~~January 17, 2006 CPC~~
April 18, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0162

Yi Nan Chou
and
Wan Fen Chou

Bermuda Magisterial District
11860 Iron Bridge Road

REQUEST: Rezoning from Agricultural (A) to Community Business (C-3).

PROPOSED LAND USE:

Commercial uses, as restricted by Proffered Condition 5, are planned.

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 mixed use corridor uses.

B. The proposed zoning and land uses are not representative of, and compatible with, anticipated area development.

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

PROFFERED CONDITIONS

The Owner-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 proffers that the development of the property known as Chesterfield County Tax ID 776-653-9843-00000, (the "Property") under consideration will be developed according to the following conditions. In the

event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

In conjunction with this Rezoning application, the Applicant hereby makes the following proffers:

1. Access. Direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. (T)

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

   a. Prior to any site plan approval or within sixty (60) days of approval of this request, whichever occurs first, 100 feet of right-of-way on the south side of Route 10 measured from the centerline of the road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County

   b. Prior to the issuance of a certificate of occupancy for any development or redevelopment on the property, as determined by the Transportation Department, an additional eastbound lane shall be constructed along Route 10 for the entire property frontage. (T)

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. Utilities. The public water and wastewater systems shall be used. The Owner-Applicant shall connect to the Piney Branch pump station when connection is available. The Owner-Applicant may continue to use the existing structure without connecting to the public water and wastewater systems so long as no additional square footage is constructed. (U)

5. Community Business (C-3) uses permitted by right as set forth in the County Code shall be permitted on the property, excluding the following uses:

   (a) Cocktail lounges and nightclubs;
   (b) Indoor flea markets;
   (c) Liquor stores;
   (d) Taxidermies. (P)

GENERAL INFORMATION

Location:

South line of Iron Bridge Road, east of Edenshire Road and better known as 11860 Iron Bridge Road. Tax ID 776-653-9843 (Sheet 25).

Existing Zoning:

A

Size:

2.7 acres

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North - O-2 and C-2, with Conditional Use Planned Development; Office or vacant
South - A; Single-family residential
East - O-2; Vacant
West - A; Single-family residential

UTILITIES

Public Water System:

There is a sixteen (16) inch water line extending along the south side of Iron Bridge Road, within an easement across the request site. Use of the public water system is required by County Code when a public water line is less than 200 feet away from a property line of any lot or parcel and a building permit application has been made for a new structure (Sec. 18-60(c)). The existing structure is served by a private well. The applicant intends to continue to utilize the private well until such time as the existing building is expanded or a new building is constructed on-site (Proffered Condition 4). The Board of Supervisors may grant an exception to the required use of public water when a residential structure being served by a well is converted to a commercial or industrial use without being expanded (County Code, Sec. 18-61(a)). The applicant will need to pursue an exception to the required connection to the public water system.

Public Wastewater System:

This site is within the drainage basin served by the Piney Branch Wastewater Pump Station. The existing wastewater pump station is located adjacent to Carver Heights Drive,

approximately 1,900 feet southeast of this site. An eight (8) inch wastewater collector line was recently completed serving the River Forest Apartments that terminates approximately 450 feet southeast of the request site. An off-site extension from this line would be necessary to provide public wastewater service. Use of the public wastewater system is required by County Code when a public wastewater line is less than 200 feet away from a property line of any lot or parcel and a building permit application has been made for a new structure (Sec. 18-60(c). The applicant has proffered to use the public wastewater system should the existing building be expanded or a new structure build on-site (Proffered Condition 4).

Private Well and Septic System:

The existing structure on-site is served by a private septic system and the applicant is encouraged to contact the Health Department to determine if the existing system has adequate capacity for the intended use. The Health Department must approve continued use of the private well and the private septic system.

ENVIRONMENTAL

Drainage and Erosion:

The property drains to the south to Carver Heights Drive and then via tributaries west to Swift Creek. There are no existing or anticipated on- or off-site drainage or erosion problems. The property is partially wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering (Proffered Condition 3). This will ensure adequate erosion control measures are in place prior to any land disturbance.

PUBLIC FACILITIES

Fire Service:

The Chester Fire Station, Company Number 1, and Medic 15 currently provide fire protection and emergency medical service (EMS). This request will not impact fire and EMS.

Transportation:

The property is 2.7 acres located on the south side of Iron Bridge Road (Route 10) between Edenshire Road and Branders Creek Drive. The applicants are requesting rezoning of the property from Agricultural (A) to Community Business (C-3).

This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. Based on trip rates for a shopping center, development could generate approximately 2,900 average daily trips. Traffic generated by this development will initially be distributed along Route 10, which had a 2003 traffic volume

of 33,345 vehicles per day between Lewis and Branders Bridge Roads. Based on the volume of traffic it carried during peak hours, Route 10 in this area was functioning at an acceptable level (Level of Service D).

The Thoroughfare Plan identifies Route 10 as a major arterial with a recommended right of way width of 120 to 200 feet. The applicants have proffered to dedicate 100 feet of right of way on the south side of Route 10 measured from the centerline of the road adjacent to the property in accordance with the Plan. (Proffered Condition 2a)

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 Route 10, should be controlled. The applicants have proffered that direct access from the property to Route 10 will be limited to one entrance/exit. (Proffered Condition 1)

The traffic impact of this development must be addressed. The applicants have proffered to construct an additional lane of pavement along Route 10 for the entire property frontage. (Proffered Condition 2b)

At time of site plan review, specific recommendations will be made regarding internal circulation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for mixed use corridor uses, such as professional, business, industrial and administrative offices.

