

Planning Commission Meeting Report

File#: P-21-1
Applicant: Arthur D. Bostic IV, Bostic Real Estate Properties, LLC, and Victor A. Slade, Jr., Slade and Sons Construction, LLC, and their Agent, Ronald H. Gordon, Jr.
Rezoning Request: Residential, Limited, R-1 to Residential, General, R-2 with proffers
Property Location: North side of Ferndale Rd. 0.230 mile northwest of the intersection of Ferndale Rd. (Route 600) and Cox Rd. (Route 226), North Dinwiddie
Tax Map Parcel #'s: 9-33 & 9-32A
Acreage: Approximately 7.594 +/- acres
Magisterial District: Rohoic District
Planning Commission Mtgs.: April 14, 2021, July 14, 2021 (Amended Request for Rezoning Only)

CASE OVERVIEW

The applicants, Arthur D. Bostic, Bostic Real Estate Properties, LLC, and Victor A. Slade, Jr., Slade and Sons Construction, LLC, and their Agent, Ronald H. Gordon, Jr., are requesting to rezone with proffers property containing approximately 7.594 +/- acres from Residential, Limited, R-1 to Residential, General, R-2. The R-1 zoning district allows single-family dwellings on 20,000 sq. ft. minimum lots, and the R-2 zoning district allows a maximum of six multifamily dwelling units per acre. The property is located on the north side of Ferndale Rd. 0.230 mile northwest of the intersection of Ferndale Rd. (Route 600) and Cox Rd. (Route 226), North Dinwiddie, Virginia and is further defined as Tax Map Parcel Nos. 9-33 & 9-32A. As indicated in the Dinwiddie County Comprehensive Land Use Plan, the subject property is located within the Urban Planning Area, which allows medium density residential uses for this general area.

ATTACHMENTS

- Rezoning Application, Location Map, Proffer Statement, Trip Generation and Turn Lane Warrant Memorandum, Concept Site Plan

LAND USE AND ZONING ANALYSIS

The subject property is located on the north side of Ferndale Rd. 0.230 mile northwest of the intersection of Ferndale Rd. (Route 600) and Cox Rd. (Route 226), North Dinwiddie. The applicants and their agent are requesting the rezoning of approximately 7.594 +/- acres from Residential, Limited, R-1 to Residential, General, R-2 with proffers in order to develop the property for multifamily development. The R-2 zoning district allows a maximum of six dwelling units per acre, and if the property is developed for a single permitted use on a lot the minimum lot area is 10,000 square feet, and for lots containing or intended to contain more than a single permitted use served by public water and sewage disposal systems, the minimum lot area shall be as follows: two units, 12,000 square feet; three units, 14,000 square feet; and for each additional lot above three and additional 1,000 square feet is required.

The surrounding land uses include neighborhood commercial to the northwest, which is zoned B-1, Business Limited, and the remainder of the surrounding land uses include predominately low-density single-family residential development, which is zoned R-1, Residential Limited.

The property under review is designated by the Comprehensive Land Use Plan (the “Plan”) as being within the Urban Planning Area. As such, the general area is expected to accommodate future medium to high-density residential development. Chapter XI of the Comprehensive Plan outlines the policies, goals, and objectives of the County, and Housing Goal (1) states “Encourage and develop a mix of housing types to reflect the diversity of the County”. In addition, the Housing Objectives include (a) Develop a mix of housing types in growth areas of the County.; (b) Encourage infill housing.; and (h) Maintain an affordable housing in the County. As previously stated, this general area has low and medium density single-family dwellings; thus, this general area may be considered an area where a diversity of housing types is compatible with the Plan. The proposed development is consistent with the Plan’s Housing goals and objectives for this general area.

Generally, the composition of the Residential, General, District, R-2 “is composed of certain medium to high concentration of residential uses, ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur”. Within this general area, there is anticipated residential development that will occur. The proposed R-2 zoning is an appropriate transitional residential zoning to buffer the B-1, Business, Limited, District zoned property.

OVERVIEW OF DEVELOPMENT IMPACTS

Public Utilities, Public Safety & School System Impacts

The following are the preliminary comments from the Water Authority based on the preliminary site plan for the multifamily zoning.

