



C-35C-09

Fidelity Properties

Staff Report for Planning Commission Public Hearing

Prepared November 25, 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 zoning matter.

I. PUBLIC HEARINGS:

Planning Commission: December 10, 2009 Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: R-5AC General Residence District (Conditional)

Existing Zoning: R-3C One-Family Residence District (Conditional)

Acreage: 12.373 Acres

Proposed Use: Detached dwellings on zero lot lines

Location: South line of Dublin Road between the east line of Belfast Road and the west line of Glasgow Road

Magisterial District: Three Chopt

Land Use Plan Recommendation: Suburban Residential 2 (density should not exceed 3.4 units per acre)

Parcel No: 745-764-6608, 745-764-7122, 745-764-7834, 745-764-1645, 745-764-2159, and 745-764-1031

Zoning of Surrounding Property:

North: A-1 Agricultural District (McDonalds Small Farms);
R-3C One-Family Residence District (Conditional)
(Crawford Park at Greenbrooke)
South: A-1 Agricultural District (McDonalds Small Farms)
East: RTHC Residential Townhouse District (Conditional)
West: R-3C One-Family Residence District (Conditional)
(Crawford Park at Greenbrooke and proposed Dalton Park at Greenbrooke)

Staff Contact: Lisa Taylor (501-5486)

III. SUMMARY OF STAFF REPORT COMMENTS:

This request is to rezone 12.373 acres from R-3C to R-5AC to allow a zero lot line development with detached homes within Oglethorpe Park at Greenbrooke. Oglethorpe Park was originally rezoned from A-1 to R-3C via case C-7C-05 and is in the construction plan phase for a 34 lot single family detached subdivision. The 2026 Comprehensive Plan changed the recommended land use of the property from Suburban Residential 1 (1.0 to 2.4 units per acres) to Suburban Residential 2 (density should not exceed 3.4 units per acre). The proposed rezoning to allow smaller lot sizes and with 3.4 units per acre would be in keeping with this recommendation and would provide a variety of home and lot sizes within this area.

The applicant has provided proffers that should ensure a level of quality consistent with surrounding residential uses. However, several concerns remain including design features such as architectural elevations, conceptual layout, garages, streets and alleys, landscaping, phasing of construction, prohibiting uses, and housekeeping issues as outlined in Section IV. Therefore, staff recommends deferral of this request to allow the applicant time to address these issues.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site, consisting of 6 parcels, was originally part of McDonalds Small Farms consisting of large (over one acre) residential lots. This area is generally bordered by Interstate 64 to the south and Interstate 295 to the west. Innsbrook Corporate Center is located further to the east. Since March 2003, several properties in this area were rezoned to R-3C and re-subdivided to reflect a more contemporary suburban pattern. This includes the single-family subdivisions of Crawford Park at Greenbrooke and Sadler Grove located to the north. Most recently, 10.79 acres located directly east of the site, across Glasgow Road, was rezoned to RTHC to develop townhomes (C-19C-06).

In 2005, the subject property was rezoned to R-3C via case C-7C-05 to develop up to 34 single-family homes. Proffers accepted with that case include the installation of sidewalks along all road frontages, minimum percentages for brick and stone materials for homes, 85' wide lots, and minimum 2,200 square foot homes. Construction plans have been submitted and are under review, but no site work has taken place. The applicant now wishes to rezone the property to R-5AC to allow alternative lot sizes and housing types. This would be consistent with the recently adopted 2026 Comprehensive Plan which recommends Suburban Residential 2 (SR 2) and a density of up to 3.4 units per acre for the site and immediate area.

The applicant has submitted proffers very similar to the proffers accepted with case C-7C-05 with noted exceptions. Major aspects of the proffers include:

Streetscape

- Streets would have standard six (6) inch curb and gutter;
- Sidewalks would be installed along existing and proposed roadways;
- Uniform streetlights, no more than 16' in height, would be installed along both sides of new streets and adjacent portions of Belfast, Dublin, and Glasgow Roads. (Proffers accepted with C-7C-05 commit to 12' streetlights);
- A minimum of one (1) tree measuring at least 2.5" in caliper would be planted/retained in each front yard and side yards on corner lots. Yards would also contain foundation plantings and would be sodded and irrigated. (Proffers accepted with C-7C-05 commit to two trees for each front yard and side yard on corner lots.)

