~~May 15, 2007 CPC~~
~~June 19, 2007 CPC~~
~~June 27, 2007 BS~~
July 25, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0312

Enon Land Company II LLC

Bermuda Magisterial District
Southeast quadrant of East Hundred and Inge Roads

REQUEST: Amendment to rezoning (Case 83S118) relative to buffer requirements. Deletion of two (2) buffer conditions required by the previously approved zoning is requested.

PROPOSED LAND USE:

Commercial uses are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITION ON PAGE 2.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

A. Elimination of the buffer requirements would further facilitate development of land uses which do not conform to the Consolidated Eastern Area Plan.

B. The application fails to address the recommendation of the Plan relative to land uses.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY

BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITION

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax Ids 814-652-7447, 814-652-8544 and 814-652-7815 will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Applicant, this proffers shall be immediately null and void and of no further force or effect.

(CPC) There shall be no direct vehicular access from the property to Route 10. (T)

GENERAL INFORMATION

Location:

Southeast quadrant of the intersection of East Hundred and Inge Roads. Tax IDs 814-652-7447, 7815 and 8544.

Existing Zoning:

C-5

Size:

3.9 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - C-2 and C-3; Single-family residential
South - C-3; Vacant
East - C-3; Commercial
West - A and C-3; Single-family residential or vacant

UTILITIES AND ENVIRONMENTAL

This request will have no impact on these facilities.

PUBLIC FACILITIES

Transportation:

The property (3.9 acres) is currently zoned General Business (C-5). In 1983, when the Board of Supervisors rezoned the property (Case 83SN0118), they imposed buffer conditions along East Hundred Road (Route 10) and along Inge Road. The condition relative to Route 10 restricts all facilities, except a single sign identifying the use, within the buffer. This condition also would not allow direct vehicular access from the property to Route 10. The applicant is requesting that both buffer conditions of Case 83SN0118 be deleted, but has proffered no direct vehicular access to Route 10. (Proffered Condition)

The existing C-5 zoning on the property does not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on shopping center trip rates, development could generate approximately 3,690 average daily trips. These vehicles will be distributed along East Hundred Road (Route 10), which had a 2006 traffic count of 38,977 vehicles per day. The capacity of the six-lane section of Route 10 between Interstate 295 and Old Bermuda Hundred Road/Meadowville Road is acceptable (Level of Service B) for the volume of traffic it currently carries. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

The Thoroughfare Plan identifies Route 10 as a major arterial with a recommended right-of-way width of 120 to 200 feet. One hundred (100) feet of right-of-way, measured from the centerline of Route 10, should be dedicated in accordance with that Plan.

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 10, should be controlled. As previously stated, the applicant has proffered that no direct vehicular access will be provided from the property to Route 10 (Proffered Condition). Inge Road is anticipated to provide access to Route 10 for development the property. A crossover on Route 10 currently serves Inge Road. Because of its proximity to the Rivers Bend Boulevard/Route 10 signalized intersection (approximately 530 feet of separation), the crossover that serves Inge Road needs to be closed.

When the adjacent property to the east was developed for commercial use, a stub road right-of-way (the "Special Access Street") was provided to the subject property. The Special Access Street should be extended through the subject property to Inge Road, so that development of the subject property and other existing/future development along Inge Road can access the Rivers Bend Boulevard/Route 10 signalized intersection.

With development of the property, customary road improvements should be provided, such as construction of additional pavement along Route 10 to provide a fourth lane of pavement for the property frontage plus a separate right turn lane for Inge Road; closing

the Inge Road crossover on Route 10; and construction of the Special Access Street through the property to Inge Road.

At time of site plan review, staff will recommend dedication of right-of-way along Route 10 and for the Special Access Street; and construction of the customary road improvements identified above.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Consolidated Eastern Area Plan which suggests the property is appropriate for neighborhood mixed uses, such as professional and administrative offices, along with residential development of varying densities. However, the Plan notes that neighborhood-scale retail and service uses would be appropriate north of the proposed parallel road to Route 10 if potential increased adverse impacts from such uses on nearby residents are mitigated by transitional uses, or by additional buffering or other design and/or operating features.

