~~June 19, 2007 CPC~~
~~July 25, 2007 BS~~
August 22, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0331

New Bethel Christian Fellowship

Dale Magisterial District
North line of Belmont Road

REQUEST: Rezoning from Light Industrial (I-1) to Agricultural (A).

PROPOSED LAND USE:

A church use is planned; however, with approval of this request, any use permitted in the Agricultural (A) District would be allowed.

(NOTE: IN ORDER FOR THE BOARD TO CONSIDER THIS CASE AT THEIR AUGUST 22, 2007, MEETING, A $230.00 DEFERRAL FEE MUST BE PAID.)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

AYES: MESSRS. GECKER, GULLEY AND BASS
NAYS: MESSRS. LITTON AND WILSON

STAFF RECOMMENDATION

Recommend denial for the following reasons:

A. The proposed zoning and land uses do not conform to the Central Area Plan which suggests the property is appropriate for light industrial use.

B. The proposal represents encroachment into an area designated for economic development.

C. The proposed uses are incompatible with County Airport operations.

D. Transportation concerns, as expressed herein, have not been addressed.

(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 CONDITIONS

The Contract Purchaser-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 properties known as Chesterfield County Tax ID 759-676-4298 from I-1 to A 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, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. BMP.

   a) If the existing dam and pond straddling an adjacent property line is used for the project's BMP, then it shall be retrofitted to meet current day standards as outlined in the Environmental Engineering reference manual to include, but not limited to, proper primary spillways, emergency spillways, and structural stability. The retrofit design shall be performed by a qualified professional and all remedial action shall take place in conjunction with that phase of development which is located within the dam's contributory drainage way.

   b) If the proper easements cannot be obtained to retrofit the existing facility, identified in item 2(a) upstream BMPs shall be constructed to render the existing primary spillways adequate to pass the 10 year storm. (EE)

3. Dedications/Recordation.
   Prior to any site plan approval or within sixty (60) days of from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right of way on the north side of Belmont Road immediately adjacent to the property, measured from a revised centerline based on VDOT Urban Minor

Arterial Standards (50 MPH) with modifications approved by Chesterfield County Transportation Department, shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. (T)

4. Access. Direct access to Belmont Road shall be limited to one (1) public road or one (1) entrance/exit. The exact location of this access shall be approved by the Chesterfield County Transportation Department. (T)

5. Utilities. To facilitate future extension of the public wastewater system, a sixteen (16) foot permanent sewer easement with adjacent parallel ten (10) foot temporary construction easement shall be dedicated to Chesterfield County, extending along the natural course of drainage from Belmont Road to the western boundary of the site. (U)

6. Prior to any site plan approval for the portion of the subject property that drains to Belmont Rd., an analysis shall be made of the existing culvert under Belmont Road between Corcoran Drive and Licking Creek Drive. If it is determined that Belmont Road will top on a 10-year storm with ultimate build-out of the upstream drainage area for that portion of the development that drains across Belmont Road, the developer shall retain the two and ten year post development storms on site and release at the two and ten year pre-development rates, and also replace the culverts under Belmont Road such that they will handle the 10 year pre-development rate from the subject property plus the existing ten year offsite runoff. (EE)

GENERAL INFORMATION

Location:

North line of Belmont Road, across from Corcoran Drive. Tax ID 759-676-4298.

Existing Zoning:

I-1

Size:

29.9 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-12; Vacant
South - R-7; Single-family residential
East and West - A; Single-family residential or vacant

UTILITIES

Public Water System:

A twelve (12) inch water line extends along the south side of Belmont Road, opposite this site, and terminates approximately 600 feet north of Corcoran Drive. Use of the public water system is required by County Code.

Public Wastewater System:

The request site is within the service area of the Falling Creek Trunk Sewer. There is an eight (8) inch wastewater collector line extending along a tributary of Falling Creek and terminating north of Corcoran Court, in Rolling Hills Subdivision Section D, approximately 750 feet southeast of this site. Proffered Condition 1 of Case 98SN0182 requires that the public wastewater system be used to serve this site. By rezoning this site, the condition to use public wastewater will be removed, allowing development of the church site with a private septic system.

While use of the public wastewater system was initially suggested, further evaluation of the remaining properties in the drainage basin, relative to the proposed routing of the off-site wastewater line under design to serve the proposed "Central Parke" development, southwest of this site, staff determined that use of a private septic system to serve this site would not hinder future development. Per staff's recommendation, the applicant has proffered to dedicate to the county a sewer easement extending across the request site following the course of natural drainage from Belmont Road to the western boundary of the site (Proffered Condition 5). Dedication of this easement will allow for future up-stream development.

