

# Legal Notices

## CHESTERFIELD COUNTY, VIRGINIA PLANNING COMMISSION AGENDA AND PUBLIC NOTICE Tuesday - March 18, 2008

NOTE: The ☐ symbol indicates that an attachment accompanies the agenda item. These attachments are generally available the second or first Wednesday prior to the Planning Commission meeting, depending upon their release date. Any subsequent changes to this agenda prior to the date of the meeting, and more detailed information regarding agenda items can be found at [www.chesterfield.gov/plan](http://www.chesterfield.gov/plan), or by calling the Planning Department at 804-748-1050 during regular business hours, 8:30 a.m. to 5:00 p.m. Monday through Friday.

### 12:00 p.m. COMMISSION ASSEMBLES - MULTIPURPOSE ROOM, CHESTERFIELD COUNTY COMMUNITY DEVELOPMENT BUILDING, 9800 GOVERNMENT CENTER PARKWAY.

**12:30 p.m. WORK SESSION**  
I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.  
II. Review Upcoming Agendas. (Any rezonings or conditional uses scheduled for future meetings.)  
III. Review Day's Agenda. (Any items listed for the 3:00 p.m. and 6:30 p.m. Sessions.)

### IV. Work Program - Review and Update.

V. Planning Topics-Smart

### VI. Summary of 2008 General Assembly Legislative Information/Actions.

VII. Proposed Code

### Amendment Relative to Inclusion of Virginia Department of Transportation (VDOT) Review for Processing of Subdivision Plats and Site Plans.

VIII. Public Facilities

### IX. Proposed Planning

X. Department Fee Adjustments.

### XI. Recess.

### 3:00 p.m. PUBLIC MEETING

MULTIPURPOSE ROOM, CHESTERFIELD COUNTY COMMUNITY DEVELOPMENT BUILDING

### I. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.

II. Approval of Planning

### Commission Minutes:

• November 20, 2007, Planning Commission Regularly Scheduled Meeting Minutes.

• February 19, 2008, Planning Commission Regularly Scheduled Meeting Minutes.

### III. Consideration of the Following Cases in this Order:

• Requests for withdrawals/deferrals.

• Cases where the applicant accepts the recommendation and there is no public opposition.

• Cases where the applicant does not accept the recommendation and/or there is public opposition.

### 08PR0294:

In Matoaca Magisterial District, CROWNE PARTNERS, INC. is requesting landscape plan approval in accordance with case 87SN0134. This development is commonly known as LEC Apartments Phase II. This request lies in a Corporate Office (O-2) District on two (2) parcels totaling 29.4 acres lying approximately 400 feet off the south line of Craig Rath Boulevard. Tax ID 732-674 Part of 0132 and 733-674-Part of 0884.

### IV. Recess.

### 6:30 p.m. PUBLIC MEETING AND HEARING - PUBLIC MEETING ROOM, CHESTERFIELD COUNTY ADMINISTRATION BUILDING. (IF ALL ITEMS CANNOT BE COMPLETED ON TUESDAY, MARCH 18, 2008, THE MEETING WILL BE RECESSED TO THURSDAY, MARCH 20, 2008, AT 6:30 P.M. IN THE PUBLIC MEETING ROOM.)

(NOTE: THE PLANNING COMMISSION PUBLIC MEETING/HEARING EVENING SESSION WILL BEGIN AT 6:30 P.M. WITHDRAWAL, DEFERRAL AND CONSENT ITEMS WILL BE CONSIDERED FROM 6:30 P.M. TO

## 7:00 P.M. AND CODE AMENDMENTS AND CONTESTED ZONING AND CONDITIONAL USE ITEMS WILL BEGIN AT 7:00 P.M.)

### I. Invocation.

II. Pledge of Allegiance to the Flag of United States of America.

### III. Review Upcoming Agendas.

IV. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.

### V. Review Meeting Procedures.

VI. Citizen Comment on Unscheduled Matters Involving the Services, Policies and Affairs of the County Government regarding Planning or Land Use Issues.

### VII. Public Hearing: Consideration of the Following Proposals in this Order:

• Requests for withdrawals/deferrals.

• Cases where the applicant accepts the recommendation and there is no public opposition.

• Plan or Code Amendments.

• Cases where the applicant does not accept the recommendation and/or there is public opposition.