- a) Our Cattail trunk sewer line can only take an additional 0.500 mgd average wastewater flow. The Water and Sewer Agreement that would be used for this project will state, “first come first serve”. In other words, if another development approved by Dinwiddie County uses the capacity before this development is built out, then the capacity would not be available for this project. I suggest having this discussion with Dinwiddie County especially if they plan on building this proposed project in phases.
- b) Provide a hydraulic analysis to make sure they have adequate water for multi-level buildings, and fire protection for the project. Our water model is performed by Arcadis. The contact is: Kris Edelman (804)665-1076. There may also be a need for additional easements in order to loop the proposed water system.
- c) They will need to submit a proposal on how they plan to provide water and wastewater service to the proposed project, on site and off site.
- d) They will need to demonstrate that any downstream wastewater pump station, or existing gravity lines, will accommodate their additional capacity. It may be necessary to make improvements to the existing sewer lines, or pump station. That could include, larger piping, new pumps, controls, godwin bypass, etc.

The following are the preliminary comments from Public Safety based on the preliminary site plan for the multifamily zoning.

- a) Knox Boxes will be required on all buildings - master keys for apartments will be installed prior to C.O. being issued.

- b) We will need clear dimensions on driving lane widths.
- c) Fire hydrants will need to be provided and arranged so that there is adequate coverage and access for each building.
- d) Will the buildings have fire suppression systems?
- e) Turning radius for apparatus will need to be modeled on the plans. Vehicle specifications will be provided to the engineer.
- f) Addressing of each building will need to be discussed.

The North Dinwiddie Fire/EMS station is located on Lee Boulevard and Pelham Avenue approximately ¼ mile from the subject property.

For related impacts on the public school system, any elementary school-aged children living in the apartments would be zoned for Sutherland Elementary School. At Sutherland Elementary School, the school system is currently serving 492 students with a capacity of 600 students. In addition, there are special education programs at Sutherland Elementary School that limit the number of students that the school could take in. The next closest Elementary schools are Midway and Southside and both are above capacity. The schools system estimates 1.75 to 2.0 students per unit. Based on the school system's census information, which estimates 1.75 students per housing unit, and at build out (three to five years in normal economic housing market conditions) at the maximum allowable density (six units per acre) the development of the property could add 78 students to the school system with one-third attending elementary (26 students), one-third attending middle (26 students), and one-third attending high school (26 students). After review of this request, based on current school assignments and student enrollment the proposed rezoning case will have an impact on schools. It is possible that over time this case, combined with other tentative residential developments and other zoning cases in the area will continue to push these schools to their capacity, and therefore influence the capacity of facilities division-wide.

Transportation Impacts

VDOT made the following comments on the proposed rezoning request:

- a) Ferndale Road (SR 600) has a functional classification of minor arterial with a posted speed limit of 40 MPH;
- b) Based upon the preliminary layout plan, the proposed access road for the apartments does not meet VDOT's secondary street acceptance requirements and would not be eligible for state acceptance. The access road will be constructed as a private road;
- c) The proposed apartments will require a commercial entrance in accordance with VDOT standards. Turn lane warrant analysis were not provided for VDOT's review. Turn lanes would be required if warranted to serve this proposed project;
- d) The proposed entrance would be subject to VDOT's Access Management Regulations. Spacing between full access entrances on minor arterials with a 40 MPH speed limit requires a minimum spacing of 470' between full access entrances or intersections. A dimension was not provided on the preliminary plan, but a cursory review utilizing Google Earth indicates the proposed entrance would meet VDOT's access management spacing standards.

The following is a summary of traffic analysis information from the applicant's consultant Trip generation and Turn Lane Warrant Memorandum, E&PR Engineering & Planning Resources, P.C.:

Based on ITE trip generation manual for 45 low-rise apartment units there will be approximately 299 daily trips generated. According to VDOT there in 2019 there were 11,000 average daily trips between Cox Road (Route 226) and River Road (Route 601). The applicant will have to locate the commercial entrance to the apartments at the VDOT approved location/alignment. With 5 in and 17 out trips generated in the AM peak and 18 in and 11 out trips in the PM peak, there is no right-in taper warranted for traffic entering the subject property from Ferndale Road.

