~~April 18, 2006 CPC~~
~~May 16, 2006 CPC~~
~~June 28, 2006 BS~~
July 26, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0163

Swift Creek Realty Partners LLC

Matoaca Magisterial District
Grange Hall Elementary; Swift Creek Middle; and Clover Hill High Schools
(new Cosby Road High School) Attendance Zones
East line of Otterdale Road

REQUEST: Rezoning from Agricultural (A) to Multifamily Residential (R-MF) with a Conditional Use Planned Development to permit exceptions to Ordinance requirements. Specifically, exceptions to development standards for multifamily use as well as use exceptions is requested.

PROPOSED LAND USE:

A residential development with various housing types is planned. A maximum of 520 dwelling units, yielding a density of approximately 7.0 dwelling units per acre, are proposed. In addition, recreational facilities to serve the development, model homes and adult care centers are planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 7.

AYES: MESSRS. GECKER, BASS, GULLEY AND LITTON.
ABSENT: MR. WILSON.

STAFF RECOMMENDATION

Recommend approval, subject to the applicant adequately addressing environmental concerns and parking requirements. This recommendation is made for the following reasons:

A. The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for mixed use, to include office and residential uses.

B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on these facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

C. The application fails to address water quality concerns relative to retention of existing ponds.

D. Insufficient justification exists for a reduction in the required number of parking spaces.

(NOTES: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER 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 CONDITIONS

The Owners and the Developer (the "Developer") 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 Chesterfield County Tax Identification Number 713-673-1067 (part), 713-672-1358, 712-672-3060, 712-671-5171, and 711-671-8733 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-MF with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

(STAFF/CPC) 1. Master Plan. The Textual Statement dated October 12, 2005, last revised May 16, 2006, shall be considered the Master Plan. (P)

(STAFF/CPC) 2. Utilities. The public water and wastewater systems shall be used, except for sales facilities and/or construction offices. (U)

(STAFF/CPC) 3. Cash Proffers. In addition to the Transportation Contribution described in Proffered Condition 10, the applicant, subdivider, or

assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a residential building permit for infrastructure improvements within the service district for the Property:

A. $6,685 per dwelling unit, if paid prior to July 1, 2006. At the time of payment, $6,685 will be allocated pro-rata among the facility costs as follows: $5,331 for schools, $602 for parks, $348 for libraries, and $404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $6,685 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

B. Provided, however, that if any building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, subdivider, or assignee(s) shall pay $1,354.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006. The $1,354.00 for any units developed shall be allocated pro-rata among the facility costs: $602 for parks, $348 for library facilities, and $404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $1,354.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)

(STAFF/CPC) 4. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older

persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (B&M)

(STAFF/CPC) 5. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 4 shall be noted on the site plan. Such dwelling units shall be grouped together as part of the same development section(s). (P)

(STAFF/CPC) 6. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan approval or within sixty (60) days from a written request by the Transportation Department, whichever occurs first.

A. Forty-five (45) feet of right-of-way on the east side of Otterdale Road, measured from the centerline of that part of Otterdale Road immediately adjacent to the Property.

B. A seventy (70) foot wide right-of-way for the east/west collector (the "East-West Road") from Otterdale Road through the Property to the eastern Property line or in an alternate location acceptable to the Transportation Department. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

(STAFF/CPC) 7. Access.

A. Direct vehicular access from the Property to Otterdale Road shall be limited to the East-West Road.

B. No direct vehicular, except for emergency or construction, access shall be provided from the Property to Cosby Road.

C. Prior to site plan approval, an access plan for the East-West Road shall be submitted to and approved by the Transportation Department. Access from the Property to the East-West Road shall conform to the approved access plan. (T)

(STAFF/CPC) 8. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, as determined by the Transportation Department, then the specific required improvement shall no longer be required by the Developer.

A. Widening/improving the east side of Otterdale Road for the entire Property frontage to an eleven (11) foot wide travel

lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department.

B. Construction of two lanes of the East-West Road, to VDOT Urban Collector (40 MPH) standards with any modifications approved by the Transportation Department, from Otterdale Road through the Property to the eastern Property line or in an alternate location acceptable to the Transportation Department. The exact location of this road shall be approved by the Transportation Department.

C. Construction of left and right turn lanes along Otterdale Road at the East-West Road intersection.

D. Construction of left and right turn lanes along the East-West Road at each approved access, if warranted, based on Transportation Department standards.

E. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

(STAFF/CPC) 9. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 8, shall be submitted to and approved by the Transportation Department. (T)

(STAFF/CPC) 10. Transportation Contribution. The applicant, his successor(s), or assignee(s) (the "Applicant") shall make the following payments to the County of Chesterfield. The payments shall be used for road

improvements in accordance with the Board's cash proffer policy. The payments could be used towards road improvements to Woolridge Road and/or Otterdale Road.

A. Prior to issuance of the first residential building permit for the first dwelling unit on the Property, the amount of $1,158,950.

B. Prior to issuance of a residential building permit for a cumulative total of more than 130 dwelling units on the Property, the amount of $1,158,950.

C. Prior to issuance of each residential building permit that would be in excess of a cumulative total of more than 260 dwelling units on the Property, the amount of $8,915.

D. If the amounts above are paid after June 30, 2006, then each amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.

E. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 8, then the transportation contribution in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements so long as the cost is of equal or greater value than that which would have been collected through the payment(s) of the transportation contribution in this Proffered Condition as determined by the Transportation Department. Once the sum total amount of the transportation contribution credit exceeds the cost of the Improvements, as determined by the Transportation Department, thereafter the Applicant shall commence paying the transportation contribution as set forth in this Proffered Condition as adjusted for the credit. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit amount. (B&M and T)

(STAFF/CPC) 11. Density. The maximum number of dwelling units permitted on the Property shall be 520. (P)

(STAFF/CPC) 12. Buffers. The following buffers shall be provided.