Private Septic System:

Use of a private septic system must be approved by the Health Department.

ENVIRONMENTAL

Drainage and Erosion:

The property drains in two directions. Approximately two-thirds of the property drains to the south into an existing creek and then under Belmont Road. The pipe under Belmont Road in this location appears to be inadequate for the existing conditions. The remaining one-third of the property drains to the rear into a pond on the adjacent property. The pond

is extremely old and there is no information on the design of either the primary or emergency spillway. Therefore, staff recommends that the existing pond be analyzed to meet current day criteria and to implement any improvements necessary. (Proffer Condition 2)

A portion of this property that drains to the existing culverts under Belmont Road has a substantial upstream off-site drainage area. Development of the area draining toward the culvert, which is currently inadequate, will increase flooding of the road. An analysis should be made of the existing culvert under Belmont Road. If this analysis determines Belmont Road will flood during a 10-year storm, the developer should install culverts to pass a 10-year storm. (Proffered Condition 6)

ECONOMIC DEVELOPMENT

The proposed rezoning lies within the Central Area Plan. Economic Development has taken into consideration various aspects of the Plan and has some concerns. The Chesterfield Airport Industrial Park is ninety percent (90%) built out. Inquiries and activity seeking available industrial sites in this area are heavy at this time. The Economic Development Department is currently working with several developers and prospective users of industrially zoned property in the Airport area in an effort to increase the availability of suitable property for commercial and industrial development. This proposal would decrease the current inventory of industrially zoned property; therefore the department cannot support the request. The goal is to protect existing industrial areas for current demand as the department works to identify additional property to zone for industrial use. The large parcels proposed for industrial use must be protected to optimize economic development opportunities in the future.

The focus on the Route 288 corridor for regional transportation and industrial location advantages cannot be ignored. The County must continue to actively market the light industrial and regional mixed use potential of designated areas along the corridor.

PUBLIC FACILITIES

County Airport:

The subject property is in an area susceptible to heavy and continuous aircraft operations due to its proximity to the runway at the County Airport and the corresponding airport traffic pattern. Runway 33, which is used for sixty (60) percent of all departures from the airport, directly affects this area. The airport consistently receives more complaints from citizens residing in this area than from any other area. The attached map depicts the air traffic patterns.

The uses proposed by this application, as well as the other uses that could potentially be developed on the property are incompatible with the County Airport's operations.

Fire Service:

The Dale Fire Station, Company #11, currently provides fire protection and emergency medical service (EMS). This request will have a minimal impact on fire and EMS.

Transportation:

In December 1998, the Board of Supervisors approved a rezoning (Case 98SN0182) of approximately seventy-eight (78) acres to Residential (R-12) (48 acres) and Light Industrial (I-1) (30 acres). With that approval, the Board accepted proffered conditions relative to transportation that, among other things: 1) required right-of-way dedication and construction of specific road improvements (i.e. ditch relocation and turn lanes, if warranted); and 2) controlled access along Belmont Road. The residential portion of that rezoning has already been developed. The light industrial part of the property remains undeveloped and is the subject of this rezoning request.

The applicant is requesting rezoning of 29.9 acres from Light Industrial (I-1) to Agricultural (A). Under the current Light Industrial (I-1) zoning, development could generate approximately 1,860 vehicle trips per day. This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. The applicant has indicated an interest in developing the property for a future church site (seating capacity for approximately 450 people). Based on the anticipated church use, development of the property could generate approximately 460 average daily trips (ADT). Vehicles from the development will be distributed along Belmont Road, which had a 2006 traffic count of 4,977 ADT. Belmont Road is an existing two-lane roadway with twenty (20) foot pavement width and no shoulder along the property's frontage. Based on the current peak hour volumes of traffic, Belmont Road is at capacity (Level of Service E). No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

The Thoroughfare Plan identifies Belmont Road as a major arterial with a recommended right-of-way width of 90 feet. Forty-five (45) feet of right-of-way, measured from the centerline of Belmont Road, should be dedicated in accordance with that Plan. The applicant has proffered to provide right-of-way dedication in accordance with the Thoroughfare Plan. (Proffered Condition 3)

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 Belmont Road, should be controlled. The applicant has proffered to limit vehicular access to one (1) entrance/exit point along Belmont Road. (Proffered Condition 4)

The traffic impact of this development must be addressed. As part of the original rezoning, the Board accepted a proffer (Proffered Condition 8b of Case 98SN0182) that required the relocation of the ditch to provide an adequate shoulder along the property's frontage to Belmont Road. Area roads need to be improved to address safety and

accommodate the increase in traffic generated by this proposed development. The applicant is not willing to provide ditch relocation for an adequate shoulder along the property's entire frontage to Belmont Road.

