



C-19C-06

Fidelity Properties, Ltd.

Staff Report for Planning Commission Public Hearing
Amended May 27, 2009

This report is prepared by the Henrico County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this application. It may also be useful to others interested in this land use matter.

I. PUBLIC HEARINGS:

Planning Commission:	March 9, 2006	Deferred at the Applicant's Request
	April 13, 2006	Deferred at the Applicant's Request
	January 11, 2007	Deferred at the Applicant's Request
	March 15, 2007	Deferred at the Applicant's Request
	November 8, 2007	Deferred at the Applicant's Request
	May 15, 2008	Deferred at the Applicant's Request
	November 13, 2008	Deferred at the Applicant's Request
	April 9, 2009	Deferred by the Planning Commission
	June 11, 2009	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: RTHC Residential Townhouse (Conditional)

Existing Zoning: A-1 Agricultural District

Acreage: 10.79 acres

Location: Between the east line of Glasgow Road and the west line of Sadler Road approximately 600 feet north of Ireland Lane

Magisterial District: Three Chopt

Land Use Plan Recommendations: SR1 – Suburban Residential 1 (1.0 to 2.4 net units per acre)

Land Development Guide Designation: Expansion Area

Parcel Nos.: 746-763-2482, 746-763-2896, 746-763-1769, and 746-764-3818

Zoning of Surrounding Properties: North: A-1 (Pending C-8C-05)
South: A-1 (McDonalds Small Farms)
East: A-1 (McDonalds Small Farms)
West: R-3C (Oglethorpe Park at Greenbrooke)

Staff Contact: Ben Sehl (501-5226)

III. SUMMARY OF STAFF REPORT:

This request proposes to rezone 10.79 acres from A-1 to RTHC to develop townhomes. The subject properties are designated Suburban Residential 1 (1.0 to 2.4 net units per acre) on the 2010 Land Use Plan.

Since March 2003, a series of rezoning and subdivision applications have been approved to rezone and re-subdivide sections of McDonalds Small Farms and other nearby properties and incorporate them into a larger, coordinated single family residential development known as Greenbrooke. To date, this development has consisted of single family residential development (R-3C District). This application proposes to introduce higher density residential townhouse development into this area.

The County is in the process of updating the Comprehensive Plan, and on March 12, 2009, the Planning Commission recommended approval of the Draft 2026 Comprehensive Plan. As part of the update process, the area subject to this request was evaluated and subsequently recommended for Urban Residential (3.4 to 6.8 units per acre) uses. Therefore, while the proposed density would not be consistent with the 2010 Land Use Plan's recommendation of Suburban Residential 1, the proposed use and density could be appropriate at this location.

Although residential development is an appropriate use and the proffers include some assurances of quality development, staff is concerned with the revised proffers submitted by the applicant on March 19, 2009 and the potential reduction in quality proposed by those proffers.

Also, the Department of Public Works has expressed concern regarding impacts of additional traffic to Sadler Road and proposed improvements to this roadway. The Department of Public Works (DPW) is currently working on a new roadway design for Sadler Road (see attached), and the design is not complete. The Department of Public Works hosted a public information meeting on April 20, 2005 and anticipates another public meeting for this project will be held in Fall 2009.

In contemplation of the property's UR designation on the Draft 2026 Land Use Plan, this request could be appropriate provided the development includes a level of quality comparable to surrounding developments. The applicant submitted revised proffers on March 19, 2009. The revisions could represent a reduction in quality from the previously submitted proffers. This potential reduction in quality, in conjunction with concerns regarding traffic infrastructure and phasing, should be addressed by the applicant. Until the applicant addresses the items outlined in Section IV of this report, staff recommends this request be deferred.

