



REZ2022-00002

Markel I Eagle Advisors, LLC

Staff Report for Board of Supervisors Public Hearing
Prepared July 29, 2022

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 land use matter.

I. PUBLIC HEARINGS:

Planning Commission:	March 10, 2022	Recommended for Approval
Board of Supervisors:	April 12, 2022	Deferred at Applicant's Request
	May 10, 2022	Deferred at Applicant's Request
	July 12, 2022	Deferred at Applicant's Request
	August 9, 2022	Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning:	R-5AC General Residence District (Conditional)
Existing Zoning:	A-1 Agricultural District
Total Acreage:	46.599 acres
Proposed Use:	Single Family Residential Development
Location:	The southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive.
Magisterial District:	Three Chopt
Comprehensive Plan Recommendations:	Rural Residential (no more than 1 unit per acre)
Parcel No.:	Part of Parcels 733-778-7649 and 734-777-3893
Zoning of Surrounding Properties:	North: A-1 Agricultural District, R-3C One-Family Residence District (Conditional) South: A-1 Agricultural District (Kaechele Elementary School) East: A-1 Agricultural District (Granville Estates) West: A-1 Agricultural District, Goochland County

III. SUMMARY OF STAFF REPORT:

This is a request to conditionally rezone 46.599-acres from A-1 Agricultural District to R-5AC General Residence District (Conditional) to allow a single-family residential development. The property is located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive. The applicant has indicated the request for R-5AC is due to a desire to have reduced rear yard setbacks to allow for a larger house footprint. Outside of setbacks, the proposed 72 residential units have been proffered to adhere to the R-3 District standards for minimum lot width and area.

In addition to the R-3 standards for lots, the applicant has submitted proffers addressing landscaping, sod and irrigation, garages, driveway materials, structure materials, foundations, utilities, architectural features, hours of construction, and restrictive covenants. The applicant has also submitted a conceptual plan showing two points of access to Pouncey Tract Road, with the southeastern entrance aligning with Countryview Drive. A residential subdivision is also being proposed by the applicant on adjacent land in Goochland County. The 2026 Comprehensive Plan designates the subject property as Rural Residential, with a recommended density of no more than 1 unit/acre. At a proffered density of 1.5 units/acre, this proposal would be above that recommendation. While not completely consistent with the comprehensive plan, the overall request is generally acceptable and provides for a high level of quality in the proffered improvements. Therefore, staff supports this request.

At their March 10, 2022 meeting, the Planning Commission recommended approval of this request. At their July 12, 2022 ~~May 10, 2022~~ meeting, the Board of Supervisors approved a request by the applicant to defer this request to their August 9, 2022 ~~July 12, 2022~~ meeting. At the time of this report, no new information has been received.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The applicant is requesting to conditionally rezone the 46.599-acre subject property from A-1 to R-5AC. The property is located at the southwest intersection of Pouncey Tract Road (State Route 271) and Wyndham West Drive. It is comprised of portions of two parcels, with the southeastern parcel containing an existing home, which would be removed as part of this request. The property contains both wooded areas and open fields. Some of the open fields continue into Goochland County to the west.

The property is predominantly surrounded by A-1 zoned land to the north, east and south. An entrance to the Wyndham subdivision, Wyndham West Drive, is located on the opposite side of Pouncey Tract Road adjacent to the Henrico/Goochland boundary. The strip of land used for this road to access the Ellington section of Wyndham is zoned R-3C. Homes on large A-1 lots, including the Granville Estates subdivision, are located to the east and south. South of the request on the remaining portions of the two subject parcels, is a road, Quarry Hill Lane, which provides access for an active quarry in Goochland County. This portion of the property, which will become a separate parcel, will need to separately meet all requirements of the A-1 District. Kaechele Elementary is also located just south of the request along Pouncey Tract Road.

The applicant has submitted a conceptual plan showing two entrances to Pouncey Tract Road, with the southeastern entrance aligning with the Countryview Drive. The development would require two points of access based on the number of units proposed and approval from the Virginia Department of Transportation, who will ensure their access management standards are met. The conceptual plan shows a proposed lot for a sewage pump station on the southwest portion of the request. Several buffers are also shown on the conceptual plan as outlined in Proffer 6.

The applicant has proffered the same lot width and total area as required in the R-3 district. By doing this, the applicant is attempting to have a similar development to one zoned R-3 but would allow decreased setbacks to accommodate a larger buildable area for the proposed age-targeted homes. To solidify this intent, at least 75% of homes would have a first-floor primary suite, addressing a concern noted by the Planning Commission.