Voluntary Proffer Conditions

The applicant submitted the following voluntary proffer conditions as part of the rezoning request:

1. The uses on the Property shall be limited to single-family dwellings, multifamily dwellings, parks and playgrounds.
2. There shall be a dedicated playground area with playground equipment on the Property.
3. The exterior finish of the multifamily buildings shall be as follows: brick, vinyl and/or wood. The exterior of any accessory building or structure shall be compatible in architectural style, material, and color with the principal buildings.
4. Except for the lighting inside buildings, any lighting installed on the Property shall be directed downward and inward to the site to avoid casting lighting on adjacent properties or into the night sky.
5. The applicant shall install a professional landscape package to include entrance landscaping and signage.

Staff Recommendation

Staff recommends APPROVAL of the request to rezone the subject property given that:

1. The zoning classification requested, R-2, Residential General, is compatible with the surrounding zoning pattern and surrounding land uses; and
2. The requested zoning classification, R-2, Residential General, conforms to the underlying uses recommended for this general area (medium density residential uses) as set forth in the Urban Planning Area of the Comprehensive Land Use Plan.

PLANNING COMMISSION RECOMMENDATION

After the Planning staff presentation of the Case, Mr. Bassett asked if there were any questions from the Commissioners.

Dr. Prorise asked what definition is being used for multifamily dwellings.

Mr. Bassett said per the Zoning Ordinance, it can be anything with two-family dwellings, duplexes or any number of that make up an apartment building.

The Chairman asked if there were any more questions for Mr. Bassett. He said since there are none would the applicant or their agent like to come forward and add anything.

Hampton Gordon, 14100 Boydton Plank Road, Dinwiddie VA the agent for the applicant came forward and said he wanted to add just a few things to what Mr. Bassett said. The last time we were here there was a concern about sewer capacity. Based on the current sewer capacity, we have four hundred thousand (400,000) gallons per day capacity available to us. When we came to you before we were looking for approval to build seventy-four (74) units and now we are looking at building forty-two (42) to forty-five (45) units. It needs to be said that those numbers are tentative. The exact number of units won't be known until the stormwater management, wetlands, survey and site plan information is addressed. As it relates to traffic, from Charles Smith, a traffic engineer in Emporia Virginia, the trips per day from single family to multifamily will only increase one percent (1%) per day over what the current zoning will allow.

The Chairman asked if there were any questions for the applicant's agent.

Shelia Berger, 4308 Rockdale Road asked what his definition was for affordable housing and low income housing.

Mr. Gordon said low-income housing is anything under \$1,000.00 and affordable housing would be anything over one thousand \$1,000.00.

The Chairman asked if there were any more questions for the applicant's agent.

Mr. Titmus asked for the breakdown on one, two and three bedroom apartments that will be in the proposed units.

Mr. Gordon said the proposal is for seventy-five percent (75%) two-bedroom apartments and twenty-five (25%) percent one-bedroom apartments. There is no three-bedroom apartments being proposed.

Mr. Tucker asked if the applicants are considering a playground area and with that said will children who do not live in the complex have access to or use of the playground.

Mr. Gordon said the playground will be a part of the final layout and he could not answer whether children not living in the complex would have access to the playground.

Mr. Cunningham asked if the buildings were going to have a fire suppression system within them.

Mr. Victor Slade Jr., 2600 Exeter Mill Road, Church Road VA, who is one of the applicants stated that any structure under three stories does not require a fire suppression system. However, if it something that the Fire Chief would wants us to have, we would consider it.

The Chairman asked if there were any more questions for the applicants or their agent. He said since there are no more questions he was opening the public hearing portion of the case.

