~~August 21, 2007 CPC~~
September 18, 2007 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

08SN0112

Stoney Glen LLC

Bermuda Magisterial District
West line of Harrowgate Road

REQUEST: Amendment to a previously granted zoning (Case 02SN0186) relative to right of way dedication on Harrowgate Road. Specifically, deletion of Proffered Condition 4 of Case 02SN0186 is proposed.

PROPOSED LAND USE:

A single family residential subdivision containing a maximum of 217 lots is proposed (Case 02SN0186). Proffered conditions require right-of-way dedication along Harrowgate Road. The applicant is requesting deletion of this proffered condition. (Proffered Condition 4 of Case 02SN0186)

RECOMMENDATION

Recommend denial for the following reason:

The right-of-way dedication on Harrowgate Road is necessary to mitigate the impact of this proposed development and to accommodate future road improvements, as discussed herein.

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

GENERAL INFORMATION

Location:

West line of Harrowgate Road, across from Wellspring Road. Tax ID 791-641-1825.

Existing Zoning:

R-12

Size:

143.2 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, South, East and West - A, R-7, R-9, R-12, R-15 and C-2; Single family residential or vacant

UTILITIES AND FIRE

This request will have no impact on these facilities.

ENVIRONMENTAL

Along the western edge of Harrowgate Road is an existing Commonwealth Gas easement which contains two (2) eighteen (18) inch transmission lines. These transmission lines will be crossed perpendicularly by two right of way accesses to Wellspring Subdivision. Per proffered conditions of zoning, the developer is required to dedicate right of way in accordance with the thoroughfare plan along Harrowgate Road. This proposed right of way dedication runs longitudinally over top of the Commonwealth easement and the two 18" transmission lines.

When prior easements are located in proposed VDOT right of way, VDOT requires a quit claim from the holder of the easement in conjunction with accepting the roads into the state secondary system for maintenance. Without the quit claim, the roads will not be maintained by VDOT.

The Department of Environmental Engineering is responsible for having all subdivision roads taken into the state system. In order to be assured that the utility companies will quit claim to VDOT, and VDOT accept the roads, Environmental Engineering requires a letter from the utility company stating that they have reviewed and approved the plans and that a quit claim at the appropriate time will be executed. Once the letter is received, the county is then assured that the homeowners in the proposed Wellspring Subdivision will have their road state maintained.
It is Environmental Engineering's understanding from the applicant that the gas company has issues with the right of way being dedicated over top of their double eighteen (18) inch transmission lines that parallels Harrowgate Road and has not written a letter approving the plans and guaranteeing the signing of a quit claim in the future.

The applicant has indicated that with the elimination of the requirement to dedicate the right of way along Harrowgate Road, the utility company will approve the plans and execute a quit claim for the two perpendicular crossings at the appropriate time.

Transportation:

The Thoroughfare Plan identifies Harrowgate Road as a major arterial with a recommended right-of-way width of 120 to 200 feet. This arterial currently carries most of the north/south traffic in this area. The 2006 traffic count on Harrowgate Road was 10,424 vehicles per day. The capacity of the two-lane section of Harrowgate Road between Jefferson Davis Highway (Route 1/301) and Happy Hill Road is at capacity (Level of Service E) for the volume of traffic it currently carries. The Thoroughfare Plan also identifies an east/west limited access facility ("the East/West Freeway"), with a recommended right-of-way width of 200 feet, extending from Hull Street Road (Route 360) to Interstate 95. Just south of the property, the Plan identifies a proposed interchange on Harrowgate Road for the East/West Freeway. The Southern and Western Area Plan suggests that most of this area of the county is appropriate for residential development of 2.51 to 4.0 units per acre, and a neighborhood mixed-use center generally located along Harrowgate Road at the proposed East/West Freeway interchange. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan.

In 2002, the Board of Supervisors rezoned (Case 02SN0186) the property (143.2 acres) to Residential (R-12) in conjunction with the adjacent 5.6-acre parcel to Neighborhood Business (C-2). This residential and commercial development could generate approximately 5,680 average daily trips. These vehicles will be initially distributed along Harrowgate Road. As part of the zoning approval, the Board accepted a proffer (Proffered Condition 4 of Case 02SN0186) that requires the developer to dedicate sixty (60) feet of right-of-way along Harrowgate Road measured from the centerline of that road in accordance with the Thoroughfare Plan. The applicant is requesting that the proffered condition to dedicate this right-of-way along Harrowgate Road be deleted. This right-of-way is needed to assist in mitigating the impact of this proposed development and accommodate future road improvements. Therefore, the Transportation Department cannot support this request.

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 units per acre.

Area Development Trends:

Surrounding properties are predominately zoned for single family residential uses and contain subdivision developments of varying densities. Agricultural parcels are

interdispersed among these residential zoning districts. A convenience store is located at the corner of Tarris Lane and Harrowgate Road north of the request property.

