April 20, 2004 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0224

Douglas R. Sowers and Susan S. Sowers

Matoaca Magisterial District
Grange Hall Elementary, Swift Creek Middle
and Clover Hill High School Districts
East line of Lacy Farm Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12). **THIS REQUEST LIES WITHIN THE UPPER SWIFT CREEK PLAN AREA (SEE COMPREHENSIVE PLAN SECTION OF THIS "REQUEST ANALYSIS").**

PROPOSED LAND USE:

A single family residential subdivision with a minimum lot size of 12,000 square feet is planned. The applicants have proffered to limit the density to 2.0 dwelling units per acre, yielding 292 dwelling units.

RECOMMENDATION

Recommend approval subject to the applicants addressing Parks and Recreation concerns, as discussed herein. This recommendation is made for the following reasons:

A. The proposed zoning and land use complies with the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less.

B. The proffered conditions adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan. Specifically, the need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, the Capital Improvement Program and the Thoroughfare Plan and the impact of this development is discussed herein. The proffered conditions

adequately mitigate the impact on capital facilities and thereby ensure that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

C. The Upper Swift Creek Plan suggests that corridors along the perennial tributaries of Swift Creek Reservoir be preserved to maintain natural vegetation, wildlife habitats, natural drainage patterns and the water quality of the reservoir, while also permitting passive recreation. Therefore, the Plan recommends the provision of conservation: passive recreation areas along Marshall Branch. The applicants are unwilling to provide such areas.

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

B. IT SHOULD BE NOTED THAT THE REVISED AND AMENDED PROFFERED CONDITIONS WERE NOT SUBMITTED 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 PROFFERS.)

PROFFERED CONDITIONS

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. The public water and wastewater systems shall be used. (U)

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

   A. The amount approved by the Board of Supervisors not to exceed $9,000.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2003, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004.

B. Provided, however, that if any building permits issued on the property are for senior housing, the units of which meet the occupancy requirements for "age 55 or over" housing as set forth in Section 3607 of the Fair Housing Act, 42 USC Section 3601 et seq., as amended by the Fair Housing Amendments Act of 1988, and of 24 CFR Section 100.304 in effect as of the date of the Rezoning, and which are subject to the occupancy requirements that no person under 19 shall reside in such unit, the amount approved by the Board of Supervisors, but not to exceed the $4,815 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2003 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2004. At the time of payment, the $4,815 will be allocated pro-rata among the facility costs as follows: $598 for parks and recreation, $324 for library facilities, $3,547 for roads, and $346 for fire stations. Payments in excess of $4,815 shall be prorated as set forth above.

C. If any of Cash proffers are not expended for the purpose designated by the Capital Improvements Program within fifteen (15) years from the date of payment, they shall be returned in full to the payor. 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 be in addition to, any impact fees, in a manner determined by the County. (B&M)

4. Phasing. No lots shall be recorded until January 1, 2007. Thereafter, a maximum of 100 lots may be recorded prior to January 1, 2008, a cumulative maximum of 200 lots may be recorded prior to January 1, 2009, with the remaining lots recorded after said January 1, 2009. (P)

5. In conjunction with recordation of the initial subdivision plat, a ninety (90) foot wide right-of-way for an east/west major arterial (the "East/West Arterial") from the eastern property line to the western property line shall be dedicated, free and unrestricted, to and for the benefit Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

6. Prior to any tentative subdivision approval, an access plan for the East/West Arterial shall be submitted to and approved by the Transportation Department. Access for the property shall conform to the approved access plan. (T)

7. To provide an adequate roadway system, the developer shall be responsible for the following improvements:

   a. Construction of two (2) lanes of the East/West Arterial to VDOT Urban Minor Arterial standards (50 MPH) with modifications approved by the Transportation Department, from the eastern property line to the western property line;

b. Construction of left and right turn lanes along the East/West Arterial at each approved access, if warranted, based on Transportation Department standards;

c. Reconstruction of Lacy Farm Road from Moseley Road to the eastern property line of the parcel identified as Tax ID 6946967911 (Moye parcel), to VDOT Urban Minor Arterial standards (50 MPH) including relocation of utilities with a pavement design based on VDOT Pavement Design Guide for Subdivision and Secondary Roads, with modifications approved by the Transportation Department;