Wilson Yager, 25405 Grant Ave, North Dinwiddie said we attended this meeting a few months ago and there were a few of us and since then, as you can see, the number has grown. Those who are here and are watching online do oppose this rezoning and the building of an apartment complex. It should be noted that the people that oppose this project are not just from Ferndale Road. They are also from Grant Ave, River Road and Cox Road just to name a few. We had two meeting in the community and we have obtained at least four hundred (400) signatures on a petition where people have expressed their opposition of this rezoning and the building of an apartment complex. What will this apartment

complex do to and for our property values? If the applicants truly want to help the county by building affordable housing, they should consider building them somewhere else. We all understand that the applicants are going to build something on this property. Instead of building the apartment complex, why not build some nice houses with the same proffers they have proffered for the complex like, landscaping, entrances, well-lit streets and the playground. We could all live with that, because that would at least cause our property values to increase instead of decrease. My ultimate concern is if the applicants get approval to rezone this piece of property, it opens the door for the adjacent property where the old Harrison's store currently stands to be rezoned in the future to build even more apartments.

Mark Mizelle, 24807 Creek Lane, Dinwiddie VA said these applicants are looking at the bottom line and that is profit. I would love to see single-family homes. I'm opposed to an apartment complex being built. With a project like this there are unintended consequences. The first unintended consequence that comes with apartment complexes is the crime. Base on a study done by Texas A&M University addressing the crime impact on vouchered, section eight type housing or affordable housing violent crime by men increased ninety-five percent (95%). The second unintended consequence that comes with apartment complexes is the decrease in property values. Based on a study in the Standard University Business Journal dated September 2015 property values decrease and continue to decrease over a ten-year period. The third unintended consequence that comes along with apartment complexes is employment. Based on that same study it says an impact from affordable housing discourages people from working. Based on all these factors I request that the applicants build homes and not apartments.

Kristin Wray, 4017 West Drive, Dinwiddie VA said she is opposed to this project. She has children and believes this apartment complex would adversely affect her children during their playtime. These apartments would allow those persons on the second floor to look right into her backyard and that is uncomfortable and unsettling. Another reason I oppose these apartments is the water runoff. Every time it rains now there is a stream of water running through my backyard. Building the apartments will only make that matter worse.

Helen Branch Richardson, 14159 Boydton Plank Road, Dinwiddie said as a schoolteacher at Sutherland Elementary I am concerned about the increase of our school population surrounding the apartments. Someone commented that this was a low or medium density area. I don't consider it to be that and I don't believe the people that live there would consider it that either. I disagree with the gentlemen who said it doesn't matter that the traffic is coming from Chesterfield and it should only be Dinwiddie's traffic we need to consider. One of the reasons for the road running from Chesterfield to Dinwiddie was the quick access or main emergency thoroughfare it provided to and from Highway 85 onto the hospitals. So the traffic that comes from Chesterfield should and does matter. We have a lot of land in Dinwiddie and I know the northern end is where they want most of the development, but why this location. There has to be a better location, in the northern end, than this one. It seems to me that the people who are in favor to this rezoning are those who live in the southern part of the County. I would just like to know how this is going to help Dinwiddie County.

The Chairman asked if there was anyone else who wanted to speak. Hearing none the Chairman closed the public hearing portion of the case. He asked the members if they had any questions or comments.

Mr. Cunningham asked the applicant if the project was going to be built in phases.

Arthur Bostic, 6130 Courthouse Road, Church Road VA, who is the applicant said that is correct. As to the comments and questions surrounding these apartments being built for low income or section eight housing, we are not building anything less than what Rohoic Woods Apartments are offering.

Mr. Titmus said after looking at traffic studies in the area, it was clear that the largest amount of traffic for that area is on Ferndale Road. However, it should be noted that two thirds (2/3) of the traffic comes from Chesterfield County. We have no control over that and if we could we could cut the trips a day from eleven thousand (11,000) to thirty five hundred (3,500) trips per day. I would like for Dinwiddie County to figure out a way to suppress the traffic that comes from Chesterfield into Dinwiddie County. That would be a great help for Ferndale Road. I just find it odd that we would stop going forward with projects we are doing because of what is happening in Chesterfield. We have an opportunity to bring housing into Dinwiddie County and not Chesterfield and we should move forward to make that happen. We've heard that we have the water capacity and that the school system can handle it. It should be noted that no matter where apartment complexes go in Dinwiddie County schools will face some impact. The Planning Commission considers the Comprehensive Plan and the Comprehensive Plan says these apartments can go here. What is decided on after it leaves this Commission, is not our call.

