



REZ2017-00019

Wilton Acquisition, LLC

Staff Report for Board of Supervisors Public Hearing
Prepared August 31, 2017

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: July 13, 2017 Deferred at applicant's request
August 10, 2017 Recommended for approval

Board of Supervisors: September 12, 2017 Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: R-6C General Residence District (Conditional)

Existing Zoning: RTHC Residential Townhouse District (Conditional)

Total Acreage: 15.17

Proposed Use: Condominium and townhouse development with up to 160 units

Location: South line of Wistar Road at its intersection with Shrader Road

Magisterial District: Brookland

2026 Comprehensive Plan Recommendation: Urban Residential, density should range from 3.4 to 6.8 units per acre

Parcel Nos.: 767-751-2632

Zoning of Surrounding Properties:
North: RTHC Residential Townhouse District (Conditional), O-2C Office District (Conditional)
South: B-2 Business District, B-3 Business District
East: RTHC Residential Townhouse District (Conditional)
West: B-2 Business District

III. SUMMARY OF STAFF REPORT:

This request is to conditionally rezone 15.17 acres from RTHC Residential Townhouse District (Conditional) to R-6C General Residence District (Conditional) to allow the development of a residential community with a mixture of condominium and townhouse units, with a maximum of 160 dwellings. The site is located in a transitional area between commercial developments in the W. Broad Street Corridor and single-family communities to the east along Wistar Road. The site is designated Urban Residential on the 2026 Comprehensive Plan, which indicates various residential housing types could be appropriate, with a recommended density between 3.4 and 6.8 units per acre. The proposed use is consistent with the site's designation on the 2026 Comprehensive Plan. The proposed density of 10.5 units per acre is higher than recommended in the Plan, but is only slightly higher than the 9 units per acre allowed under current zoning.

The proposed development is located in close proximity to commercial uses and major transportation corridors, and could serve as a transition to the adjacent townhouse community also being developed by the applicant. The submitted proffers would provide commitments consistent with other recent developments of this type. Staff notes that Henrico County Public Schools has indicated this development, along with other new development in the area, would place Johnson elementary school over capacity; however, the recently approved bond referendum includes funding for a new elementary school in the area to address capacity concerns. For these reasons, staff supports this request.

The applicant held a community meeting on July 10, 2017. No one from the surrounding community attended. The Planning Commission recommended approval of this request at their August 10, 2017 meeting.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject site is largely wooded, and is surrounded by existing development including a variety of uses. To the north and east are properties zoned RTHC, the same as the subject site, and are either developed or under development as townhouse communities. To the west and south, between the site and W. Broad Street, are properties zoned for business uses, including Merchants Walk Shopping Center and a Dominion Power operations facility. The adjacent uses are more intensive and a higher density development could serve as a transition between the nonresidential corridor of W. Broad Street and the single-family neighborhoods farther east on Wistar Road.

This transition is reflected in the site's existing zoning and Urban Residential designation on the 2026 Comprehensive Plan. The site was rezoned to RTHC via C-10C-05, and a plan of development for 66 townhouse units was approved on May 24, 2006. The applicant now proposes to increase the overall number of units to 160, 24 of which would be townhouses, with the remaining developed as 136 "two over two" style condominium buildings.

The current RTHC zoning allows townhomes and condominiums with a maximum density of 9 units per acre. The requested 160 units would have an equivalent density of 10.5 units per acre. Because the density proposed for the condominium development exceeds the maximum allowed in the RTHC District, the applicant is requesting R-6C, which has a maximum density of 19.8 units per acre. The R-6 District also allows for taller buildings (80' instead of 40') and only regulates perimeter building setbacks, in place of the interior setbacks also required by the RTH District.

The applicant has submitted proffers that include a commitment to develop the site in conformance with the submitted conceptual plan, and detail items such as perimeter buffers, interior roadways, signage, hours of construction and trash pickup, underground utilities, screening of mechanical equipment, limits on the height of street lights, and architectural features. These proffers are generally consistent with those accepted with REZ2014-00006, which rezoned the adjacent property to the east to RTHC to allow for a townhouse community with up to 109 units. That property is currently under development by the applicant in this request, meaning development of the subject site could serve as an extension of the adjacent community.