Based on the proposed church use and the current traffic volume along Belmont Road, it is not anticipated that left- and-right turn lanes will be required for the site. Because of the vertical and horizontal alignment of Belmont Road in this area, sight distance is limited. To meet sight distance requirements, the existing road alignment may need to be reconstructed. As a result, additional "off-site" right-of-way may be required to achieve adequate sight distance.

As previously stated, the applicant is unwilling to provide ditch relocation to provide an adequate shoulder along the property's entire frontage to Belmont Road; therefore, the Transportation Department cannot support this request.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for light industrial use. One of the intents of the Plan is to reserve areas for future economic development opportunities in proximity to the regional transportation network as well as the County's Airport.

Area Development Trends:

Adjacent properties to the east and west are zoned Agricultural (A) and are occupied by single-family residential uses or remain vacant. An adjacent property to the north as well as to the south, across Belmont Road, are zoned Residential (R-12 and R-7) and are occupied by single-family residential uses or remain vacant. It is anticipated properties in the immediate vicinity of the request site and along Belmont Road will develop with light industrial uses, in conformance with the Plan.

Zoning History:

On December 16, 1998, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved light industrial zoning on the request property with conditions, which among other things, limiting the industrial uses allowed (Case 98SN0182). The applicant initially in that zoning request had sought to zone the subject property to residential. The Planning Commission recommended denial of that proposal because it failed to comply with the Plan. Ultimately, the Board remanded the application to the Planning Commission for further negotiations with the applicant at which time the proposal was modified to seek industrial zoning on that portion of the property which is the subject of this request.

Development Standards:

The request property lies within the Emerging Growth Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Compliance with Emerging Growth standards would address issues relative to access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities, and screening of dumpsters and loading areas. However, with approval of the requested Agricultural (A) zoning the property and would not be subject to the Emerging Growth standards of the Zoning Ordinance unless these standards were proffered.

Uses:

As noted, the applicant intends to construct a church and related facilities on the property; however, with approval of this request, other uses such as single family dwellings on acreage parcels and group homes would be permitted. As noted in the "County Airport" section of this "Request Analysis", these uses are incompatible with the County Airport operations. Further, these uses are potentially an adverse impediment to anticipated and desired industrial development in the area.

CONCLUSION

The proposed zoning and land uses do not conform to the Central Area Plan which suggests the property is appropriate for light industrial use. The proposal represents encroachment into an area designated for economic development. The Plan suggests protection of existing and proposed industrial areas from conflicting land uses as well as protecting the County Airport from encroachment of incompatible use. This proposal, if approved, would decrease the current inventory of industrially zoned property. In addition, transportation concerns, as expressed herein, have not been addressed.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Applicant (6/18/07):

Revised proffered conditions were submitted.

Planning Commission Meeting (6/19/07):

The applicant did not accept the recommendation. There was support present who indicated that church use would be a good neighbor to area residential development.

Mr. Litton indicated that area residents support the use. Mr. Wilson indicated that in his opinion the property is not suited for industrial development; there are no safety issues related to the airport operation; and that the church understands the noise impacts from the airport.

Mr. Gulley indicated the proposal is not consistent with the Plan and that the use is incompatible with the airport as well as anticipated area development.

Mr. Litton made a motion to recommend approval and acceptance of the proffered conditions. His motion was seconded by Mr. Wilson. The vote on Mr. Litton's motion was as follows:

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

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission recommended denial.

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

Board of Supervisors' Meeting (7/25/07):

At the request of the applicant, the Board deferred this case to their August 22, 2007, public hearing.

Staff (7/26/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than July 30, 2007, for consideration at the Board's August public hearing. The applicant was also advised that a $230.00 deferral fee was due.

Staff (8/10/07):

To date, no new information has been received, nor has the deferral fee been paid.

The Board of Supervisors, on Wednesday, August 22, 2007, beginning at 6:30 p.m., will take under consideration this request.