The development would have a buffer along Pouncey Tract Road and entrance signage would be provided at all entrances. All homes would have a two-car garage, crawl space foundations, and specific materials for the facades, driveways, porches, fences, and chimneys. The development would have landscaped BMPs, underground utilities, and restrictions on hours of construction. At least 75% of the homes would have a minimum of 2,500 square feet.

The 2026 Comprehensive Plan recommends Rural Residential for the subject property, with a recommended density of no more than 1 unit/acre. In general, the area west of Pouncey Tract Road is recommended for Rural Residential and the area east of Pouncey Tract Road is mostly recommended for Suburban Residential 1 and Suburban Mixed-Use, which both carry a higher density. These recommendations are largely reflective of the historic availability of public infrastructure in the area, such as sanitary sewer. The provision of a sewer pump station would allow this property to be served by sanitary sewer in addition to public water, meaning the proposed increase in density could be appropriate.

Although not consistent with the density recommendations of the 2026 Comprehensive Plan, this request would be consistent with the detached single-family form of development and could be reasonable given recent development to the east across Pouncey Tract Road and would allow for additional housing options for the northwestern portion of the county in a manner generally consistent with those developments. While not completely consistent with the comprehensive plan, the overall request is generally acceptable and provides for a high level of quality in the proffered improvements. Therefore, staff supports this request.

At their March 10, 2022 meeting, the Planning Commission recommended approval of this request. At their ~~July 12, 2022~~ ~~May 10, 2022~~ meeting, the Board of Supervisors approved a request by the applicant to defer this request to their ~~July 12, 2022~~ August 9, 2022 meeting. At the time of this report, no new information has been received.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2026 Comprehensive Plan recommends Rural Residential. The proposed density of 1.5 units/acre is not consistent with the recommended density of 1 unit/acre for the Rural Residential designation.

Vision, Goal, Objectives, and Policies:

This request is consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- Land Use and Community Character Goal 18: Encourage landscaped buffers on lots, in addition to the minimum required setbacks along any boundary which lies adjacent to collector or arterial streets.
- Land Use and Community Character Goal 18: Promote standards and specifications that assure quality residential development, while providing acceptable alternatives for minimizing development expense.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

The following is the approximate number of new trips expected by the proposed 72 housing units:

Total weekday trips = 750 (375 in, 375 out)

Pouncey Tract Road will need to be widened along the parcel frontage to 40 feet from centerline, exclusive of right turn lanes, and include curb, gutter, and sidewalk meeting VDOT standards. Right-of-way may need to be dedicated for this widening. Access Management spacing and adequate sight distances shall be met prior to plan approval.

Drainage:

- All proposed improvements must comply with all applicable Public Works plan of development requirements.
- No more than 50 residential lots are allowed upon a single access point.
- The site must comply with applicable stormwater quality and quantity requirements. Please note that underground detention facilities are not permitted in residential subdivisions, and any above-ground stormwater management facilities must meet the minimum front yard setback requirements from the public right-of-way and must be at least 20 feet from any buildable area. In addition, all stormwater management facilities must be located in common area.
- VDOT will determine if any road improvements are required along Pouncey Tract Road.
- Traffic Engineering will determine if any right-of-way dedication or road improvements are required for Quarry Hill Lane and/or Wyndham West Drive.
- It appears there may be an SPA Stream and/or an RPA stream on the property.
- 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:

There is a 16" water line in Pouncey Tract Rd. The Developer would need to construct a sewage pump station and force main in order to connect to the existing gravity sewer approximately 400 ft. south of the property.

Department of Community Revitalization:

Department of Community Revitalization has no comments.

Schools:

The plan allocates 72 single family homes. This development will be in the following attendance zones:

School Level	School Name	2021 Membership	Functional Capacity	Single Family Student Yield Total*
Elementary	Kaechele	468	658	29
Middle	Short Pump	1,105	1,238	19
High	Deep Run	1,895	1,850	22
<i>*At Development Buildout</i>		Total Students:		70

HCPS typically projects a development's impact on school capacity using historical student yield data by development type and magisterial district. Traditional single-family units in the Three Chopt District, per 100 units would yield 40.3 elementary students, 26.1 middle school students, and 31.1 high school students.

Based on September 30, 2021 membership and capacity figures shown above, Kaechele Elementary is currently at 71.1% of capacity. The analyses shown above indicates the proposed house would potentially yield 29 additional elementary school students. Over the next five years, Kaechele is expected to stay under 85% of capacity. This development can be supported at the elementary school level.

Short Pump Middle is currently at 89.3% of capacity. The analyses shown above indicates the proposed house would potentially yield 19 additional middle school students. This development in addition to others in the area could push enrollment over 100% of capacity. Additional instructional space, trailers, redistricting, and/or other capacity relief options will be needed in the future at the middle school level.