The proposed 24 townhouses would be substantially similar to those being developed on the adjacent site to the east. The 136 “two over two” condominium units would be four stories in height and consist of two, two-story units stacked on top of one another. The stacked units would be attached, giving the general appearance of a row of four-story townhouses as shown in the proffered architectural renderings.

The concept plan indicates the site would be served by one entrance on Wistar Road and one entrance from the adjacent community. A planned roundabout would address access concerns from the Division of Fire and Department of Public Works. The proposed townhouses would be adjacent to planned townhouses under development to the east, and the taller condominium units would be closer to Merchant’s Walk shopping center, which sits approximately 10-15 feet above the elevation of the subject site. This change in elevation should minimize the impacts of the taller condominium buildings.

As noted, the proposed development would result in an equivalent density of 10.5 units per acre, which exceeds the density recommended in the 2026 Comprehensive Plan. Reviewing agencies have indicated impacts to certain public facilities, such as schools and roads, would increase over that anticipated from the currently approved 66 townhouse units; however, these increases should not have a significant impact on these public facilities. The traffic engineer has indicated Wistar Road can accommodate the increase in traffic, and the recently approved bond referendum included the construction of a new Brookland-area elementary school that would reduce overcrowding at Johnson elementary, as noted in Section VI of this report.

The applicant held a community meeting on July 10, 2017. No one from the surrounding community attended, or spoke at the Planning Commission public hearing.

Overall, staff believes this request would serve as both a logical expansion of the existing pattern of development and a suitable transition to the commercial corridor of West Broad Street. Given the variety of uses that currently exist in the area, staff believes the proposed development is generally consistent with the recommendations and goals of the 2026 Comprehensive Plan. Although the development would increase infrastructure impacts when compared to the previously approved RTHC development, reviewing agencies have indicated these impacts can be accommodated with existing or planned facilities. For these reasons, staff supports this request.

V. COMPREHENSIVE PLAN ANALYSIS:

2026 Comprehensive Plan Recommendation:

The 2026 Comprehensive Plan recommends Urban Residential for the subject property, where density should range from 3.4 to 6.8 units per acre. The proposed residential use would be consistent with this designation, although the proposed density would exceed that recommended in the Plan.

Vision, Goals, Objectives and Policies:

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

- 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.
- 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.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:

The following approximate number of new trips are for the 136 Condominiums and the 24 townhouses:

Total Weekday Trips = 1,130 (565 in, 565 out)

Wistar Road is classified as Minor Collector on the County Major Thoroughfare Plan. It carries approximately 7,500 vehicles per day. The surrounding roadway network can accommodate this increase in traffic. Wistar Road will need to be widened to its ultimate section along the parcel frontage (total of 26’ from the centerline) and install necessary storm sewer, curb and gutter, sidewalk, and roadway striping. The developer must dedicate any necessary right-of-way to accommodate these improvements. Two access points must be provided for the condominium development. Intersection spacing must meet the County’s access management standards. Adequate sight distance must be provided at the access points to Wistar Road.

Drainage:

All proposed improvements must comply with all applicable Public Works plan of development requirements. The site is located within 50/10 detention area and must comply with applicable regulations. 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. A County Capital Project (Wistar Road Sidewalk) has been identified in this area. Development projects on this site must be consistent with the County Capital Project. 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:

The proposed Townes at Wistar Glen is under Agreement to be served with County water and sewer for 66 townhouses. The proposed change in number of units will produce flows that will exceed the projected flows based on the 2026 Land Use Plan. Therefore, an analysis of the downstream sewer system may be required to determine if upgrades to the sewer are needed. The developer will be required to make any needed improvements.

Schools:

Due to the proposed design of the development, condominium student yields were used for the condominium units (136) and townhome student yields were used for the townhome units (24).

School Level	Condominium Student Yield Ratios Per 100 Units	Student Yield*	Townhome Student Yield Ratios Per 100 Units	Student Yield*
Elementary	5.2	7	13.0	3
Middle	2.7	4	6.3	2
High	4.1	6	8.2	2

**At development build-out*

The combined student yields and impacted attendance zones are shown below.

School Level	School Name	Membership	Functional Capacity	Total Student Yield*
Elementary	Johnson	527	528	10
Middle	Brookland	1,034	1,354	6
High	Tucker	1,684	1,958	8

**At development build-out*

The student yield for the previously approved townhome development of 66 units, and the net change based on the current proposal, are shown below.

