

3rd Submittal – 9/5/2016

WOOD/VON STORCH REZONING

REZONING FROM R-6 TO HC WITH PROFFERS

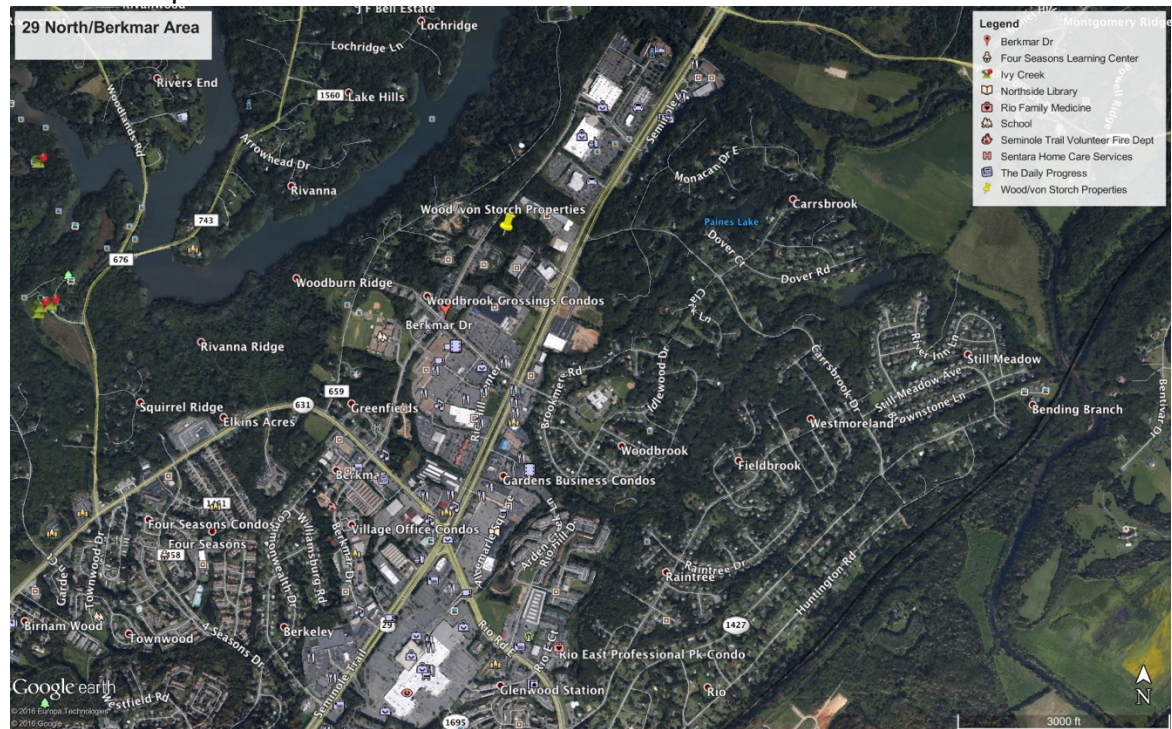
TMP 112, 112E

Narrative

1. PROJECT PROPOSAL

The applicant proposes to rezone Tax Map Parcels 45-112 and 45-112E consisting of approximately 4.428 acres from R-6 Residential to HC Commercial. While several third parties have indicated some interest in portions of the property in the past, the lack of appropriate zoning has been a consistent obstacle to sale and development of the property. The owners are not proposing a specific use or site plan in conjunction with this application.

Location Map:

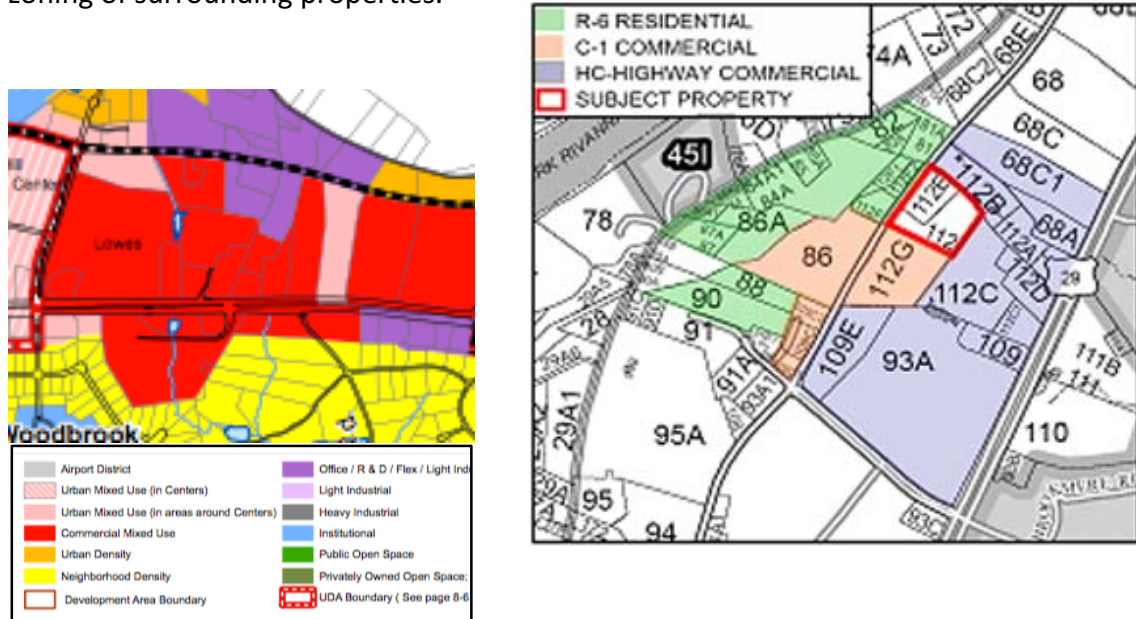


2. CONSISTENCY WITH COMPREHENSIVE PLAN

The County has chosen to direct future development in the Development Areas in order to lessen development pressures in the rural areas. Berkmar Drive is central to the Places 29 South commercial development area. Previous versions of the

Comprehensive Plan have consistently identified this area for regional service commercial development.

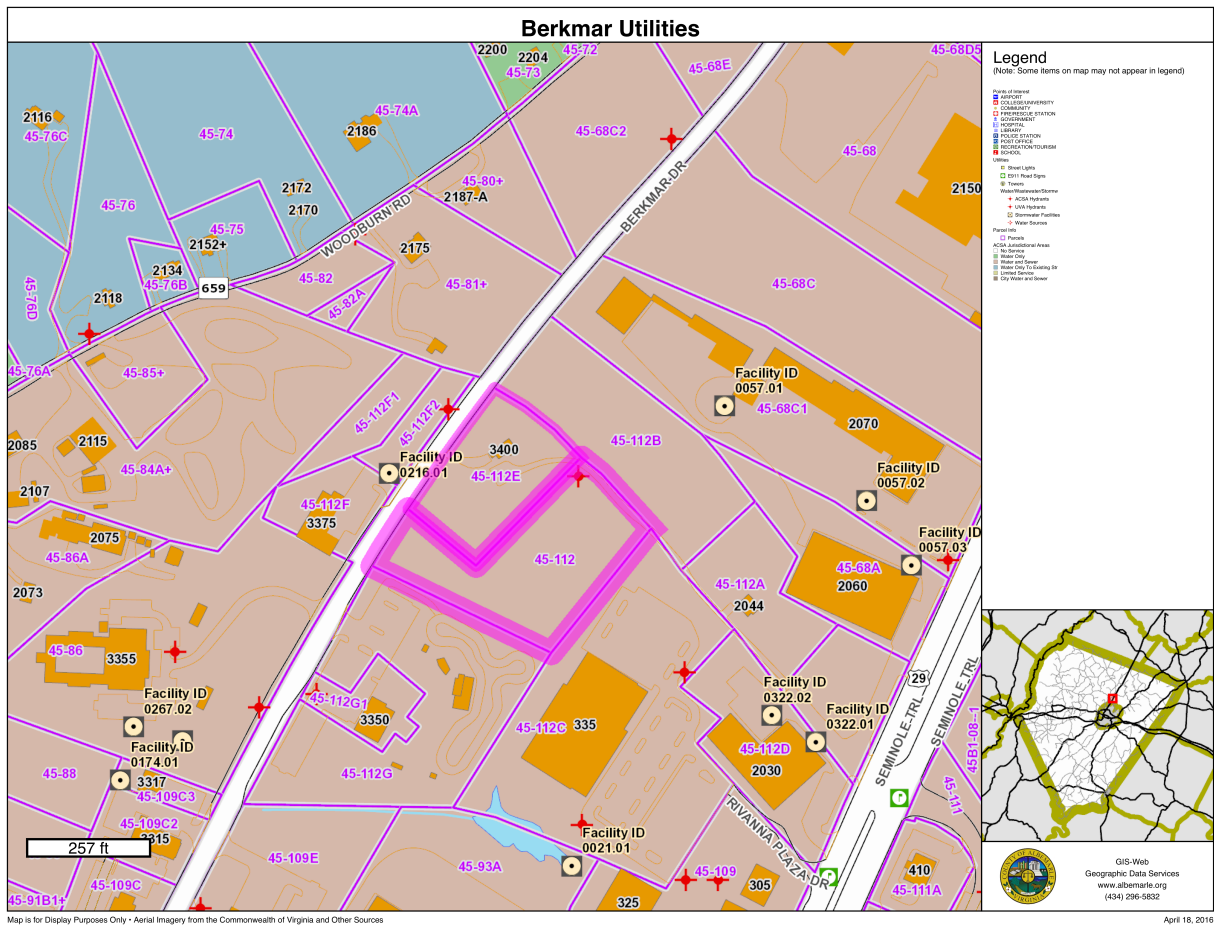
The Subject Properties are designated in the Comprehensive Plan for commercial use – office, R&D, flex, light industrial. The property is surrounded on the North, East and South by commercial uses zoned either HC or C-1. Because there is no single zoning district for the uses contemplated by the Comprehensive Plan, the applicant is requesting HC zoning, as it is most consistent with the Master Plan designation and the zoning of surrounding properties.