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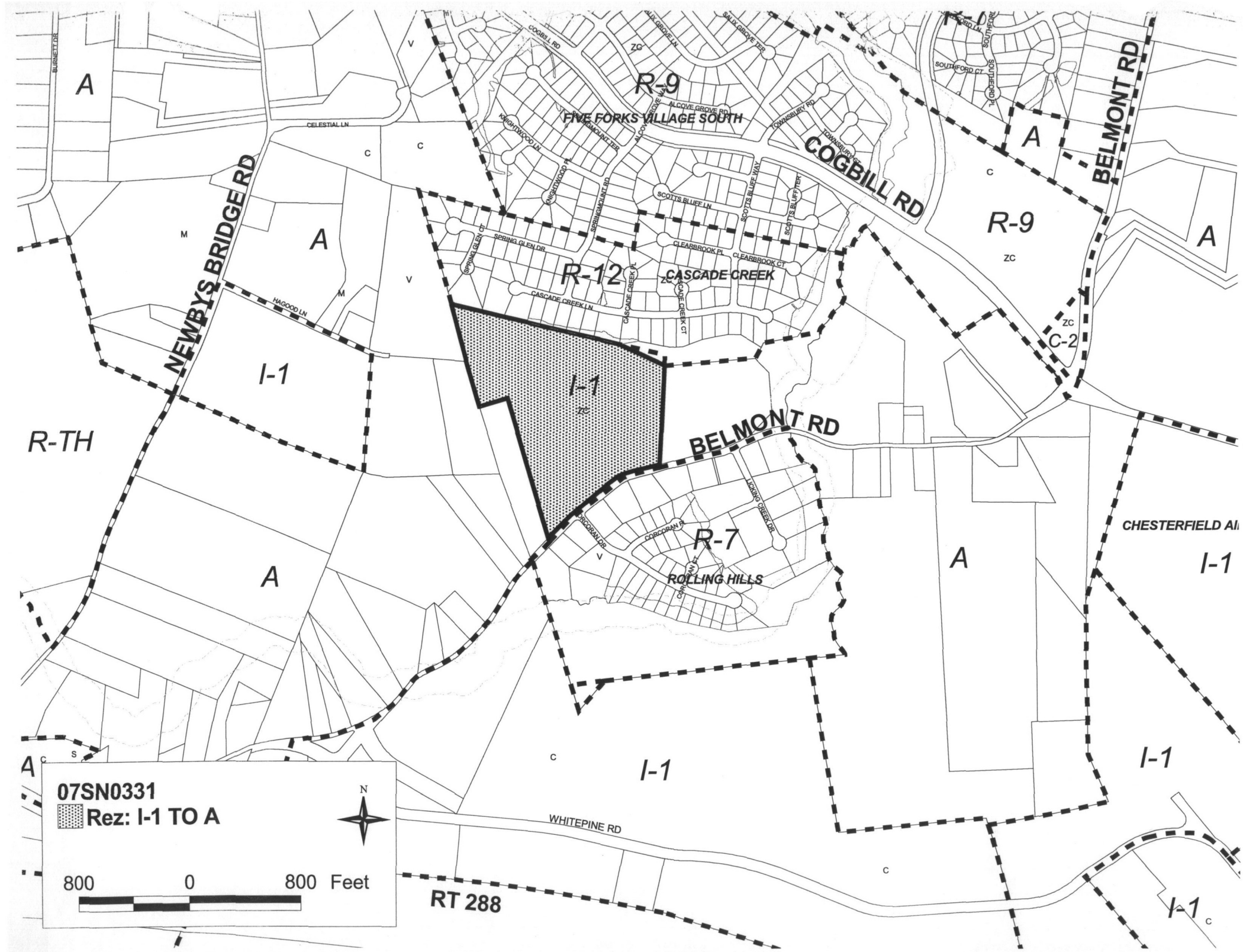
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FIVE FORKS VILLAGE SOUTH
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NEWBYS BRIDGE RD
R-12
CASCADE CREEK
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R-7
ROLLING HILLS
C-2
CHESTERFIELD AI
WHITEPINE RD
RT 288
BURNETT DR
CELESTIAL LN
HAGOOD LN
COGBILL RD
ALCOVE GROVE LN
SALIX GROVE TER
ALCOVE GROVE RD
ALCOVE GROVE WAY
KNIGHTWOOD LN