School Level	School Name	Student Yield for Previous Approval*	Student Yield for Current Proposal*	Net Student Yield*
Elementary	Johnson	9	10	1
Middle	Brookland	4	6	2
High	Tucker	6	8	2

**At development build-out*

Student yield information is created using county-wide data for similar developments. Per 100 units, single family subdivisions average 30.5 elementary students, 16.3 middle school students, and 21.6 high school students; apartments average 26.5 elementary students, 9.4 middle school students, and 10.6 high school students; townhouses average 13.0 elementary students, 6.3 middle school students, and 8.2 high school students; and, condominiums average 5.2 elementary students, 2.7 middle school students, and 4.1 high school students.

Based on September 30, 2016 membership and capacity figures shown above, Johnson Elementary is currently at 99.8% capacity. Ideal capacity ratios are less than 95%. The analyses shown above indicate the proposed development would potentially yield an additional 10 elementary students and with other known new developments in the school zone, the membership/capacity ratio of Johnson Elementary would be over 100% at buildout. A Brookland area elementary school is planned to provide relief to the area. The middle school level could currently accommodate students from the development. At the high school level, larger cohorts of students and other new developments are anticipated to impact Tucker High School. New schools, additions, and/or redistricting may be needed in the future.

Division of Fire:

No comments on this request.

Division of Police:

No comments on this request.

Recreation and Parks:

No park or recreation facilities, historical or archeological impacts.

Libraries:

This request falls within the service area of the Libbie Mill Library that was part of the 2005 bond referendum. This facility, opened in October 2015, 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. In addition, this facility is designed to be expandable from its present 40,000 sq. ft. to 60,000 sq. ft. to meet increased service demands. As these types of development continue to be built and the population in the area continues to grow, the Libbie Mill Library is also projected to offer Sunday hours as another way to meet future increased service demands.

Topography and Land Characteristics Adaptability:

Absent the identified areas of wetlands that are being avoided on the proffered conceptual plan, 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.co.henrico.va.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. _____ Magisterial District _____

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:

Henry Weifm, Henry Wilton
Signature of Owner or Applicant / Print Name

8/22/19
Date

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

WISTAR GLEN

- 1. Maximum Number and Size of Units:** The number of dwellings to be constructed onsite shall not exceed one hundred sixty (160) units. There will be 24 townhouses and 136 condominiums. The minimum square footage of finished floor area shall be 1,400 sq. ft. for either the two or four story units.
- 2. Conceptual Plan:** Development of the Property shall be in substantial conformance with the attached conceptual site plan, Exhibit 'A', unless otherwise approved by the Planning Commission at the time of Plan of Development approval. There will be no more than eight (8) units in a row in the entire development.
- 3. Exterior Materials:** All buildings shall have exposed exterior walls (above grade and exclusive of trim) of stone, stone veneer, brick, hardi-plank, or a combination of the foregoing unless different architectural treatment and/or materials are specially approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. A minimum of twenty-five percent (25%) surfaces of each building, excluding windows, doors, breezeways, gables and architectural design features, shall be of brick, stone or stone veneer construction. The ends of units of any townhouse or condominium building that are parallel and adjacent to the entrance road shall contain a minimum of two (2) windows.

The applicant shall maintain a record of percentages of the materials for the front of the units where required and shall provide such lists at the time of each building permit.

- 4. Exterior Elevations:** The dwelling units on the Property shall have an exterior architectural style and use design elements similar to the concept drawings attached as Exhibit 'B', which such renderings are conceptual in nature and are provided only as an illustration of the quality of the design and architectural style of such buildings. 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.