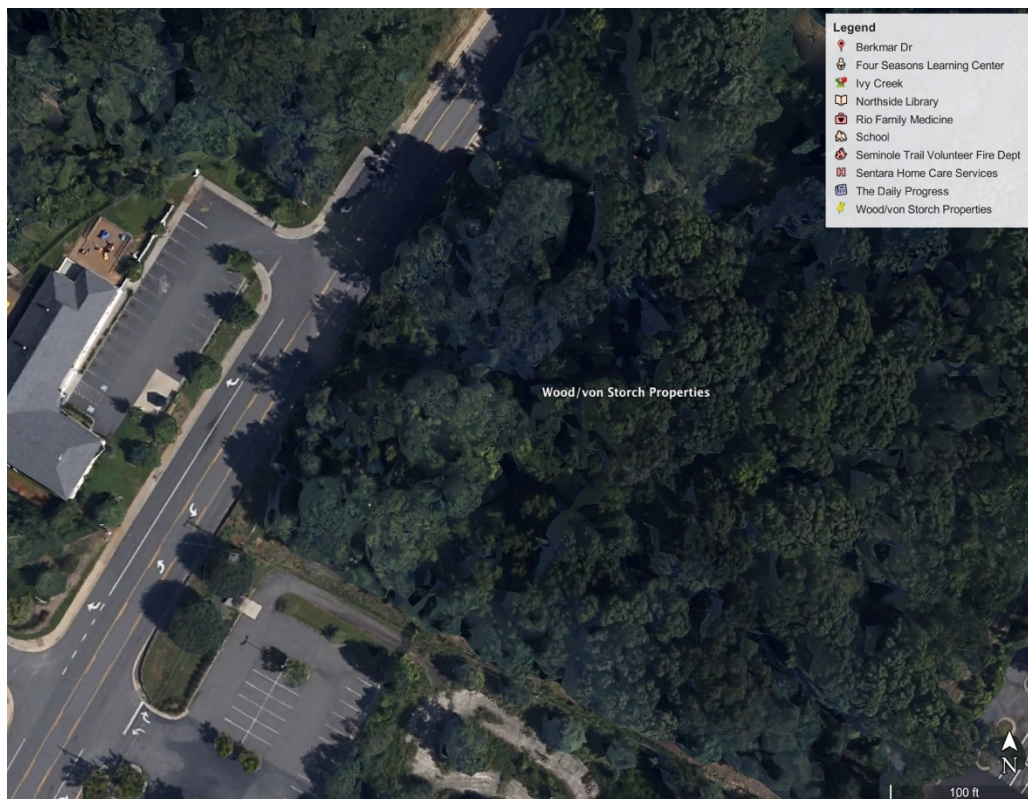
Places 29 South Land Use Designation and current zoning of surrounding properties

3. IMPACTS ON PUBLIC FACILITIES & PUBLIC INFRASTRUCTURE

- a. **Water & Sewer** – The Subject Properties are within the ACSA jurisdictional area for both water and sewer. Based on prior analysis of utilities conducted during the 2008 rezoning effort for these properties, water and sewer capacity are adequate to serve the allowable HC uses on the property. Water lines are located on Berkmar Drive and along the northern boundary of the Subject Properties. Sewer is currently available on the Kegler’s property, just east of the Subject Properties. The property owner to the South of the Subject Properties has purchased and easement on the Kegler’s property and plans to extend sewer to rear of his property as part of a commercial development project that has already been reviewed by the County. If the sewer extension is completed, sewer service will be available at the Southeastern corner of the Wood property.



- b. **Traffic-** The Subject Properties both have frontage on Berkmar Drive. In addition, TMP 112 has a 40 foot deeded right of way from the northeastern corner of the property to Rte. 29. Future development on the properties utilizing existing R-6 zoning would generate approximately 239 vehicle trips per day. Under proposed C-1 zoning, without structured parking, we estimate that a total of 50,000 square feet of commercial space can be built assuming an FAR of .25. In 2008, when the property was being rezoned as part of the Berkmar Business Park plan, Fitzgerald Halliday, Inc. projected total traffic generation for the Subject Properties of approximately 740 cars per day. These numbers assumed 46,328 sf of office and 3,520 sf of specialty retail. We believe the actual development of the properties will include much larger flex, warehouse, service and storage areas which generate far less traffic than the 2008 study would suggest.



