July 17, 2007 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0353

Doran Development Co., L.L.C.,
Richard J. November, Manager
and
H. R. Pollard, IV, Manager

Bermuda Magisterial District
Wells Elementary; Carver Middle; and Thomas Dale High Schools Attendance Zones
East line of Happy Hill Road

REQUESTS:

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

II. Relief to street access requirements to allow fifty-three (53) lots on one (1) access.

PROPOSED LAND USE:

A residential subdivision having a minimum lot size of 12,000 square feet is proposed. The applicant has agreed to limit development to fifty-three (53) lots, yielding a density of approximately 1.7 dwelling units per acre (Proffered Condition 4). Relief is requested to permit fifty-three (53) lots off of one access from Happy Hill Road. The Ordinance permits a maximum of fifty (50) lots off of one access.

RECOMMENDATION

Request I: Recommend approval subject to the applicant addressing transportation concerns. This recommendation is made for the following reasons:

A. While the proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for

residential use of 2.51 to 4.0 units per acre, the proffers fail to address health, safety and welfare issues relative to turning movements along Happy Hill Road.

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 mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Request II: Recommend denial of the relief from street access requirements to allow fifty-three (53) lots off of one (1) access for the following reasons:

A. The accessibility to and from the development in an emergency situation, should access be blocked, will be restricted thereby adversely affecting the health, safety and welfare of citizens in the development.

B. The request fails to meet the Ordinance criteria under which relief should be granted.

(NOTES: A. THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS.

B. IT SHOULD BE NOTED THAT AMENDMENTS TO THE PROFFERED CONDITIONS WERE NOT RECEIVED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES". THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THESE AMENDMENTS.)

PROFFERED CONDITIONS

The property owners and applicant in this rezoning 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 property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this

request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall be immediately be null and void and of no further force or effect.

1. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:

   a. $15,600 per dwelling unit, if paid prior to July 1, 2007; or

   b. The amount approved by the Board of Supervisors not to exceed $15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

   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)

2. Utilities. The public water and wastewater systems shall be utilized. (U)

3. 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)

4. Density. Development shall be limited to a maximum of fifty-three (53) lots. (P)

5. Materials. The exterior facades of all homes shall be of brick, stone or vinyl siding or a combination of the foregoing. All foundations to be brick or stone veneer. (P)

6. One-story dwelling units shall have a minimum floor area of 1,800 square feet. Dwelling units with more than one story shall have a minimum floor area of 2,000 square feet. (P)

7. In conjunction with the recordation of the initial subdivision plat or within ninety (90) days of a written request by the County, whichever occurs first, forty-five (45) feet of right-of-way on the east side of Happy Hill Road, measured from the centerline of that part of Happy Hill Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

8. Direct vehicular access from the property to Happy Hill Road shall be limited to one (1) public road that aligns with Fielding Road. The exact location of this public road shall be approved by the Transportation Department. (T)

9. In conjunction with development of the initial section, the developer shall be responsible for construction of additional pavement along Happy Hill Road at the public road intersection to provide right turn lane based on Transportation Department standards, and dedication, free and unrestricted, to and for the benefit of Chesterfield County, of any additional right-of-way (or easements) required for these improvements. In the event the developer is unable to acquire any "off site" right-of-way that is necessary for these improvements, 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)

GENERAL INFORMATION

Location:

East line of Happy Hill Road, across from Fielding Road. Tax ID 799-642-4348.

Existing Zoning:

A

Size:

30.7 acres

Existing Land Use:

Residential or vacant

Adjacent Zoning and Land Use:

North and South – A; Single family residential
East - A; Vacant
West - R-40; Single family residential

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along Happy Hill Road adjacent to this site. 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 sixteen (16) inch wastewater trunk line extending along a tributary of Ashton Creek that crosses the Seaboard Coastline Railroad right-of-way adjacent to the northern boundary of this site. Use of the public wastewater system is intended. (Proffered Condition 2)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to the northeast, then under the adjacent railroad to Ashton Creek. There are currently no known on- or off-site drainage or erosion problems and none are anticipated after development.

The property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will ensure that the adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 3)

Water Quality:

The southeast property line runs along a small tributary. A perennial flow determination must be submitted to and approved by Environmental Engineering's Water Quality Section prior to tentative subdivision plan approval.