A. A fifty (50) foot buffer shall be provided adjacent to Otterdale Road. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers provided, however, the Planning Commission may modify the buffer requirement at the time of site plan review.

B. A thirty-five (35) foot buffer shall be provided adjacent to the East-West Road. This buffer shall conform to the requirements of the Zoning Ordinance for thirty five (35) foot buffers provided, however, the Planning Commission may modify the buffer requirement at the time of site plan review. (P)

(STAFF/CPC) 13. Public Streets. All streets that accommodate general traffic circulation through the Property, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and as set forth in the Textual Statement, and taken into the State System, except that if a third access road is required under Section 19-111 (h) it may be private. (T)

(STAFF/CPC) 14. Virginia Condominium Act. All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)

GENERAL INFORMATION

Location:

East line of Otterdale Road, north of Hull Street Road and the north line of Cosby Road, east of Otterdale Road. Tax IDs 711-671-8733; 712-671-5171; 712-672-3060; 713-672-1358; and 713-673-Part of 1067 (Sheet 15).

Existing Zoning:

A

Size:

74.4 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-12 with Conditional Use; Vacant
South - A; Single-family residential or vacant
East - A; Vacant
West - A; Vacant

UTILITIES

Public Water System:

The public water system is not directly available to serve this site. Tentative plans have been approved for extending the public water system in conjunction with the Foxcreek development. The approved tentative plans by Koontz-Bryant dated June 23, 2004, propose extending a sixteen (16) inch water line along Woolridge Road from the twenty-four (24) inch line along Fox Club Road to Foxcreek Crossing, the proposed entrance road to the Foxcreek development. A twelve (12) inch water line is proposed for extension along Foxcreek Crossing to Otterdale Road, and terminating approximately 1,000 feet northwest of this site. Use of the public water system to serve proposed development is a recommendation of the Upper Swift Creek Area Plan. Use of the public water system is intended. (Proffered Condition 2)

Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots.

Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line along a portion of West Branch that terminates, adjacent to Foxcroft Subdivision approximately 2,000 feet east of this site. A twelve (12) inch wastewater trunk line is proposed along West Branch in conjunction with the development of Fox Creek. When completed, this wastewater line will be adjacent to the northern boundary of the request site. Use of the public wastewater system is recommended by the Upper Swift Creek Plan. The applicant has proffered to use the public wastewater system. (Proffered Condition 2)

ENVIRONMENTAL

Drainage and Erosion:

There are no existing or anticipated on- or off-site erosion or drainage problems.

Water Quality:

The property drains to the north to West Branch and then via West Branch to Swift Creek Reservoir. West Branch is currently an RCM-NRPA stream, inside of which there are very limited uses. The stream, however, needs to have a perennial determination performed and approved by Environmental Engineering. If West Branch is a perennial stream, then a 100-foot conservation area will need to be added to the adjacent wetlands inside of which there are very limited uses.

It should be noted that the open fields are within approximately fifteen (15) feet of West Creek. Therefore, the Ordinance requires that this area be replanted. The restoration plan for this area should be submitted along with the road and drainage plans.

The property is mostly open farmland on which two (2) ponds ranging in size from approximately 1.5 to 3 acres are located. Although this property drains into a regional BMP (WBC-10) currently under construction Environmental Engineering has consistently requested ponds larger than one (1) acre remain as an amenity to allow further pollutant removal. The applicant is unwilling to agree that the ponds would remain and be retrofitted as amenities. Without this commitment, Environmental Engineering cannot support the proposal.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. The residential portion of this development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on 520 dwelling units, this request will generate approximately forty-seven (47) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 3)

The Clover Hill Fire Station, Company Number 7, and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately 275 students will be generated by this development. Currently, this site lies in the Grange Hall Elementary School attendance zone: capacity - 828, enrollment –

812; Swift Creek Middle School zone: capacity - 1,027, enrollment - 1,483; and Clover Hill High School zone: capacity - 1,582, enrollment - 2,080. However, this case will be in the new Cosby High School zone in the 2006-2007 school year. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006.

This request will have an impact on secondary levels. There are currently fifteen (15) trailers at Swift Creek Middle and twenty (20) at Clover Hill High. A new middle school is in the current Capital Improvements Program (CIP) and is proposed to open in the fall of 2009, providing relief for Bailey Bridge Middle School and other schools in this area of the county. The new Cosby High School is under construction, and is scheduled to open in the fall of 2006. This school will provide relief for Clover Hill High and Manchester High Schools.

This case, combined with other residential developments and zoning cases in the area, will continue to push these schools to capacity, especially at the secondary level. Even though Grange Hall is not at capacity continued development of this kind, combined with existing development in the zone, will take it over capacity like some of its neighboring schools. This zoning case may necessitate some form of relief in the future.

The applicant has adequately addressed the impact of this development on school facilities. (Proffered Condition 3)

Libraries:

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

Development in this area of the County would most likely impact either the existing Clover Hill Library or two (2) new branches that are recommended for this area of the County. One (1) new branch is to be located in the vicinity of West Beach Road and one (1) in the vicinity of Genito Road. The applicant has addressed the impact on library services. (Proffered Condition 3)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreation facilities. (Proffered Condition 3)

Transportation:

The property (74.4 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential Multifamily (R-MF). The applicant is planning a project with various types of residential units, and has proffered a maximum density of 520 dwelling units (Proffered Condition 11). Based on townhouse/condominium trip rates, development could generate 2,610 average daily trips. These vehicles will be initially distributed along Otterdale Road with had a 2006 traffic count of 2,943 vehicles per day.