Zoning History:

On May 22, 2002, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved the rezoning of 148.8 acre tract to Residential (R-12) and Neighborhood Business (C-2), plus proffered conditions on an existing C-2 tract (Case 02SN0186). A single family residential subdivision containing a maximum of 217 lots and neighborhood business uses were planned. Proffered Condition 4 required the dedication of sixty (60) feet of right-of-way on the west side of Harrowgate Road, measured from the centerline, prior to the recordation of the initial subdivision plat or prior to final site plan approval. The current request represents the residential component of this 2002 zoning case.

CONCLUSIONS

The right-of-way dedication on Harrowgate Road is necessary to mitigate the impact of this proposed development and to accommodate future road improvements, as discussed herein.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Applicant, Staff, Commonwealth Gas Representatives and VDOT (8/21/07):

A meeting was held in an attempt to resolve conflicts with the right of way dedication and the existing Commonwealth Gas Line easement. Commonwealth Gas representatives indicated they would review the situation and report their position to Staff and the applicant.

Planning Commission Meeting (8/22/07):

On their own motion, the Commission deferred this case to their September 18, 2007, public hearing.

Staff (8/23/07):

The applicant was advised in writing that any significant new or revised information should be submitted no later than August 27, 2007, for consideration at the Commission's September public hearing.

Staff (8/28/07

To date, no new information has been received nor has Commonwealth Gas reported their conclusions.

Staff (8/29/07):

If the Planning Commission acts on this request on September 18, 2007, the case will be considered by the Board of Supervisors on September 26, 2007.

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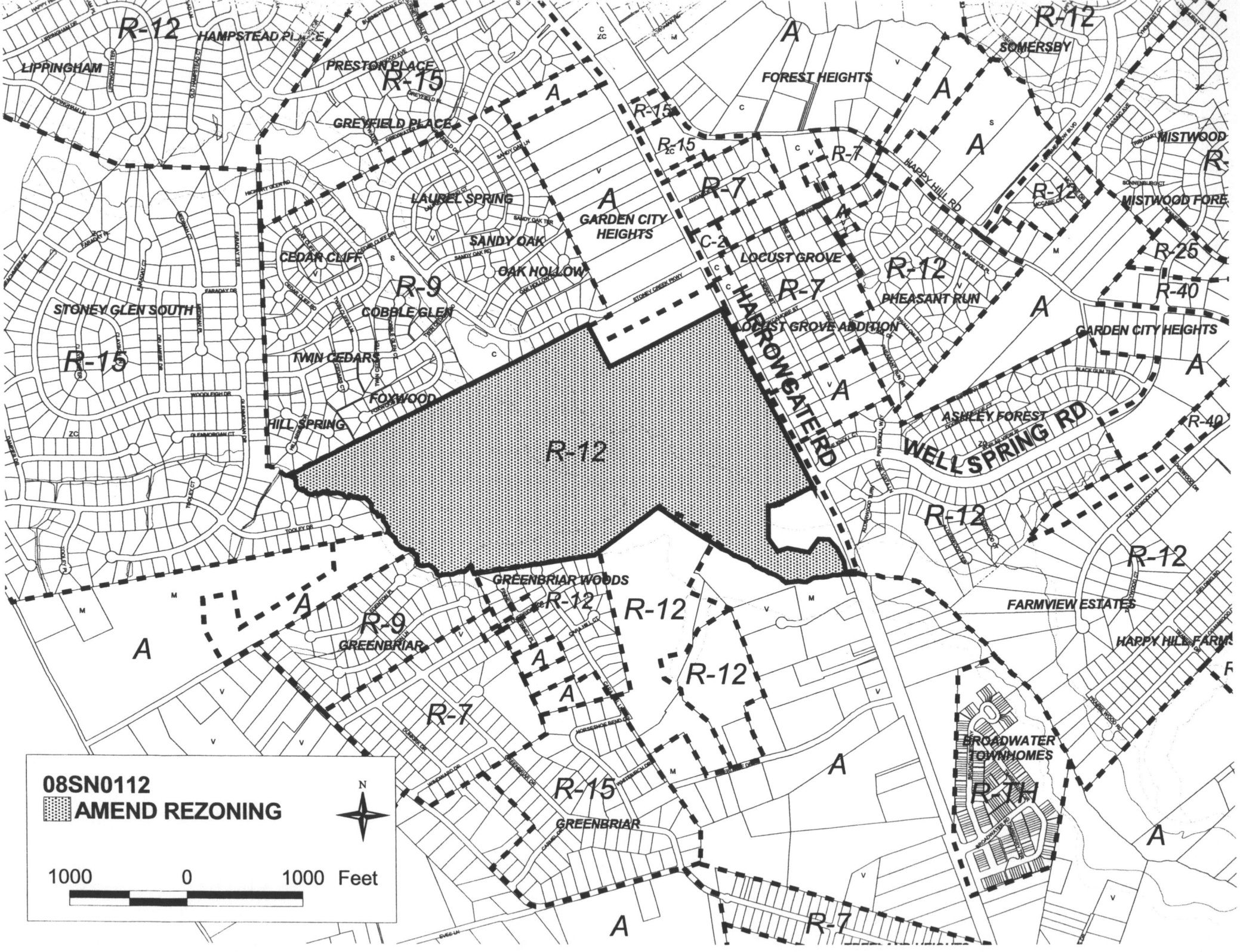