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Proffers for Conditional Rezoning (Supplemental)

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

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5. **Buffers Fences and Walls:** There shall be ten (10) foot buffers along the eastern and southwestern property lines. There shall be a twenty-five (25) foot buffer along Wistar Road with decorative metal fence to have brick or stone columns fifty (50) feet on center and a wrought iron appearance. All buffers and fences are required unless approved during POD review.
6. **Roads:** All roads to be constructed in the development shall be privately maintained but shall be constructed in accordance with the County of Henrico's Public Road Standards and specifications with respect to pavement design and road width. All roads to be at least 24' in width. Prior to the issuance of the 21' Certificates of Occupancy, the applicant's engineer shall certify that the private roads serving the development have been constructed in compliance with the applicable Henrico County Road Standards as to width. This can be done in phases.
7. **Underground Utilities:** Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all utility lines shall be underground.
8. **Mechanical Equipment:** Mechanical equipment shall be screened from public view at ground level at the Property lines in a manner approved at the time of POD review.
9. **Lighting:** All lighting for the townhouses and additional parking areas will be by residential light posts. Parking lot lighting standards shall not exceed 15' in height and shall be positioned in such a manner as to minimize the impact of such lighting offsite.
10. **Signage:** Any detached signs on the Property shall be ground mounted, monolithic-type signs. The entrance sign and landscaping shall be constructed substantially similar to Exhibit 'D' and shall include brick, brick veneer, stone, synthetic stone or similar masonry material with wrought iron accents. Such signs shall not exceed six (6) feet in height as measured from grade of the base of the sign and shall be externally lit employing ground-mounted floodlight or spotlight-type fixtures directed toward such signs and away from public rights-of-way.
11. **Sound Suppression:** Walls between units shall have a minimum sound transmission coefficient rating of 54.
12. **Restrictive Covenants/Homeowners Association:** Prior to or concurrent with the conveyance of any part of the Property covered on the POD approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County. In addition, there shall be a Homeowners Association of the owners of the units on the property that shall be responsible for the enforcement of the restrictive covenants, including maintenance of the lots, common areas, roads and unit exteriors. Parking of recreational vehicles, boats and campers shall be prohibited in the development.
13. **Trash Pickup and Street Cleaning:** There shall be no trash pickup or street cleaning between the hours of 9:00 p.m. and 7:00 a.m. any day of the week. There shall be no street cleaning or trash pick-up on Sundays. There shall be no central trash receptacles.



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14. **Mailboxes:** All mailboxes shall be of a uniform design.
15. **Model Home:** No more than two (2) dwelling units on the Property may be used for a model home. The garage for any such dwelling unit may be used for the office for the model home, provided that such office shall be converted to a garage when the dwelling unit is no longer used as a model home.
16. **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.
17. **Construction Hours:** The hours of exterior construction activities, including operation of bulldozers and other earthmoving equipment shall be between 7:00 a.m. and 7:00 p.m. 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. Hours shall be posted in both English and Spanish during construction of the community. Sunday hours shall be between 9:00 a.m. and 5:00 p.m.
18. **Conservation Areas:** Notwithstanding the uses permitted and regulated by the zoning of the property, such portions of the Property which lie within a one hundred (100) year flood plain as determined by definitive engineering studies approved by the Department of Public Works, and such portions of the Property which may be inundated by waters impounded to a maximum elevation determined in a controlled, regulated manner by a structure or structures approved by the Department of Public Works, may only be used for the following purposes:
 - a. Stormwater management and retention areas;
 - b. Ponds, lakes and similar areas intended as aesthetic or recreational amenities or wildlife habitats;
 - c. Access drives, utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts; and
 - d. Such additional uses to be uses identified in (a), (b), and (c) above as may be deemed compatible and of the same general character by the Director of Planning pursuant to Chapters 19 and 24 of the County Code.
19. **BMP's:** Should any above ground BMP be required the BMP shall be landscaped per the Planning Commission and maintained by the homeowners' association of the R-6 zoned property. Any wet BMP required shall be aerated.
20. **Chimneys:** Any dwellings with a fireplace other than direct vent gas fireplaces or appliances shall have masonry chimneys faced with brick or stone similar to the foundation.
21. **Irrigation:** Front and side yards shall be sodded and irrigated.
22. **Garages:** Each residential unit on the Property shall be constructed with at least a one (1) car garage which can accommodate a car parked inside. Attached garages shall be integrated into the overall design and massing of the house. Windows shall be offered as an option for garage doors. All front load garage doors shall have, at a minimum, one architectural detail, including but not limited to windows, carriage door handles, exposed hinges or accent columns.