Deep Run High is currently at 102.4% of capacity. The analyses shown above indicates the proposed development would potentially yield 22 additional high school students. Over the next five years, membership/capacity ratios for Deep Run are expected to remain 100%. Additional instructional space, trailers, redistricting, and/or other capacity relief options will be needed in the future at the high school level.

Division of Fire:

Division of Fire has no comments.

Division of Police:

The applicant is encouraged to contact and work with the Community Services Unit with the Police Division for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts as a plan of development (POD) is drafted for submission to the county for review.

Recreation and Parks:

No park or recreation facilities, historical, archeological or battlefield impact.

Libraries:

This request falls within the service area of the Twin Hickory Area Library that was part of the 2000 bond referendum. Presently this 40,000 sq. ft. facility, opened in July 2007, offers expanded meeting, study, and conference room space; digital media lab; enhanced children's and teens' space plus a drive-up pickup/drop off services. As these types of developments continue to be built and the population in the area continues to grow, Twin Hickory Area Library can meet the increased service demands.

Topography and Land Characteristics Adaptability:

There are no known topographic reasons why the property could not be developed as proposed.



Proffers for Conditional Rezoning


County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228
Henrico Planning Web Site: <http://www.henrico.us/planning>

Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775 Phone (804) 501-4602 Facsimile (804) 501-4379

Original Amended Rezoning Case No. RZ2022-00002 Magisterial District Three Cho t

Pursuant to Section 24-2304 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:

 ^{QHE}
Signature of Owner or Applicant / Print Name J.S.J. DelCardayre, Manager ^{QHE} Date 3-22-22

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

Revised Proffers
March 14, 2022

1. Concept Plan. Development of the Property shall conform generally to the site plan by Townes Site Engineering entitled, " Del Cardayre Concept Exhibit " , dated March 8, 2022, as shown herein and attached hereto, (hereinafter, the " Concept Plan ") unless otherwise approved at the time of subdivision. The subdivision roads serving the lots shall be public roads, and as such, shall be constructed to Henrico County standards with standard curb and gutter. The proposed lot lines and open space configurations are conceptual in nature and may vary on the tentative and final subdivision plats depending upon the final soil studies, road design, other engineering reasons, and requirements of governmental entity or as otherwise approved during plan of development or subdivision review.
2. Traffic Improvements. Right and left turn lanes shall be provided on Pouncey Tract Road at both entrances to the Property as required by VDOT at the time of plan of development review. The turn lanes for one of the aforementioned entrances shall be installed prior to the issuance of the first building permit for a new dwelling unit (other than a sales office/ model home) on the Property. The turn lanes for the second entrance shall be installed prior to the issuance of the 50th building permit for a dwelling on the Property. A sidewalk or multi-use path constructed to VDOT standards shall be provided along the Property ' s frontage on Pouncey Tract Road.
3. Open Space and Amenities. The open space shall be dedicated to and maintained by the homeowners' association for the subdivision. A walking path a minimum of four (4) feet in width shall be constructed conceptually as shown on the Concept Plan. The areas shown on the Concept Plan as Park A and Park B shall conform generally to the attached Exhibit B entitled " Open Spaces " , dated March 4, 2022, as shown herein and attached hereto. The mail house located in Park A shall be constructed of brick or brick veneer, stone veneer, or cementitious siding, exclusive of trim and architectural design features.
4. Density. No more than seventy-two (72) detached single-family dwellings shall be constructed on the Property.
5. R-3 Lot Width and Area. All newly created lots shall have a width of not less than eight (80) feet and an area of not less than eleven thousand (11,000 square feet).



Proffers for Conditional Rezoning (Supplemental) County of Henrico, Virginia

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6. Buffers.

a. There shall be a landscaped and/or natural buffer of variable width, but in no case less than fifty (50) feet in width adjacent to Pouncey Tract Road, which may include a berm. Where no vegetation exists and where existing vegetation is removed during site development, the buffer shall be planted to a Transitional Buffer 25 standard. Roads and utility/drainage easements may pass through the buffer in a generally perpendicular manner. Utilities/fencing/walls/grading adjacent to Pouncey Tract Road and entry monumentation/signage shall be permitted within such buffer.

b. The areas shown on the Concept Plan as Buffer A shall be planted with a minimum of two (2) evergreen trees a minimum of six (6) feet in height at the time of planting and ten (10) shrubs a minimum of twenty-four (24) inches in height at the time of planting, per one hundred (100) linear feet.

c. The areas shown on the Concept Plan as Buffer B shall be planted with a double staggered row of evergreen trees a minimum of six (6) feet in height at the time of planting and spaced no more than fifteen (15) feet on center.

d. A Buffer B standard (as described above) shall be planted and/or retained to screen the pump station from view of adjacent parcels.

