

III. SUMMARY OF STAFF REPORT:

This request is to conditionally rezone approximately 5.696 acres from R-4 One-Family Residence District and M-1 Light Industrial District to RTHC Residential Townhouse District (Conditional) to allow the development of up to 48 residential townhouse units. The subject property is located on the east line of Walnut Avenue at its intersection with Ratcliffe Avenue. Adjacent properties to the north and east are zoned M-1 Light Industrial District, and R-4 One-Family Residence District to the south and west.

The 2026 Comprehensive Plan recommends Light Industry uses. This request is not consistent with that recommendation; however, adjacent properties to the west and south are recommended for Urban Residential uses, indicating residential uses could be appropriate in this location. The applicant has submitted proffers addressing density, building materials, landscaping and buffers, building height, construction hours, amenities, and other points further outlined in Section IV. Elevations and a concept plan are also proffered. Staff notes the request could be enhanced by addressing additional setback requirements along Savannah Avenue, reducing the density to be more consistent with the adjacent Urban Residential designation, clarifying building height, considering architectural elevations more in keeping with the adjacent community, detailing the screening of trash and recycling receptacles, and ensuring proffered amenities are consistent with the submitted concept plan. Addressing these items, detailed in Section IV, could improve the request and help it be more consistent with the existing pattern of development. Staff recommends deferral of this request to allow the applicant time to sufficiently address these items and any that may arise at the scheduled community meeting.

The applicant has scheduled a community meeting on March 1, 2023. Additional concerns may be raised by the community at that time.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site is zoned M-1 Light Industrial District and R-4 One-Family Residence District. The property is a portion of the Highland Park Annex subdivision recorded in October 1924, and the zoning is split between two districts, with the M-1 portion (approximately 3.721 acres) located to the north and R-4 (approximately 1.975 acres) to the south. The site is proposed for RTHC and would include a maximum of 48 residential townhouse units, which is the equivalent of 8.4 units/acre. Surrounding uses include the Highland Park Annex subdivision, zoned R-4 One-Family Residence District, to the south and west. To the north is a warehouse zoned M-1 Light Industrial District. An office warehouse zoned M-1 is located to the east on Carolina Avenue.

The applicant proposes to develop the site consistent with the proffered conceptual plan, which shows a maximum of 48 units, accessed by a private looped road off Walnut Avenue. In addition to the conceptual plan, the applicant has proffered architectural images for the proposed townhouses. Other major aspects of the proffers address items such as foundation planting, amenities, hours of construction, entrance features, sidewalks, utilities, BMPs, foundations, building materials, and sound suppression.

The 2026 Comprehensive Plan recommends Light Industry uses for the subject property. This reflects the M-1 zoning on the majority of the property. In 2021 a case was submitted to rezone the entire property to M-1C to build an office warehouse. At the time there was strong opposition from community residents in the surrounding neighborhood. Residents brought up concerns such as increased truck traffic, visual impact of the development, noise, and general public safety. The case was ultimately withdrawn by the applicant.

Given the adjacent residential uses, the proposed townhouse development could be a reasonable deviation from the 2026 Plan in this location because it could provide a compatible transition to the single-family uses to the west and south. Additional residential units could also benefit the retail and service uses in close proximity to the subject site, many of which are located in the county's Enterprise Zone.

While the proposed use could be an acceptable deviation from the 2026 Plan, the proposed density of 8.4 units per acre well exceeds the 4.41 units per acre density of the Highland Park neighborhood which this development would face, and the maximum density recommended for the Urban Residential designation, 6.8 units per acre. If residential uses are deemed acceptable, it should blend more with the adjacent single-family neighborhood by integrating sloped roof styles, and other features to break up the stark architectural style and to be more consistent with housing styles (Cape Cod, Bungalow, and Ranch) of the surrounding neighborhood.