Building and Lot Design

- Minimum house size of 2,200 square feet of finished floor area;

- Minimum lot widths of 70' (Proffers accepted with C-7C-05 commits to minimum 85' wide lots);
- Building materials would consist of a range of materials including: brick, stone, EIFS, hardiplank or an equivalent material, or vinyl siding; however:
 - At least 50% of homes would have brick or stone fronts or an equivalent amount of brick or stone used elsewhere in the structure; and
 - At least 20% of all homes would be brick or stone, and;
- All houses would be constructed on crawl space foundations finished with brick or stone.

The R-5AC district allows lots to be 50' wide and a minimum of 5,625 square feet in lot size. The subject property and the properties to the south are bounded in a square street pattern and provide a unique opportunity for infill development on smaller lots while complimenting existing and developing larger lot subdivisions to the west and north. The applicant has submitted, but not proffered a conceptual plan. The submitted plan is similar to the pending subdivision and construction plans under the approved R-3C zoning on the property. It depicts a grid street and lot pattern but would include eight additional lots and introduces potential alleys. Connectivity of roads and cohesive streetscape and home types in relation to the planned and potential single-family development for the remaining area within this block are very important, especially as several properties further to the south have already been rezoned with proffered 85' minimum lots (C-17C-06 and C-18C-06). Therefore, staff believes a conceptual plan and elevations of the proposed homes are important and should be proffered.

The unproffered layout also shows the potential location of a wet BMP and a potential small park area to preserve wetlands. To further ensure development would be harmonious and complementary in this area, staff recommends the following changes to the proffers to assure an appropriate level of quality and address housekeeping matters:

- Proffer 2 states that there will be no building permit applications for construction prior to January 1, 2010. Given the timing of this request, and anticipated improvements to Sadler Road, Public Works recommends the applicant implement a new timeline for phased development for construction not to begin prior to January 1, 2011.
- Proffer 3 denotes asphalt and the curb and gutter standards for new streets serving the development; however, it is not known if new interior streets would be private or public. The applicant should address this issue and include language addressing construction standards and certification for any private road.
- Proffer 7 commits to driveway and alley materials. However, the concept plan submitted shows "optional alleys". More information should be provided specifying whether or not alleys would be utilized, as well as their dimensions and construction standards.
- Proffer 9 commits to a minimum of one tree measuring 2.5" in caliper in front of each lot and on each side yard of a corner lot. Staff believes the 70' wide lots would provide opportunity for additional street trees similar to what is currently proffered on the property as well as for developments to the south.
- Proffer 16 addresses optional garages. Staff recommends requiring garages for all homes to be consistent with garages proffered in other nearby developments such as Crawford Park at Greenbrooke (C-74C-02), and planned developments to the south (C-17C-06 and C-18C-06). This would also assist in planning for and implementing the remaining language in the proffer that states 50% of attached garages would be side or rear loaded.

- Because other uses permitted in the R-5A District may not be compatible with adjacent uses, staff discourages group care facilities, two family dwellings, and semidetached dwellings on the property.
- The concept plan submitted by the applicant shows the location of a potential wet BMP. A commitment to aerating this BMP and designing it as an amenity should be provided by the applicant. The applicant should consider incorporating it into a passive park or green space and how such green space could be incorporated with future redevelopment south of the site.

The requested use and density are consistent with the property's future land use designation in the 2026 Comprehensive Plan, and the majority of the proffers submitted by the applicant should ensure a level of quality consistent with surrounding residential uses and other recent requests of this type. However, several concerns remain as outlined above; therefore staff recommends deferral of this request until the issues identified are addressed.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2026 Comprehensive Plan's recommended future land use for the property is Suburban Residential 2 (SR2) with a maximum density of 3.4 units per acre. This would be consistent with this designation.