Area Development Trends:

The area is characterized by residential uses on acreage parcels and office and commercial uses to the east along the Route 10 corridor. The Plan anticipates this development pattern continuing, with the request property serving as a transition between commercial development to the east and increased residential development to the west. It should be noted, an application has been submitted to rezone adjacent property to the south, east and west to O-2, R-TH and C-3, respectively. This adjacent case is currently scheduled for public hearing at the March Planning Commission meeting.

Development Standards:

The request property currently lies within the Emerging Growth Area. The purpose of the Emerging Growth District Standards is to promote high quality, well-designed projects. Development of the site must conform to the development standards of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks,

signs, buffers, utilities and screening of dumpsters and loading areas. If this request is approved, these development standards would apply.

Uses:

At the request of the Bermuda District Commissioner, the applicant has agreed to limit uses to those permitted by right in the Community Business (C-3) District, with the exclusion of some of those uses. (Proffered Condition 5)

CONCLUSION

The proposed zoning and land uses do not conform to the Central Area Plan which suggests the property is appropriate for mixed uses to include residential and office uses. The proposed zoning and land uses are not representative of, and compatible with, anticipated area development.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (1/17/06):

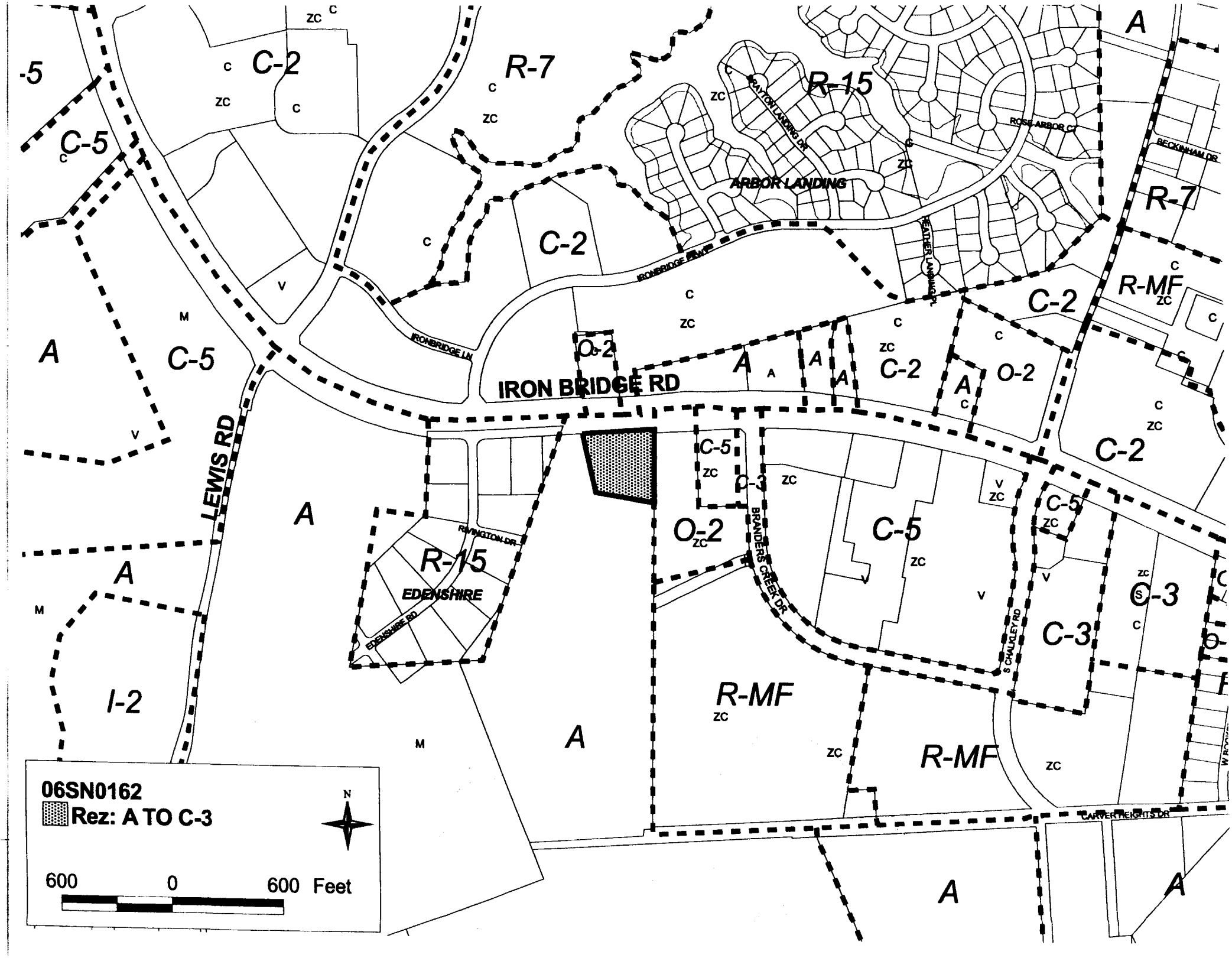
At the request of the applicants the Commission deferred this case to April 18, 2006.

Staff (1/19/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 13, 2006, for consideration at the Commission's April 18, 2006, public hearing. Also, the applicant was advised that a $130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (3/15/06):

An additional proffered condition was submitted. In addition, the applicant paid the $130.00 deferral fee.



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IRONBRIDGE PKWY
IRONBRIDGE LN
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EDENSHIRE RD
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HEATHER LANDING PL
C-2
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