Additionally, staff notes the conceptual plan would not meet Zoning Ordinance requirements, which could alter the overall site design. The southern side of the concept plan includes the rear lot line of several rows of townhomes being shared with the right-of-way line for a potential future extension of Savannah Avenue. Section 24-4306.G.5 requires "Each row of townhouse lots must abut common area a minimum of ten feet in width on each end of each row, along all rear lot lines, and along any front lot line that does not abut a public right of way." The applicant should include this requirement in their conceptual plan to ensure the proposed use is viable.

Staff also recommends the applicant revise the proffer regarding height to reference height in feet versus the number of stories to be consistent with the Zoning Ordinance and clarify the maximum number of units allowed in a single row of townhomes. While conceptual in nature, this information would allow staff to fully assess potential conflicts between the proffered plan and requirements of the zoning ordinance that could impact the viability of the request. Information on the minimum unit size would also allow staff to compare the proposed units to the adjacent community.

The applicant is also encouraged to:

- Consider additional commitments regarding street and yard trees internal to the development.
- Verify the proffered one street tree per lot along Walnut Avenue can be provided given the reduced lot width in the RTH District.
- Provide additional information regarding the storage and screening of individual trash and recycling receptacles.
- Consider additional proffer language committing to the amenities shown on the concept plan, or more clearly refer to concept plan in the amenities proffer.

As submitted, the request is not consistent with the 2026 Comprehensive Plan recommendation for Light Industry but could be compatible with the adjacent residential community with the recommended changes. Should the density be reduced as recommended above, the proposed development would also be consistent with the recommendation of Urban Residential for properties to the south and west. Additionally, the proposed townhouse development could be an appropriate transition from existing industrial uses to the single-family residences to the west. Staff recommends deferral of this request to allow the applicant time to sufficiently address these items and any that may arise at the scheduled community meeting.

V. COMPREHENSIVE PLAN ANALYSIS:

Land Use Plan Recommendation:

The 2026 Comprehensive Plan recommends Light Industry uses for the subject property. This request is not consistent with this designation but could be appropriate given the adjacent development pattern and recent development trends in the area.

Vision, Goal, Objectives, and Policies:

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

- General Development Policy 6: Encourage compatible infill, redevelopment and development in proximity to existing development and services when appropriate to avoid “leap frog” growth patterns which may result in higher service costs.
- Land Use & Community Character Objective 9: Promote diverse housing types that meet the needs of a demographically diverse population.
- Land Use & Community Character Objective 13: Provide for the logical arrangement of land uses which offers transitions from more intense to less intense uses.

This request is not fully consistent with the following Goals, Objectives and Policies of the 2026 Comprehensive Plan:

- Land Use and Community Character Objectives 12: The county will discourage development which over intensifies the site.
- General Development Policy 2: The county will encourage the design on new development to be compatible with and complementary to existing land uses. Incompatible uses should not be closely located. Site design and buffering should be used to the maximum extent feasible to reduce the impacts on adjacent properties, especially between residential and nonresidential areas.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

The following is the approximate number of new trips expected by the proposed development of 48 residential units:

Total weekday trips = 320 (160 in, 160 out)

Walnut Avenue will need to be widened along the parcel’s frontage to 18 feet from the centerline and include sidewalk. Right-of-way may need to be dedicated to install these improvements. No townhouse driveway shall have direct access to Walnut Avenue. Access points must align with or be a minimum of 150’ from existing roadways.

Drainage:

All proposed improvements must comply with all applicable Public Works plan of development requirements. The site must comply with applicable stormwater quality and quantity requirements. No more than 82 residential units are allowed upon a single access point. Traffic Engineering will determine if any right-of-way dedication or road improvements are required. The proposed development must comply with all applicable sections of the County Floodplain Ordinance (Chapter 10 of the County Code).

Public Utilities:

Sewer is located approximately 1200 feet east of the property at Laburnum Avenue, just east of the railroad tracks. The existing sewers west of the property will not serve the site due to the

differences in elevation. There is existing water in Walnut Ave. It is expected that the development will loop the water line in Walnut Avenue. An upgrade to the existing 6-inch waterline in Walnut Avenue (between Laburnum and Ratcliffe) may be required to provide the needed fire flow.