Vision, Goals, Objectives and Policies:

This request is most consistent with the Vision, Goals, Objectives, and Policies of the 2026 Comprehensive Plan listed as follows:

- General Development Policy 6: Encourage compatible infill, redevelopment and development in proximity to existing development and services when appropriate to avoid "leap frog" growth patterns which may result in higher service costs.
- Land Use and Community Character Objective 3: Encourage new growth that takes into account location and availability of infrastructure and services.
- Land Use and Community Character Objective 9: Promote diverse housing types that meet the needs of a demographically diverse population.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

This request is to conditional rezone 12.373 acres from R-3C to R-5AC. The following shows the typical trip generation for the additional 8 single family homes from previously approved Oglethorpe Park @ Greenbrooke:

Total Trips: 83 vehicles per day.
 AM Peak: 2 entering, 4 exiting
 PM Peak: 5 entering, 3 exiting

The developers will be required to dedicate right-of-way and provide for the installation of curb and gutter, pavement widening, and any necessary storm sewer along Dublin Road, Belfast Road, Glasgow Road, Dalton Park Drive, and Allen Grove Road. Adequate sight distance must be provided at all public intersections before they can be approved.

Drainage:

The site must comply with applicable water quality requirements. The site is located in a Watershed Enhancement Area. (Rooty and Allens Branch). No more than 50 residential lots are permitted upon a single access point. Traffic will determine if any right-of-way dedication or road improvements are required. Based on GIS, Waters of the U.S. and/or hydric soils are present (indicating possible wetlands) Corps of Engineers and DEQ permits may be required.

Public Utilities Services:

The Department of Public Utilities received plans for the proposed Oglethorpe Park Subdivision in 2007. However, there are currently no approved plans or agreements. Water and sewer are located in Dublin Road. Sewer is also located in an easement approximately 500 ft north of the site.

Schools:

School Level:	School Name:	Student Yield:
Elementary:	Colonial Trail/Rivers Edge	14
Middle:	Short Pump/Holman	8
High:	Deep Run/Glen Allen	11

As of September 30, 2009, Colonial Trail Elementary had a membership of 614 and their capacity is 680. Short Pump had a membership of 1,007 and their capacity is 1,356. Deep Run had a membership of 1,867 and their capacity is 1,850. This area has recently undergone a school redistricting and will be rezoned to Rivers Edge, Holman Middle School and Glen Allen High School beginning in the fall of 2010. Holman Middle School and Glen Allen High School are new schools that will provide relief at the middle and high school levels. 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.

Division of Fire:

No comments.

Division of Police:

The applicant is encouraged to contact and work with the Community Policing 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 to be submitted for review.

Libraries:

This request falls within the service area of the Twin Hickory Area Library. Presently, this facility should be able to handle these increased service demands. The Twin Hickory Area Library can be expanded from its initial size of 40,000 sq. ft. to 60,000 sq. ft. This facility is open 66 public service hours per week and offers a full array of services. As these types of developments continue to be built and the population in the area continues to grow, Twin Hickory can easily be expanded and is projected to offer Sunday hours in the future as one way to meet the increased service demands.

Recreation and Parks:

No park or recreation facilities, historical, archeological or battlefield impact. These parcels are located in 43-5109 MacDonald's Small Farms subdivision listed in the Virginia Department Historic Resources archives. Two of these parcels have homes dated mid 20th century and are not architecturally significant. The other parcels are vacant.

Community Development:

No comments.

Topography and Land Characteristics Adaptability:

There are no known topographical constraints affecting this request.