KNIGHTWOOD PL
SPRINGMOUNT TER
SPRINGMOUNT RD
TOWNSBURY RD
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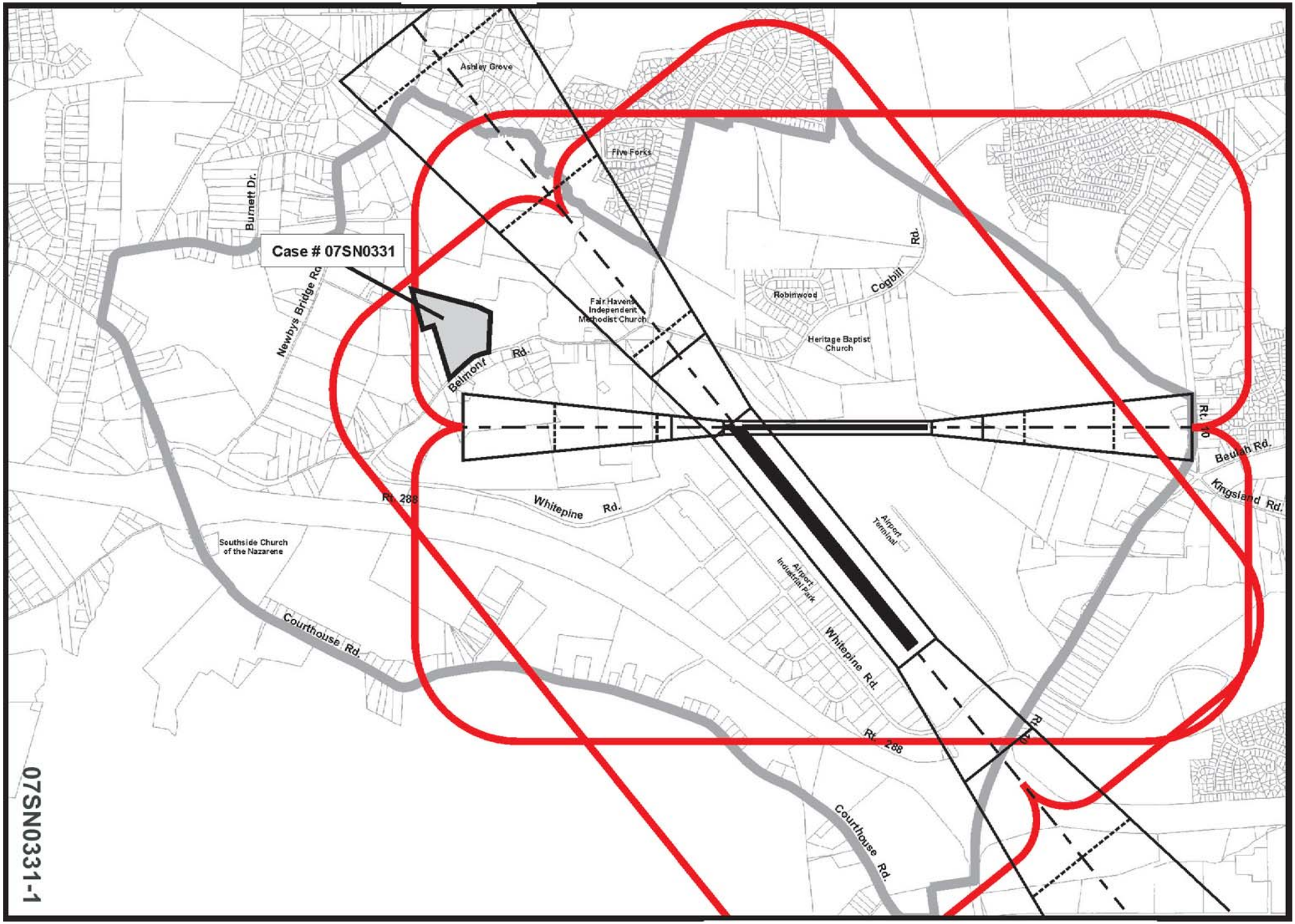
Case # 07SN0331
Ashley Grove
Five Forks
Burnett Dr.
Newbys Bridge Rd.
Fair Havens Independent Methodist Church
Robinwood
Cogbill Rd.
Heritage Baptist Church
Belmont Rd.
Rt. 10
Beulah Rd.
Kingsland Rd.
Rt. 288
Whitepine Rd.
Airport Terminal
Airport Industrial Park
Southside Church of the Nazarene
Courthouse Rd.
Whitepine Rd.
Rt. 288
Rt. 10
Courthouse Rd.