Department of Community Revitalization:

No comments.

Schools:

The plan allocates 48 townhomes. The residences will be in the following attendance zones:

School Level	School Name	2022 Membership	Functional Capacity	Total Student Yields*
Elementary	Glen Lea	394	484	7
Middle	Wilder	754	982	4
High	Henrico	1,282	1,884	6
<i>* At Development Buildout</i>		Total Students:		17

HCPS typically projects a development’s impact on school capacity using historical student yield data by development type and magisterial district. Townhomes in the Fairfield District, per 100 units would yield 14.5 elementary students, 7.5 middle school students, and 11.5 high school students.

Based on September 30, 2022 membership and capacity figures shown above, Glen Lea Elementary is currently at 81.4% of capacity. The analyses shown above indicates the proposed development would potentially yield an additional 7 elementary students. Wilder Middle is currently at 76.8% of capacity. The analyses shown above indicates the proposed development would potentially yield 4 additional middle school students. Henrico High is currently at 68% of capacity. The analyses shown above indicates the proposed development would potentially yield an additional 6 high school students. This development can be accommodated at all levels by all zoned schools.

Division of Fire:

As to Proffer 10, Pavement widths, turning radii, and cul-de-sac dimensions shall comply with the Virginia Statewide Fire Prevention code. This will be addressed during POD review.

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 impacts.

Libraries:

This request falls within the service area of the Fairfield Area Library that was part of the 2016 bond referendum. This 44,803 sq. ft. facility, opened in October 2019, 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, Fairfield 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. REZ2023-0002 Magisterial District Fairfield

Pursuant to Section 24-121 (b) 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:

[Signature] / Andrew M Condon
Signature of Owner or Applicant / Print Name

2/10/23
Date

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

CASE REZ2023-00002

February 10, 2023

1. **Concept Plan.** The Property shall be developed in general conformance with Exhibit A, attached hereto (see case file), entitled "WALNUT AVE. TEST FIT", prepared by TIMMONS GROUP, and dated February 10, 2023 (the "Concept Plan"). The exact locations, footprints, configurations, size, and details of the lots, drives, roads, buildings and other improvements shown on the Concept Plan are illustrative and are subject to change and may be updated from time to time as required for final engineering design, compliance with governmental regulations or as otherwise approved at the time of Plan of Development review of the Property.
2. **Architecture.** To minimize visual repetition of buildings, no two adjacent buildings shall have the same identical individual elevation sequence pattern across the front of the building. The side of each end unit shall include at least two (2) windows and the rear of each unit shall include at least two (2) windows on each floor. There shall be no more than four dwelling units wide for any building. Buildings constructed on the Property shall generally be in conformance with the renderings attached as Exhibit B, dated February 10, 2023 (2 pages, see case file), and attached hereto and by this reference made a part hereof, unless otherwise approved at the time of Plan of Development review. No building shall be more than two (2) stories in height.



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

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Mailing Address: Planning Department, P.O. Box 90775, Henrico, VA 23273-0775

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Facsimile (804) 501-4379

3. **Underground Utility Lines.** All utility lines on the Property shall be underground, except for existing utilities, junction boxes, meters, utility lines in wetlands areas, and utility lines required to be above ground by the utility company.
4. **Best Management Practices.** Best Management Practice ("BMP") structures shall be located outside of any landscaped buffer within the Property, except as a landscaping amenity or water related feature, or unless approved at the time of subdivision review. Any wet pond BMP structures shall include an aeration feature to move water within such structure.
5. **Density.** No more than forty-eight (48) dwelling units will be developed on the Property.
6. **Sound Suppression Measures.** Walls between dwelling units shall be constructed with a minimum certified sound transmission class (STC) of fifty-four (54). A cross section detail, reviewed and approved by a certified architect or engineer as to the methodology accomplishing the STC, shall be included in the building permit application.
7. **Building Materials.** All buildings shall have exposed exterior walls (above grade) of brick, stone, dryvit, and/or cementitious siding (such as Hardiplank or an equivalent), or a combination of the foregoing unless different architectural treatment or materials are specifically approved at the time of Plan of Development review.
8. **Foundations.** The exposed exterior portions of all foundations below the first floor level shall be finished with brick, stone or cultured stone. On the front, side and rear elevations of each building, there shall be a minimum of twelve (12) inches of brick, stone, or cultured stone visible above grade. For reasons associated with required site grading, the requirements of this proffer may be modified or waived by the Director of Planning for individual side or rear facades.
9. **Foundation Planting.** Each building shall have a minimum of four (4) shrubs planted in the front planting bed.