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23. **Driveways:** All driveways shall be constructed of either cobblestone, brick, asphalt precast pavers, concrete or other similar materials approved by the Director of Planning. There shall be no driveways that directly access Wistar Road.
24. **Interior Sidewalks:** Sidewalks a minimum of four (4) feet in width shall be provided in front of all buildings.
25. **Trees and Landscaping:** There shall be at least one (1) tree with a minimum caliper of two and a half (2 ½) inches at the time of planting, retained or planted on each side of each building. Landscape plans shall be subject to Planning Commission review. Once approved, minor alterations to the plan may be approved by the Director of Planning.
26. **Foundation Planting:** Each townhome shall have a minimum of four (4) shrubs planted along the front foundation.
27. **Perimeter Sign:** No trespassing signs will be installed around the perimeter of the wetlands.
28. **Graveyard:** Prior to POD approval the owner or developer shall have a visual examination survey performed by a registered professional archeologist to determine whether any graves exist on the property. If any graves are discovered, either prior to or during construction, the owner or developer shall either remove and reinter the remains or shall protect the remains and provide an ingress/egress easement, all as required by law.
29. **Sidewalk:** A standard 4' wide sidewalk with a 2' wide utility strip, shall be installed along the entire frontage of Wistar Road.

PRELIMINARY LAYOUT - OPTION 1
SECTIONS 3 & 4
TOWNSHIP OF WYSTAR WOODS
HENRICO COUNTY, VIRGINIA

AUGUST 8, 2017

resource
INTERNATIONAL

P.O. Box 61000 • 77060 Chesapeake Drive • Norfolk, VA 23509
TEL: 757-233-1000 • FAX: 757-233-1070



DATE: 08/08/17
DRAWN BY: J. WILSON
CHECKED BY: J. WILSON
SCALE: AS SHOWN

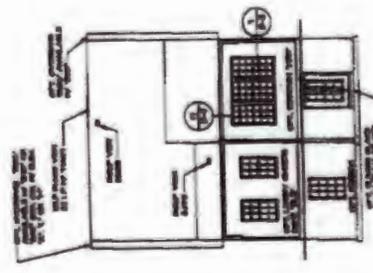
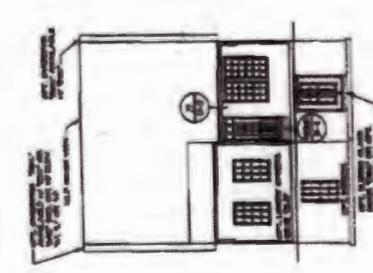
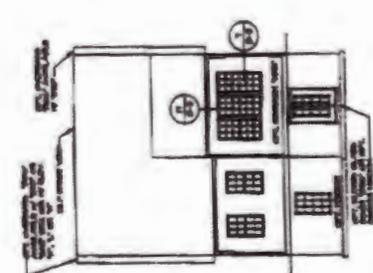
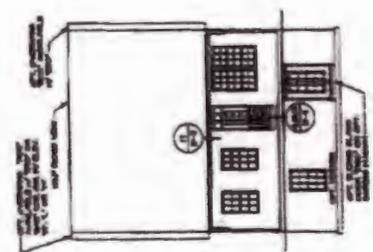
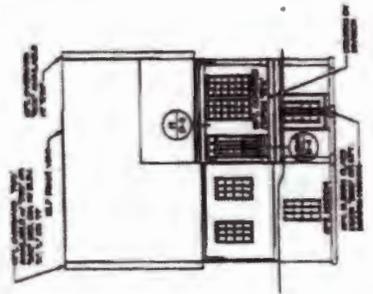


WYSTAR ROAD

EXHIBIT A

REZ2017-00019

24 TOWNHOMES (24' WIDE)
120 CONDOMINIUMS



REAR ELEVATIONS
SCALE 1/8" = 1'-0"