7. Sod and Irrigation. All yards exclusive of mulched planting beds, shall be initially sodded and irrigated.

8. Entrance Feature and Signage. An entrance feature with project identification signage shall be provided at each entrance to the subject property from Pouncey Tract Road and shall conform generally to the attached Exhibit C entitled " Entry Monumentation " , dated March 4, 2022, as shown herein and attached hereto.

9. Architecture and Exterior Materials. All dwellings shall be constructed primarily of brick or brick veneer, stone veneer, or cementitious siding, exclusive of trim, windows, doors and architectural design features, or as specifically approved by the Director of Planning or at the time of Plan of Development or subdivision approval.

10. Foundations. All newly constructed single-family detached dwellings shall be constructed on a crawl space foundation, except for optional basements and garages. The exterior portion of all residential foundations, including the portion below the first-floor level which is visible above grade, shall be constructed of brick, brick veneer, stone, or stone veneer for a minimum vertical height of twelve (12) inches.

11. Garages. All dwellings shall have a minimum of a two-car garage, except for dwellings originally used as a model home.

12. Driveways. All driveways shall be constructed of hard surface materials (concrete, aggregate materials, asphalt, or brick or stone pavers).

13. Chimneys and Flues. The exposed portion of any chimney shall be constructed of brick or stone. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.



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14. Cantilevered Features. No cantilevered features shall be permitted on the fronts or sides of dwellings.
15. Fences. No chain link or wooden stockade-style fencing shall be permitted on the Property, except if required for the proposed pump station.
16. Steps and Porches. Steps to the main entrances of all dwellings, including front access stoops and porches shall be faced with full standard brick or stone with a finished concrete or exposed aggregate landing for any such steps, stoops, or porches. Any exposed piers for any porches shall be of brick veneer or stone veneer. Porch steps shall have "backs" and not be open.
17. Hours of Construction. The hours of exterior construction, including operation of bulldozer and other earthmoving equipment, shall only be between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 7:00 p.m. on Saturday with no construction activities on Sunday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work including, but not limited to, concrete pours or utility connections. Signs in both English and Spanish, stating the above referenced provisions, shall be posted and maintained at all entrances to the Property prior to any land disturbance activities thereon.
18. Restrictive Covenants. Prior to or concurrent with any subdivision plat recordation, restrictive covenants describing development controls and maintenance responsibilities for all common areas within the Property shall be recorded in the Clerk ' s Office of the Circuit Court of Henrico County.
19. Trash Receptacles, HVAC and Emergency Generators. Trash receptacles, emergency generators and heating, ventilation, and air conditioning (HVAC) equipment shall be screened from view at ground level at the property lines in a manner approved at Plan of Development.
20. Maintenance Activities. Trash pick-up, leaf blowing, and similar maintenance activities by the homeowners ' association shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 7:00 p.m. on Saturday with no such maintenance activities on Sunday.
21. Elevations and Home Size.
 - a. New homes constructed on the Property shall be substantially similar in character to the elevations attached hereto as Exhibit A, dated March 1, 2022.
 - b. At least seventy-five (75) percent of all new homes constructed on the Property shall have at least two thousand five hundred (2,500) square feet of finished floor area. A cumulative count and percentage of homes meeting the square footage threshold shall be provided with each building permit application.
 - c. At least seventy-five (75) percent of all new homes constructed on the Property shall have a first-floor primary suite. A cumulative count and percentage of homes meeting this first-floor requirement shall be provided with each building permit application.



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22. **Underground Utilities.** All proposed new utilities except for boxes, meters, pedestals, and transformers shall be placed underground, unless technical or environmental reasons require otherwise. Any such utilities not placed underground shall be screened as required at the time of landscape plan review.
23. **Disclosures.** Within marketing packages, contracts, and/or deeds, the applicant shall disclose the location of the nearby rock quarries and their mining, crushing, and processing of rock, as well as the fact that Quarry Hill Road is a private road.
24. **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 of the unaffected part of any such proffer.

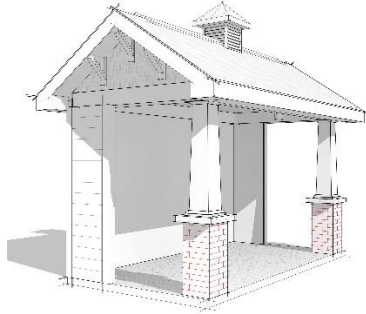


EXHIBIT A - Elevations
MARCH 4, 2022

EXHIBIT A
REZ2022-00002



Park A is the more formal park, and contains planted landscaped beds, areas for seating and gathering, the community mail house, and a trail head to the natural park (Park B).



