Request

Amend Prior Case

Amend Case 02SN0209 to eliminate the cash proffer payment.

The Property

16200 Harpers Mill Parkway

Site Size

0.7 Acre

Summary of Proposal

A residential subdivision (Harpers Mill) is under development. The original zoning (Case 02SN0209) was approved with a density of 2,392 dwelling units and a cash proffer amount of $7,800 per dwelling unit for non age-restricted dwellings or $4,235 per dwelling unit for age-restricted dwellings. These cash proffer payments have been escalated by the Marshall and Swift Building Cost Index to the current amount of $15,939 (non age-restricted dwellings) or $8,654 (age-restricted dwellings). The applicant proposes to delete Proffered Condition 5 of Case 02SN0209 to eliminate the cash proffer payment on the Property for a single dwelling unit.

Existing zoning conditions of Case 02SN0209, and those proffered with this request, provide design and architectural standards (Summarized in the Planning Section) that are comparable in quality to the surrounding community.
Recommendations

PLANNING COMMISSION - APPROVAL

STAFF - APPROVAL

Planning

Quality design and architecture offered in this request, as well as the original zoning case (02SN0209), will provide for a convenient, attractive, and harmonious community comparable in quality to that of the surrounding community.

Transportation

The development’s traffic impact will be addressed by providing road improvements.

NOTES FOR THE PLANNING COMMISSION AND BOARD OF SUPERVISORS

1. Conditions may be imposed, or the property owner may proffer conditions.
2. Proffered conditions have been submitted by the applicant.
3. Both the Planning Commission and Staff recommend acceptance of the proffered conditions.
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Zoning History

02SN0209: Approved (12/2003)
Rezoning to Residential (R-12) with a conditional use planned development to permit a development with a maximum of 2,392 dwelling units. Conditions of approval addressed:

1. Allow a mixture of residential uses, including single family, cluster, townhouse, and multi-family dwellings as well as commercial and office uses.
2. Specified development standards for the project that included: dwelling sizes, recreational amenities, design requirements for cluster homes, cluster condos, and townhomes.
3. A cash proffer of:
   a. $7,800 per dwelling unit (currently escalated to $15,939) for non age-restricted units.
   b. $4,235 per dwelling unit (currently escalated to $8,654) for age-restricted units.
4. The staff report for Case 02SN0209 analyzed the impact of the proposed development on public facilities and the applicant’s offer to mitigate that impact.

Comprehensive Plan – Land Use Plan Designation

The Comprehensive Plan designates the Property for Suburban Residential I, which suggests the Property is appropriate for residential development at a maximum density of 2.0 dwellings per acre.

Proposal

A residential subdivision (Harpers Mill) is under development. Previously Cases 17SN0557 and 19SN0596 were approved to amend Case 02SN0209 relative to the cash proffer payment. Cash proffers were collectively deleted for 2,107 dwelling units in these cases. The applicant now seeks to delete the cash proffer payment for one (1) additional dwelling unit on the Property. The Property was not included in these previous cash proffer amendment requests.

Design

High quality residential development addresses the Comprehensive Plan goals for strong and sustainable neighborhoods that are visually attractive, well-planned and well-maintained. Further, the purpose and intent of the zoning ordinance to promote the health, safety, convenience and general welfare of the public includes the creation of convenient, attractive and harmonious communities, protection against overcrowding of land, and protection of the natural environment. As such, developments that promote unique, viable and long-lasting places and enhance the community are encouraged.

The following provides an overview of additional design requirements offered as part of this request, being the same requirements as those offered with Case 17SN0557 for single-family development (Proffered Condition):

Lot Design

1. Landscaping along front foundations and side elevations (where visible)
2. Irrigated and sodded lawns in front, side, and corner side yards
3. Hardscaped front walks and driveways
4. Screening of HVAC equipment

Dwelling Design

1. Architectural variety to avoid monotonous streetscape
2. Variety of siding materials to include vinyl (0.044 inch thickness)
3. Foundation, porch and roof treatment
4. Chimney, eaves and columns treatment
5. Upgraded garage doors

Findings

The request provides similar high-quality residential standards as those provided in the other recent cash proffer amendments for the Harpers Mill development (Cases 17SN0557 and 19SN0596). Therefore, staff supports this request.
Map 1: Subject Property

Case #: 21SN0620
Acreage: 0.7
Address: 16200 HARPERS MILL PKWY
GPIN: 711-663-9172
On April 26, 2017, Case 17SN0557 eliminated the cash proffer payment on most of the Harpers Mill development and chose to address the development’s impact on the County’s road transportation network through construction of road improvements (Proffered Condition 3 of Case 14SN0534). To that end, not all vacant, yet buildable properties were included with that request. The subject property, 16200 Harpers Mill Parkway, was not included in Case 17SN0557. The current cash proffer amount for the proposed single dwelling is $15,939 for a non age-restricted dwelling; or $8,654 for an age-restricted dwelling. With this request, the applicant is seeking to eliminate the cash proffer for the Property included with this application.

No comment on this request.

Prior to the recordation of a new subdivision plat and/or issuance of any building permits, an updated overall stormwater compliance plan sheet must be submitted to reflect the additional lot.

This request will have minimal impacts on Police.

No comment on this request.
This application is for a single-family development containing one (1) dwelling unit. Minimal impact to schools, no additional review is necessary at this time.

