

Planning Commission Report

File#: P-09-1
Applicant: First Management Company, LLC & Brian C. Mitchell,
Townes Site Engineering, Agent
Rezoning Request: Agricultural, General, A-2 to Residential, Limited, R-1
Property Address: 7613 & 7617 Blue Tartan Road (Route 615)
Tax Map Parcel #: 21-67
Acreage: 88.89 acres
Magisterial District: Rohoic District
Planning Commission Mtgs.: July 8, 2009, August 12, 2009, September 9, 2009
Related Meetings: Agent held a community meeting on Mon. June 29, 2009

CASE OVERVIEW

The applicant, First Management Company, LLC, through its agent, Brian C. Mitchell, is requesting to rezone with proffers a parcel containing approximately 88.89 acres from Agricultural, General, A-2 to Residential, Limited, R-1 in order to create a development of approximately 50 single family homes on no more than fifty lots. The Residential, Limited, R-1 zoning classification allows for single-family residential development at a minimum density of one and one-half acres or more for lots with on-site septic and water facilities. The property is located at 7613 and 7617 Blue Tartan Road, Petersburg, Virginia 23803, and the property is further defined as Tax Map Parcel 21-67. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Planned Growth Area, which recommends low to medium density residential development for this general area.

ATTACHMENTS

- Rezoning Application and Applicant's Attachments
- Attachment A - Tax Map
- Attachment B - Original Proffer Statement
- Attachment C - Revised Proffers (Aug. 12 PC Mtg.)
- Attachment D - Revised Proffers (Sept. 9 PC Mtg.)

LAND USE AND ZONING ANALYSIS

The subject property is located on the north and south sides of Blue Tartan Road (Route 615). The applicant is seeking the rezoning of the 88.89 acres from Agricultural, General, A-2 to Residential, Limited, R-1 to develop an approximately 50 lot single-family residential subdivision with lot sizes ranging from 1 and ½ acres to 3 acres as shown on the applicant's conceptual development plan.

The surrounding land uses include open space and predominately large lot, low density established and stable single-family residential development, and the general area is zoned A-2, Agricultural, General. The property under review is designated by the

Comprehensive Land Use Plan (the "Plan") as being within the Planned Growth Area. As such, the general area is expected to accommodate future residential development. The Comprehensive Plan also sets forth that the overall density of single-family residential development within the Planned Growth Area should not exceed the Ordinance required 1 and ½ acre minimum acreage requirement for lots not served by public water and sewer. Where suitable soils and Health Department regulations for siting water and sewer systems are met, the Plan also allows for on-site individual wells and septic systems for areas not served by public water and septic systems.

Chapter XI of the Comprehensive Plan outlines the policies, goals and objectives of the County, policy statement (3) states "maintain and enhance the County's ability to coordinate a balanced land-use program among various types of residential, commercial, and industrial interests by encouraging development within areas defined as growth centers and/or growth corridors." As previously stated, this general area is designated as Planned Growth Area; thus, it may be considered a growth center.

Generally, the composition of the Residential, Limited, R-1 District is to be composed of "certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur". Within this general area, there is anticipated residential development that will occur along with future commercial services developing in the area.

OVERVIEW OF DEVELOPMENT IMPACTS

Public Utilities, Public Safety & School System Impacts

The use of public water and sewer utilities is not proposed by the applicant as it is the intention of the applicant to develop the property with individual private wells and individual septic systems. With the closest public water and sewer facilities over ¾ of a mile away from the subject property, the applicant has requested that the Dinwiddie County Water Authority (DCWA) grant a waiver from requiring a common centralized water and sewer system for the proposed development. As set forth in Chapter 21 of the Dinwiddie County Code, a developer or subdivider is permitted to request a waiver from providing a centralized water and sewer system for a development that is located outside of the Urban Planning Area. If a waiver is not granted by the DCWA, the minimum lot size required for the development then becomes two acres if it is developed utilizing individual private wells and septic systems on each individual lot.