d. Reconstruction of Lacy Farm Road from the eastern property line of the parcel identified as Tax ID 6946967911 (Moye parcel) to the southern boundary of the property, to VDOT Subdivision Street Requirements (30 MPH) with a twenty-two (22) foot wide pavement section and six (6) foot wide shoulders on each side including relocation of utilities, with a pavement design based VDOT Pavement Design Guide for Subdivision and Secondary Roads, with modifications approved by the Transportation Department;

e. Construction of a cul-de-sac on Lacy Farm Road near the Ahern Road intersection. The exact location of this cul-de-sac shall be approved by the Transportation Department; and

f. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified in Proffered Condition 7. (T)

8. Prior to any subdivision construction plan approval, a phasing plan for the required improvements, as identified in Proffered Condition 7, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that prior to recordation of any subdivision plat, the road improvements as outlined in Proffered Conditions 7.c., d., and e. shall be completed, as determined by the Transportation Department. (T)

9. Density. Development shall be limited to no more than two (2) dwelling units per acre. (P)

10. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units may be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and shall have no persons under 19 years of age domiciled therein ("Age-Restricted Dwelling Units"). Lots, Tracts, or Sub-Tracts for Age-Restricted Dwelling Units shall be grouped together on a particular portion of the Property and shall not be scattered among other

residential dwelling units. At the time of recordation of a subdivision plat the lots shall be noted as age-restricted. (P)

GENERAL INFORMATION

Location:

East of Lacy Farm Road, north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Existing Zoning:

A

Size:

146.0 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North, South, East and West - A; Single family residential or vacant

UTILITIES

Public Water System:

A sixteen (16) inch water line extends along part of Genito Road and terminates approximately 17,900 feet (3.4 miles) east of the request site. This site is within the pressure zone of the future Grange Hall Water Tank, planned for construction with the development of Magnolia Green. Use of the public water system is intended and has been proffered. (Proffered Condition 2)

Public Wastewater System:

A fifty-four (54) inch wastewater trunk line extends along the north side of Genito Road, adjacent to the Swift Creek Reservoir, approximately 20,250 feet (3.8 miles) east of this site. To provide public wastewater service, appropriately sized off-site wastewater trunk lines will have to be constructed along Swift Creek and Turkey Branch from the existing trunk line to this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 2)

ENVIRONMENTAL

Drainage and Erosion:

The property drains southeast through Turkey Creek to Swift Creek and ultimately into Swift Creek Reservoir. There are no existing or anticipated on- or off-site drainage or erosion problems. The majority of the property is wooded and should not be timbered without first obtaining a land disturbance permit from the Environmental Engineering Department (Proffered Condition 1). This will insure adequate erosion control measures are in place prior to any timbering.

Water Quality:

The stream (Marshall Branch) that bisects the property has a Riparian Corridor Management Area (RCMA) buffer adjacent to it. These RCMA areas lie within the boundaries of the calculated floodplain for the stream and have been designated to perform a pollutant removal function as part of the Watershed Management Plan for the Swift Creek Reservoir. As such, permitted activities in these areas are limited.

Staff suggests the developer request a site-specific evaluation as to whether the stream on the property has perennial flow. Recent changes to the State Regulations pertaining to the Chesapeake Bay Preservation Act require that such evaluations be conducted. The County's Office of Water Quality is available to perform this work. Should the stream be determined to be perennial, the RCMA boundary might require redefinition.

The developer will be required to pay a pro-rata fee toward the construction and maintenance of regional BMP facilities that are part of the Watershed Management Plan for the Swift Creek Reservoir.

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. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that emergency services calls are expected to increase forty-five (45) percent by 2015. Eight (8) new fire/rescue stations are recommended for construction by 2015 in the Plan. Based on 292 dwelling units, this request will generate approximately forty-seven (47) calls for fire and emergency medical services each year. The applicants have addressed the impact on fire and emergency medical services (EMS). (Proffered Condition 3)

The Swift Creek Fire Station, Company Number 16, currently provides 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 158 students will be generated by this development. This site lies in the Grange Hall Elementary School attendance zone: capacity - 828, enrollment - 622; Swift Creek Middle School zone: capacity - 1,027, enrollment - 1,454; and Clover Hill High School zone: capacity - 1,582, enrollment - 2,012.