The Thoroughfare Plan identifies Otterdale Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way measured from the centerline of Otterdale Road, in accordance with that Plan. (Proffered Condition 6.A)

The Thoroughfare Plan also identifies a proposed east/west collector (the "East-West Road") with a recommended right of way width of seventy (70) feet, running parallel to Hull Street Road (Route 360) and extending from Woodlake Village Parkway to west of Otterdale Road. The alignment of the proposed East-West Road extends through the property. The applicant has proffered to dedicate right of way and construct a two-lane road for the East-West Road from Otterdale Road to the eastern boundary of the property (Proffered Conditions 6.B and 8.B). The applicant would prefer to shift the location of the East-West Road along the southern boundary of the property, as generally shown on Exhibit A. The proffered conditions would allow staff to approve this shift in the East-West Road alignment. Staff would only approve such a change in the alignment if the applicant could provide for the right of way and construction of the East-West Road across an adjacent five-acre parcel (Tax ID 7136711799).

Access to major arterials such as Otterdale Road and to collectors such as the East-West Road should be controlled. The applicant has proffered that direct vehicular access from the property to Otterdale Road will be limited to the East-West Road. (Proffered Condition 7.A) The applicant has proffered that an access plan will be submitted, at time of site plan review for Transportation Department review and approval, which shows access from the property to the East-West Road (Proffered Condition 7.C). Access to the East/West Road will be based on the approved access plan. The applicant anticipates the need for two (2) public road accesses to the East-West Road. The property has some frontage along Cosby Road. The applicant has also proffered no direct vehicular access, except for emergency or construction, will be provided to Cosby Road. (Proffered Condition 7.B)

As previously stated, the property will be developed for various types of residential uses. Staff recommends that all of the main streets in this development be accepted into the State Highway System. Having these streets accepted into the State Highway System will insure their long-term maintenance. The applicant has proffered that all of the streets that will accommodate general traffic circulation, will be designed and constructed to State

(i.e., the Virginia Department of Transportation) standards and taken into the State System. (Proffered Condition 13)

The traffic impact of this development must be addressed. The applicant has proffered the customary road improvements such as construction of the East-West Road through the property, widening and shoulder improvements along Otterdale Road for the entire property frontage, and construction of turn lanes along Otterdale Road and along the East-West Road based on Transportation Department standards (Proffered Condition 8). It is anticipated that both left and right turn lanes will be warranted at each access location.

Acquisition of "off-site" right-of-way may be necessary to construct the turn lanes along Otterdale Road. According to Proffered Condition 10, if the developer needs off-site right-of-way for any of the proffered road improvements and is unable to acquire it, the developer may request the county to acquire the right-of-way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the off-site right-of-way, and will only be obligated to construct road improvements within available right-of-way. (Proffered Condition 8.E)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Otterdale Road will be directly impacted by development of this property. Sections of Otterdale Road, between Woolridge Road and Route 360, have nineteen (19) to twenty (20) foot wide pavement with no shoulders, substandard horizontal and vertical curves, and large trees located close to the edge of pavement. The capacity of that section of Otterdale Road is acceptable (Level of Service D) for the volume of traffic it carried (2,943 VPD).

The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of the development (Proffered Condition 10). Proffered Condition 10 requires the applicant to pay: 1) prior to issuance of the first building permit, the amount of $1,158,950; and 2) prior to issuance of more than 130 building permits, the amount of $1,158,950; and 3) prior to issuance of the each building permit beyond 260 permits, the amount of $8,915. Proffered Condition 10 would also allow, upon mutual agreement of the Transportation Department and the developer, the developer to provide road improvements equal to the cost of such payments. This option will be considered at time of tentative subdivision plat review. As development continues in this part of the County, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

At time of site plan review, specific recommendations will be provided regarding access and internal street network.

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At time of site plan review, specific recommendations will be provided regarding access and internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	520*	1.00
Population Increase	1414.40	2.72
Number of New Students		
Elementary	121.16	0.23
Middle	67.60	0.13
High	87.88	0.17
TOTAL	276.64	0.53
Net Cost for Schools	2,780,960	5,348
Net Cost for Parks	314,080	604
Net Cost for Libraries	181,480	349
Net Cost for Fire Stations	210,600	405
Average Net Cost for Roads	4,649,840	8,942
TOTAL NET COST	8,136,960	15,648

* Based on a proffered maximum yield of 520 units (Proffered Condition 11). The actual number of units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at $15,648 per unit. The applicant has been advised that a maximum proffer of $15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicant has been further advised that a maximum proffer of $10,269 per unit would defray the cost of capital facilities necessitated by development of the age-restricted portion of the proposed development, as it will not have an increased impact on school facilities. Consistent with the Board of Supervisors' Policy, and proffers accepted from other applicants the applicant, has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Conditions 3 and 10)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for mixed use corridor uses. Appropriate land uses in these areas include residential and corporate office uses.

Area Development Trends:

Adjacent property to the north is zoned Residential (R-12) and is being developed as Fox Creek subdivision. Adjacent property to the south, east and west is zoned Agricultural (A) and occupied by single-family residential uses or is vacant. It is anticipated a mixture of residential and office development will continue in this area around the Otterdale/Cosby Roads intersection, consistent with the Plan.