With an estimated fifteen (15) Fire/EMS calls annually, the impacts on public safety services should be minimal. Dinwiddie County Public Safety (the Fire Marshall) recommended that each home be installed with a residential sprinkler system to help reduce the homeowners' insurance premiums. Fire protection services would be provided from the Namozine Fire Department, which is approximately five miles from the subject property dictating an ISO rating of "10". The Fire Marshall suggested extending public water service to the proposed subdivision to enhance fire protection; however, as previously outlined with the cost prohibitive nature of extending 4,700 linear

foot of waterline to the subject property, the developer is requesting a waiver from the DCWA. The Fire Marshall also suggested that Blue Tartan Road should be connected through to Duncan Road to provide additional access to the proposed subdivision. The developer is indicating on the conceptual subdivision layout that a cul-de-sac is to be constructed at the end of Blue Tartan Road to prevent cut through traffic coming from Route 1 and accessing Duncan Road. Staff has received public comments from nearby residents requesting that the cut through traffic be prevented from accessing Duncan Road via Blue Tartan Road.

The impact on the public school system should be minimal based on the school system's Census information, which estimates 0.5 students per household, and at build out (three to five years in normal economic housing market conditions) this development would add 25 students to the school system with one-third attending elementary, one-third attending middle, and one-third attending high school. Dr. Maranzano indicated that this development would not over stress the school system's current operations.

Transportation Impacts

The impacts on the existing transportation network would warrant a 200-foot left hand turn lane on the southbound lane of Route 1 for making the left turn onto Frontage Road. Based on the turn lane analysis, no right hand turn lane would be required on the northbound lane of Route 1 for making the right turn onto Frontage Road. In addition, the VDOT Resident Engineer, Mr. Ray Varney, indicated that there are concerns with the intersection at Frontage Road and Blue Tartan Road in that at the intersection of the two curves sight distance is limited. VDOT did have additional concerns regarding the sight distances where the proposed subdivision streets intersect Blue Tartan Road there is a knoll in Blue Tartan Road that may limit sight distances for future residents entering Blue Tartan Road. Additionally, the conceptual layout of lots 26 through 30 and lots 37 through 42 should not front on Blue Tartan Road, but should face inward to the proposed development and front on a subdivision street, and the same can be said for lots 12 through 17. Mr. Varney indicated that "reducing the number of lots fronting on Blue Tartan Road should be a high priority". Mr. Varney also indicated that right-of-way should be dedicated along Blue Tartan to allow for the future improvement/widening of Blue Tartan Road when other properties are developed. The applicant will also be required to provide the proper radiuses for the cul-de-sacs needed to meet requirements for Public Safety and the School System as set forth within the Department of Transportation (VDOT) subdivision street design standards.

PROFFER STATEMENT

The Owner has submitted a proffer statement to the County. The Owner has offered a voluntary cash proffer of \$9,688.00 per lot, which shall be paid prior to the issuance of a building permit. The Owner will limit the number of lots within the proposed development to fifty (50) lots, and the minimum square footage of heated space within the dwellings is 1,800 square feet. The Owner has also proffered to create a homeowner's association to manage and oversee the restrictive covenants and open space

within the subdivision. One parcel of land of at least one acre in size is provided for recreational use as well as future amenities. In addition to the recreational lot, the Owner has proffered to restrict the development impacts where the Civil War breastworks are located and to provide pedestrian access to the breastworks through an access easement. To address the transportation impacts the owner is proposing a cul-de-sac at the end of Blue Tartan Road to prevent cut through traffic from Merten Lane through to Duncan Road while at the same time providing a gate for emergency access to Blue Tartan Road from Duncan Road via Merten Lane. The Owner is also proposing to dedicate an ultimate right-of-way width of fifty feet along Blue Tartan Road for the entire frontage of the subject property. To address the impact of the additional vehicle trips produced by the subdivision development on the intersection at Blue Tartan Road, Frontage Road, and Route 1, the Owner has proffered to realign Blue Tartan Road to intersect with Route 1 at a point acceptable to VDOT prior to the issuance of the thirty-first (31st) building permit.