### AMENDMENT TO THE UPPER SWIFT CREEK PLAN AMENDMENT.

(1) An amendment to the adopted Upper Swift Creek Plan amendment, part of The Plan For Chesterfield, relating to water quality, levels of service (roads, schools and public safety), land use, and economic development and (2) an ordinance to amend §19-238 of the Code of Chesterfield, 1997, as amended, relating to the acceptable phosphorous load in stormwater runoff for any new use or development.

### Comprehensive Plan Amendment

The Upper Swift Creek Plan amendment area is generally bounded to the north by properties along Midlothian Turnpike, County Line Road, Mount Hermon Road, Old Hundred Road, Otterdale Road, Charter Colony Parkway, Route 288 and Lucks Lane; to the south by properties along Hull Street Road, Baldwin Creek Road, Beach Road, West Hensley Road, Spring Run Road and Bailey Bridge Road; to the east by properties along Route 288; and to the west by properties along Moseley Road, Genito Road and the Chesterfield County/Powhatan County boundary. This amendment to the Upper Swift Creek Plan amendment, if adopted by the Board of Supervisors, will become part of The Plan for Chesterfield, the County's comprehensive plan. The Plan for Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not limited to, decisions regarding future land use, road networks and zoning actions. The majority of the Plan area is contained within the Matoaca Magisterial District, with small portions of the Plan area located in the Clover Hill and Midlothian Magisterial Districts. The Plan does not rezone land, but suggests Ordinance amendments and other actions. This amendment to the Upper Swift Creek Plan amendment is an update and a refinement of the current adopted Upper Swift Creek Plan amendment. Recommendations for areas currently designated for Residential (2.0 or less dwelling units per acre) are as follows: denial of rezoning if it does not adequately mitigate its impact on infrastructure and public facilities; permitting mixed use communities designed to encourage integration of residential, commercial, public and semi-public uses, subject to conditions that promote neighborhood viability; and permitting additional uses that enhance or expand the county's economic base, subject to conditions that mitigate the impacts of such uses on surrounding residential neighborhoods.

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of the traffic expected to be generated by the future development on the property proposed to be rezoned will have a Level of Service ("LOS") of "E" or "F". The LOS shall be determined by the Chesterfield Department of Transportation or designee based on current traffic studies and other reliable traffic data. Further, a proposed rezoning will pass the test for Adequate Road Facilities only if roads to be impacted by the proposed development have adequate shoulders, or where roads with inadequate shoulders are carrying, or are projected to carry, less than 4,000 vehicles per day.

School Goal: Provide adequate facilities to relieve overcrowding and to respond to new growth. Recommendation:

a. All residential rezoning applications are expected to pass the test for Adequate School Facilities. A proposed residential rezoning will pass the test for Adequate School Facilities if all public elementary, middle and high schools that would serve the future development on the property proposed for residential rezoning currently have adequate capacity to accommodate additional students to be generated by the proposed rezoning. Schools shall be responsible for determining 1) the current enrollment for each school; 2) the capacity of each school; and 3) the anticipated impact of the proposed development based on the maximum number and type of residential dwelling units or lots, including proffers for limited or delayed development.

b. If any of the applicable public schools which would serve the future residential development on the subject property exceed 120% of capacity at the time of the review of the subject rezoning request, the proposed rezoning does not pass the test for Adequate School Facilities. In addition, the proposed rezoning will not pass the test for Adequate School Facilities if the anticipated enrollment at any school to serve the subject rezoning will exceed 120% of capacity upon the development of 1) the property proposed for rezoning; and 2) all unimproved residential lots in the service area shown on approved preliminary site plans, preliminary subdivision plans and construction plans.

c. When the capacity of any public school in the service area is determined to exceed 120% under the conditions described above, and where such school is expected to be improved to less than 120% of capacity within one year of the date that the Board of Supervisors is scheduled to consider the subject rezoning request, the residential rezoning will pass the test for Adequate School Facilities.

Recommendations with respect to water quality include: encouraging measures to ensure new development and the activities of both residential and commercial uses reduce their impacts on natural systems; requiring a natural resource inventory which identifies resources that may be adversely affected by development; developing regulations to permanently protect natural resources, that minimize land disturbance during construction and that preserve existing vegetation; developing site design standards and practices that minimize land disturbance and impervious cover, and preserve existing vegetation; promoting pollution prevention practices, source control measures and reduction of impervious areas; adopting amendments to promote low impact development planning and practices and promoting retrofits for existing stormwater pollutants loads.

**Associated Ordinance Amendment:** In addition, the Planning Commission will consider an ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-238 of the Zoning Ordinance relating to water quality in the Upper Swift Creek Watershed. Specifically, this amendment would require that the post-development total phosphorus load for all land uses within the watershed, except agricultural practices, shall not exceed 0.16 pounds per acre per year.