Site Design:

The 74.4 acre property is proposed for Residential (R-MF) zoning and could be developed for single-family detached and attached units (not on individual lots); temporary model homes; and adult care center uses, all of which are discussed in further detail herein (Textual Statement III.). In addition, recreational facilities designed to serve the development are proposed (Textual Statement II.). The development will have a traditional neighborhood development design which includes sidewalks, street trees, open spaces and alleys serving the rear of some dwelling units (Textual Statement I.A.). In addition, uses will be located and developed as generally depicted on the plan titled "Greenwich Walk Zoning Plan" dated March 31, 2006 (Attachment), as described in the Textual Statement (Attachment) and as provided in the proffered conditions.

The applicant has requested exceptions to many of the Multifamily Residential (R-MF) District standards. These standards are relative to building separation, setbacks, parcel coverage, number of units on any one floor level and street frontage. (Textual Statement IV)

Garage Orientation:

The applicant has agreed front loaded garages will be located no closer to the street than the front facade of the dwelling unit. This is consistent with the current standards for front loaded garages.

Parking:

Per the Zoning Ordinance, parking space requirements for residential development, is calculated at a rate of two (2) spaces for each dwelling unit. The applicant has requested exceptions to Ordinance requirements. Since there is no requirement for age restrictions, the parking space requirements of the Zoning Ordinance for typical residential

development should apply, otherwise, there could be a deficiency in the number of parking spaces to Ordinance requirements. There has been no factual information submitted to support these exceptions

Density:

Proffered Condition 11 limits the overall development to a maximum of 520 dwelling units, yielding a density of approximately 7.0 dwelling units per acre.

Senior Housing:

Proffered Condition 5 requires any housing units designed for occupancy by seniors to be grouped together and identified on site plans in an effort to accurately track the impacts on capital facilities and long term enforcement of the occupancy restrictions.

Recreational Facilities and Focal Point:

Passive and active recreational uses limited to facilities and uses that primarily serve the surrounding residential community would be permitted. Such uses include, but are not limited to, picnic areas, trails, sidewalks, ponds, swimming pools, outdoor courts, and clubhouses. The Textual Statement provides for setback restrictions to minimize the impact of such recreational uses on surrounding residential development (Textual Statement II.A.3.). It should be noted, what has been offered with respect to setbacks for the active recreation facilities is not the typical language for such uses. The 100-foot setback from residential development for active recreational facilities typically refers to a setback from existing and planned residential development, whether outside of the subject property or not. As proposed, the applicant is offering only a 25-foot setback for these facilities from dwelling units located within the subject property.

The applicant has offered that the recreational facilities proposed for this development will serve as a focal point for the project (Textual Statement I.C.). Typically, a focal point is provided within each section of such developments. Staff would recommend the typical standards for focal points for this proposal.

Buffers and Screening:

Adjacent properties to the north are zoned Residential (R-12) and are being developed as part of the Fox Creek Subdivision. The Zoning Ordinance requires a minimum fifty (50) foot buffer adjacent to this property to the north. In addition, the applicant has agreed to provide a buffer adjacent to Otterdale Road and along the proposed East-West Road. (Proffered Condition 12)

CONCLUSIONS

The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for mixed use corridor uses. The proffered conditions adequately address

the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on these facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

However, the application fails to address water quality concerns relative to retention of existing ponds as discussed herein. In addition, a decrease in the required number of parking spaces could result in a parking space deficiency.

Given these considerations, approval of this request is recommended, subject to the applicant adequately addressing environmental and parking concerns.

CASE HISTORY

Planning Commission Meeting (4/18/06):

On their own motion, the Commission deferred this case to May 16, 2006.

Staff (4/19/06):

The applicant was advised in writing that any significant new or revised information should be submitted no later than April 24, 2006, for consideration at the Commission's May 16, 2006, public hearing.

Applicant (4/24/06, 4/26/06, 5/1/06, 5/4/06, 5/8/06 and (5/12/06):

Revised proffered conditions and Textual Statement were submitted

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Planning Commission Meeting (5/16/06):

The applicant accepted the Planning Commission's recommendation. There was support and opposition present.

Those in support indicated that given the status of State funding, approval of this request would provide timely cash contributions toward road improvements which may otherwise go unfunded. It was further noted that the proposal represents quality development.

Those in opposition expressed concerns relative to the impact on roads, schools and other infrastructure.

Mr. Bass indicated the proposal complies with the Plan and that the impact on capital facilities had been addressed. He indicated that water quality concerns could be addressed through the plan process.

Mr. Gulley expressed concern relative to the impact on water quality, but indicated that he would support the project given the intended road improvements.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission recommended approval and acceptance of the proffered conditions on pages 2 through 7.

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

Further, the Commission requested that staff emphasize that any reduction in the cash proffer will be for those units that area specifically age restricted; noting that the case differs from another case scheduled for consideration where the units are age targeted. (Case 06SN0196 – Princeton Properties)

Board of Supervisors' Meeting (6/28/06):

Following the public hearing, concerns were expressed relative to water quality and transportation (private or public roads) issues.

On their own motion, the Board deferred this case to July 26, 2006.

Staff (6/29/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than July 5, 2006, for consideration at the Board's July 26, 2006, public hearing.

Staff (7/19/06):

To date, no new information has been received.

The Board of Supervisors, on Wednesday, July 26, 2006, beginning at 7:00 p.m., will take under consideration this request.

Textual Statement
Greenwich Walk

October 12, 2005
Revised March 30, 2006
Revised April 21, 2006
Revised April 24, 2006
Revised May 4, 2006
Revised May 8, 2006
Revised May 11, 2006
Revised May 16, 2006

Rezone from A to R-MF with a Conditional Use Planned Development ("CUPD") to permit zoning ordinance exceptions as described herein, and as provided in the accompanying proffers.

This application contains one exhibit described as follows:

Exhibit A – Plan titled "Greenwich Walk Zoning Plan" (the "Zoning Map") dated March 31, 2006.