Area Development Trends:

Area properties to the north are zoned and developed for commercial uses or remain vacant. Properties to the south and east are zoned Community Business (C-3) and are occupied by community-scale commercial use along the East Hundred Road frontage or remain vacant. Zoning for these properties provides for a transition between the commercial uses along East Hundred Road and adjacent residential development to the south. Specifically, uses south of the East/West Special access street are limited to office and similar uses such as libraries, churches, nursing homes and child care centers. Properties to the west are zoned Community Business (C-3) for a small portion of the East Hundred Road frontage and Agricultural (A) and are occupied by single family residential use or are vacant. Additional office and residential development of varying densities is anticipated in the area, as is suggested by the Plan. There is also the potential for limited commercial development along the East Hundred Road corridor where impacts of these uses on area residents is mitigated, as suggested by the Plan.

Zoning History:

On September 28, 1983, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved General Business (B-3, now C-5) zoning on the property (Case 83S118). With the approval of Case 83S118 conditions requiring buffers were imposed as discussed in the “Buffers” section of this report. The property has not yet developed under the provisions of Case 83S118 and thus remains vacant.

Development Standards:

Currently, the property lies within an Emerging Growth District Area and the Route 10 Corridor East area. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening. Further, the Route 10 standards address additional yard requirements, architecture and internal circulation.

Buffers:

Conditions of zoning approval for Case 83S118 require a fifty (50) foot buffer along Route 10 and a thirty (30) foot buffer along the southernmost 300 feet of Inge Road frontage; and the southern property line. With the exception of a sign within the Route 10 buffer and a single access through the Inge Road buffer, no facilities are permitted within these buffers. One of the purposes the buffer along Route 10 serves is to minimize the number of traffic conflict points. At the time, the buffers along Inge Road and the southern property line were to minimize the impact of the proposed commercial uses might have on adjacent residential properties that existed at the time.

Since imposition of these buffers, the complexion of the Route 10 Corridor has changed along with changes in adjacent properties' zonings. If these buffers were to be deleted, then the Ordinance would dictate the setbacks along these boundaries.

If these buffers are deleted, the resulting setbacks will increase the amount of available land for development of C-5 uses which do not comply with the Plan. Setbacks along Route 10 are required to be thirty (30) to forty (40) feet.

Along the western property boundary adjacent to Inge Road, the Ordinance will require a minimum twenty-five (25) foot setback unless Inge Road is designated as a Special Access Street in which case no setback would be required.

Along the southern property boundary, the Ordinance will require a minimum of a twenty (20) foot setback unless the subject property is developed as a part of the adjacent C-3 project in which case there would be no setback.

CONCLUSION

Elimination of the buffers would facilitate development of intense land uses which are in conflict with the recommendations of the Consolidated Eastern Area Plan. On the surface, it would appear that elimination of the required buffers would be appropriate given the land use pattern change since their imposition. However, that emerging pattern, as represented by the adjacent C-3 zoning to the west, accommodates less intense land uses than the current C-5 zoning of the property. Further, the surrounding C-3 zoning accommodates land uses that primarily serve the surrounding residential communities. Elimination of the buffers would only be appropriate if the applicant were willing to limit uses consistent with the recommendations of the Plan (i.e., C-2 uses north of the Route 10 Parallel Special Access Street and transitional uses south of the Special Access Street).

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (5/15/07):

On their own motion, the Commission deferred this case to June 19, 2007.

Staff (5/16/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 21, 2007, for consideration at the Commission's June 19, 2007, public hearing.

Applicant (5/17/07):

A proffered condition was submitted.

Planning Commission Meeting (6/19/07):

The applicant did not accept staff's recommendation, but did accept the Planning Commission's recommendation. There was no opposition present.

Mr. Wilson indicated approval would accommodate development consistent with current design standards.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission recommended approval and acceptance of the Proffered Condition on page 2.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

Board of Supervisors' Meeting (6/27/07):

On their motion, the Board deferred this request to their July 25, 2007, public hearing to allow the Bermuda District Supervisor, area property owners and the applicant to meet to discuss the proposal.

Staff (6/28/07):

> The applicant was advised in writing that any significant new or revised information should be submitted no later than July 2, 2007, for consideration at the Board's July public hearing.