Mr. Hayes said he agrees with what Mr. Titmus has said. In addition to what Mr. Titmus has said I still have a safety concern for vehicles traveling and turning on Ferndale Road. I am not comfortable with waiting until the site plan is turned in before getting some study. The study doesn't have to be something costly. It just needs to be a study that addresses the safety of turning onto Ferndale Road. I have a lot of respect for the people that live on Ferndale Road. My professional opinion is whether apartments are built or houses are built, you can expect in the next ten years the traffic volume increasing to almost twenty thousand (20,000) trips per day.

Dr. Prorise said he appreciates everyone recognizing the importance of the Comprehensive Plan. However, the document is not something that is set in stone. Because it states we want more growth in the northern part of the County, that doesn't mean Ferndale Road. It means we would like to see growth occur closer to our schools, closer to our infrastructure and closer to our public safety resources where services can be provided in a timely and safe manner. I don't believe that increasing the density on Ferndale Road is the same things as providing more housing in the Northern part of the County. If zoning says you can build more houses, then build more houses. Zoning does supersede the Comprehensive Plan, which is only a guide. I'm not too concerned about schools being overcrowded and nor am I too concerned about the water. Those things will work themselves out. I'm concerned about people making left hand turns trying to get up and down Ferndale Road. I'm also concerned about the extra burden placed on the people living in that area if this complex project is approved. This project does them no good whatsoever. If the County wants projects like this to be done, the county needs to find land between Ferndale and Church Road that is more suited for apartment complexes. We want to have good and responsible planning, but I do not see this project as either.

Mr. Tucker said we have been very responsible in the county trying to avoid the pitfalls of Chesterfield fell into, which is growth popping up everywhere. We want to plan where growth will happen in Dinwiddie County. We want to ensure we have the infrastructure in those areas to support that growth. I think the R-1 zoning classification is sufficient for that area. My concern for this project is the same as it was for the Hofheimer Way project and that is the safety of our children. There is no question that we need multifamily housing. However, I think the County should have a committee to search areas that will be conducive for multifamily housing. When persons are interested in building one or more

in the County, they can be directed to do so in areas that were chosen by the committee. I don't believe this is a good area for them. I believe our job is to plan for growth in the County in such a manner that suit us as we move forward.

Mr. Cunningham said he agrees with everyone has said. He especially agrees with Mr. Titmus concerning Dinwiddie County doing what is best for Dinwiddie County and not allowing some other County to dictate what is best for us. It should be noted that what we decide here will be looked at again by the Board of Supervisors. I know the applicants, their representative and some of you in the audience and no matter what decision we make tonight someone is going to be mad and get upset. I appreciate all the comments and questions from all of you who came out tonight. I believe the applicant has done all that we have asked them to do and I have a hard time voting against it this point.

Dr. Prorise said one other point about the process is there are seven Planning Commissioners and each Commissioner has a one vote and they can use their vote for what they believe is best for the County. That is the way it should be. We need to hear all the arguments and perspectives that we bring to the position as Planning Commissioners. I am so proud of all the Commissioners and Planning staff for their honesty concerning this case. We don't make back room deals or ask each other how we will vote. I can say in my ten years as a Commissioner, every member has always voted what they believe is right.

The Chairman asked if there were any more questions. He said if there are none, he would entertain a motion.

Mr. Titmus made a motion and read the following: 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-21-1, as presented be recommended for approval to the Board of Supervisors. The motion was seconded by Mr. Simmons and with Mr. Titmus, Mr. Harvell, Mr. Cunningham voting "YES" and Mr. Prorise, Mr. Simmons, Mr. Hayes and Mr. Tucker voting "NO" Case P-21-1, was recommended for disapproval to the Board of Supervisors.

BOARD OF SUPERVISORS ACTION

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-21-1 as presented, be (approved, approved with proffers, OR disapproved) by the Board of Supervisors.