I. General Conditions.

A. The development shall have a traditional neighborhood development design with buildings located close to the sidewalks, the streets lined with street trees, on-street parking, open spaces, and in some instances alleys serving the rear of dwelling units.

B. Residential units (i.e. attached and detached) shall be grouped together within a Tract or Sub-Tract. If there is a desire to mix the types of units within a Tract or Sub-Tract, the mixing may be permitted if a Mixed Use Plan is submitted to the Planning Department for review and approval and such review shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. The Mixed Use Plan shall address the land use transitions and compatibility between the different types of residential units within the Tract or Sub-Tract. Land use compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses and site design

C. The Recreational Facilities shall serve as a focal point for the project and shall be located generally as shown on Exhibit A except that the recreational facilities may shift locations provided the area is generally located along Otterdale Road and/or the East-West Road.

II. Requirements and Exceptions.

The following facilities shall be permitted.

A. Recreational Facilities

1. Recreational facilities shall be permitted within the project and will be designed for use by all the residents. Separate recreation areas for the various types of residential units are not required. The recreational uses shall be limited to facilities and uses that primarily serve the surrounding residential community including but not limited to passive recreation (i.e.: formal courtyards, parks, plazas, mews, picnic areas, trails, paths, sidewalks, ponds, open space, and vistas) and active facilities (i.e.: swimming pools, outdoor courts, and clubhouses).

2. Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and shall be used only in conjunction with a pool.

3. With the exception of passive recreation, outdoor play fields, outdoor courts, swimming pools, and similar active recreational facilities shall be located a minimum of one hundred (100) feet from any existing single family residential lot line that is not a part of the project. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback. Active recreational facilities shall be located a minimum of twenty-five (25) feet from any dwelling unit within the Property or separated by a road or alley.

B. Model homes/sales offices not located in permanent dwellings.

1. No more than six (6) such model homes/sales offices, located in modular office units, shall be permitted within the project at any one time.

2. The model homes/sales offices shall be used to market the development in which they are located.

3. The model homes/sales offices shall not be the primary real estate office for the companies marketing the development.

III. Requirements for Property

A. Permitted uses shall be limited to:

1. In addition to the uses specified in Section II, uses permitted by right and with certain restrictions in the R-MF District, to include attached and detached units.

2. Model homes, in accordance with Zoning Ordinance Section 19-65(a).

3. Adult care centers provided they are located within the active recreational facilities.

IV. Greenwich Walk Development Standards Chart

The various condominium types will not be separated into isolated areas but instead will flow from a central core with the various unit types defining the streetscape. Many of the development standards will vary from the Chesterfield County Zoning Ordinance. Specific use standards set forth in the R-MF district shall not apply except as established within the Proffers or this Textual Statement, including these Development Standards.

Development or Design Concept	**Requirement**
Sidewalks	Generally, sidewalks shall be located on both sides of all public streets where dwellings front.
Street Trees	Street trees shall be planted or retained along each side of all public streets where sidewalks exist.
	Street trees shall be planted a maximum of 40 feet on center.
Streets	As permitted by VDOT and the Chesterfield County Transportation Department, street design and pavement widths shall be based on VDOT's *Subdivision Street Design Guide* effective January 1, 2005. These standards allow for curb-to-curb widths of a twenty-two (22) foot width and a right-of-way of thirty (30) feet, based on average daily traffic. The minimum right-of-way shall be established at the time of Site Plan review based on the street layout.
Building Orientation	Buildings may front on a street, open space, or a courtyard.
Alleys and Driveways	All private driveways and alleys serving residential uses shall be hardscaped but shall not require curb and gutter unless they provide access to parking areas for more than five (5) cars.
Parking	Any "housing for older persons," as defined in the proffers, shall provide parking based on 1.2 spaces per unit. Parking for Attached Units designed with individual units on each floor shall provide parking based on 1.5 spaces per dwelling unit. Parking for all other units shall be provided with 2.0 spaces for each unit.
Distance between Buildings	Except for Detached Units, there shall be a minimum distance of fifteen (15) feet between buildings.
Property Line Setback and Landscaping	All structures shall be set back a minimum of 50 feet from all property lines, unless adjacent to another multifamily residential district, in which case a minimum setback of 30 feet shall be maintained. All perimeter yards shall be planted per the requirements of Perimeter Landscaping C except that the buffers set forth in the proffers shall be planted in accordance with the proffer requirements. If an access to any BMP is provided within the Property Line Setback, the Planning Commission may modify the perimeter yard landscaping requirement at the time of site plan review.
Building Orientation	Building(s) along an adjacent or internal public road shall not be required to front that road.
Setbacks from Roads	No setback from interior private driveways, parking areas, or streets shall be required for buildings or structures.