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.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase 44 to 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 fifty-three (53) dwelling units, this request will generate approximately fifteen (15) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 1)

The Chester Fire Station, Company 1, and Bensley Bermuda 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.

To satisfy the requirement of Section 17-76 of the Subdivision Ordinance, when the cumulative total of homes in a proposed development exceeds fifty (50), a second public road access to all dwellings should be provided. This requirement is necessary to provide emergency vehicles a second access to the homes should the other entrance become blocked. With the proffered limitation of only one (1) access to Happy Hill Road, the applicant has requested relief to this access requirement to allow fifty-three (53) lots off of one (1) access. The Ordinance states that relief can be granted by the Planning Commission for a maximum of sixty-two (62) lots at the time of zoning if a preliminary tentative plat is submitted with sufficient documentation that clearly demonstrates:

A. Existing severe topographic, physical or extenuating circumstances exist so that there is no other practical means of providing another access; and
B. Financial hardship is not the principal reason for the waiver; or
C. Without granting relief to these requirements traffic on an existing local street will exceed the Planning Commission's Stub Road Policy as determined by the Director of Transportation.

The attached conceptual subdivision layout provided by the applicant does not demonstrate that any of these circumstances exist. The Fire Department opposes granting relief to the access requirements. It should be noted that the International Fire Code indicates that a second access should be provided when the number of lots served by a single access exceeds thirty (30).

Schools:

Approximately twenty-eight (28) (Elementary: 12, Middle: 7, and High: 9) students will be generated by this development. Currently, this site lies in the Wells Elementary School attendance zone: capacity - 697, enrollment – 917; Carver Middle School zone: capacity – 1,229, enrollment – 1,265; and Thomas Dale High School zone: capacity - 1,851, enrollment - 2,399. This case will be in the Marguerite Christian School zone beginning this fall: capacity – 688, enrollment - 955. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007. This request will have an impact at the middle and high school levels. There are currently ten (10) trailers at Wells Elementary, seven (7) at Carver Middle and eight (8) at Thomas Dale High School.

The new Elizabeth N. Scott Elementary School is scheduled to open this fall and the new Elizabeth B. Davis Middle School is scheduled to open in 2008. The new elementary school will provide relief for elementary schools in the Chester area and the new middle school will provide relief for Chester and Carver Middle Schools. This area of the county continues to experience growth and these schools will provide much needed space.

This case combined with other residential developments and zoning cases in the area, will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has addressed the impact of the development on schools. (Proffered Condition 1)

Libraries:

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

Development of the property could affect the Chester Library, the Ettrick-Matoaca Library, or a potential new library in the southeastern area of the county. The Public Facilities Plan identifies a need for additional library space in this area of the county. The applicant has addressed the impact of the development on libraries. (Proffered Condition 1)

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; 354 acres of regional park space, 252 acres of community park space and 199 acres of neighborhood park space by 2020; linear parks and resource based-special purpose parks (historical, cultural and environmental); the addition of recreational facilities to include sports fields, trails, playgrounds, court games, senior centers and picnicking area/shelters at existing parks; and water access and trails along the James and Appomattox Rivers and their major tributaries, Swift and Falling Creeks. There is currently a shortage of community and neighborhood park acreage in the County.

The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreation facilities. (Proffered Condition 1)

Transportation:

The property is located on the east side of Happy Hill Road across from the Happy Hill Farms Subdivision. The applicant is requesting rezoning from Agricultural (A) to Residential (R-12) and has proffered a maximum density of fifty-three (53) units (Proffered Condition 4). Based on single-family trip rates, development of the property could generate approximately 580 average daily trips. These vehicles will initially be distributed along Happy Hill Road, which had a 2006 traffic count of 8,307 vehicles per

day. Based on the volume of traffic it carried during peak hours, Happy Hill Road was at capacity (Level of Service E). The traffic impact of this development must be addressed. The applicant should proffer to construct a left turn lane along Happy Hill Road to facilitate southbound traffic entering the site. If a left turn lane is not provided then the probability of rear-end accidents will increase at the proposed public road intersection and the safety of the Happy Hill Road corridor will be compromised. Staff cannot support this request unless the applicant commits to provide a left turn lane along Happy Hill Road in conjunction with development of the property.