At their ~~November 13, 2008~~ April 9, 2009 public meeting, the Planning Commission deferred this request to allow the applicant additional time to address concerns raised in the staff report. No new information has been provided.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

McDonalds Small Farms abuts the subject property to the south and east. McDonalds Small Farms is a large lot (more than one acre) subdivision, and the surrounding area is primarily low density residential in character. The larger area is bordered by Interstate 64 to the south, Interstate 295 to the west, and Innsbrook Corporate Center to the east. Sadler Road traverses the area and connects Nuckols Road from the north to West Broad Street and Dominion Boulevard to the south. The applicant has also filed a pending rezoning application to rezone

nearby property to RTHC (C-8C-05). Nearby properties, including the abutting site to the west, have recently been rezoned to R-3C (C-16C-06, C-17C-06, and C-18C-06).

The subject property and the surrounding area are designated Suburban Residential 1 (SR1) on the Land Use Plan. Since March 2003, a series of rezoning and subdivision applications have been approved to rezone to R-3C and re-subdivide nearby properties to create Greenbrooke. These development activities are bringing about the redevelopment of this area from large lot residential uses to more contemporary suburban, single-family development. These development activities have been consistent with the SR1 designation and generally limit development to single family uses at 2.2 units per acre, which is within the SR1 density range of 1.0 to 2.4 net units per acre.

The introduction of townhomes on the subject property could be appropriate if the development provides an appropriate transition that complements the existing and planned single-family residences in the area. Therefore, careful consideration needs to be given to the design and quality of the proposed development.

The applicant submitted revised proffers on March 19, 2009 to mitigate the potential impacts of development, and major aspects include:

- Underground utilities;
- Phasing: No building permit applications to allow construction before January 1, 2010;
- A commitment to dedicate right-of-way for Sadler Road;
- Standard six (6) inch curb and gutter;
- Streetlights with a maximum height of sixteen (16) feet and uniform in style to be provided along roadways, including along both sides of new streets;
- Sidewalks along roadways, including along both sides of new streets;
- Paved driveways;
- A minimum of one (1) tree measuring at least 2.5" in caliper shall be retained or planted in each front yard, with one (1) additional tree for corner lots;
- Foundation plantings;
- Irrigated and sodded front and side yards;
- No group care facilities;
- Density shall not exceed 6.0 dwelling units per acre;
- Minimum unit size of 1,200 square feet of finished floor area, and minimum unit width of 16';
- Architecture:
 - Various design elements shall be incorporated to provide variety among individual units;
 - All units would contain 50% brick exteriors, with the remaining exterior area containing Hardiplank or a similar material;
 - No more than six (6) units shall be attached;
- Buffers:
 - Minimum 20 foot buffer along relocated Sadler Road planted equivalent to a Transitional Buffer 10 if the adjacent units front or side on the roadway and a Transitional Buffer 25 provided along relocated Sadler Road if the rear of the unit faces the roadway;
 - Minimum 10 foot buffer planted equivalent to a Transitional Buffer 10 provided along interior streets and adjacent to A-1 Districts; and,
- Minimum sound transmission coefficient (STC) rating of 55 between units and for exterior walls of end units.

Density. At a proposed density not to exceed 6.0 units per acre, approval of townhouses would permit development at a higher density range than the SR1 designation of 1.0 to 2.4 net units per acre on 2010 Land Use Plan; however, the proposed density would be consistent with the densities recommended in the Draft 2026 Land Use Plan. If the applicant were to address

concerns regarding traffic infrastructure, phasing, and quality development, the proposed use and density could be appropriate. These concerns are further outlined below.

Sadler Road Improvements. Sadler Road traverses this area and connects Nuckols Road from the north to West Broad Street and Dominion Boulevard to the south. The Department of Public Works (DPW) is currently working on a new roadway design for Sadler Road. DPW hosted a public information meeting on April 20, 2005 and anticipates another public meeting for this project will be held in Fall 2009. Until the alignment is approved at a public hearing, DPW believes this case is premature and recommends deferral until a revised traffic impact study is completed, proper public meetings for the widening of Sadler Road have been conducted, and the alignment has been reviewed and approved by the Board of Supervisors. Depending upon public input, Board of Supervisors approval, and environmental reviews, it could be an additional 18-24 months before construction begins. Because of the uncertain nature of the proposed Sadler Road improvements, staff is concerned the phasing plan outlined in Proffer #2 would not provide adequate assurances that the necessary roadway improvements would be completed in advance of the proposed development.