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

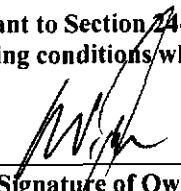
Original

Amended

Rezoning Case No. C-350-09

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:


Oglethorpe Park LLC
Webb L. Tyler - Manager

Signature of Owner or Applicant/Print Name
Attorney-in-Fact

October 14, 2009

Date

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

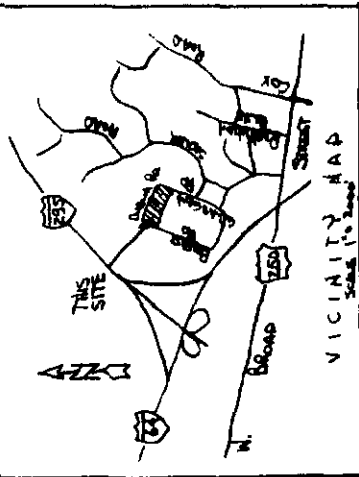
1. Underground Utilities. All proposed utilities except for junction boxes and meters shall be placed underground, unless technical or environmental reasons require otherwise. Junction boxes, meters, pedestals and transformers shall be screened with opaque vegetation or screening materials.
2. Phased Development. There shall be no building permit application to allow construction before January 1, 2010.
3. Streets. All new streets on the Property shall be constructed of asphalt and designed with standard six (6) inch curb and gutter. The south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property shall be improved with standard six (6) inch curb and gutter.
4. 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, along the south side of Dublin Road where adjacent to the Property, the east side so Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property..
5. Sidewalks. Sidewalks a minimum of four (4) feet in width shall be provided on both sides of the new streets, along the south side of Dublin Road where adjacent to the Property, the east side of Belfast Road where adjacent to the Property and the west side of Glasgow Road where adjacent to the Property. A grass strip a minimum of two (2) feet in width shall be provided between the back of curb and the sidewalk.
6. Foundations. All houses shall be constructed on crawl space foundations except for garages and basements. 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, closets or bay windows.