This request will have an impact on the middle and high schools involved. There are currently ten (10) trailers at Swift Creek Middle and seventeen (17) trailers at Clover Hill High.

One (1) new high school is proposed that will provide relief for Clover Hill and Manchester High Schools. The applicants have agreed to participate in the cost of providing for area school needs. (Proffered Condition 3)

Libraries:

Consistent with 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. Even if the facility improvements that have been made since the Plan was published are taken into account, there is still an unmet need for additional library space throughout the County.

Development in this area would most likely impact the existing Midlothian Library, the Clover Hill Library or a proposed new branch in the Genito Road area. The Public Facilities Plan indicates a need for additional library space in this area of the County. The applicants have offered measures to assist in addressing the impact of this development on library facilities. (Proffered Condition 3)

Parks and Recreation:

The Public Facilities Plan identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The Public Facilities Plan identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The Plan also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations and identifies the unmet demand for greenways. This development will have an impact on parks and recreation facilities. The applicants have offered measures to assist in addressing the impact of this proposed development on these facilities. (Proffered Condition 3)

The Upper Swift Creek Plan identifies Lacy Farm as an historic resource and states that "private action" to preserve historic resources should be encouraged. Lacy Farm was built prior to 1820 and was carefully renovated in the 1980s. Representatives from The Chesterfield Historical Society have visited the site and note that little is left of the original structure and also note that extensive renovations have contributed to a loss of historical significance of the structure. They recommend that the landowner work with them if the house is demolished to create a record for future study.

The Upper Swift Creek Plan suggests that corridors along the perennial tributaries of Swift Creek Reservoir should be preserved to maintain natural vegetation, wildlife habitats, natural drainage patterns and the water quality of the reservoir, while also permitting passive recreation for residents or employees in adjoining development. Therefore, the Plan recommends the provision of conservation: passive recreation areas along Marshall Branch. The applicants are unwilling to provide such areas.

Providing a conservation area along the stream that was used by the occupants of Lacy Farm for several centuries will allow for future historic interpretation of the site even if the house does not remain on the property.

Parks and Recreation recommends approval of this case subject to the applicants' provision of an area along Marshall Branch for conservation: passive recreation use.

Transportation:

The property (146 acres) is currently zoned Agricultural (A). The applicants are requesting rezoning to Residential (R-12) and has proffered that development will not exceed 2.0 units per acre (Proffered Condition 9). Based on single family trip rates, development could generate approximately 2,790 average daily trips. These vehicles will be distributed along Lacy Farm Road to Moseley Road, which had a 2003 traffic count of 440 vehicles per day.

The Thoroughfare Plan identifies a proposed east/west major arterial (the "East/West Arterial"), with a recommended right of way width of ninety (90) feet, extending from Lacy Farm Road, through the property, across Mount Hermon Road and Old Hundred Road to Woolridge Road Extended. As this part of the County continues to develop, the East/West Arterial will provide relief to many of the existing roads in this area, especially east/west travel on Midlothian Turnpike and Genito Road. The applicants have proffered to dedicate a ninety (90) foot wide right of way for the East/West Arterial through the entire property, in accordance with the Thoroughfare Plan. (Proffered Condition 5)

Access to major arterials, such as the East/West Arterial, should be controlled. The applicants have proffered that an access plan will be submitted, at time of tentative subdivision review for Transportation Department review and approval, which shows access from the property to the East/West Arterial (Proffered Condition 6). Access to the East/West Arterial will be based on the approved access plan.

The traffic impact of this development must be addressed. Lacy Farm Road and Ahern Road, both of which are in the State Highway System, currently provide access from the property to Moseley Road. Lacy Farm Road is a narrow, partially-graveled roadway with no shoulders. Ahern Road is a paved road approximately thirteen (13) feet wide with no shoulders and poor vertical and horizontal alignment. Development should not occur along these roads until they are reconstructed to handle the increase in traffic. The applicants have committed to reconstruct Lacy Farm Road from Moseley Road to the southern boundary of the subject property, and construct a cul-de-sac on Lacy Farm Road near the Ahern Road intersection.