Additionally, staff recommends the following changes to the proffers to assure an appropriate level of quality and address housekeeping matters:

- Minimum unit size of 1,500 square feet of finished floor area;
- Garages would not be required in the proposed RTHC district. Staff recommends requiring garages for all townhouse units;
- Driveway access from townhouses to Sadler Road relocated should be prohibited;
- Proffer #3 fails to comply with Virginia Code §15.2-2298 A. To comply, staff recommends adding language, "Should the dedicated property not be used for the widening of Sadler Road within 30 years of the date of the dedication, title to the dedicated property will revert to the applicant or its successors in interest."
- The RTH District requires a minimum lot frontage of 19' for all units. The proffered unit width of 16' would not comply with this requirement and would not be in keeping with the unit width approved in recent requests of this type. The previously proffered unit width of 20' should be retained.
- The previous commitment requiring all units along relocated Sadler Road to face the roadway should be retained, or the applicant should provide a conceptual site plan demonstrating how unit orientation will complement realigned Sadler Road.

Overall, the request could be appropriate. However, staff believes the revised proffers do not address the concerns outlined above. Additionally, some of the revisions could result in a reduction in quality from the previously submitted proffers. This potential reduction in quality, in conjunction with concerns regarding traffic infrastructure and phasing, should be addressed by the applicant. Therefore, staff recommends this request be deferred.

At their ~~November 13, 2008~~ April 9, 2009 public meeting, the Planning Commission deferred this request to allow the applicant additional time to address concerns raised in the staff report. No new information has been provided.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2010 Land Use Plan recommends Suburban Residential 1 (1.0 to 2.4 units per acre). The proposed density of 6 units per acre is not consistent with this designation; however, the proposed density would be consistent with the Draft 2026 Land Use Plan's recommendation of Urban Residential (3.4 to 6.8 units per acre).

Land Development Guide:

The selected property is designated as a Developing Area on the Land Development Guide.

Goals, Objectives and Policies:

If the applicant were to address the items outlined in Section IV of this report, this request would be consistent with the following goals, objectives, and policies of the 2010 Land Use Plan:

- General Goal VIII – To encourage large tract planned mixed use development which promotes economies of scale, energy conservation, and efficient use of infrastructure and revenues.
- General Policy “g”: To encourage land uses in harmony with adjoining uses and which can function in a compatible fashion.
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VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

Sadler Road is carrying 2,520 vehicles per day. Based on the size of this development, a revised traffic impact study is required for this site. The Department of Public Works (DPW) is currently working on a new roadway design for Sadler Road. The traffic study completed for the Sadler Road widening project based the projected numbers on the 2010 Land Use Plan, and the Land Use Plan shows this area as all single-family residential.

The Public Works Department (DPW) has completed the preliminary design of this project and has given the alternative to the developers. DPW hosted a public information meeting on April 20, 2005 and is anticipating another public meeting for this project will be held in Fall 2009. Until the final alignment is developed and presented to the public, DPW believes this case is premature and should be deferred until the revised traffic impact study is complete and submitted to DPW for review, the proper public meetings for the widening of Sadler Road have been conducted, and the alignment has been reviewed and approved by the Board of Supervisors. Depending upon public input, Board of Supervisor approval, and environmental reviews, it could be an additional 18-24 months before construction begins.

Adequate sight distance must be provided at all access points before they can be approved.

Drainage:

The site must comply with applicable water quality requirements, and the site is located within a Watershed Enhancement Area. Based on GIS, waters of the U.S. and/or hydric soils are present (indicating possible wetlands); therefore, Corps of Engineers and DEQ permits may be required.

All proposed improvements must comply with all applicable Public Works plan of development requirements. Right-of-way dedications to the County for public roads must comply with the approved roadway section for the roadway class. Development must be consistent with the County's Capital Improvement Project to relocate Sadler Road.