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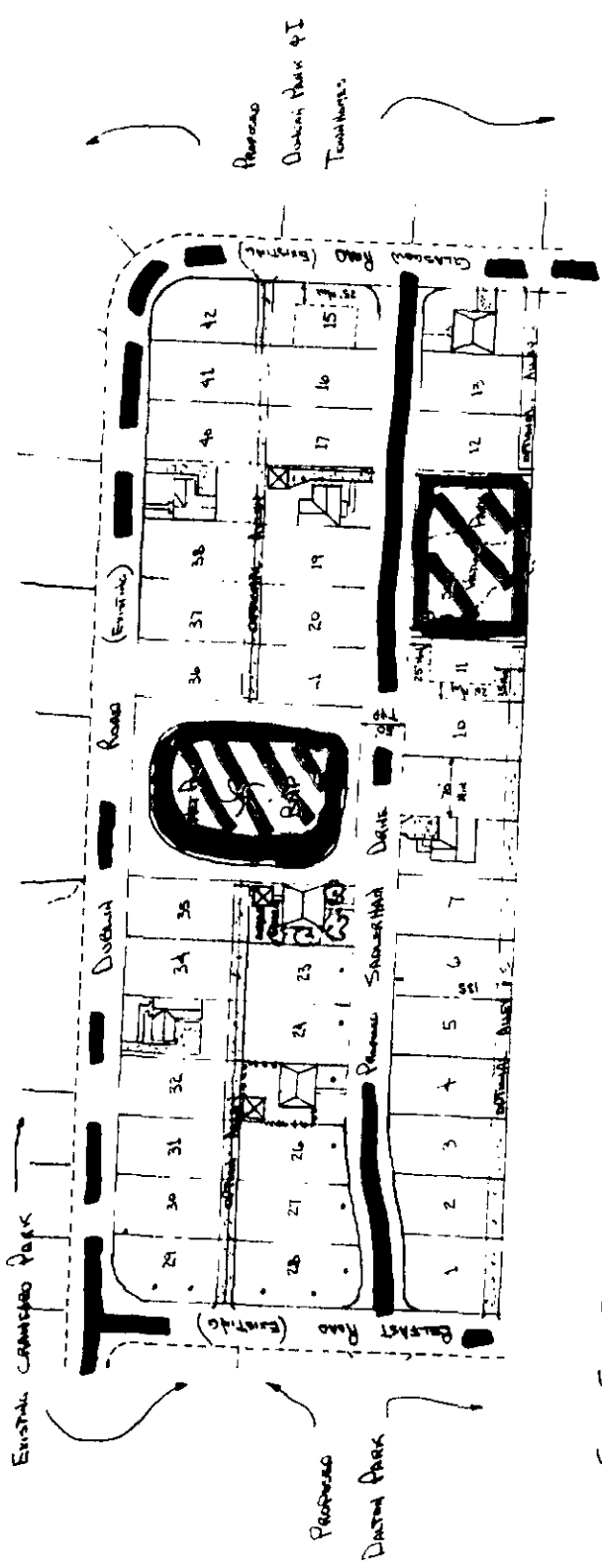
7. Driveways and Alleys. All driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning. Alleys shall be constructed of asphalt or concrete.
8. Building Materials. All buildings shall be constructed with brick, stone, EIFS, hardiplank, or an equivalent, vinyl siding or other material approved by the Director of Planning.
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 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 and building 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. Density. The development shall not exceed 3.4 dwelling units per gross acre.
12. Restrictive Covenants. Prior to or concurrent with the recordation of the subdivision plat approved by the County and before the conveyance of any portion of the property covered by said subdivision plat (other than for the dedication of easements, roads, or utilities), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth quality controls on the development and maintenance of all portions of the Property substantially in accord with the Restrictive Covenants recorded in the Book 3920, Page 1974 in the Clerk's Office of the Circuit Court of Henrico County, Virginia.
13. Minimum Size. Any house constructed on the Property shall have a minimum of 2,200 square feet of finished floor area.
14. Brick or Stone Fronts. A minimum of fifty percent (50%) of the houses on the Property shall have brick or stone fronts or an equivalent amount of brick or stone used on houses as approved by the Director of Planning, exclusive of architectural features. A minimum of twenty percent (20%) of the homes shall be constructed of brick or stone, exclusive of architectural features. All Homes on corner lots shall be constructed of brick or stone, exclusive of architectural features.
15. Lot Size. The lots shall be a minimum of seventy (70) feet in width.