**Transportation - County Department of Transportation**

In April 2017, the Board approved Case 17SN0557, in which the applicant deleted the cash proffer payment (Proffered Condition 5 of Case 02SN0209) and chose to address the development’s impact on the County’s road transportation network through construction of road improvements (Proffered Condition 3 of Case 14SN0534). According to the applicant, the subject property, 16200 Harpers Mill Parkway, was omitted from Case 17SN0557. The applicant is requesting to delete the cash proffer payment for this property and address traffic impacts through construction of road improvements associated with Proffered Condition 3 of Case 14SN0534.

Case 14SN0534 requires the applicant to: 1) widen a section of Otterdale Road, south of Route 360, from two to four lanes (completed); 2) widen a section of Hampton Park Drive, south of Route 360, from two to four lanes; 3) construct two extensions of a two-lane road for Harpers Mill Parkway; and 4) construct a two-lane extension of Otterdale Road to Beach Road (completed). The total impact of Case 17SN0557 and the subject property under the Road Cash Proffer methodology is anticipated to be $19,805,800 \([2,106 \times 9,400) + (1 \times 9,400)\], and the estimated cost of constructing the road improvements listed above is $20,511,100. It should be noted, however, that the actual cost to provide these improvements could be more or less than this amount. Staff supports the request.

**Transportation - Virginia Department of Transportation**

The zoning case is a local matter regarding road cash proffers of the property and has no direct impact to the state right of way. Virginia Department of Transportation has no comment at this time.

**Utilities – Water and Wastewater**

1. The request to delete the cash proffer will not impact the public water and wastewater systems.
2. The Utilities Department supports this request.
Community Meetings
No community meeting was conducted for this request.

Planning Commission
12/21/2021: Citizen Comments: No citizens spoke to this request.

Recommendation: APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITION
Motion: Sloan  Second: Hylton
AYES: Freye, Owens, Hylton, Petroski, Sloan
Staff Note 1: Both the Planning Commission and Staff recommend acceptance of the following proffered condition offered by the applicant.

Staff Note 2: Proffered Condition 1 outlined below would delete Proffered Condition 5 of Case 02SN0209. The following proffered condition has been offered by the applicant in addition to deleting Proffered Condition 5 of Case 02SN0209.

Delete Proffered Condition #5 from 02SN0209.

1. Architectural/Design Elements: These Architectural/Design Elements shall apply. All design elements below are considered minimum standards.
   
i. Driveways: All portions of driveways and parking areas shall be brushed concrete, stamped concrete, exposed aggregate concrete, asphalt or decorative pavers.
   
ii. Front Walks: A minimum of a three (3) foot wide concrete front walk shall be provided to each dwelling unit or building of multiple units, to connect to drives, sidewalks or streets.
   
iii. Landscaping and Yards: Front foundation planting beds shall be required along the entire front facade of all units and shall extend along all sides facing a street. Foundation Planting Beds shall be a minimum of 4’ wide from the unit foundation. Planting beds shall be defined with a trenched edge or suitable landscape edging material. Planting beds shall include medium shrubs, spaced a maximum of four (4) feet apart. Unit corners shall be visually softened with vertical accent shrubs (4’-5’) or small evergreen trees (6’-8’) at the time of planting. An alternative to one corner landscaping treatment shall be one small deciduous tree planted in the front yard of the dwelling or building.
   
iv. Sod: All front, side and corner side yard lawns shall be sodded and irrigated.
   
v. HVAC Equipment: HVAC equipment shall be placed at the rear of the dwelling or shall be screened with a framed lattice or other approved screening enclosure or landscaping if located on the side of the dwelling. No HVAC equipment shall be allowed in the front yard.
   
vi. Architecture and Materials:
Exterior Facades: Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), horizontal lap siding, vertical siding, shingles, board and batten siding, and shake siding. Siding may be permitted to be manufactured from natural wood, cement fiber board, or may be premium quality vinyl siding, or other material of comparable quality as approved by the Planning Department. Plywood and metal siding shall not be permitted. Plywood, metal, PVC, Fypon, vinyl, or other similar materials may be used for trim and accent features only.

Additional siding requirements:

   a. Premium quality vinyl siding is defined as siding with a minimum wall thickness of 0.044 inches.

   b. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted.
vii. **Eaves**: All gables located on front and side facades shall have flying rafters. Overhangs shall be a minimum of 12”. Exceptions to this requirement can be granted by the Director of Planning on a case by case basis if the architecture of the house does not warrant the use of flying rafters.

viii. **Garage Doors**: Front loaded and corner side loaded garages, shall use an upgraded garage door. An upgraded garage door is any door with a minimum of 2 enhanced features. Enhanced features shall include; windows, raised panels, decorative panels, arches, hinge straps or other architectural features on the exterior that enhance the entry (i.e. decorative lintels, shed roof overhangs, arches, columns, keystones, eyebrows etc.). Flat panel garage doors are prohibited.

ix. **Columns**: Columns on the front or corner sides of the dwelling, including tapered columns, shall be a minimum of 10” diameter. No smaller than 10” diameter columns shall be allowed unless the architectural style specifically needs a smaller size for proper balancing as determined by the Director of Planning.

x. **Foundations**: The exposed portion of any foundation shall be of brick, synthetic stone, natural stone or combinations thereof. Synthetic or natural stucco foundations may be permitted for facades constructed of entirely stucco. Siding step down foundations shall be permitted on the side and rear elevations provided that a minimum eighteen (18) inches of exposed brick or stone shall be required. A maximum of two (2) steps shall be permitted on any elevation.

xi. **Roof Material**: Roofing material shall be a material consisting of, but not limited to, architectural dimensional shingles, metal, or rubber membrane, and having a minimum 30-year warranty.

xii. **Porches, Stoops and Decks**: Front Porches: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on minimum 12”x12” masonry piers. Extended front porches shall be a minimum of five (5’) deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or swan balusters. Pickets shall be supported on top and bottom rails that span between columns. There shall be no unpainted vertical surfaces on decks, porches and stoops on the front or sides of the house.

xiii. **Architectural styles**: Single family detached dwellings with the same elevations may not be located adjacent to, directly across from, or diagonally across from each other on the same street. In either case, this requirement does not apply to dwellings on different streets backing up to each other.

xiv. **Chimneys**: Chimney chases shall be constructed of brick or stone. Sided chimneys shall be permitted if it does not face a street. The foundation of any chimney shall match the house foundation. For gas fireplaces, metal flues may be used on the roof.