Public Utilities Services:

The closest County water is currently located in the Dublin Road right-of-way approximately 1,000' west of the property. County sewer is currently located west of the property approximately 1,200' away at the intersection of Dublin Road and Belfast Lane. The development of the proposed Oglethorpe Park at Greenbrooke Subdivision would make both water and sewer available to this property without off-site improvements or easements. As of this date, the Department of Public Utilities is still reviewing plans for the Oglethorpe Park development, and no legal agreements have been recorded.

Schools:

School Level:	School Name:	Student Yield:
Elementary:	Colonial Trail	9
Middle:	Short Pump	5
High:	Deep Run	7

As of September 30, 2008, Colonial Trail had a membership of 556 and a capacity of 680. Short Pump had a membership of 967 and a capacity of 1,356. Deep Run had a membership of 1,890 and a capacity of 1,850. Currently Deep Run is above capacity and this development could put additional strain on the school. Short Pump Middle School and Rivers Edge Elementary School could accommodate students from this development. However, with approved rezonings, new development in the area, and larger cohorts of students, membership will exceed functional capacity and new schools will be needed to provide capacity relief.

Public Safety:

Division of Fire: There are adequate resources in the area to provide service delivery. Water supplies for fire protection are also adequate in the area. Any development would be reviewed in the POD process and would be required to meet the Division of Fire's standards and codes.

Division of Police: The applicant is encouraged to contact and work with the Special Services Unit within the Division of Police for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts as a plan of development is drafted for review.

Department of Community Revitalization:

No comments concerning this request.

Recreation and Parks Department:

No park or recreational facilities, historical, archeological, or battlefield impact.

Public Libraries:

This development falls within the service area of the Twin Hickory Library. The Library System has opened the new 40,000 sq. ft. Twin Hickory Library that is located at 5001 Twin Hickory Road, next to Deep Run High School in July 2007. The new library is open to the public 66 hours per week and is positioned to open on Sundays when funding becomes available. This project was approved by the voters as part of the 2000 bond referendum. As these types of developments continue to be built and the projected population in the area continues to grow, this library will need to be expanded to 60,000 sq ft in order to meet service demands.

Topography and Land Characteristics Adaptability:

There are no known physiographic conditions and/or circumstances that would prevent the development from being realized.



Proffers for Conditional Rezoning

County of Henrico, Virginia

4301 E. Parham Road, Richmond, Virginia 23228

Henrico Planning Web Site: <http://www.co.henrico.va.us/planning>

Mailing Address: Planning Department, County of Henrico, Virginia, P.O. Box 27032 Phone (804) 501-4602 Facsimile (804) 501-4379

Original Amended Rezoning Case No. C-19C-06 Magisterial District Three Chopt

Pursuant to Section 24-121 (b) of the County Code, the owner or duly authorized agent* hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

G. Edmond Massie, IV /G. Edmond Massie, IV
Signature of Owner or Applicant/Print Name
Attorney-in-Fact

March 19, 2009
Date

*If applicant is other than Owner, the Special Limited Power of Attorney must be submitted with this application.