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10. **Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot fronting Walnut Avenue and side yards of buildings on the Property. In no case, shall any such tree in the front yard be planted more than ten (10) feet from the right-of-way unless otherwise approved at the time of landscape plan approval.
11. **Roads.** Prior to the issuance of any Certificate of Occupancy, the applicant shall provide the Planning Department with certification from a licensed engineer that the built roadways within the project were constructed according to the approved subdivision plan, and in compliance with Henrico County road design standards and specifications (except as to pavement width, turning radii, cul-de-sac dimensions, curb type, and underdrains), to include proper compaction of the sub-base soils, utility trenches, base stone, and asphalt surface. The internal roadways shall be private and shall be maintained by the Association. A maximum of eight (8) feet in width will be dedicated to the County along the Property's frontage with Walnut Avenue for future widening.
12. **Driveways.** Where driveways exist, driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning.
13. **Sidewalks.** A continuous sidewalk a minimum of five (5) feet in width shall be provided in front of all residential buildings.
14. **Trash.** There shall be no central trash receptacles.
15. **Entrance Feature.** Any detached entrance sign shall be ground mounted monument-style and not exceed eight feet in height.
16. **Amenities.** Recreational amenities for use by dwelling unit owners and guests shall include at least one gathering area containing a gazebo or pavilion with outdoor furniture and a second gathering area with a fire pit with chairs or a grill and tables, and as otherwise approved at the time of subdivision or plan of development review.



Proffers for Conditional Rezoning (Supplemental)