Development or Design Concept	Requirement
Driveways and Parking Areas	No setback from private driveways and parking areas shall be required from any proposed or existing public road, except as provided in the proffer relating to buffers.
Setbacks	Setbacks for principal structures and accessory structures shall be zero (0), except as provided in the proffer relating to buffers.
Percentage of Parcel Coverage	All buildings, including accessory buildings, shall not cover more than sixty (60) percent. Prior to the first site plan approval, a plan shall be submitted which divides the property into tracts and designates the permitted parcel coverage on each tract. This plan may be modified throughout the life of the development provided the overall parcel coverage limitations are not exceeded.
Front Loaded Garages	Front loaded garages shall be located no closer to the street than the front façade of the dwelling unit.
Attached Units	No more than twelve (12) dwelling units shall be permitted on any one floor level of a building.
Detached Units	A minimum of five (5) feet shall be provided between each detached unit.
Property Owners Association	A comprehensive property owners association will be created to own, operate, and maintain all open spaces and common facilities within the community as outlined in Chesterfield County Zoning Ordinance Section 19-559.
Height	All buildings and structures shall be a maximum of six stories or 70 feet in height whichever is less. The maximum height of accessory buildings and structures shall be one-half the height of the principal building or 25 feet, whichever is greater.
Parcel Area	The minimum parcel size shall be 20 acres.
Recreation Area	An area conveniently accessible to and included within the development of not less than ten percent of the gross acreage shall be provided for suitable recreational use by the occupants, and in no event shall less than 1 1/2 acres be provided. Recreational facilities, including active and passive recreation and community buildings shall be provided, as deemed appropriate during site plan approval. Issuance of occupancy permits for multifamily dwelling units shall be in conjunction with the phasing of recreational facilities in accordance with the approved site plan.

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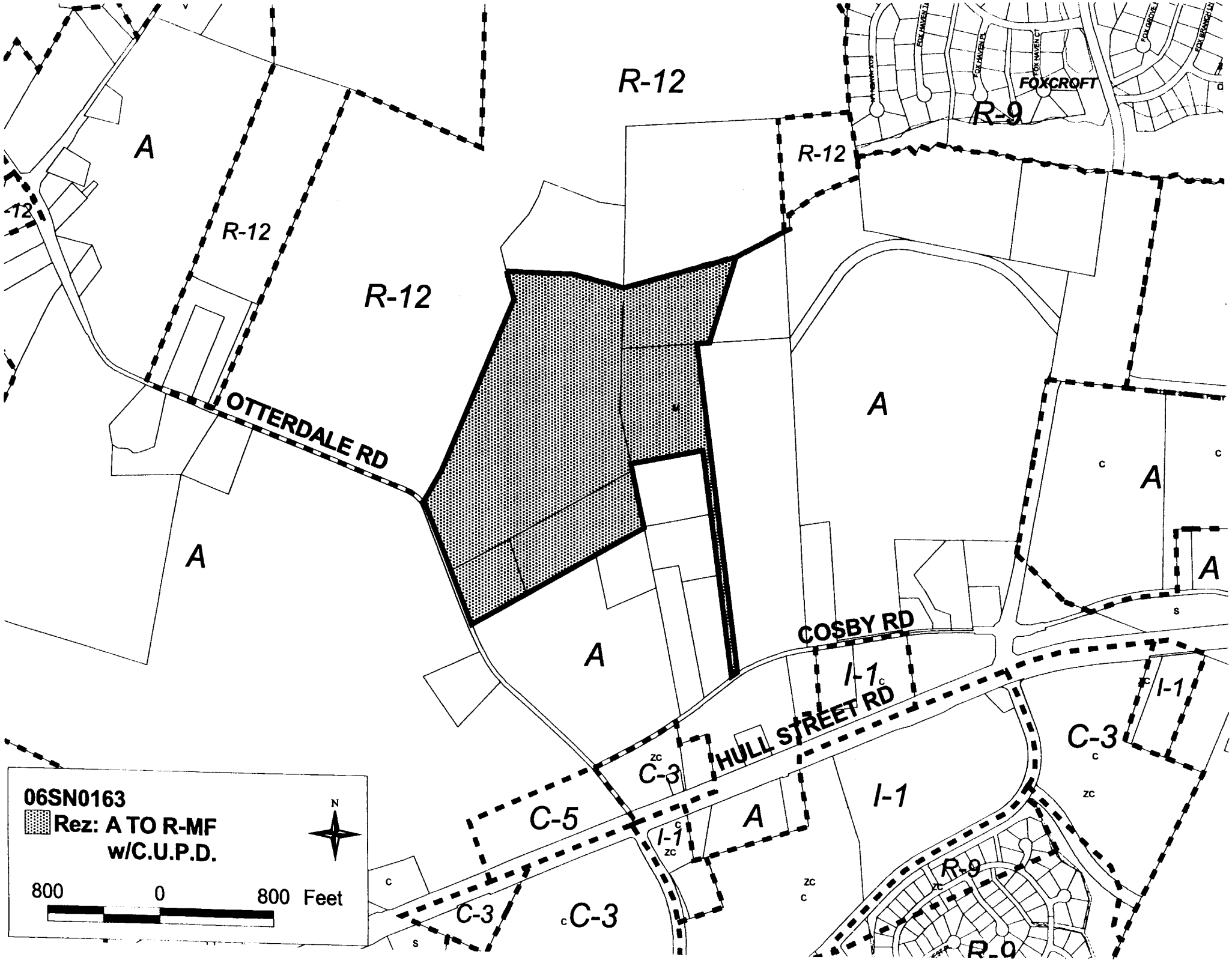