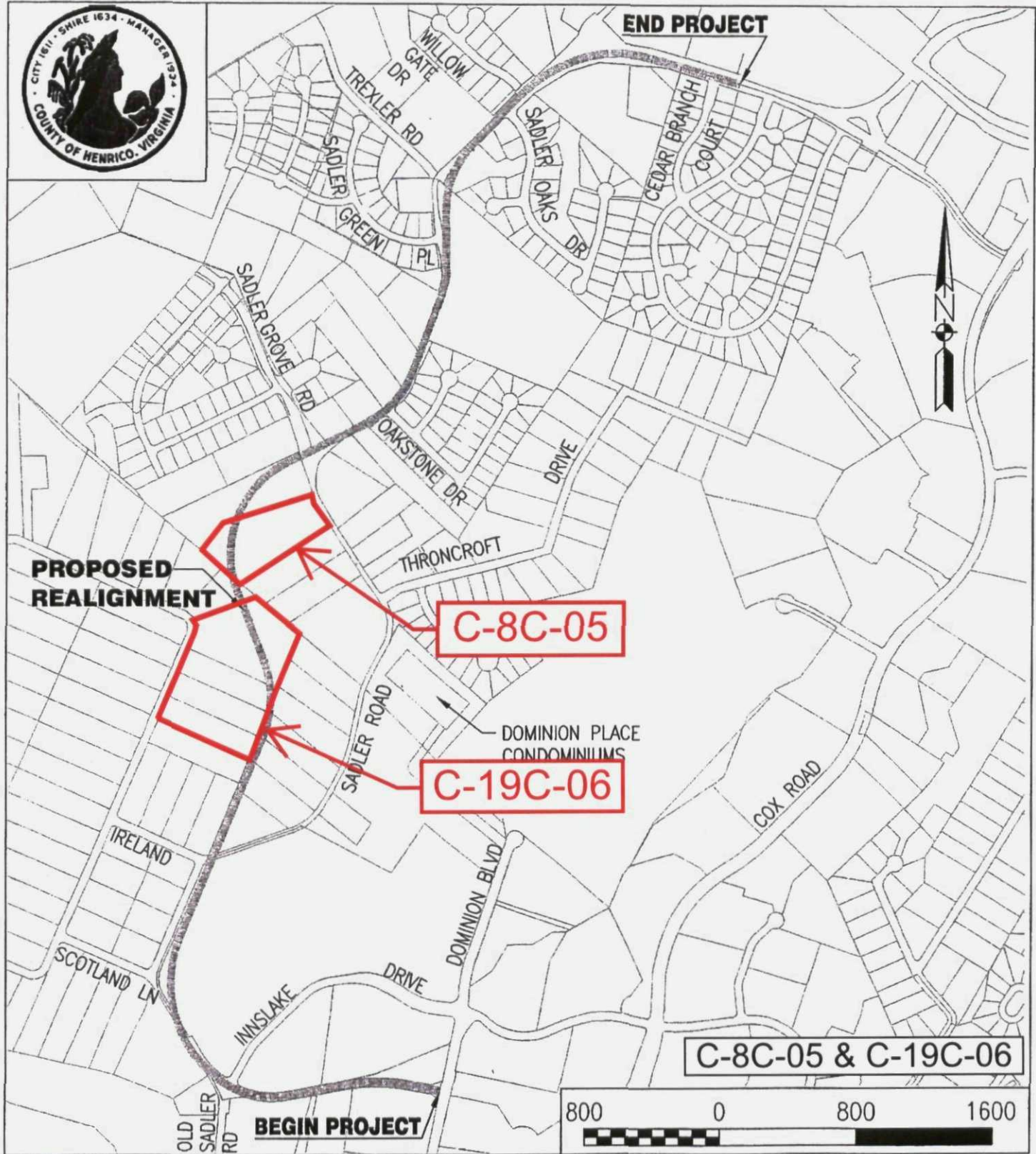
1. Underground Utilities. All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.
2. Phased Development. There shall be no building permit application to allow construction in the RTHC districts before January 1, 2010.
3. Right-of-Way Dedication. The owner shall dedicate to Henrico County the right-of-way and any mutually agreed upon easements for drainage conveyance systems required for the re-location of Sadler Road upon the request of the County.
4. Streets. All new streets on the Property shall be constructed of asphalt and designed with standard six (6) inch curb and gutter.
5. Streetlights. Streetlights a maximum of sixteen (16) feet in height and of a uniform style shall be provided along both sides of the new streets.
6. Sidewalks. Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new streets. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
7. Foundations. All houses shall be constructed on elevated slabs or crawl space foundations except for garages. The exterior portion of the foundations below the first floor level which is visible above grade shall be finished with brick or stone. This proffer shall not apply to direct vent gas fireplaces or appliances. There shall be no cantilevered chimneys, direct vent gas fireplaces or closets.