County of Henrico, Virginia

4301 E. Parham Road, Henrico, Virginia 23228

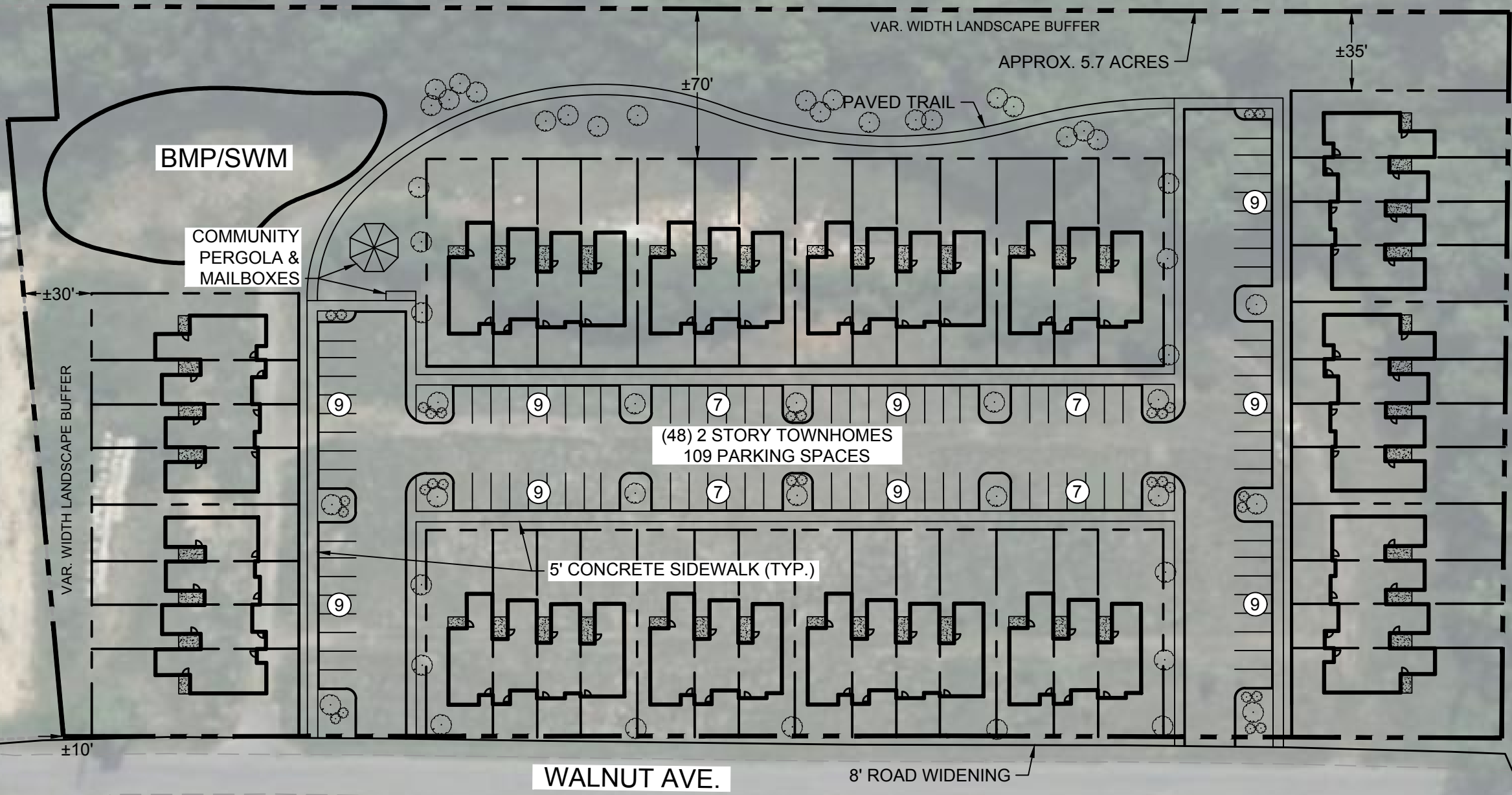
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17. **Construction Hours.** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be limited to the hours between 7:00 a.m. and 7:00 p.m. or dusk (whichever occurs first) Monday through Saturday, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. No exterior construction activities shall be allowed on Sundays. 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. **Buffer.** A natural and landscaped buffer of variable width as shown on the Concept Plan, shall be planted at a minimum to the level of a transitional buffer 25 to the extent such buffer is greater than twenty (20) feet in width and otherwise to the level of a transitional buffer 10. This buffer shall include supplemental evergreen plantings necessary to provide additional screening as determined at the time of landscape plan review to screen the dwelling units from the adjoining property zoned M-1.
19. **Recreational Vehicles.** No recreational vehicles, campers, trailers, or boats shall be parked or stored on the Property, unless within enclosed garages.
20. **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 or the unaffected part of any such proffer.

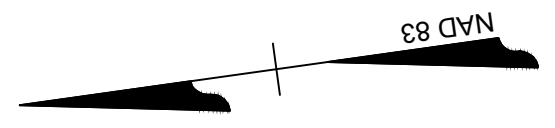


POTENTIAL FUTR.
SAVANNAH AVE.

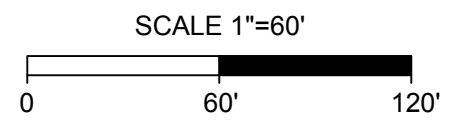
SAVANNAH AVE.