Direct Vent Fireplaces: Direct vent gas fireplace boxes, which extend beyond the exterior plane of the dwelling, are not permitted on front facades or side facades facing a street. The exterior material and finish used will match the surrounding facade. (P)
to the concerns of the citizens and reminded the Board that he proposed a moratorium on residential growth a couple of years ago. He stated that, until the county comes together with the development community and finds ways to protect the citizens' quality of life, the Board will continue to have public hearings with frustrated citizens. He expressed concerns relative to gridlock of the transportation system, overcrowded schools, unsafe roads, inadequate Comprehensive Plan, inadequate cash proferrers, and potential health, safety and welfare issues. He stated he would prefer the case be deferred.

Mr. Warren then called for a vote on the motion of Mrs. Humphrey, seconded by Mr. McNally, for the Board to approve Case 02SN0209 and accept the following proffered conditions:

The Owners and the Developer (the "Developer") in this zoning 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 development of the property known as Chesterfield County Tax Identification Number 714-663-0471 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-12 with a conditional use planned development ("CUPD") is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

The application contains one exhibit described as follows:

Exhibit A - Plan titled "Preliminary Zoning Map," prepared by Jordan Consulting Engineers, P.C. and dated June 20, 2001; last revised September 10, 2002, (the "Plan") is made a part of this application as Exhibit A, which shall be considered as a general illustration of the proposed development and does not reflect a blueprint for future action for the Property, except as explicitly outlined in the Textual Statement and the proffered conditions. The Tracts shown on the Exhibit may be further divided into Sub-Tracts (a designated portion of the Tract) at the time of site plan or tentative subdivision review, subject to the provisions outlined in the Textual Statement and proffered conditions.

1. Utilities,

a. A conceptual overall water and wastewater systems plan for this property, accompanied by a utilities infrastructure phasing plan (the "Utility Plans"), shall be submitted to the Department of Utilities at least thirty (30) days prior to the submission of the first tentative subdivision, site, or construction plan for the Property. Should the Department of Utilities find that later variations in line sizing and/or location of the lines are deemed "significant" changes then the Utility Plans shall be revised and submitted for re-approval prior to approval of any additional tentative subdivision, site, or construction plans for the Property.

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h. Public water and wastewater systems shall be used.

c. The Developer shall dedicate to the County a water line easement along the east side of the Otterdale Road Extension (the North/South Arterial) right-of-way to facilitate future construction of a planned water transmission interconnection. The width of this easement shall be determined by the Utilities Department prior to, or at the time of submittal of, the first construction plan for Otterdale Road Extension or the first tentative subdivision that incorporates any portion of the Otterdale Road Extension for County review.

d. The Developer shall incorporate into the on-site water distribution system for the development a water line along the east/west collector road. The Developer shall construct this line to the easternmost and westernmost boundaries of this development. Subject to applicable County policies, this water line shall be over-sized if requested by the Utilities Department.

e. Prior to the issuance of the first building permit for each tentative subdivision plat ('Plat') or prior to a building permit for each site plan ('Plan') approved for the Property, the Developer shall make payments to Chesterfield County in the amount of $200.00 per acre (not to exceed an aggregate payment of $239,400 based upon the total acreage in the Property) for that particular Plat or Plan as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. (U)

2. Timbering. With the exception of timbering which has been 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. (RE)

3. Density. The maximum number of dwelling units permitted on the Property shall be 2392, except that for each acre of commercial and/or office uses developed on the Property the total number of dwelling units shall be reduced at a rate of two (2) dwelling units/acre. Commercial or office development shall not include Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential units, or the Recreational Areas (all as defined in the Textual Statement). (P)

4. Age Restriction.

a. 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").
b. 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. Any site plan for Age-Restricted Dwelling Units shall also note the restriction. (B & M & P)

5. Cash Proffer.

a. For each dwelling unit developed, except Age Restricted Dwelling Units, the applicant, subdivider, or assignee(s) shall pay $7,800.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $7,800.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement 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 in addition to, any impact fees in a manner as determined by the County.

b. For each Age-Restricted Dwelling Unit developed, the applicant, subdivider, or assignee(s) shall pay $4,235.00 per unit to the County of Chesterfield, prior to the time of issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2002. The $4,235.00 for any units developed shall be allocated pro-rata among the facility costs as calculated annually by the County Budget Department as follows: $805 for parks, $280 for library facilities, $312 for fire stations, and $2,838 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed $4,235.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2001 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2002. If any of the cash proffers are not expended for the purposes designated by the Capital Improvement 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 in addition to, any impact fees in a manner as determined by the County.
6. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County.

   a. These dedications shall be in conjunction with
      recordation of the initial subdivision plat or
      prior to any final site plan approval for the
      development, whichever occurs first. The exact
      location of these rights-of-way shall be approved
      by the Transportation Department.

      (i) A ninety (90) foot wide right-of-way for
          Otterdale Road Extension from its existing
          terminus to the southern Property line.