Specifically, the applicants have proffered to: 1) reconstruct Lacy Farm Road from Moseley Road to the eastern property line of the Moye parcel (Tax ID 6946967911) to an arterial standard (the arterial standard typically requires twenty-four (24) foot wide pavement section, ten (10) foot wide shoulders and at least a sixty (60) to seventy (70) foot wide right of way); 2) reconstruct Lacy Farm Road from the eastern property line of the Moye parcel to the southern boundary of the property, to a subdivision street standard with a twenty-two (22) foot wide pavement section and six (6) foot wide shoulders (this typical section would require at least a fifty (50) foot wide right of way); and 3) construct a cul-de-sac on Lacy Farm Road near the Ahern Road intersection (Proffered Conditions 7.c., d. and e.). The applicants must acquire all "off-site" right of way needed for these improvements (Proffered Condition 7.f.). The applicants have proffered that these road improvements will be completed prior to recordation of any lot. (Proffered Condition 8)

The Subdivision Ordinance requires that subdivision streets must conform to the Planning Commission's Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. In accordance with the Stub Road Policy, residential collector streets may be required through parts of the property; especially, those streets that will serve future development on adjacent properties. Specific recommendations regarding the need for these residential collector streets will be addressed at time of tentative subdivision review.

The applicants have also proffered to: 1) construct two (2) lanes of the East/West Arterial from the eastern property line to the western property line; and 2) construct left and right turn lanes along the East/West Arterial at each approved access, based on Transportation Department standards (Proffered Condition 7.a. and b.). Based on Transportation Department standards, left and right turn lanes along the East/West Arterial are anticipated to be warranted at each collector street intersection.

Most area roads in this part of the County have little or no shoulders, fixed objects adjacent to the edge of the pavement and poor vertical and horizontal alignments. The roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Moseley Road will be most directly impacted by development of this property. Sections of this road have approximately eighteen (18) feet of pavement with no shoulders. Moseley Road can accommodate (Level of Service A), the low volumes of traffic it currently carries. As development continues in this part of the County, traffic volumes on area roads will substantially increase. The applicants have

proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 3). Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. There are no public road improvements for this area currently included in the Six-Year Improvement Plan.

At time of tentative subdivision review, specific recommendations will be provided regarding improvements to Lacy Farm Road, access to the East/West Arterial and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	292*	1.00
Population Increase	794.24	2.72
Number of New Students		
Elementary	70.08	0.24
Middle	37.96	0.13
High	49.64	0.17
TOTAL	157.68	0.54
Net Cost for Schools	1,415,324	4,847
Net Cost for Parks	202,356	693
Net Cost for Libraries	109,500	375
Net Cost for Fire Stations	117,092	401
Average Net Cost for Roads	1,199,828	4,109
TOTAL NET COST	3,044,100	10,425

*Based on a proffered maximum of two (2) dwelling units per acre (Proffered Condition 9). The actual number of units and corresponding impacts 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 $10,425 per unit. The applicants have been advised that a maximum proffer of $9,000 per unit would defray the cost of the capital facilities necessitated by this proposed development. The applicants have been further advised that a maximum proffer of $4,815 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 applicants have offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 3)

Note that circumstances relevant to this case, as presented by the applicants, 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 residential use of 2.0 dwelling units per acre or less. Staff has begun the process of amending the Upper Swift Creek Plan. Given the pending amendment, the Board of Supervisors has indicated its intent to defer final action on residential cases filed after February 11, 2004, which are located within the area of the Upper Swift Creek Plan, for a period of up to one (1) year. Such deferral would allow the Board time to review recommendations or changes to the Plan and evaluate new zoning proposals accordingly.

Area Development Trends:

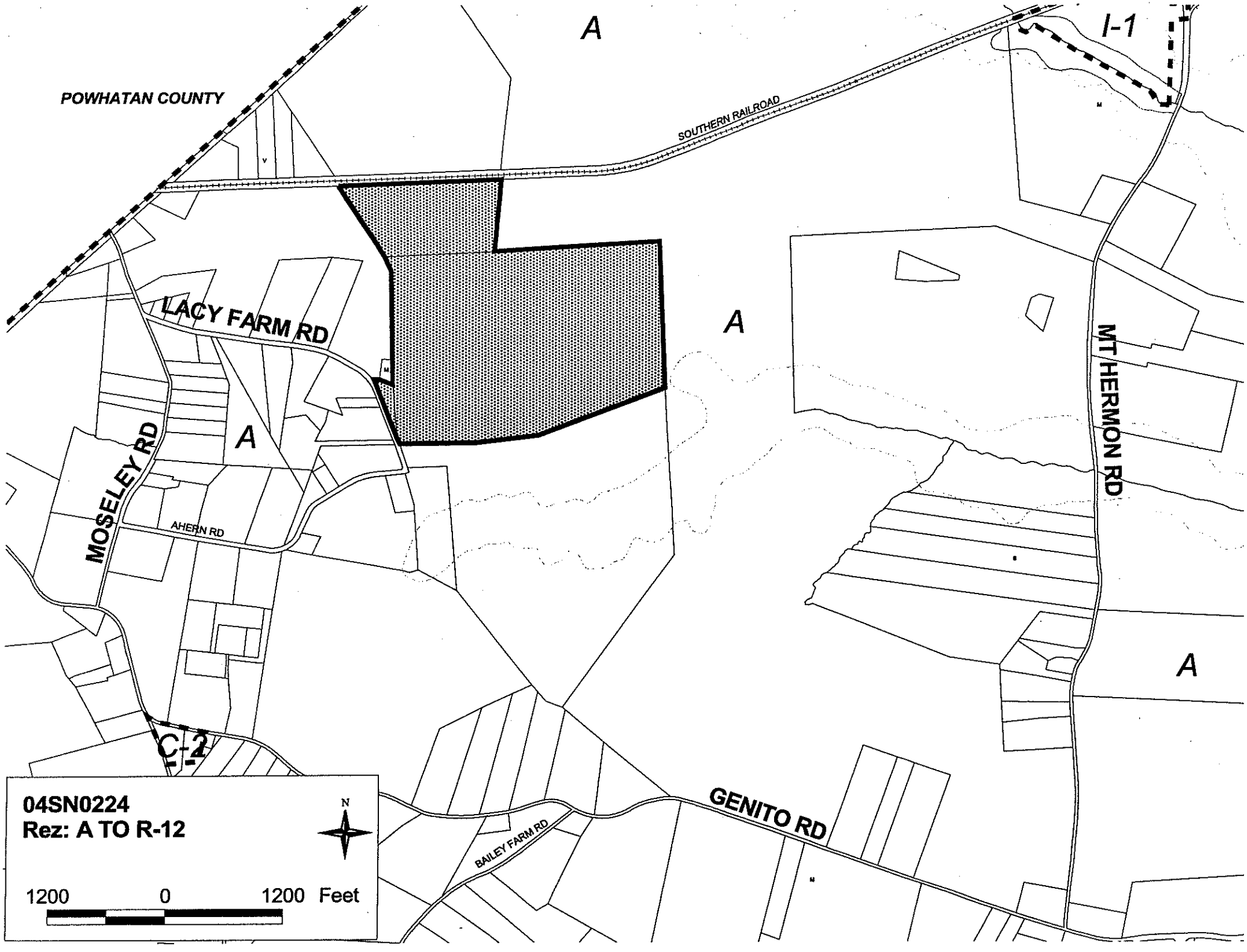
> Area properties are zoned Agricultural (A) and are occupied by single family residential dwellings or are currently vacant. Residential development at densities consistent with that suggested by the Plan is expected to continue in this area.

CONCLUSIONS

The proposed zoning and land use complies with the Upper Swift Creek Plan which suggests the property is appropriate for residential development of 2.0 dwelling units per acre or less. The proffered conditions adequately address the impact of this development on necessary capital facilities, as outlined in the Zoning Ordinance and the Comprehensive Plan. Specifically, the need for schools, parks, libraries, fire stations and transportation facilities is identified in the County's adopted Public Facilities Plan, the Capital Improvement Program and the Thoroughfare Plan and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities and thereby ensure that adequate service levels are maintained as necessary to protect the health, safety and welfare of County citizens.

While the requested use complies with the Upper Swift Creek Plan, the Plan further suggests that corridors along the perennial tributaries of Swift Creek Reservoir should be preserved to maintain natural vegetation, wildlife habitats, natural drainage patterns and the water quality of the reservoir, while also permitting passive recreation for residents or employees in adjoining development, and recommends the provision of conservation: passive recreation areas along Marshall Branch. The applicants are unwilling to provide such areas.