Staff (7/10/07):

> To date, no new information has submitted.

The Board of Supervisors, on Wednesday, July 25, 2007, beginning at 6:30 p.m., will take under consideration this request.

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GREEN GARDEN CIR
WESTOVER FARMS
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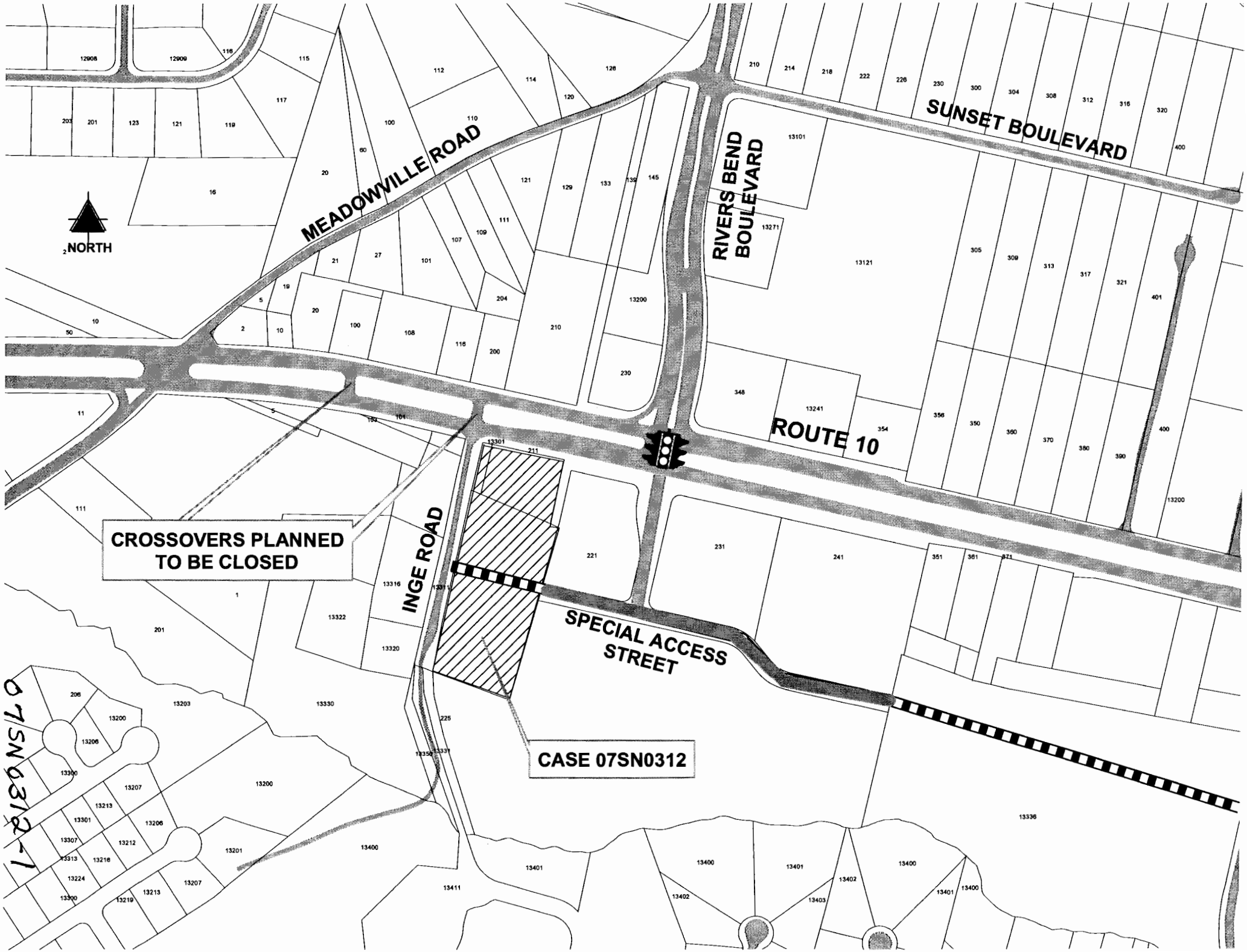
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