      (ii) A ninety (90) foot wide right-of-way for the
           East/West Connection from the eastern Property
           line to the western Property line.

   b. Forty-five (45) feet of right-of-way on the north
      side of Beach Road measured from the centerline of
      that part of Beach Road immediately adjacent to the
      Property frontage shall be dedicated in conjunction
      with recordation of the initial subdivision plat or
      prior to any final site plan approval for the
      development of Property adjacent to Beach Road or
      within sixty (60) days after a request by the
      Transportation Department, whichever occurs first.

7. Access Plan:

   a. Prior to any site plan or tentative subdivision
      approval, whichever occurs first, a conceptual
      access plan for Otterdale Road Extension and for
      the East/West Connection shall be submitted to and
      approved by the Transportation Department. Access
      for this development shall conform to the approved
      access plan or as otherwise approved by the
      Transportation Department.

   b. There shall be no access or road connection from
      the Property to Dry Creek Road.

   c. Access from the Property to Beach Road shall be
      limited to Otterdale Road Extension. (T)

8. Transportation. To provide an adequate roadway system
   at the time of complete development, the Developer shall
   be responsible for the following improvements. Alternate road improvements, as requested by the
   Developer and approved by the Transportation Department, which will provide acceptable levels of service as
   determined by the Transportation Department, may be
   substituted for the road improvements identified in this
   condition. If any of the improvements are provided by
   others, or if they are determined unnecessary by the
   Transportation Department as demonstrated by updated
   traffic studies acceptable to the Transportation
   Department, then the specific required improvement
   shall
no longer be required by the Developer. The road improvements shall be phased in accordance with the phasing plan outlined herein.

a. Construction of Otterdale Road and Otterdale Road Extension to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as:

(i) A four-lane, divided road section from Route 360 to the Hampton Park Drive intersection.

(ii) A four-lane, undivided road section from Hampton Park Drive through the East/West Connection intersection to a two-lane road 1,000 feet south of the intersection (approximately 400' of full width lane with a 600' taper).

(iii) A two-lane, undivided road section from approximately 1,000 feet south of the East/West Connection intersection to Beach Road.

b. Construction of the East/West Connection to VDOT urban minor arterial standards (50 MPH) with modifications by the Transportation Department as a two-lane, undivided road section from the eastern property line to the western property line.

c. Construction of left and right turn lanes along Otterdale Road Extension and the East/West Connection at each approved access, including at the Otterdale Road Extension and the East/West Connection intersection, if warranted, based on Transportation Department standards.

d. Construction of the Otterdale Road Extension intersection with Beach Road as a three-lane section consisting of a northbound lane and two southbound lanes. The exact length of this improvement shall be approved by the Transportation Department.

e. Construction of a right turn lane and a left turn along Beach Road at the Otterdale Road Extension intersection.

f. Construction of dual left turn lanes from westbound Route 360 to southbound Otterdale Road.

g. Construction of a third left turn lane from westbound Route 360 to southbound Otterdale Road with an additional lane of pavement (receiving lane) from Route 360 to Hampton Park Drive.

h. Construction of dual right turn lanes along northbound Otterdale Road at its intersection with Route 360. The exact length of this improvement shall be approved by the Transportation Department.

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i. Full cost of traffic signal installation for the following intersections, if warranted, based on Transportation Department standards:

(i) Route 360 and Otterdale Road.

(ii) Otterdale Road Extension and the East/West Connection.

(iii) Otterdale Road and Hampton Park Drive.

(iv) Route 360 and Hampton Park Drive.

j. Construction of left and right turn lanes along Otterdale Road at the Hampton Park Drive intersection, if warranted, based on Transportation Department standards.

k. Construction of dual left turn lanes from westbound Route 360 to southbound Hampton Park Drive with an additional lane of pavement (receiving lane) on Hampton Park Drive to Ashbrook Parkway.

l. Construction of dual right turn lanes along northbound Hampton Park Drive at its intersection with Route 360. The exact length of this improvement shall be approved by the Transportation Department.

m. WITHDRAWN

n. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified and phased as outlined herein. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described, the Developer may request, in writing, the County to 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 only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department.

o. The phasing of these improvements shall be as outlined herein unless otherwise requested by the Developer and approved by the Transportation Department.

(i) Prior to recordation of a cumulative total of more than 400 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the improvements specified in proffers 8.a.(i), 8.f. as dual turn lanes and 8.h. as a single right turn lane from northbound Otterdale Road to Route 360, unless it is demonstrated by an updated
traffic study (acceptable to the Transportation Department), that any of these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(ii) Prior to recording of a cumulative total of more than 500 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct the Otterdale Road Extension in S.a.(ii) and (iii) from its existing terminus to Beach Road, S.d., and S.e., unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that any of these improvements are not yet needed (as determined by the Transportation Department) (except for the completion of Otterdale Road Extension from its then existing terminus to Beach road as a two-lane road) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(iii) Prior to recording of a cumulative total of more than 1200 single family detached residential units (or equivalent densities as approved by the Transportation Department), the Developer shall construct S.g., S.h., S.k. and S.l. unless it is demonstrated by an updated traffic study (acceptable to the Transportation Department) that these improvements are not yet needed (as determined by the Transportation Department) then a revised phasing plan indicating the changes to the road improvements shall be submitted to and approved by the Transportation Department.

(iv) Prior to recording of any subdivision plat or final approval of any site plan a phasing plan of the remaining road improvements shall be submitted to and approved by the Transportation Department. Such phasing plan shall include the above referenced phases.