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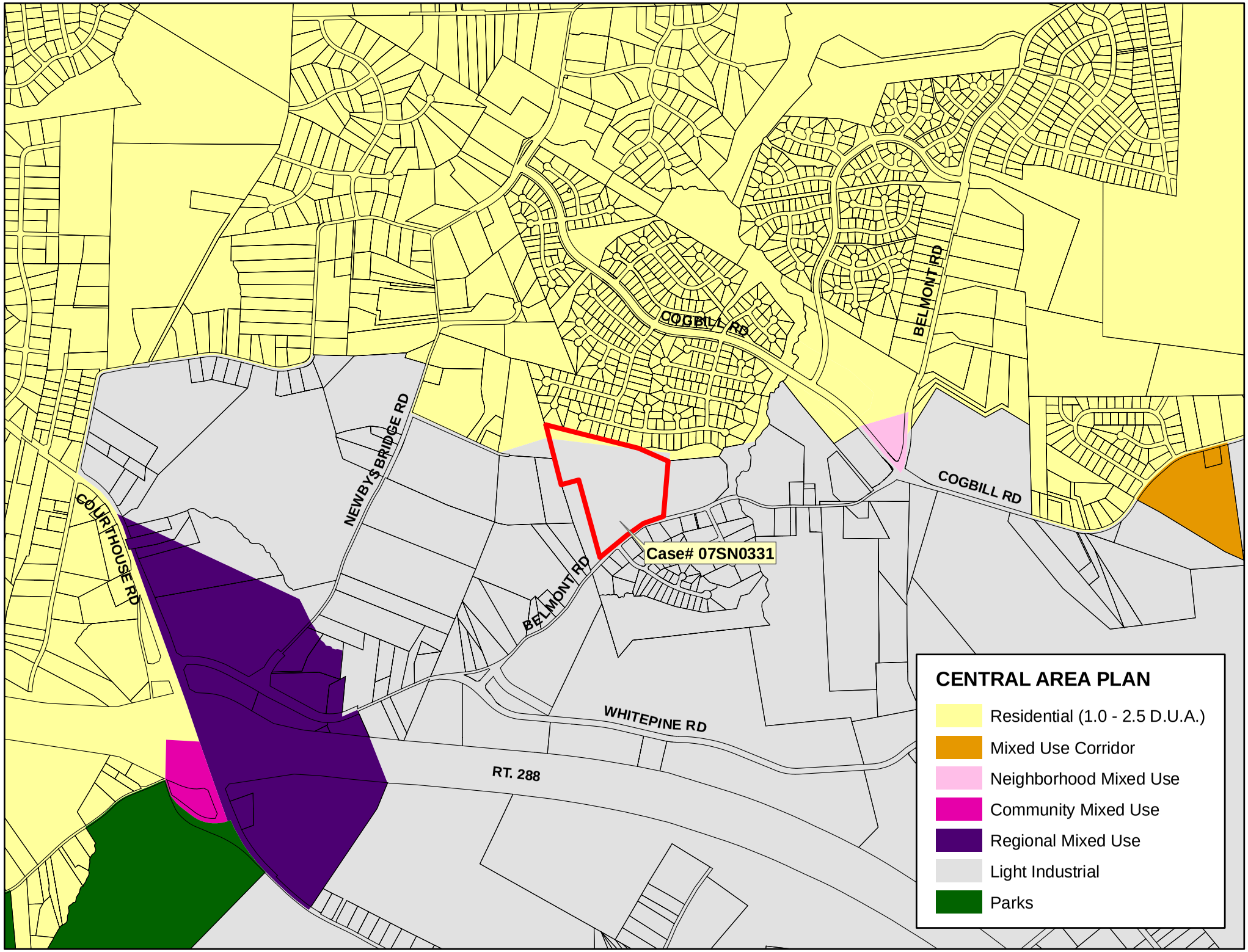
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BELMONT RD
NEWBY'S BRIDGE RD
COURTHOUSE RD
COGBILL RD
Case# 07SN0331
BELMONT RD
WHITEPINE RD
RT. 288
CENTRAL AREA PLAN
Residential (1.0 - 2.5 D.U.A.)
Mixed Use Corridor
Neighborhood Mixed Use
Community Mixed Use
Regional Mixed Use
Light Industrial
Parks

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