The Thoroughfare Plan identifies Happy Hill 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 on the east side of Happy Hill Road, measured from the centerline, in accordance with this Plan. (Proffered Condition 7)

Access to major arterials, such as Happy Hill Road, should be controlled. The applicant has proffered that direct vehicular access from the property to Happy Hill Road will be limited to one (1) public road that aligns with Fielding Road. (Proffered Condition 8)

The applicant has proffered to construct a right turn lane along Happy Hill Road at the public road intersection, and dedicate any additional right of way required for this improvement (Proffered Condition 9). In order to provide the right turn lane along Happy Hill Road, significant, off-site right-of-way will have to be acquired from the property to the south. According to Proffered Condition 9, if the developer needs off-site right-of-way for construction of the turn lanes, and is unable to acquire it, the developer may request the county to acquire the right-of-way as a public road improvement. 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.

Sight distance, when looking to the north and south from the property, is limited along Happy Hill Road. The applicant may have to provide additional, off-site improvements and/or obtain off-site easements in order to obtain adequate sight distance at the public road intersection on Happy Hill Road.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Traffic generated by this development will travel along Happy Hill Road. Sections of Happy Hill Road have little or no shoulders, fixed objects adjacent to the edge of pavement, and poor vertical and horizontal alignments. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development. (Proffered Condition 1)

Cash proffers alone will not cover the cost of the road improvements needed in this area. There are two projects in this area currently included in the Six-Year Improvement Program. One involves improving Branders Bridge Road from Bradley Bridge Road to south of Happy Hill Road. Construction of this project is not anticipated until 2012. A

second project involves improving the curve and intersection on Branders Bridge Road at Bradley Bridge Road. VDOT anticipates construction of these improvements in 2009. The county has a project that involves adding a shoulder on Happy Hill Road between South Chester Road and Longmeadow Boulevard. Construction of the first phase of this project is anticipated for Summer 2008.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	53*	1.00
Population Increase	144.16	2.72
Number of New Students		
Elementary	12.35	0.23
Middle	6.89	0.13
High	8.96	0.17
TOTAL	28.20	0.53
Net Cost for Schools	$283,444	$5,348
Net Cost for Parks	32,012	604
Net Cost for Libraries	18,497	349
Net Cost for Fire Stations	21,465	405
Average Net Cost for Roads	473,926	8,942
TOTAL NET COST	$829,344	$15,648

*Based on a proffered maximum of 53 dwelling units (Proffered Condition 4). The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff as 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. 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 Condition 1)

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 Southern and Western Area Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre.

Area Development Trends:

Properties to the north, south and east are zoned Agricultural (A) and are either occupied by single family dwellings or are currently vacant. Properties to the west are zoned Residential (R-40) and are developed as part of the Happy Hill Farms Subdivision. It is anticipated that any development or redevelopment of area properties will be for residential purposes consistent with densities recommended by the Plan.

Site Design:

As per the requirements of the Ordinance when seeking relief to provisions for second access, a preliminary subdivision plan has been submitted. There is no requirement that the property be developed in accordance with the plan. Although the plan depicts fifty-four (54) lots, proffered conditions were amended to reflect a maximum of fifty-three (53) lots accessed via a single access (Proffered Condition 4). It is also important to note that the need for stub roads to adjacent properties will be evaluated at the time of tentative plan review.

Density:

Proffered Condition 4 limits the development to fifty-three (53) lots, yielding a density of approximately 1.7 dwelling units per acre.

Building Materials and Dwelling Size:

Proffered Conditions 5 and 6 address building materials and dwelling size.

CONCLUSIONS

While the proposed zoning and land uses conform to the Southern and Western Area Plan which suggests the property is appropriate for residential use of 2.51 - 4.0 units per acre, the proffers fail to address the Transportation Department's concern relative to turning movements on7 Happy Hill Road. 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 capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

A second access for more than fifty (50) lots promotes accessibility to and from the development in an emergency situation should one access be blocked. The application fails to identify any extenuating circumstances in accordance with the provision of the Subdivision Ordinance that prevents the provision of a second means of access.

Given these considerations, approval of the rezoning (Request I) is recommended subject to addressing transportation concerns. Denial of the relief to street access requirements (Request II) is recommended.