Park B is the more natural park and has a trail system with pedestrian bridges. Trail heads are located throughout the community to provide all residents with easy access to the amenity.

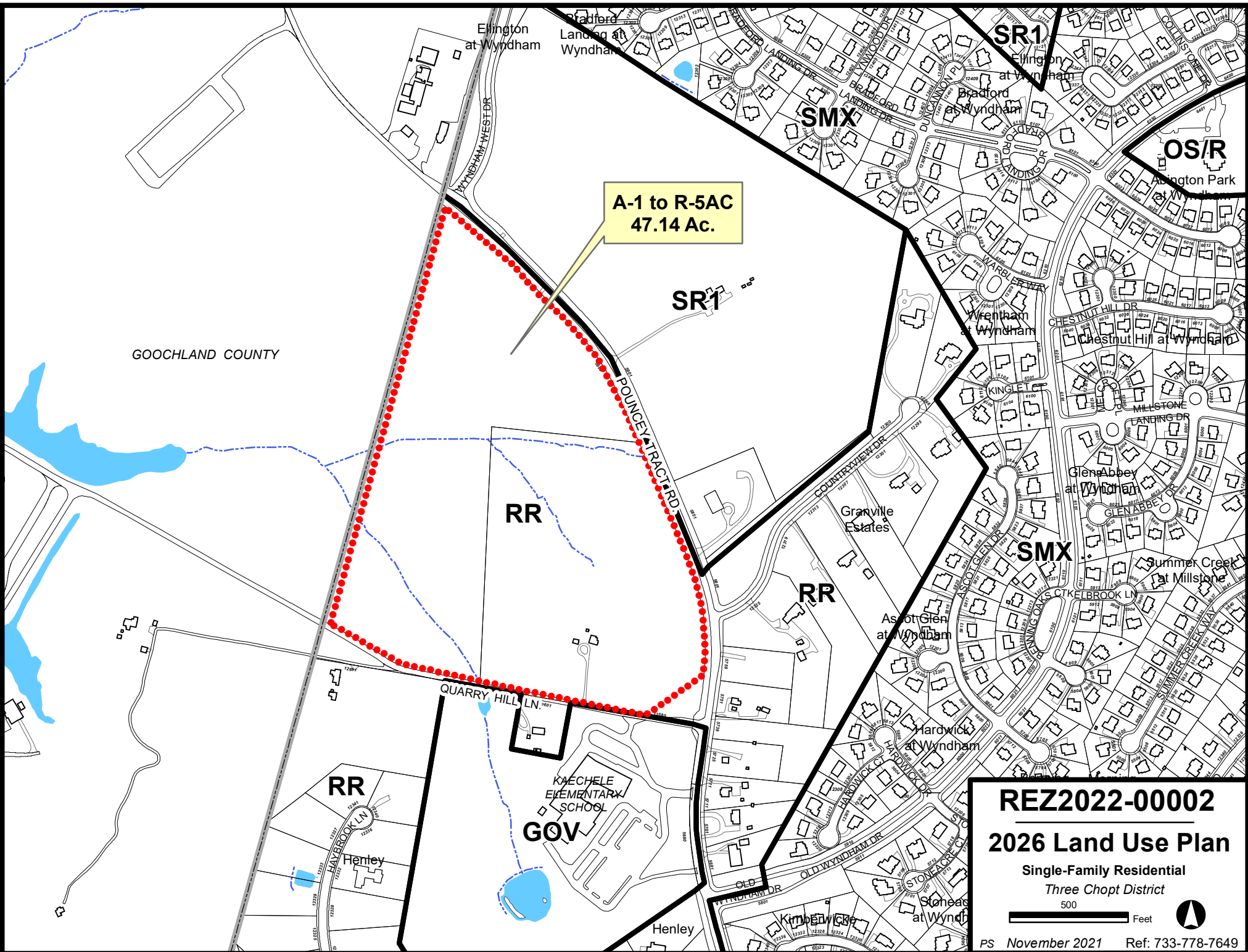
EXHIBIT B – Open Spaces
MARCH 4, 2022



EXHIBIT C – Entry Monumentation
MARCH 4, 2022

EXHIBIT C

REZ2022-00002



**A-1 to R-5AC
47.14 Ac.**

REZ2022-0002
2026 Land Use Plan
 Single-Family Residential
 Three Chopt District
 500 Feet
 PS November 2021 Ref: 733-778-7649