Given these considerations, approval of this request is recommended, subject to the applicants addressing Parks and Recreation concerns relative to the provision of a conservation: passive recreation area, as suggested by the Plan.


POWHATAN COUNTY
SOUTHERN RAILROAD
A
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A
MT HERMON RD
MOSELEY RD
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AHERN RD
A
C-2
GENITO RD
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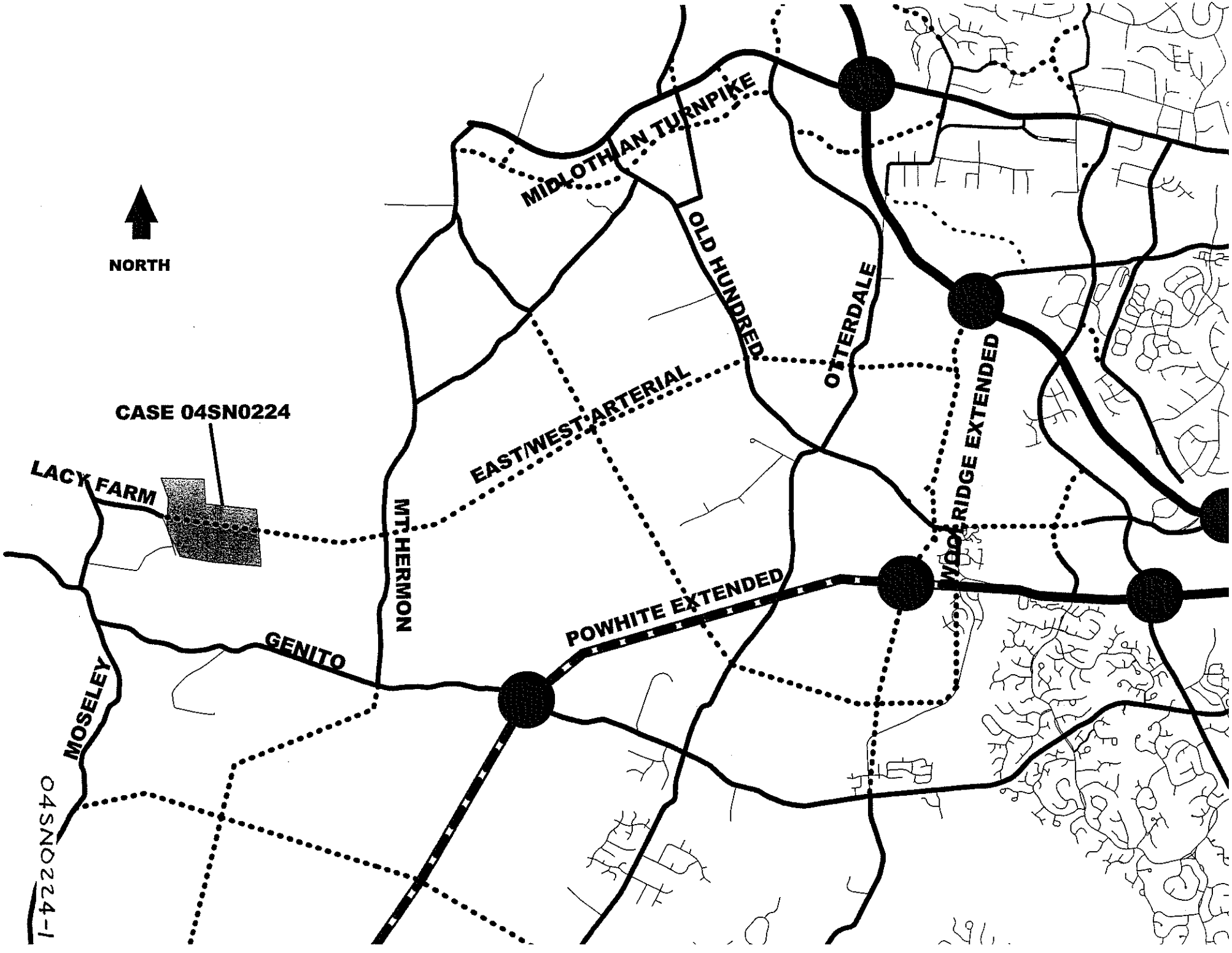
NORTH