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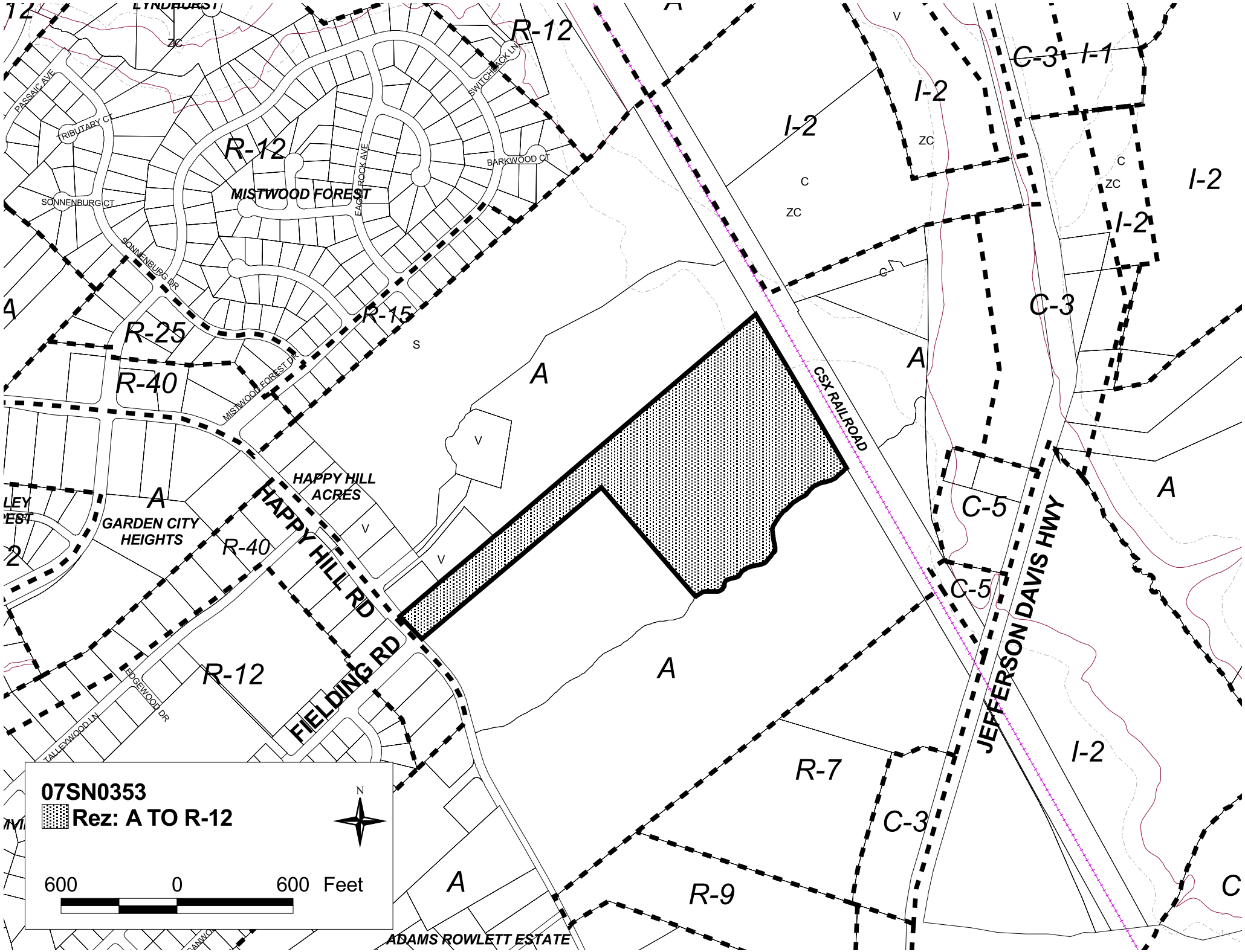
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HAPPY HILL RD
FIELDING RD
CSX RAILROAD
JEFFERSON DAVIS HWY
I-2
C-3
I-1
C-5
R-7
R-9
ADAMS ROWLETT ESTATE
PASSAIC AVE
TRIBUTARY CT
SONNENBURG CT
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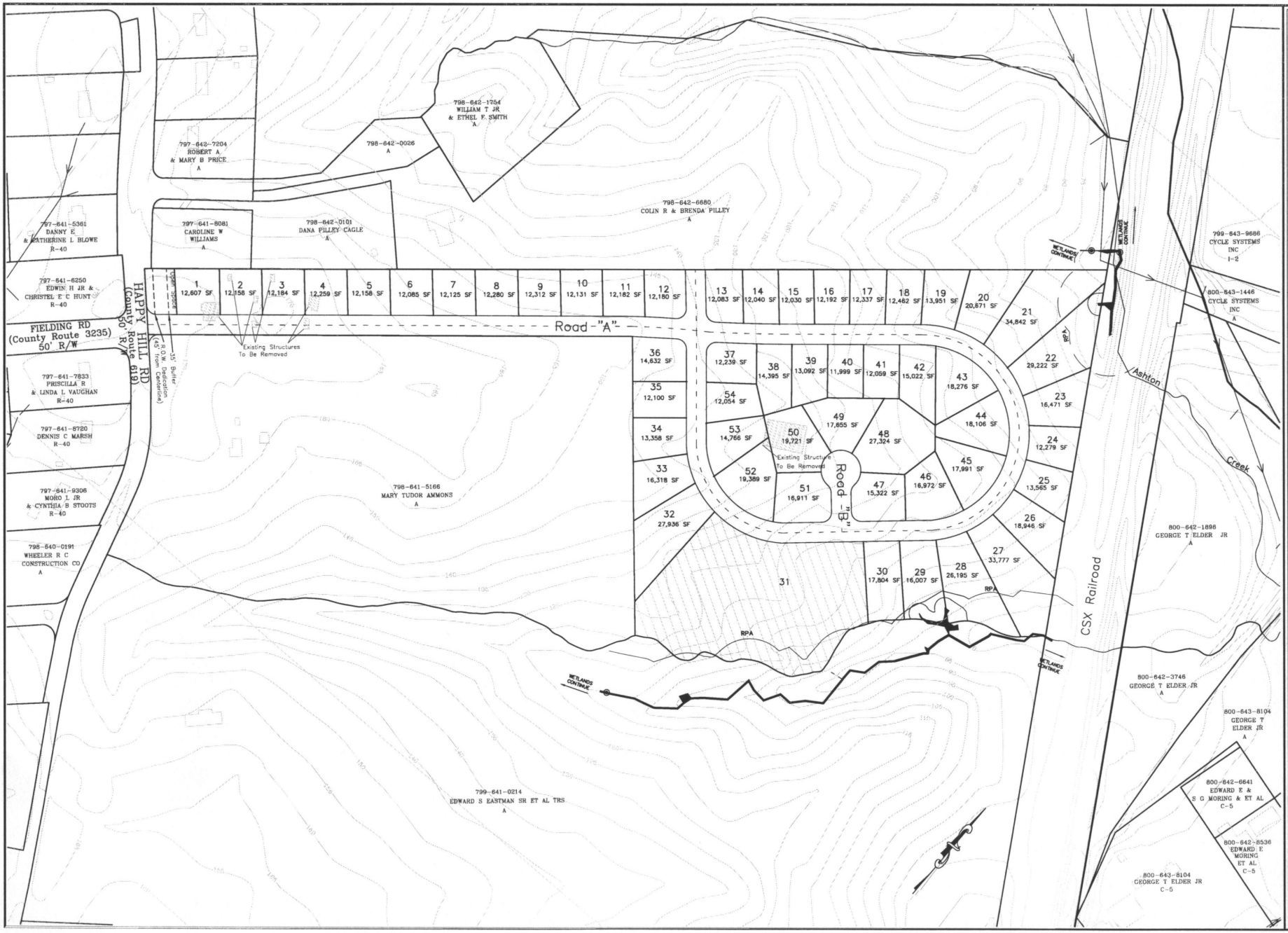

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HAPPY HILL ROAD

BERMUDA DISTRICT

CHESTERFIELD COUNTY, VIRGINIA

CONCEPTUAL PLAN

CERTIFIED LANDSCAPE ARCHITECT
GARY LEE SCOTTON
NO. 000448

DATE: 05-11-07
SCALE: 1" = 100'
DESIGNED: GLS/SRH
DRAWN: SRH
CHECKED: GLS

REVISIONS:

J.N. 21613

SHEET 1 OF 1

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