9. Manufactured Homes. Manufactured Homes shall not be permitted on the Property. (F)

10. Buffers Along Roads. The buffers required by Section 17-70 of the Subdivision Ordinance along roads shall be located within recorded open space. (F)

11. Transportation Densities. For traffic planning purposes, the maximum density of the Property shall be 70,000 square feet of shopping center, 30,000 square feet of general office, 1,220 single family detached residential units, 650 retirement community units, and 400 condominiums or townhouses or equivalent densities as approved by the Transportation Department. (T)
12. **Covenant.** Prior to recordation of any subdivision plat or final approval of any site plan, the Developer shall record the following covenant for the Property: 

> “Certain roads within the Property are intended to connect to an existing or a future road. Notice is hereby given to all persons interested in purchasing or living within the development that such road connections are planned. Each road that is intended to extend or connect to other roads is shown on the overall road plan attached to these covenants. Any such road is also posted with a sign (located at its temporary terminus) stating “Future road extension.”” (P)

13. **Pedestrian Tunnel.** In conjunction with the construction of the improvements noted in Proffer 8.a.(ii), the Developer shall construct a pedestrian tunnel, acceptable to the Transportation Department, under Otterdale Road near its current terminus which will link the existing walking trails within Hampton Park. (P)

14. **Landscaping.**

   a. In conjunction with the construction of the improvements noted in Proffer 8.a.(ii), if approved by the owners of the open space the Developer shall install a double row of evergreen trees (at least five feet tall at the time of planting) within the existing recorded open space that parallels Otterdale Road and is located within Hampton Park. These evergreens shall be installed in the open space where adjacent to the residential lots along Otterdale Road that are south of the intersection of Otterdale Road and Hampton Park Drive and north of the stormwater management facilities. A landscape plan showing these improvements shall be submitted to the Planning Department for approval at the time of submittal of road construction plans for that section of Otterdale Road set forth in 8.a.(ii). the evergreens shall be installed between five feet and 12 feet on center, based on the species selected by the Developer for such installation. (P)

   b. A single row of evergreen trees (at least five feet tall at the time of planting) shall be installed adjacent to the property line with Ashbrook Subdivision. This landscaping shall be installed in recorded open space. The evergreens shall be installed between five (5) feet and twelve (12) feet on center, based on the species selected by the Developer for such installation. A landscape plan depicting these improvements shall be submitted to the Planning Department for review and approval in conjunction with the submission of a final check plat. The installation of landscaping may be phased upon approval of a phasing plan by the Planning Department. (P)

15. **House Size.** For lots adjacent to Hampton Park and west of Otterdale Road Extended, the houses shall have a minimum gross floor area of 2400 square feet. (P)
16. Open Space. An area of open space shall be established between Hampton Park and the Property (west of Otterdale Road) such that lots on the Property adjacent to Hampton Park shall not include any areas designated as Resource Protection Areas ("RPA") on county maps, and; provided, further the open space area between the property line for the Property and such lots abutting the RPA shall not be less than 85 feet. (F)

17. Best Management Practice (BMP) Facility. The developer shall leave in place the temporary sediment control devices and/or construct new BMPs or combinations of BMPs which would achieve a maximum phosphorous runoff limits required by the Upper Swift Creek Watershed Ordinance Section 19-238(d)(1)a. until Chesterfield County obtains its initial permit for the implementation of the Upper Swift Creek Watershed Plan. (EE)

Ayes: McHale, Barber, Humphrey and Miller.
Nays: Warren.

Mr. Barber requested that, if tools are available for managing growth, they be provided to the Board.

Mr. Warren suggested that Board members read the memo provided by the County Attorney listing ways of managing growth.

Mr. Warren then made a motion, seconded by Mr. Barber, for the Board to direct the County Administrator to distribute a list of growth management tools to the Board of Supervisors.

Mr. Miller expressed concerns that nothing has been done since the Growth Summit to address the growth management issue. He stated he would be supportive of any reasonable growth management tools.

Mr. Warren called for a vote on his motion, seconded by Mr. Barber, for the Board to direct the County Administrator to distribute a list of growth management tools to the Board of Supervisors.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

Mr. McHale made a motion, seconded by Mr. Miller, for the Board to suspend its rules to consider items after 11:00 p.m.

Ayes: Warren, McHale, Barber, Humphrey and Miller.
Nays: None.

03BN0102

In Montesca Magisterial District, VICTOR P. MORRISSETTE requests rezoning and amendment of zoning district map from Residential (R-25) to Agricultural (A). Residential use of up to 1.0 unit per acre is permitted in an Agricultural (A) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1 to 5 acre lots, suited for Residential (R-88) zoning. This request lies on 67.3 acres fronting approximately 1,200 feet on the south line of Beach Road approximately 400 feet east of Buckhorn Road, also

03-1119 12/17/03
Textual Statement
Southern Land Company LLC

February 4, 2002
Revised May 15, 2002
Revised May 29, 2002
Revised July 18, 2002
Revised July 30, 2002
Revised September 10, 2002
Revised September 26, 2002
Revised September 30, 2002
Revised October 9, 2002
Revised October 28, 2002

Rezone from A to R-12 for the uses permitted in R-12 with a Conditional Use Planned Development ("CUPD") to permit use and ordinance requirement exceptions as delineated on the Preliminary Zoning Map prepared by Jordan Consulting Engineers, P.C. dated April 4, 2002, and last revised September 10, 2002, (the "Plan"), as described herein, and as provided in the accompanying profiles.