WALNUT AVE. TEST FIT

LOT YIELD 48 (RTH) UNITS - February 10, 2023

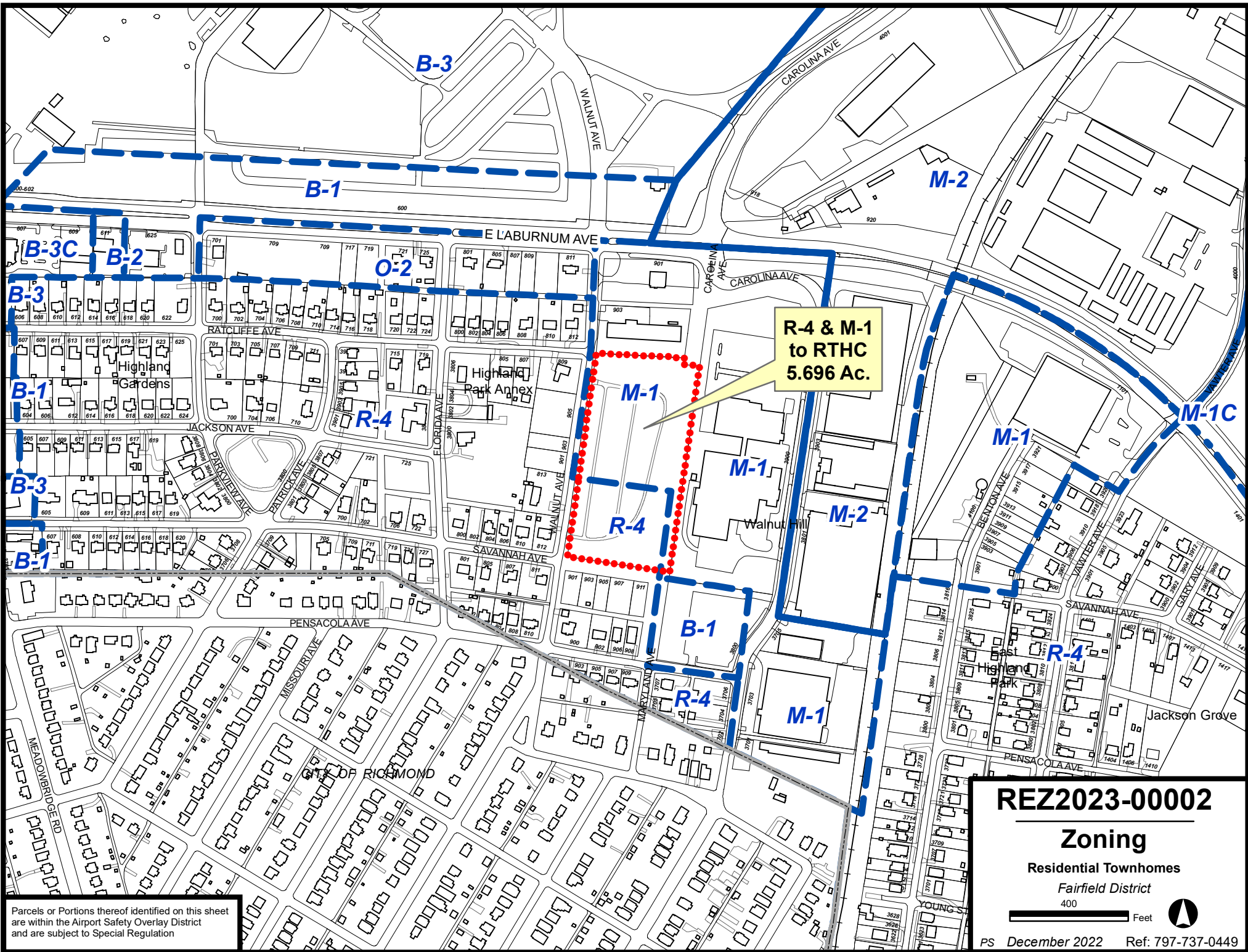


REZ2023-00002





REZ2023-00002



R-4 & M-1
to RTHC
5.696 Ac.