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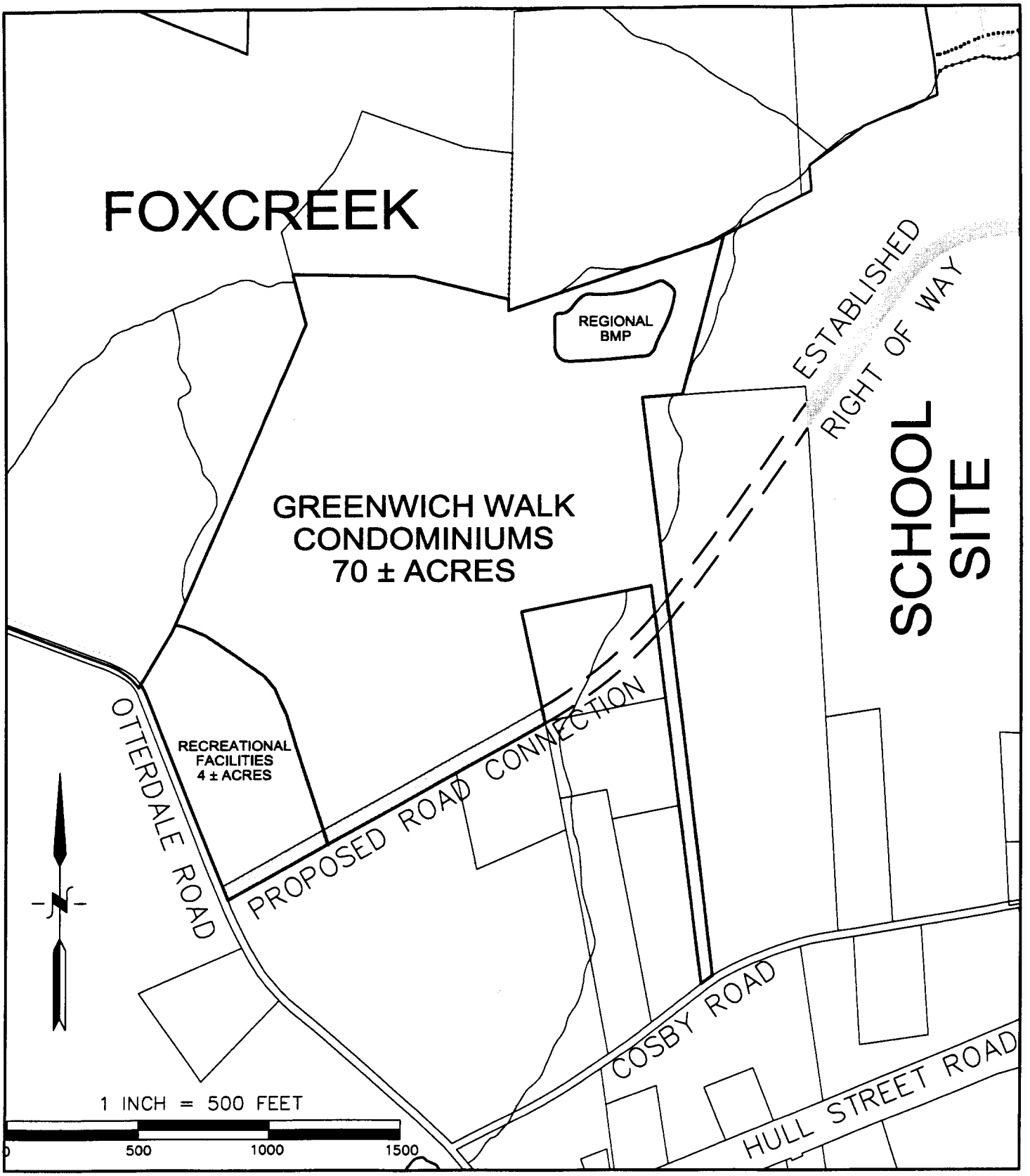
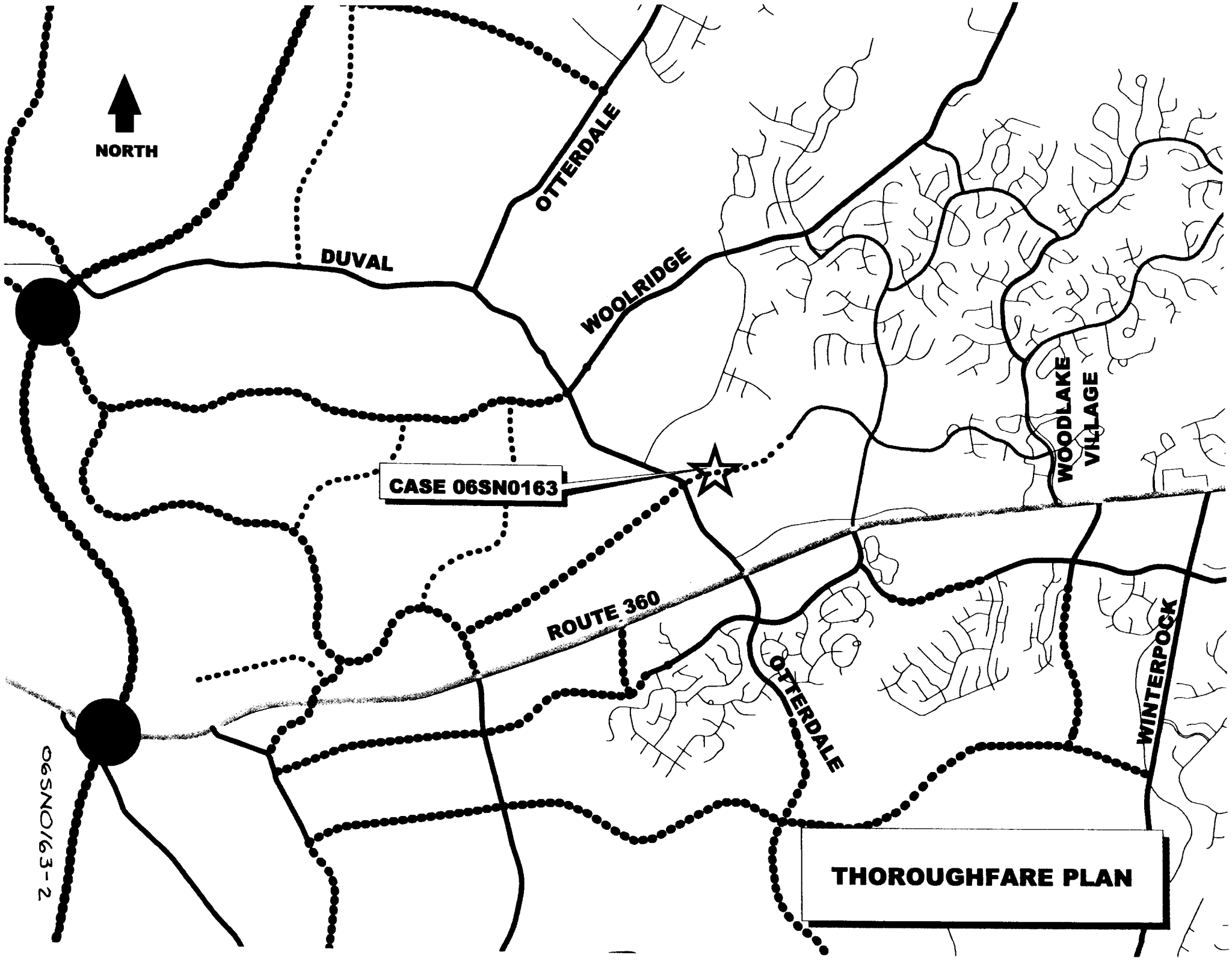