I. General Conditions

A. To accommodate the orderly development of the Property, the Tracts shall be located as generally depicted on the Plan, but their location and size, including further divisions into Sub-Tracts, may be modified so long as the parcels generally maintain their relationship with each other and any adjacent properties. A plan for any such Tract adjustment shall be submitted to the Planning Department for review and approval. Such plan shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals. Sub-Tract (a designated portion of a Tract) divisions may be created at the time of tentative subdivision or site plan approval and shall not require a separate review as a Tract adjustment provided there is no adjustment in the overall Tract boundary unless the Tract boundary has been approved for adjustment as stated herein.

B. Whenever a provision refers to or requires a conceptual plan ("Conceptual Plan") to be submitted for review and approval, such a plan may be approved by either the Planning Department or the Planning Commission at the election of the Developer, and such review shall be subject to appeal in accordance with the provisions of the Zoning Ordinance for Site Plan appeals.

C. Residential units (i.e., Cluster Residential, Cluster Condo, Townhouse, or Multi-Family (as defined herein)) shall be grouped together within a Tract or Sub-Tract. If there is a desire to mix the types of residential uses within a Tract or Sub-Tract the mixing may be permitted if a Conceptual Plan is submitted for review and approval. The Conceptual Plan shall address the land use transitions and compatibility between the different uses within a Tract or Sub-Tract. Land use
compatibility and transitions may include, but not necessarily be limited to, the exact location of the uses, buffers, and site design.

D. Any open basins required for water quantity or quality control located on the Property and not owned by Chesterfield County shall be designed as wet ponds and shall be landscaped or otherwise improved so that the facilities become visual enhancements to and visual amenities for the uses developed on the Property. At the time of tentative subdivision or site plan submission, a plan depicting these requirements shall be submitted for review and approval.

II. Requirements and Exceptions for All Tracts

A. Recreational Facilities

1. Recreational facilities shall be permitted within all Tracts. These uses shall be limited to facilities and uses that primarily serve the surrounding residential community including but not limited to passive recreation such as trails, paths, sidewalks, ponds, open space, and vistas, as well as active facilities like swimming pools; courts, such as tennis, basketball, volleyball; playgrounds; picnic areas, clubhouses, and private dining facilities.

2. No recreational areas shall be required for the Property except as set forth in the covenants. In conjunction with recording of each subdivision plat or prior to final site plan approval for any residential uses the following covenants shall be recorded and a copy shall be provided to the County. These covenants shall not be amended for a period of twenty (20) years from the date of recording.

   a. For each Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas at least one and one half (1.5) acre of recreational area shall be provided.

   b. For Single Family uses a minimum of 10 acres of recreational area shall be provided for each 1000 dwelling units.

   c. Recreational areas may be consolidated into a single recreational area or separated into smaller areas. Such recreational areas may include but are not limited to passive recreation such as trails, paths, sidewalks, ponds, open space, and vistas, as well as active facilities like swimming pools; courts, such as tennis, basketball, volleyball; playgrounds; picnic areas, clubhouses, and private dining facilities.

   d. The recreational areas for the Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas may be provided on-site or off-site. If provided off-site, such as a joint facility with other Cluster Residential, Cluster Condo, Townhouse, or Multi-Family uses, or as a part of the overall recreational areas for the single family development, the off-site facilities shall meet the following requirements:

2
(1) The existing or proposed recreational area meets the minimum cumulative acreage requirements of the Zoning Ordinance for the use that it is proposed to serve.

(2) The recreational area is within ¼ mile from the boundaries of the Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas.

(3) The Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas are connected to the recreational area by a pedestrian path, trail system, or sidewalk.

(4) The Cluster Residential, Cluster Condo, Townhouse, or Multi-Family residential areas are permitted (by covenant, homeowners' association or condominium association declaration, or other like agreement) to use the off-site recreational area or facility.

3. Outside public address systems or speakers shall not be used between the hours of 11:00 p.m. and 8:00 a.m. and used only in conjunction with a pool.

4. With the exception of playground areas which accommodate swings, jungle gym, or similar such facilities, outdoor play fields, courts, swimming pools, horse boarding facilities, and similar active recreational areas facilities shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.

5. Within the one hundred (100) foot and fifty (50) foot setbacks, a fifty (50) foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

6. Any playground area (i.e., areas accommodating swings, jungle gym of similar such facilities) shall be located a minimum of forty (40) feet from all property lines. A forty (40) foot buffer shall be provided along the perimeter of these recreational facilities except where adjacent to any existing or proposed roads. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers.

7. Nothing herein shall prevent development of indoor facilities and/or parking within the one hundred (100) foot setback.

8. Exterior lighting for recreational uses shall comply with Section 19-573 of the Zoning Ordinance, and the maximum height for light posts shall not exceed twenty (20) feet.

9. In conjunction with the recordation of any lot adjacent to active recreational area(s), such recreational area(s) shall be identified on the record plat along with the proposed recreational uses and required conditions.
B. Equestrian Uses.
   1. Horse riding trails shall be permitted throughout the development.
   2. Horse boarding facilities to include pasture and barn areas shall be permitted if located on a minimum (15) acre parcel ("Boarding Parcel"). Any barns shall be located a minimum of 150 feet from the Boarding Parcel's property line.
   3. The location of such uses shall be identified on the schematic plan.

C. Recreational Vehicle (including boats, travel trailers, and campers) Storage.
   1. Recreational vehicle storage lots shall be permitted throughout the development. The location of such storage lots shall be identified on the schematic plan.
   2. Storage areas shall be located a minimum of one hundred (100) feet from any proposed or existing single family residential lot line and a minimum of fifty (50) feet from any existing or proposed public road.
   3. Storage areas shall be screened from view of any proposed or existing residential development and public roads. Screening shall comply with the requirements of the Zoning Ordinance.
   4. Parking areas shall comply with the surface treatment requirements of the Zoning Ordinance or be constructed of a paving material or paving system is similar to "Grassy™ Pavers," "PermaTURF®," "PermaGEO®," or "GEOWEB®." The exact method shall be approved at the time of site plan review.
   5. Where these areas are adjacent to any residential use, the storage lot lighting shall be limited to security lighting.