- c. **Roads –** Berkmar Drive is currently designated as a parallel service corridor to Rte 29 that will extend from Rio Road to Hollymead Town Center. The existing roadway is 3 lanes in the vicinity of the Subject Properties. While the Places 29 Masterplan calls for a 4 lane road with median, this will not be feasible on TMP 112E without relocation of a preexisting cemetery. We attempted to move this cemetery in 2008 during the last rezoning effort and were not able to identify or contact all potential descendants who would need to approve such relocation. Nonetheless, the Applicant will reserve an area on the Properties within 44 feet of the centerline of the Berkmar Drive right-of-way for dedication to the

County for future expansion of Berkmar Drive. We do anticipate that a right turn lane extension may be required on one or both properties as part of a future site plan and these improvements would be located within the 44 foot reserved area.

- d. **Storm Water Management Facilities**- The Subject Properties' storm water currently runs into a regional storm water management basin just south of Kegler's. The pond was constructed in 1987 to accommodate all stormwater runoff from Kegler's, Lowes and the properties behind Keglers. Attachment SK-1 shows modifications to the Kegler's SWM facility that were proposed in connection with the Berkmar Business Park development. It also clearly showed that the pond can accommodate storm water quantities contemplated by intensive commercial development on these properties. The applicant acknowledges that storm water quality measures will still need to be provided onsite or credits will need to be purchased to offset the impacts of development.
- e. **Parking** – Parking on the subject property will be relegated to the side or rear of buildings in the Primary Development Zone. Setbacks shall be as follows:
 - i. **Front – Minimum – As a primary use:** Same as the front setback for HC Zone.
 - ii. **Front – Minimum – As an accessory use:** No closer to the right-of-way than any existing or proposed primary structure in the Primary Development Zone.

4. IMPACTS ON ENVIRONMENTAL FEATURES

- a. **Woodlands** – The Subject Properties are mostly wooded. Any future development, by right or commercial will result in the loss of most, if not all the existing trees.
- b. **Wetlands/water features** – There are no wetlands, streams or other water features on the Subject Properties.
- c. **Wildlife Habitats** – Wildlife habitats on the Subject Properties will be effected by future development of the Subject Properties. There are no know endangered species of plants or animals that will be impacted by future development.

5. PROPOSED PROFFERS TO ADDRESS IMPACTS

- a. HC use limitations –
 - i. Retail uses will be limited to no more than 25,000 square feet of the total floor area built on the site. This is approximately 25% of the projected total floor area to be built on the two properties.

- ii. Eating establishments shall be limited to 1,500 square feet or less per establishment.
 - iii. Residential uses shall be secondary and limited to the upper floors of multi-story buildings.
 - iv. Existing cemetery will not be expanded.
 - v. Mini-storage will be limited to the Secondary Development Zone or the upper floors of buildings in the Primary Development Zone.
- b. The following HC uses will be excluded as by right uses on the properties:
 - i. Barber/Beauty shops
 - ii. Laundromats
 - iii. Farmer's Markets
 - iv. Funeral Homes
 - v. Wayside Stands
 - vi. Hospitals
 - vii. Restaurant drive thru windows
- c. Berkmar Right-of-Way – The applicants are proffering a reserved area along Berkmar 44 feet from the center line of Berkmar for additional Berkmar right-of-way. This reserved area will be held pending a final determination by the County Small Area Plan and VDOT regarding the need for future Berkmar expansion. The reserved area may be used by Owners to construct decel and turn lanes serving the properties.
- d. Easement for future connector road from Berkmar to Rte 29. The applicants are not proffering an easement for the connector road at this time because the adjoining property owner to the north (John Nunley) is unwilling to cooperate and will not grant any easement on his property, nor is he amenable to a joint entry between his property and the Applicants'. In addition, our understanding is that VDOT is no longer supporting a connector road in this location. Nonetheless, the Owners will attempt to maintain an area 40 feet wide along the northern property boundary free of buildings or other improvements that would preclude a future connection until such time that a final determination can be made regarding the feasibility of such connection.

ATTACHMENTS:

- 1 Plats of TMP 112 and 112E
- 2 Context Map from 2006 rezoning application
- 3 Existing Conditions map from 2006 application
- 4 2006 Storm Water Management Plan and Analysis
- 5 Concept Plan SP-1 showing Entrance and Building Frontage Zones, Primary and Secondary Development Zones and Reserved Area for future expansion of Berkmar.

- 6 Illustrative plans SP-1a and SP-1b showing possible development scenarios based on restrictions shown in the Conceptual Plan
- 7 Signed Zoning Map Amendment Checklist.