8. Driveways. All driveways shall be constructed of hard surface materials.
9. Landscaping. A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot, plus a minimum of one (1) tree of the same caliper shall be retained or planted in the side yard adjacent to the street if the residential lot is a corner lot. The tree in the front yard shall be a street tree located within ten (10) feet of the back of curb in the front yard of each residential lot and, if the residential lot is a corner lot in the side yard also. Each house shall have prototypical plantings (shrubs and ornamental ground cover) along the front foundation. The front and side yards shall be irrigated and planted with sod except where mulching or landscaping may occur.
10. Recreational Vehicles. No recreational vehicles, campers, trailers or boats shall be parked or stored on the Property, unless within enclosed garages.
11. Restricted Uses. Group care facilities shall not be permitted.
12. Density. The townhouse development on the Property shall not exceed six (6) dwelling units per gross acre.
13. Minimum Size. Homes shall have a minimum of 1200 square feet of finished floor area and shall be no less than sixteen (16) feet in width.
14. Architecture. Various design elements shall be incorporated to provide variety among individual units, including, but not limited to, the following: varying colors of brick and brick accents (including but not limited to, arches, keystones, soldier courses and quoin corners) varying window designs and varying doorway designs. The exteriors of the homes shall be constructed with a minimum of fifty per cent (50%) brick with the balance of the exterior Hardiplank or similar materials as approved by the Planning Commission at the Plan of Development hearing, exclusive of architectural features, windows and doors. There shall be no more than six (6) attached units.
15. Restrictive Covenants. Prior to or concurrent with the plan of development approval by the County restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association and/or Condominium Association of the owners of units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the common areas and unit exteriors.
16. Buffers. A naturally vegetated and/or landscaped buffer a minimum of twenty (20) feet in width and equivalent to a Transitional Buffer 10 if the units front or side is towards Sadler Road Relocated or Transitional Buffer 25 if the units rear is towards Sadler Road Relocated shall be provided along relocated Sadler Road. A naturally vegetated and/or landscaped buffer a minimum of ten (10) feet in width and equivalent to a Transitional Buffer 10 shall be provided along new interior streets of the RTHC district and the boundaries of the RTHC district which are adjacent to A-1 Agricultural districts. The ten (10) foot buffers along the boundaries of the RTHC district shall be provided so long as the adjacent properties remain zoned A-1 Agricultural.

17.

17. Sound Suppression. Walls between attached units shall have a minimum sound transmission coefficient rating of 55 between units and for exterior walls of end units. A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the sound transmission coefficient rating shall be included in the building permit application.

18. Severance. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

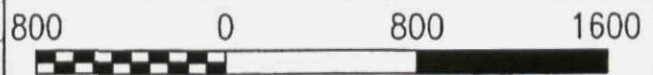


PROPOSED REALIGNMENT

C-8C-05

C-19C-06

C-8C-05 & C-19C-06



PROJECT:

PROPOSED SADLER ROAD IMPROVEMENTS



AUSTIN BROCKENBROUGH & ASSOCIATES, L.L.P.

CONSULTING ENGINEERS

P.O. BOX 4800 4800 W. HUNDRED ROAD CHESTER, VA. 23831 (804) 748-8746

OWNER/CLIENT:

HENRICO COUNTY DPW

DWG. NO.:

1

DRAWN BY:

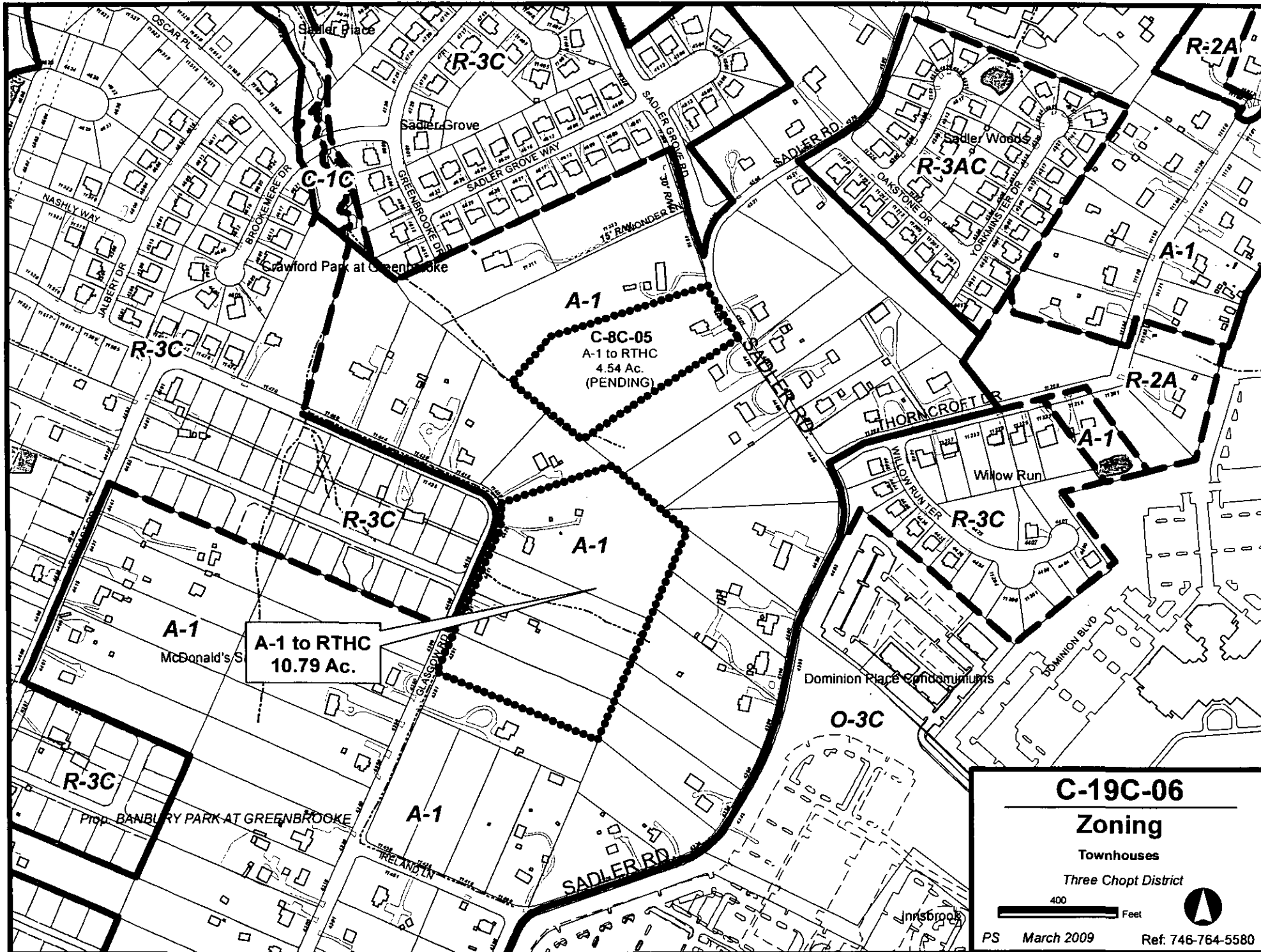
KBE

DATE:

JANUARY 2006

JOB NO:

03-095



A-1 to RTHC
 10.79 Ac.