D. Park and Ride Lots
   1. Park and Ride Lots shall be permitted in Tracts H, I, or L. Park and Ride Lots shall be located with direct access to an arterial or a collector road. A fifty (50) foot buffer shall be provided along the perimeter of any Park and Ride Lot except where adjacent to office or commercial uses. This buffer shall conform to the requirements of the Zoning Ordinance for fifty (50) foot buffers except the requirements may be modified by the Planning Commission through site plan approval. No Park and Ride Lots shall contain more than 250 parking spaces unless modified at the time of schematic plan approval.
   2. All Park and Ride Lots shall have a designated stop or shelter located on or immediately adjacent to the Park and Ride Lot that can accommodate buses, vans, or cars without interfering with traffic flow. The exact location and design of the stop or shelter shall be determined at the time of site plan approval.
III. Requirements for Specific Tracts.

A. Within Tract I, the following requirements shall be met.

1. Permitted non-residential uses shall be limited to those uses permitted in the Neighborhood Business (C-2) and the Corporate Office (O-2) Districts. Such uses shall comply with the standards of the Zoning Ordinance for the respective C-2 and O-2 Districts plus Emerging Growth Area standards. Further, permitted residential uses shall include those uses permitted in Cluster Residential, Cluster Condo, Townhouse, Multi-Family, and Single Family Residential (as defined herein), provided the schematic plan insures land use compatibility and transition. Such residential uses shall be subject to the development requirements described herein.

2. Commercial and office uses shall be limited to a maximum of 100,000 gross square feet.

3. “Cluster Residential” is defined as any dwelling that is located on a lot having an area of not less than 6,000 square feet but not more than 12,000 square feet. Further, in any Cluster Residential area, lot size shall not differ by more than 2,000 square feet. Provided, however, within the Cluster Residential area, the mixing of lot sizes that differ by more than 2,000 square feet or the mixing of attached and detached units may be permitted if a Conceptual Plan is submitted for review and approval and the Conceptual Plan addresses land use transitions and compatibility between areas within the Cluster Residential areas. Cluster Residential may include detached or attached units, provided that no more than two (2) units are attached.

   a. Density. The overall density within each Tract or Sub-Tract containing Cluster Residential shall not exceed 7.0 units per gross acre.

   b. Lot area and width. Each lot shall have an area of not less than 6,000 square feet and a lot width of not less than fifty (50) feet.

   c. Percentage of lot coverage. All buildings, including accessory buildings, on any lot shall not cover more than fifty (50) percent of the lot’s area.

   d. Yards.

      (1) Front yard. Minimum of ten (10) feet in depth.

      (2) Side yard.

         (i) For detached units, two (2) side yards, one (1) a maximum of five (5) feet in width, the other a minimum of ten (10) feet in width, with a minimum distance of fifteen (15) feet between buildings.

         (ii) For attached units, two (2) side yards, one (1) at zero (0) feet, the other a minimum of ten (10) feet in width, with a minimum distance of twenty (20) feet between buildings.
(4) Rear yard. Minimum of twenty-five (25) feet.

e. Focal Point. A minimum of 0.75 acres of the required open space shall be located and positioned to provide a "focal point" for each Cluster Residential area. Part of the focal point shall be "hardscaped" and have benches and other amenities that accommodate and facilitate outdoor gatherings. The focal point shall be developed concurrent with the first phase of residential development of the Cluster Residential area in the Tract or Sub- Tract the focal point is intended to serve. The exact size, area, design, and location of the focal point shall be approved by the Planning Department at the time of tentative subdivision approval.

f. Recreational Area. A recreational area provided in accordance with II.A.2.

g. Street Trees. Street trees shall be planted or retained along each side of the roads, except where adjacent to collector or arterial roads.
h. Street Lighting. Street lighting shall be provided along each side of the roads, except where adjacent to collector or arterial roads. Streetlight fixtures, poles and lamp types shall be consistent and their design shall be compatible with the residential development. The exact height, design, and spacing shall be approved at the time of tentative subdivision plan approval.

i. Landscaping. Landscaping shall be provided around the perimeter of all dwelling units. Landscaping shall comply with the requirements of the Zoning Ordinance, Sections 19-516 through 19-518(9). Landscaping shall be designed to minimize the predominance of building mass and paved areas, to define private spaces, and to enhance the residential character of the development. A conceptual landscaping plan shall be submitted for review and approval in conjunction with tentative subdivision plan review and approval. A final landscaping design showing the exact number, spacing, arrangement, and species of plantings shall be approved by the Planning Department prior to the issuance of a building permit for each lot.

j. Sidewalks. Sidewalks shall be provided on the side of any road that has lots fronting on the road.

k. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be "hardscaped." The exact design and treatment of driveways shall be approved at the time of tentative subdivision plan review.