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

REZ2023-0002

Zoning

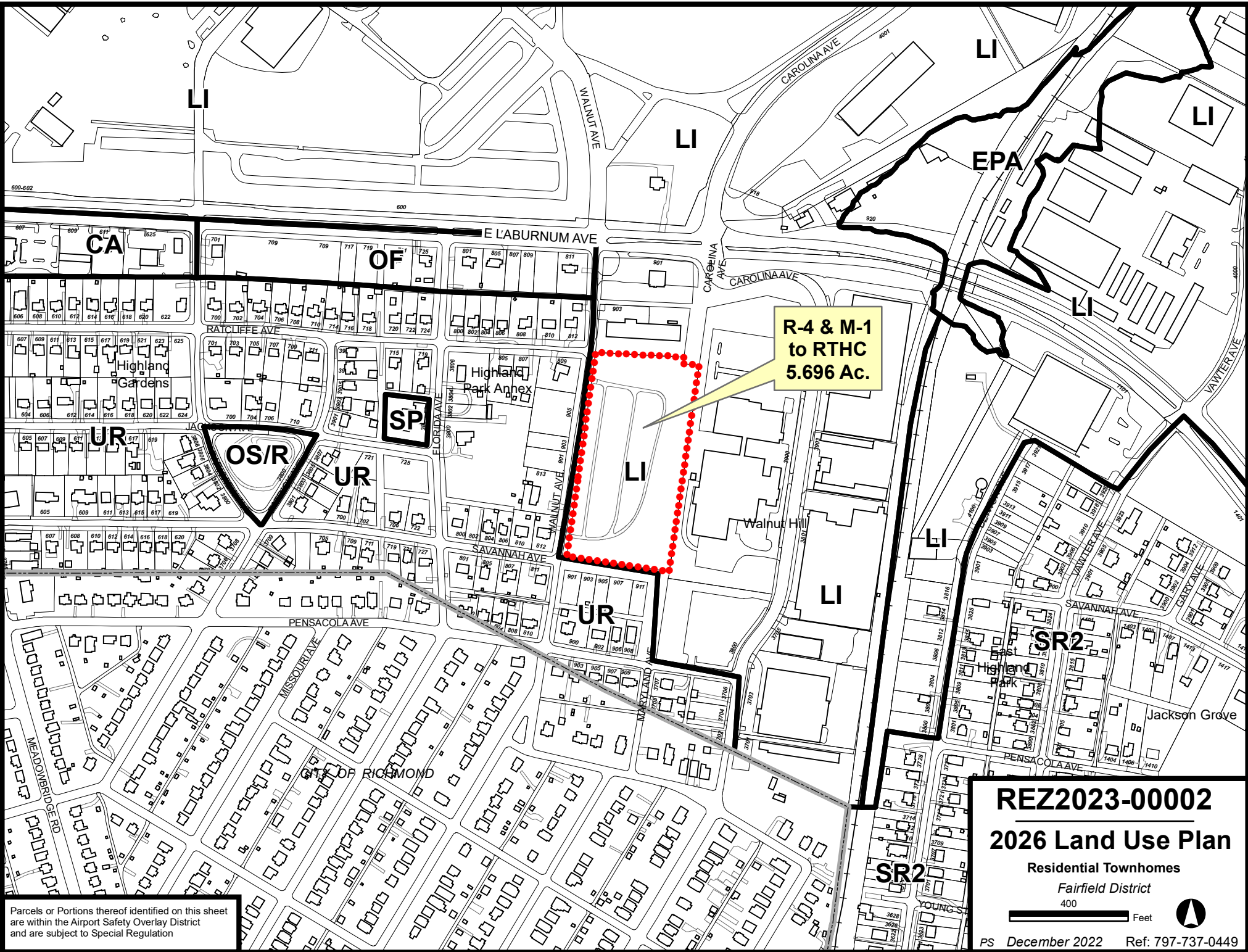
Residential Townhomes

Fairfield District

400

Scale: 0 to 400 Feet

PS December 2022 Ref: 797-737-0449



R-4 & M-1
to RTHC
5.696 Ac.

Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation

REZ2023-0002
2026 Land Use Plan
 Residential Townhomes
 Fairfield District
 400 Feet
 PS December 2022 Ref: 797-737-0449