16. Garages. Optional garages will be constructed with the same brick, Hardiplank, ect., and roofing material as on the main buildings. If optional garages are attached a minimum of fifty percent (50%) of the optional garages shall have a side or rear entry. Front loaded optional garages shall be recessed beyond the front line of the dwelling, a minimum of five (5) feet.

17. 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.



OWNER: QUESTORE PARK LLC
 G. EDWARDS MORRIS III - MANAGER
 WEBB L. TYLER - MANAGER



SITE STATISTICS

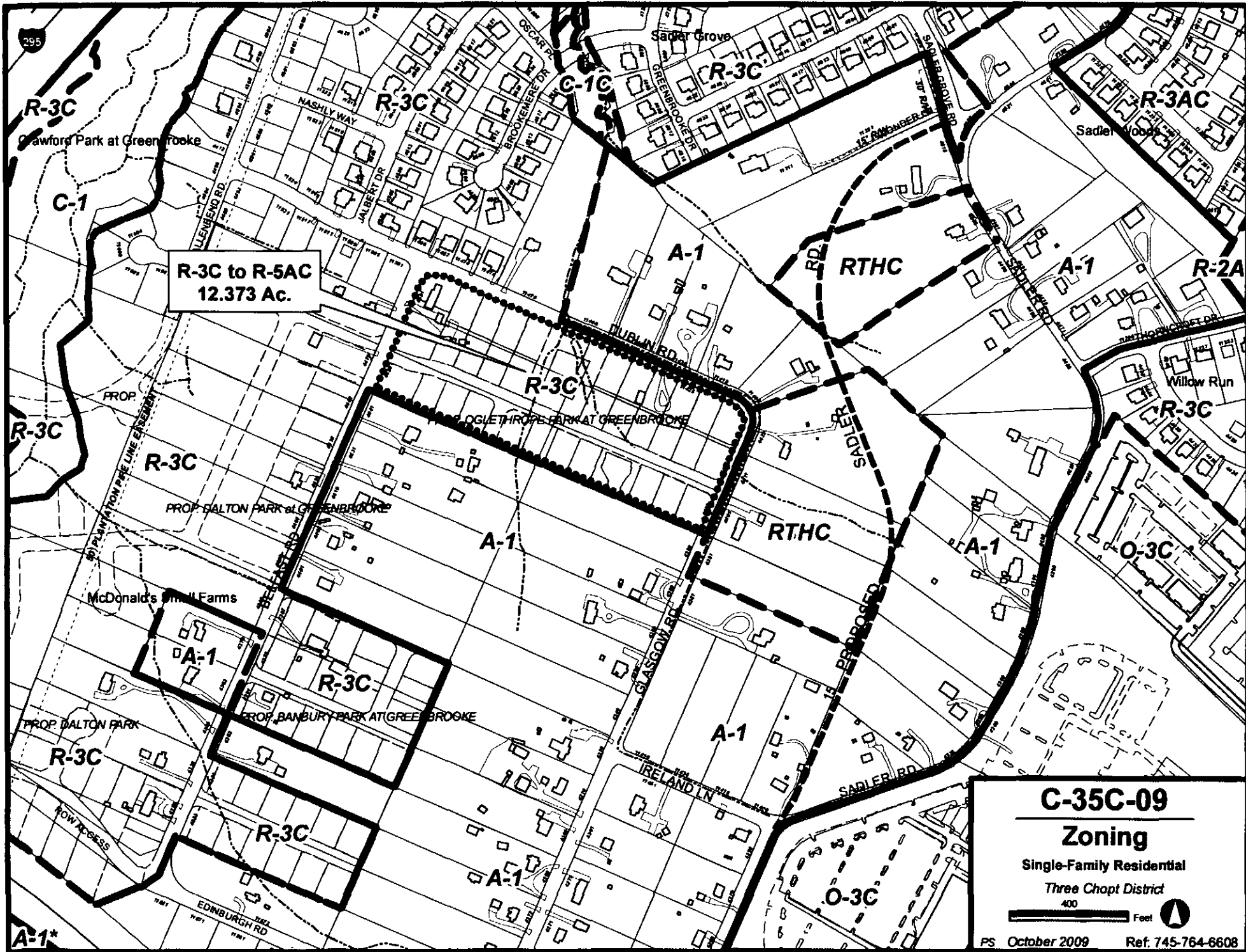
Existing Zoning - R-3c
 Proposed Zoning - R-SAC
 SITE AREA - 12.373
 Number of Lots - 42
 Density - 3.39 Lots/Ac.
 UTILITIES - PUBLIC WATER (COUNTY)
 PUBLIC SANITATION (COUNTY)
 PUBLIC GAS (CITY)
 UNDEVELOPED PAVED, PAVED, GREEN
 Roads - COUNTY OF HANCOCK PUBLIC
 HIGHWAY, COLUMBIA GORGE, SIDEWALKS
 MAINT. BY HANCOCK COUNTY
 STREET LIGHTS - 0.60 Poles; 1.88 AC. WET PAVEMENT FOUNDATION
 PARKS - Total Acres 1.88 Ac

NOTES

1. SERVICES -
 RUM - 35' MIN
 FRONT - 25' MIN
 35' DRIVEWAY
 SIDE - 20' ONE SIDE
 2000 LOT LINE
 SEE TYPICAL BOUNDARY AREA
 NO SHED ON LOT # 11
2. OPTIONAL ALLEYS 16'2" WIDE
3. HOUSES AND GARAGES SHOULD BE PERMITTED OPTIONS FOR TREATMENT PURPOSES ONLY.



