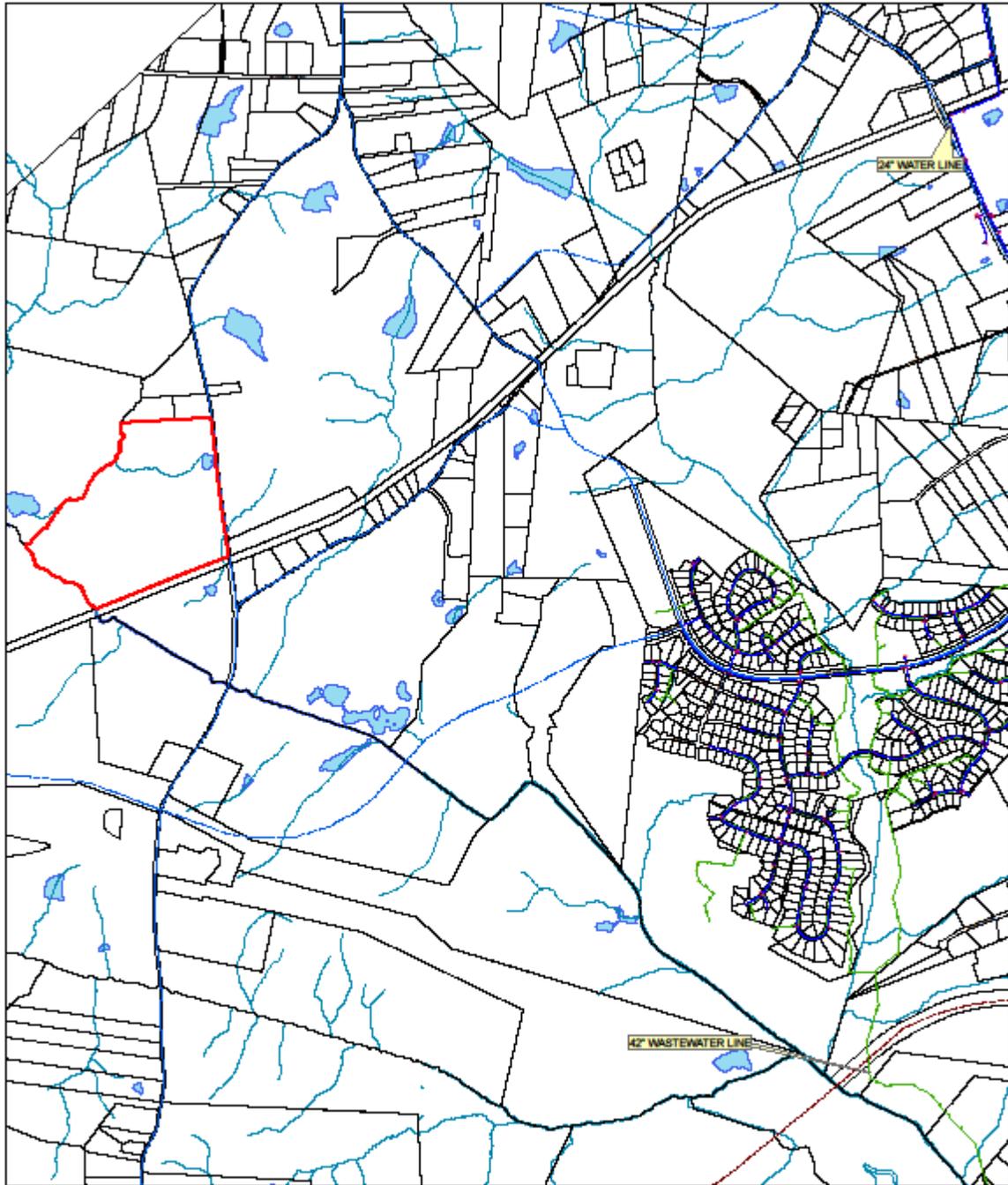
WATER AND WASTEWATER SYSTEMS

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:

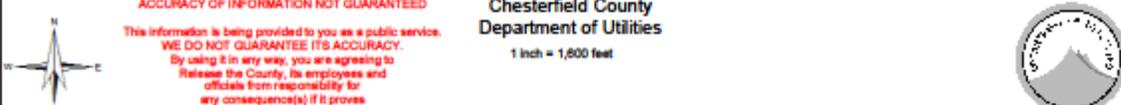
Water and Wastewater Systems			
	Currently Serviced?	Size of Existing Line	Connection Required by County Code?
Water	No	24”	No
Wastewater	No	42”	No

Map 5: Existing Water & Wastewater Systems



ACCURACY OF INFORMATION NOT GUARANTEED
This information is being provided to you as a public service. WE DO NOT GUARANTEE ITS ACCURACY. By using it in any way, you are agreeing to Release the County, its employees and officials from responsibility for any consequence(s) if it proves to be inaccurate.

**Chesterfield County
Department of Utilities**
1 inch = 1,600 feet



Additional Information:

Public water is located 13,700 feet from property line. Public wastewater is located 10,500 feet from property line. The request will not impact the public water and wastewater systems.

ENVIRONMENTAL

Drainage, Erosion and Water Quality

Staff Contact: Rebecca Ward (804-748-1028) WardR@chesterfield.gov

Stormwater	
Issue	Discussion/Conditions
Geography	<ul style="list-style-type: none">• Property is located within the Upper Swift Creek Watershed.• Northern half of the property drains to an unnamed tributary to Swift Creek.• Southern half of the property drains directly into Swift Creek.
Environmental Issues	A Natural Resources Inventory (NRI) is required prior to any future subdivision of the property.

REVITALIZATION

Staff Contact: Carl Schlaudt (804-318-8674) schlaudtc@chesterfield.gov

The subject site is not located in a revitalization area. The Revitalization Office has no comment on this proposal.

CASE HISTORY

Applicant Submittals

11/10/15	Application submitted
1/4/16	Proffered condition was submitted

PROFFERED CONDITION

Prior to any subdivision plat approval, an approval letter from the conservation easement holder (“Holder”) shall be submitted to the Planning Department to verify that the Holder acknowledges and approves of any subsequent subdivision and additional building area(s) created on any new parcel(s). (P)