4. Cluster Residential Condominium attached or detached ("Cluster Condo") is defined as any dwelling unit that conforms to the requirements of the Zoning Ordinance for Residential Multi-Family (R-MF) District except
that:

a. **Regulation.** The Cluster Condo dwelling units shall be regulated by the Virginia Condominium Act.

b. **Density.** The overall density within each Tract or Sub-Tract containing Cluster Condo shall not exceed 7.0 units per gross acre.

c. **Parcel area.** The minimum Tract or Sub-Tract area shall be 8.5 acres.

d. **Percentage of parcel coverage.** All buildings, including accessory buildings, on any lot shall not cover more than fifty (50) percent of the Tract or Sub-Tract area.

e. **Setbacks from perimeter of Tract or Sub-Tract.** All structures shall be setback a minimum of 50 feet from the perimeter of the Tract or Sub-Tract.

f. **Building Setbacks from Roads and Driveways.** All structures shall be set back a minimum of ten (10) feet from roads and driveways.

g. **Curb and gutter.** Road, driveways, and parking areas, except those that serve garages or parking spaces of individual dwelling units and do not provide general circulation within the Cluster Condo, shall have concrete curbs and gutters.

h. **Focal Point.** A minimum of 0.75 acres of the required open space shall be located and positioned to provide a "focal point" for the Cluster Condo. Part of the focal point shall be "hardscaped" and have benches and other amenities that accommodate and facilitate outdoor gatherings. The focal point shall be developed concurrent with the first phase of residential development of the Cluster Condo area in the Tract or Sub-Tract the focal point is intended to serve. The exact size, area, design, and location of the focal point shall be approved by the Planning Department at the time of site plan approval.

i. **Recreational Area.** A recreational area provided in accordance with II.A.2.

j. **Street Trees.** Street trees shall provided in accordance with II.A.3.g.

k. **Street Lighting.** Street lighting shall be provided along each side of the roads, except where adjacent to collector or arterial roads. Streetlight fixtures, poles and lamp types shall be consistent and their design shall be compatible with the residential development. The exact height, design, and spacing shall be approved at the time of site plan approval.

l. **Landscaping.** Landscaping shall be provided around the perimeter of all dwelling units. Landscaping shall comply with the requirements of the Zoning Ordinance, Sections 19-516 through 19-518(f). Landscaping shall be designed to minimize the predominance of building mass and paved areas, to define private spaces, and to enhance the residential character of the
development. A conceptual landscaping plan shall be submitted for review and approval in conjunction with site plan review and approval. A final landscaping design showing the exact number, spacing, arrangement, and species of plantings shall be approved by the Planning Department prior to the issuance of a building permit.

m. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be provided in accordance with III.A.3.k.

n. Sidewalks. Sidewalks shall be provided in accordance with III.A.3.j.

5. Residential Townhouse ("Townhouses") is defined as defined as any dwelling unit that conforms to the requirements of the Zoning Ordinance for Residential Townhouse (R-TH) District except that:

a. Density. The overall density within each Tract or Sub-Tract containing Townhouses shall not exceed 7.0 units per gross acre.

b. Parcel area. The minimum Tract or Sub-Tract area shall be 8.5 acres.

c. Group or row design. The total number of units within each attached group or row of townhouses shall not exceed six (6). The front yard setback of each townhouse unit need not be varied provided the design of such buildings meets the requirements specified in Section 19-105 of the Zoning Ordinance as determined by the Planning Department through the subdivision plan review process.

d. Yards.
(1) Front yard. Minimum of ten (10) feet in depth.
(2) Rear yard. Minimum of twenty (20) feet in depth.

e. Curb and gutter. Road, driveways, and parking areas, except those that serve garages or parking spaces of individual dwelling units and do not provide general circulation within the Townhouses, shall have concrete curbs and gutters.

f. Focal Point. A focal point shall be provided in accordance with III.A.3.e.

5. Recreational Area. A recreational area provided in accordance with II.A.2.

h. Street Trees. Street trees shall be provided in accordance with III.A.3.g.

i. Street Lighting. Street trees shall be provided in accordance with III.A.3.h.

j. Common Area. Common area shall be provided in accordance with Zoning Ordinance Section 19-14(c)(2).

k. Landscaping. Landscaping shall be provided in accordance with III.A.3.i.
I. Individual Lot Driveways and Parking Areas. Individual driveways and parking areas shall be provided in accordance with III.A.3.k.

m. Sidewalks. Sidewalks shall be provided in accordance with III.A.3.j.

6. Multi-Family Uses shall be limited to Age-Restricted Dwelling Units (as described in Preffered Condition 4.a.) provided the use conforms to the requirements of the Zoning Ordinance for Residential Multi-Family (R-MF) Districts except that:
   a. The minimum parcel size shall be 7.0 acres.
   b. The maximum number of dwelling units per floor may exceed ten (10).
   c. A recreational area is provided in accordance with II.A.2.

7. Single Family Residential Uses shall conform to the requirements of the Zoning Ordinance for Residential (R-12) Districts

B. Within Tracts H and I the following requirements shall be met.

1. The uses permitted shall be limited to Single Family Residential, Cluster Residential, Cluster Condo, Townhouse, Multi-Family residential uses, as described and regulated in III.A. and Nursing, Convalescent, and Rest Home Uses.

2. Any Nursing, Convalescent, or Rest Home Use shall be located adjacent to Tract L and limited to Tract I only. Such uses shall comply with the standards of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Districts. The architectural style shall be compatible with surrounding development in Tract H and L. Compatibility may be achieved through the use of similar building massing, material, scale, or other architectural features.

C. The uses within Tracts A, B, C, D, E, F, G, J, and K shall be limited to those uses permitted in the Residential (R-12) District. Such uses shall comply with the standards of the Zoning Ordinance for Residential (R-12) Districts.
Case Contacts

Applicant
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District Planning Commissioner
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Appendix

Budget & Management

County finance staff is responsible for managing the finances of the County and making recommendations to the County Administrator regarding the allocation of available resources for the provision of services and capital facilities to serve the citizens of the County. Finance staff will advise the County Administrator if changed economic circumstances require adjustments to the County’s budget or capital improvement program.