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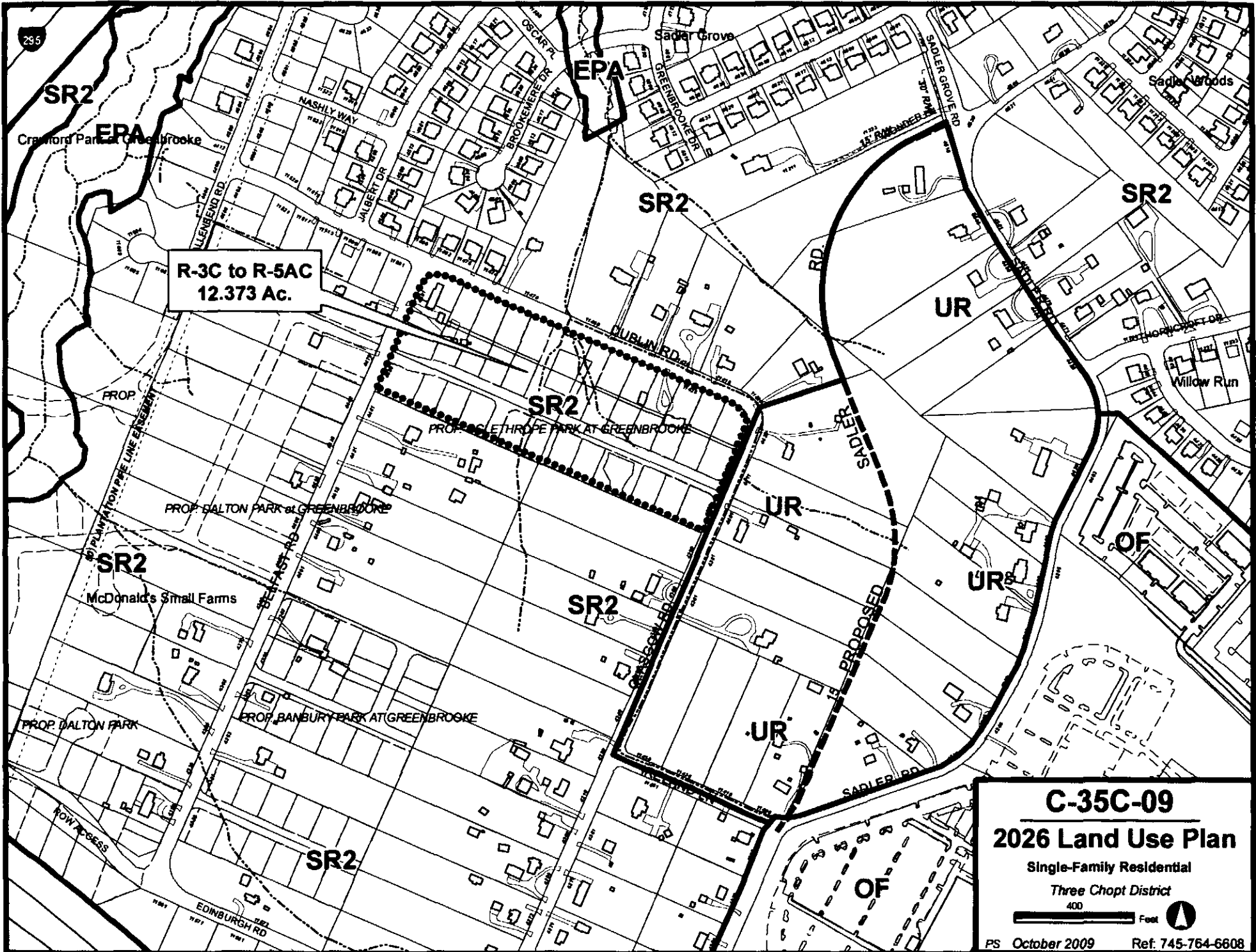
Zoning

Single-Family Residential

Three Chopt District

400 Feet

PS October 2009 Ref. 745-764-6608



**R-3C to R-5AC
12.373 Ac.**

C-35C-09
2026 Land Use Plan
 Single-Family Residential
 Three Chopt District

400 Feet

PS October 2009 Ref. 745-764-6608