Information on this Plan amendment and the Ordinance amendment can be obtained through the county's web site at [www.chesterfield.gov/plan](http://www.chesterfield.gov/plan), by visiting the Planning Department located at 9800 Government Center Parkway, or through the County Administrator's Office at 9901 Lori Road. For further information, contact Jimmy Bowling at 748-1086 or [bowlingj@chesterfield.gov](mailto:bowlingj@chesterfield.gov).

### REQUESTS FOR REZONING, CONDITIONAL USE AND SUBSTANTIAL ACCORD DETERMINATION.

**08SN0167:** In Matoaca Magisterial District, EH20 LLC requests amendment to Conditional Use Planned Development (Case 06SN0311) and amendment of zoning district map to permit outdoor dining in association with restaurant use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for convenience commercial use. This request lies in a Residential (R-9) District on 3.5 acres lying in the southeast quadrant of Watermill Parkway and North Woolridge Road. Tax ID 719-687-2358.

**08SN0177:** In Bermuda Magisterial District, LOWE'S HOME CENTERS, INC. requests amendment to Conditional Use Planned Development (Case 97SN0140) and amendment of zoning district map to permit continuous outside display. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 810 feet on the west line of Jefferson Davis Highway across from Weir Road. Tax IDs 798-652-4613, 7747 and 9127; 799-651-3794; and 799-652-0921.

**08SN0178:** In Dale Magisterial District, CYNTHIA A. BURKE requests amendment to Conditional Use Planned Development (Cases 84S021 and 84S150) and amendment of zoning district map to delete architectural and sign conditions. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Neighborhood Business (C-2) District on 1.2 acres and is known as 10101 Krause Road. Tax ID 772-661-1648.

**08PD0295:** In Matoaca Magisterial District, RICHMOND 20MHZ, LLC requests Substantial Accord Determination and amendment of zoning district map to permit a communications tower in a Light Industrial (I-1) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use uses. This request lies on 3.2 acres located in the southeast quadrant of the intersection of Commonwealth Centre and Brad McNeer Parkways. Tax IDs 736-675-7199; 736-676-4308 and 6214.

**03SN0203\*:** In Bermuda Magisterial District, ROLLING RIDGE LLC requests rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to ten (10) units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre with high density residential, community-scale commercial or corporate office uses appropriate under certain circumstances. This request lies on 40.2 acres fronting approximately seventy-five (75) feet on the north line of Rio Vista Street approximately 350 feet east of Jefferson Davis Highway, also fronting approximately 1,800 feet on the south line of Route 288 approximately 350 feet east of Jefferson Davis Highway.

Tax IDs 797-661-5231 and 798-661-2276.

**05SN0310\*:** In Dale Magisterial District, HILL DEVELOPMENT ASSOCIATES, LTD requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 73.8 acres fronting in two (2) places for approximately 300 feet on the south line of Kingsland Road approximately 200 feet west of Pine Glade Lane, also fronting approximately 270 feet on the north line of Route 288 approximately 2,700 feet east of Salem Church Road. Tax IDs 780-670-6772 and 780-671-1301, 2751 and 8852.

**06SN0313\*:** In Midlothian Magisterial District, LAUCKLAND HOMES LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 6.2 acres fronting approximately 1,100 feet on both sides of Tacony Drive, also fronting approximately 250 feet on the south line of Elkhardt Road and located at the intersection of these roads. Tax ID 767-700-1223.

**07SN0134\*:** (Amended) In Bermuda Magisterial District, SECOND FORTUNE, LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 4.1 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road; also fronting approximately 200 feet on the north line of East Hundred Road approximately 400 feet east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407, 5807, 6613, 7317 and 7920.

**07SN0146\*:** (Amended) In Midlothian Magisterial District, WINTERVEST, LLC requests amendment of Conditional Use Planned Development (Case 03SN0316) and amendment of zoning district map relative to uses and development requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use. This request lies in a Community Business (C-3) District on 25.0 acres fronting approximately 1,420 feet on the north line of Midlothian Turnpike approximately 340 feet west of Winterfield Road; also fronting approximately 850 feet on the south line of the Norfolk Southern Railroad approximately 640 feet west of Winterfield Road. Tax IDs 724-709-2311, 2528, 4210, 5831, 6911, 9121 and Part of 7661; and 725-709-1125.

**07SN0206\*:** (Amended) In Matoaca Magisterial District, GBS HOLDING LTD requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less.