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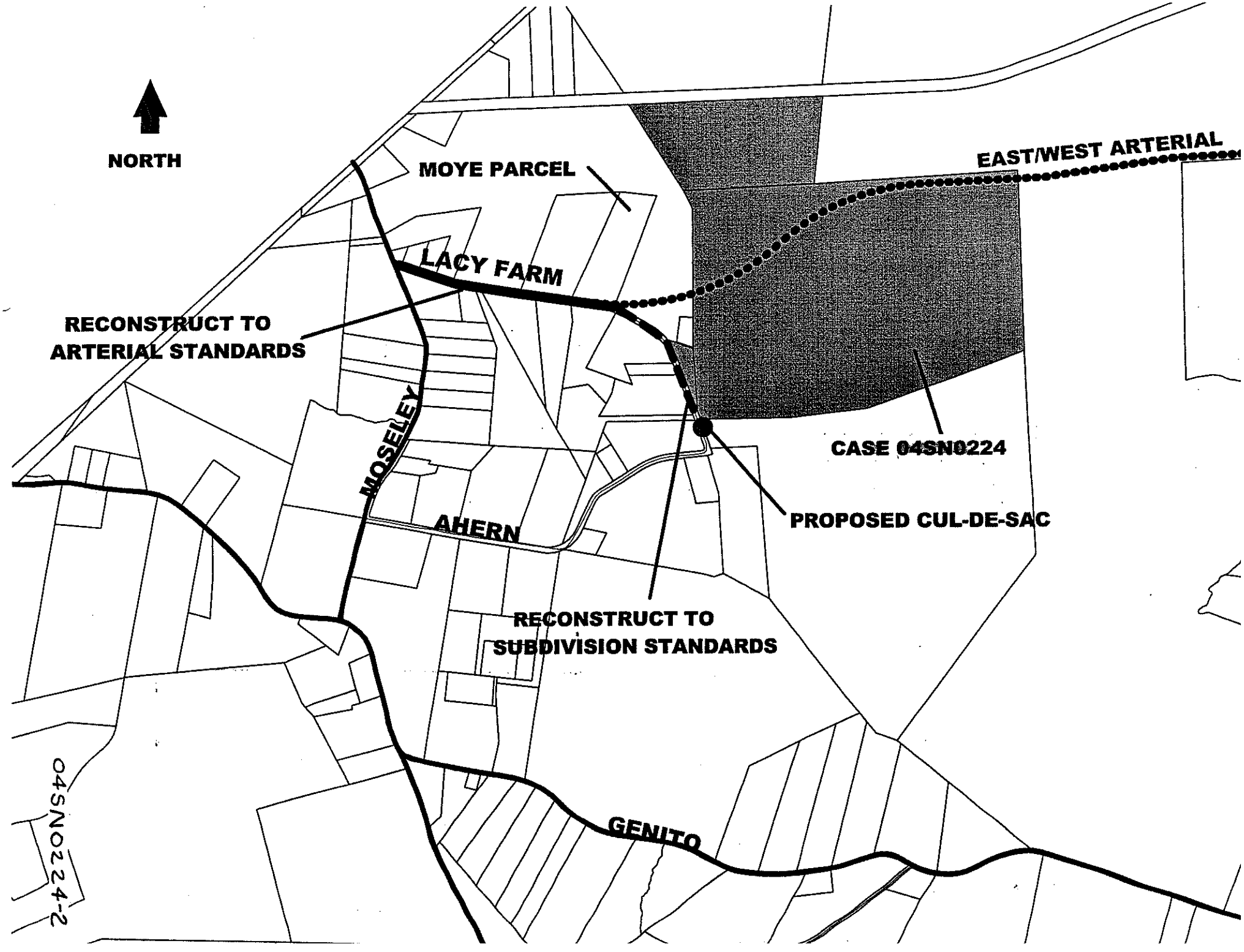
MOSELEY
GENITO
MT. HERMON
EAST/WEST ARTERIAL
MIDLOTHIAN TURNPIKE
OLD HUNDRED
OTTERDALE
POWHITE EXTENDED
WOODRIDGE EXTENDED

04SN0224-1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EAST/WEST ARTERIAL
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RECONSTRUCT TO
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PROPOSED CUL-DE-SAC
AHERN
RECONSTRUCT TO
SUBDIVISION STANDARDS
GENITO
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