Staff Recommendation:

The Staff has reviewed the rezoning request and conceptual subdivision plan (Proffer Exhibit A), and the applicant has addressed the impacts of rezoning the property for the development of the fifty (50) lot subdivision. The proposed subdivision development will further diversify the housing inventory of Dinwiddie County and will contribute to the residential density needed to support future commercial and service commercial development here for this general area of the County. As set forth in the Dinwiddie County Comprehensive Plan, the rezoning is in conformance with the development plan for this general area of the County. In addition, with the revised proffers, the Owner has addressed many of the concerns of the adjoining property owners and community.

Therefore, Staff is recommending approval of the proposed rezoning with proffers.

PLANNING COMMISSION RECOMMENDATION

At the Planning Commission Public Hearing, Mr. Brian Mitchell, the applicant's agent, spoke in favor of the application and Brian Mitchell from Townes Site Engineering said his client is seeking to rezone the property from A-2 (3 acre lot minimum with 300' of road frontage) to R-1 (1.5 acre lot minimum for lots with well and septic) with the intention of not developing more than 50 lots on the 89 acres. He said at the last Planning Commission meeting under Old Business a revised proposal with two exhibits (Exhibit A showed 1.5 acre lots exhibit B showed more open space with 1 acre lots). He said he didn't see a lot of traction to the smaller lots with more open space option so the revised proposal being presented tonight just has the Exhibit A option - 1.5 acre lots which is consistent with the proposed R-1 zoning classification. He said the original application proffered stopping cut through traffic off of Duncan Road via Merten Lane with plantings, but the revised proposal states that the developer will install a cul-de-sac at the terminus of Blue Tartan with an emergency access gate. He said the original application offered no protection as to the size home that the applicant would build, but the revised proffer statement includes a provision that homes constructed will be a minimum of 1,800 square foot heated space. He said the original application had a

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general layout showing that 50 lots would fit on the property but did not proffer a conceptual plan, but the revised proffer statement includes a provision that the property will be developed as shown on a conceptual plan. He said at the August Planning Commission meeting the remaining concern that was voiced was the additional traffic exiting at the Blue Tartan/Frontage/Route 1 intersection and what could be done about that intersection. He said to address this concern the applicant has agreed and an additional Proffer has been added from the August Planning Commission meeting that states that prior to the 31st building permit the applicant will construct an access roadway from Blue Tartan Road to Route 1. He said the location and alignment are to be at a point acceptable to VDOT. He said an additional Proffer provides for safe and effective vehicular access for both future and existing residents to Route 1 from Blue Tartan Road. He said the timing (prior to 31st Building Permit) provides the developer the ability to get the residential project moving forward to generate funds to pay for this road improvement. He said the Proposed Development is in keeping with the Comprehensive Plan. He said the developer has attempted to address many of area resident and technical concerns of the Commission by modifying proffers to incorporate items discussed at our various meetings and he hopes the County and this Commission share their vision of this development and we ask for your support of this rezoning request.

During the Public Comment period the following individuals presented their comments:

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Melodie Dittman – 7015 Blue Tartan Road – Dinwiddie VA said she wanted to know if the persons moving in the first 30 houses will be notified about the road being changed. She said she wanted to know how they were going to block the road because they tried to get the road block before and VDOT told them they could not do that.

Joanne Farmer – 7104 Blue Tartan Road – Dinwiddie VA asked who is going to pay for Merten Lane to be brought up to VDOT standards so that Fire and EMS trucks can use it when the gate is placed on Merten Lane. She said she's concerned about this new road idea causing a possible bottleneck effect.

Franklin Zitta – 24019 Merten Lane – Dinwiddie VA said he generally supports the right of the property owner to develop their property. He said there is still a concern about the sheer volume of housing and how to get to it. He said there needs to be a little give and take on the volume of houses.