A-1
C-8C-05
 A-1 to RTHC
 4.54 Ac.
 (PENDING)

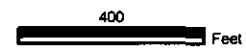
A-1
 McDonald's/S

C-19C-06

Zoning

Townhouses

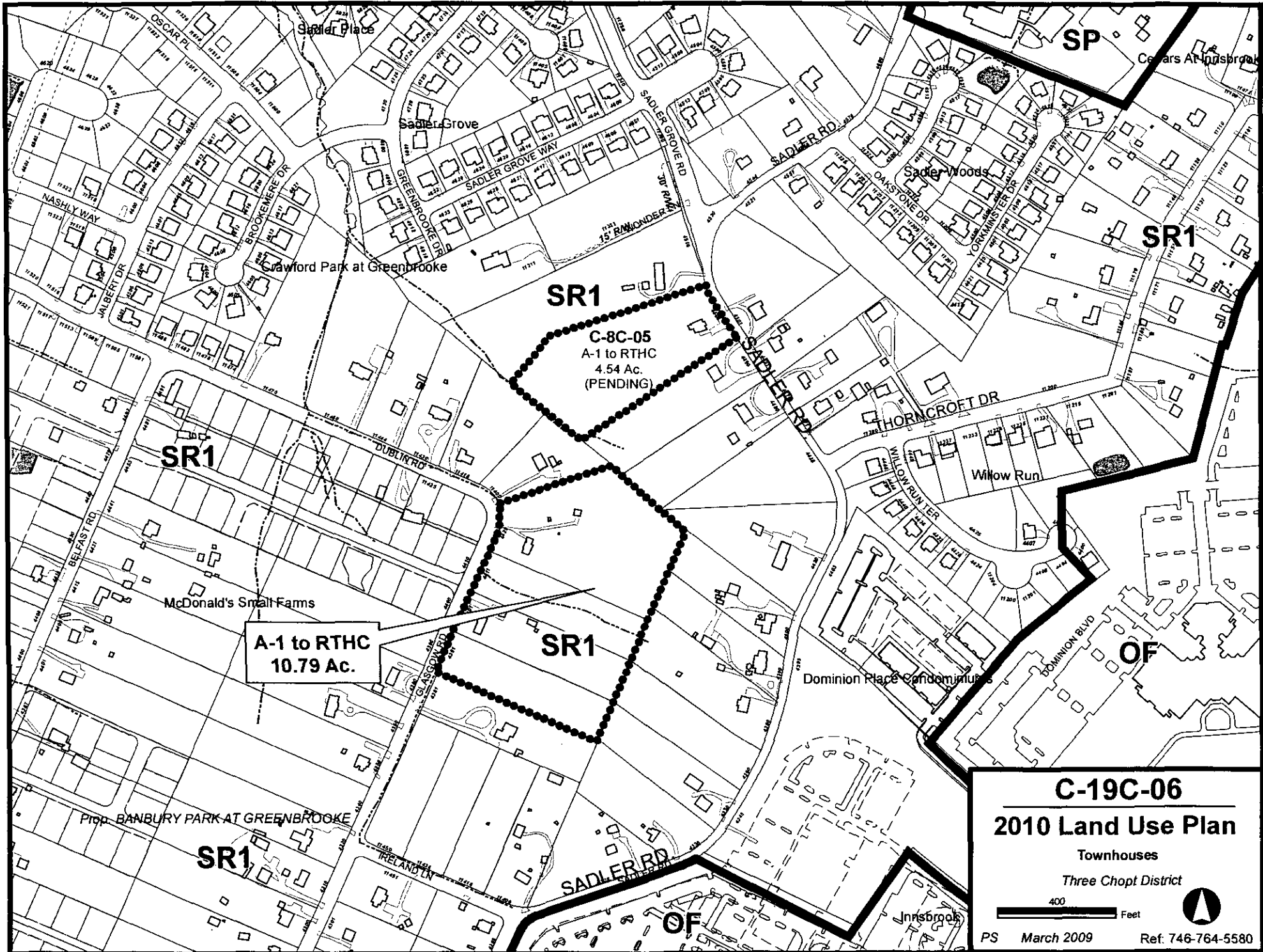
Three Chopt District



PS March 2009

Ref: 746-764-5580





**A-1 to RTHC
10.79 Ac.**

SR1
C-8C-05
A-1 to RTHC
4.54 Ac.
(PENDING)

C-19C-06
2010 Land Use Plan
Townhouses
Three Chopt District

400 Feet

PS March 2009 Ref: 746-764-5580