GREENWICH WALK ZONING PLAN
MARCH 31, 2006

06SN0163-1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DUVAL
OTTERDALE
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ROUTE 360
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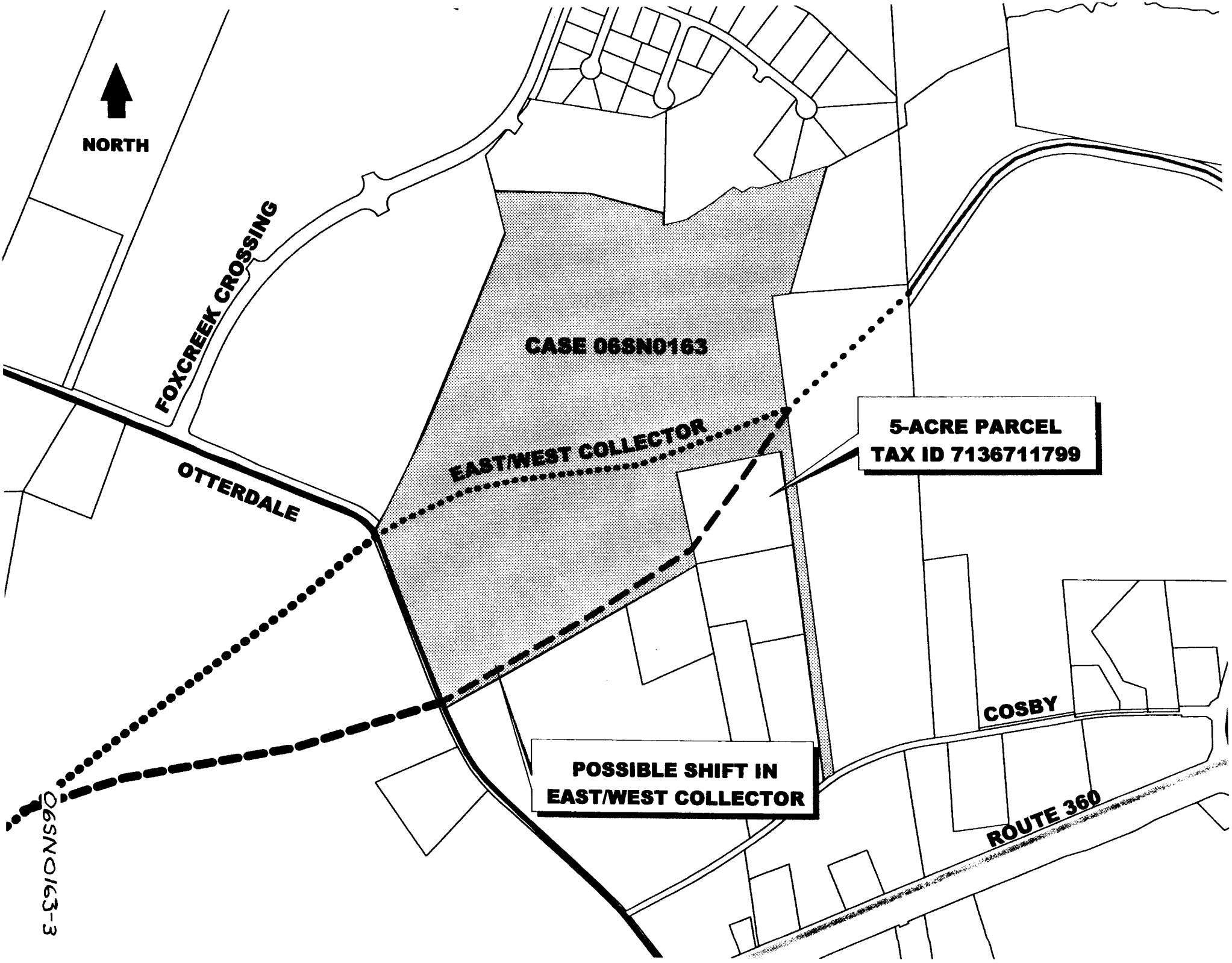
WOODLAKE VILLAGE
WINTERPOCK
THOROUGHFARE PLAN

06SN0163-2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FOXCREEK CROSSING
CASE 06SN0163
EAST/WEST COLLECTOR
OTTERDALE
5-ACRE PARCEL
TAX ID 7136711799
COSBY
POSSIBLE SHIFT IN
EAST/WEST COLLECTOR
ROUTE 360

06SN0163-3