Mr. Hayes asked Mr. Zitta if he has legal access to Duncan Road and access to Blue Tartan Road?

Mr. Zitta said he has deeded access to Duncan Road and he has been using Blue Tartan ever since it has been in place, which was back in 1974.

Dr. Moore asked Mr. Zitta how a gate at the end of Blue Tartan Road would affect him and would he be opposed to one being there?

Mr. Zitta said it wouldn't help him access the road. He said it would be more of an inconvenience, but he believes something could be worked out.

Cynthia Bennett – 7105 Blue Tartan Road – Dinwiddie VA said her property at 7103 Blue Tartan Road has just become vacant and she had to disclose to the prospective tenants that there is a possibility of a subdivision coming at the end of the road. She said the five possible tenants that looked at the home said they wanted to rent but they did not want to live in or near a subdivision. She said the Fire Marshall talked about a lake on Blue Tartan Road and there is no lake on Blue Tartan Road. She said there is only a pond on the Road and at present there is no water in it.

Lisa Barefoot Phillips – 7411 Frontage Road – Petersburg VA said she would like to know how the breast works and the battery will be protected from the persons buying a home and building on the property.

Following the Public Comment period Mr. Mitchell made further comments addressing some of the public's concerns as well as the Planning Commissioners' questions:

Mr. Mitchell said he believes that his client would provide Mr. Zitta some form of access as a private entity to the cul-de-sac in the subdivision. He said he believes the access his client is proposing to provide from Blue Tartan Road to Route 1 is a substantial improvement to what the residents currently have. He said the location provides good site distance, a good access point and it would improve the ability for residents coming out on to Route 1 from Blue Tartan.

Mr. Hayes asked the Commissioners if they had any more questions of the applicant.

Dr. Moore asked Mr. Mitchell if he has ever done a subdivision that has been backed up against breast works in all his years with Townes Engineering?

Mr. Mitchell said he has not done a subdivision that has backed up against breast works, but he has had to do subdivisions with other environmental features that have to be protected.

Mr. McCray asked Mr. Mitchell what kind of standard will the access road to the cul-de-sac be brought up to and when it will happen?

Mr. Mitchell said it will be brought up to whatever the standard is the Fire Department has at the time of the construction phase of the subdivision.

Mr. McCray asked Mr. Mitchell if he knew of any standards that the Fire Department would have?

Mr. Mitchell said the Fire Marshall made a statement that he wanted a certain compaction requirement. He said his client is willing to do whatever test is necessary to ensure that the fire apparatuses can travel on the road.

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Mr. McCray asked Mr. Mitchell at what point after the cul-de-sac has been installed will the road be made accessible?

Mr. Mitchell said the access road will be completed before the 31st home is completed in the subdivision.

Mr. Hamilton asked Mr. Mitchell if any citizens have expressed an interest in the lots?

Mr. Mitchell said there has not been anyone who has express interest in the lots. He said the reason is because they have not marketed the subdivision to the public as of yet. He said his client did not want to start doing that until he was assured that the rezoning could or would pass.

Mr. Hayes asked the Commissioners if they had any more questions for Mr. Mitchell. He said since there are none he would entertain a motion for this case.

Mr. McCray made the motion to recommend approval of P-09-1 to the Board of Supervisors and with Dr. Moore seconding the motion the Planning Commission recommended approval with proffers of the rezoning to the Board of Supervisors by a vote of 4-2.

BOARD ACTION

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Since this is a zoning matter, the standard statement regarding Board action on this zoning matter must be read. In order to assist, staff prepared the following statement:

BE IT RESOLVED, that in order to assure compliance with Virginia Code Section 15.2-2286(A) (7) it is stated that the public purpose for which this Resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice, I move that rezoning P-09-1 be (approved, approved with proffers, OR disapproved) by the Board of Supervisors.