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AMEND REZONING
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R-12
HAMPSTEAD PLACE
LIPPINGHAM
PRESTON PLACE
R-15
GREYFIELD PLACE
LAUREL SPRING
SANDY OAK
OAK HOLLOW
GARDEN CITY HEIGHTS
CEDAR CLIFF
R-9
COBBLE GLEN
STONEY GLEN SOUTH
TWIN CEDARS
FOXWOOD
HILL SPRING
FOREST HEIGHTS
SOMERSBY
MISTWOOD
MISTWOOD FORE
R-7
C-2
LOCUST GROVE
LOCUST GROVE ADDITION
PHEASANT RUN
HARROWGATE RD
HAPPY HILL RD
R-25
R-40
GARDEN CITY HEIGHTS
ASHLEY FOREST
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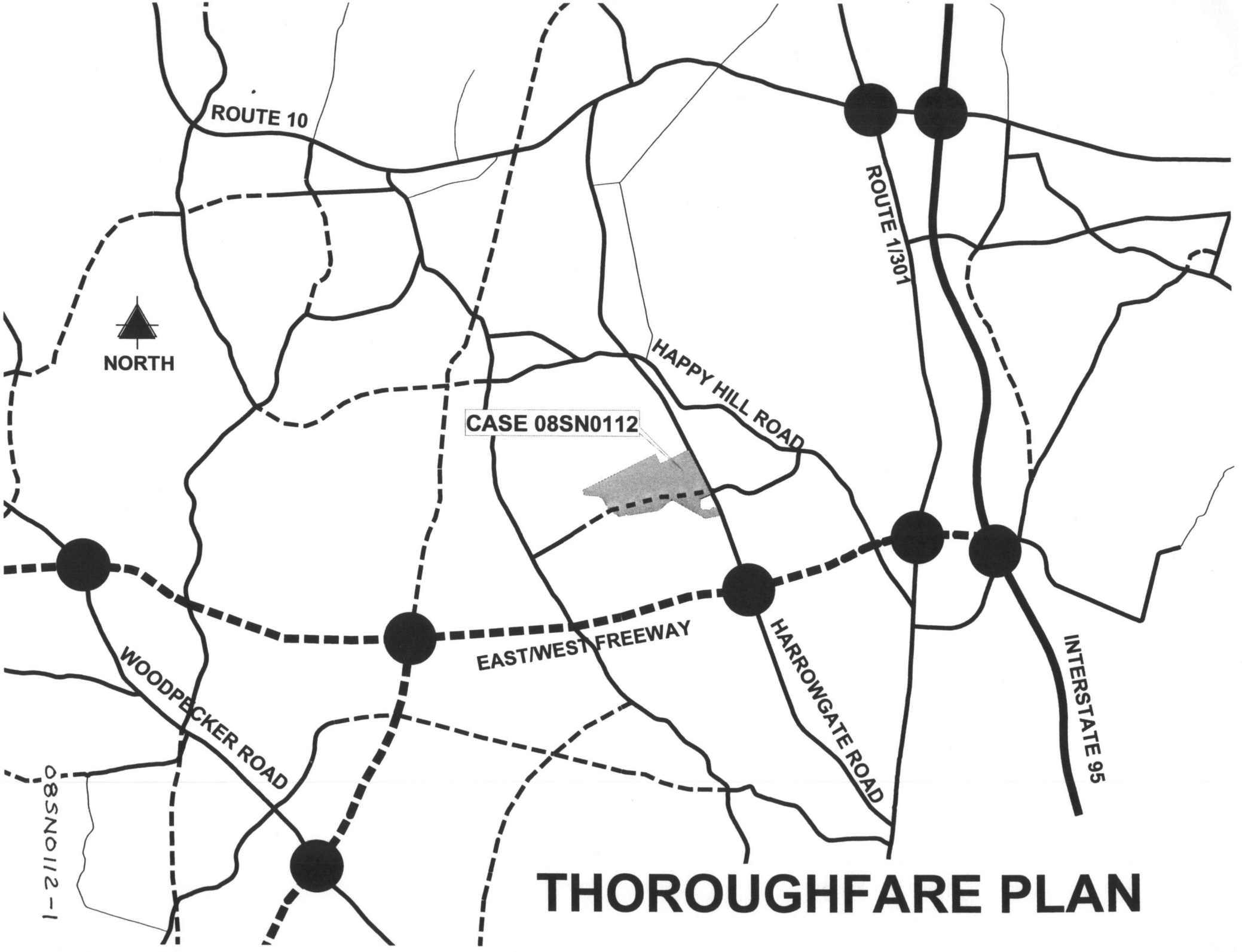
ROUTE 10
NORTH
CASE 08SN0112
HAPPY HILL ROAD
ROUTE 1/301
EAST/WEST FREEWAY
WOODPECKER ROAD
HARROWGATE ROAD
INTERSTATE 95
THOROUGHFARE PLAN

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