EXHIBIT C
TOWNHOMES

REZ2017-00019

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THE GARFIELD



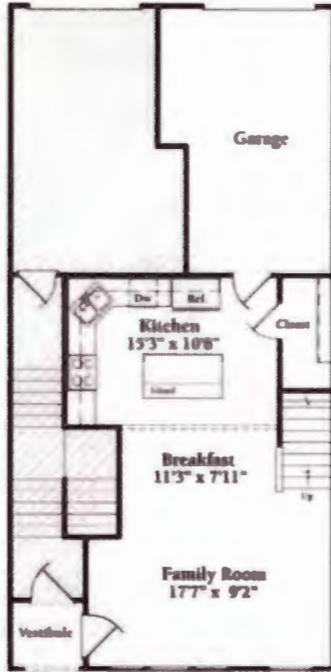
STANLEY MARTIN HOMES

Your Life is Our Blueprint

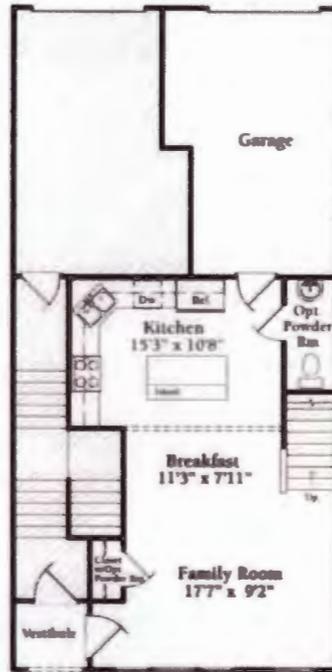
EXHIBIT B
CONDOMINIUMS

REZ2017-00019

MAIN LEVEL



Standard Main Level Floor Plan



**Optional Main Level Floor Plan
w/Opt. Powder Room
Windows w/End Condition**

UPPER LEVEL



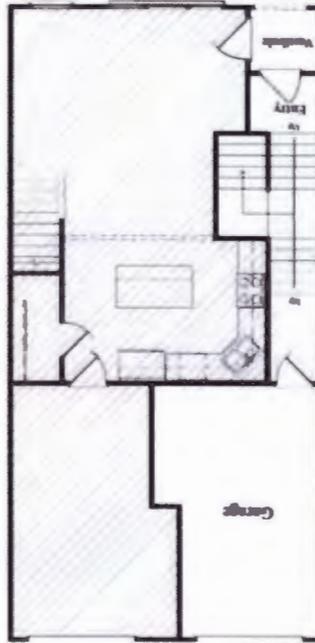
Standard Upper Level Floor Plan



**Optional Upper Level Floor Plan
w/Opt. Bedroom #3,
Windows w/End Condition**



Standard Garage Level Floor Plan



LOWER LEVEL



 THE BRIGHTON

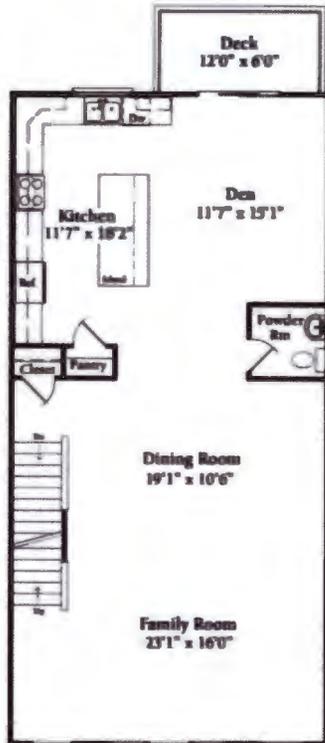
EXHIBIT B
CONDOMINIUMS



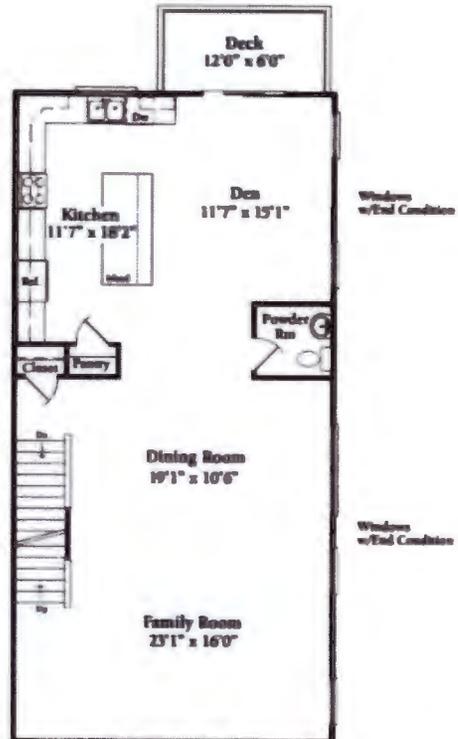
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MAIN LEVEL

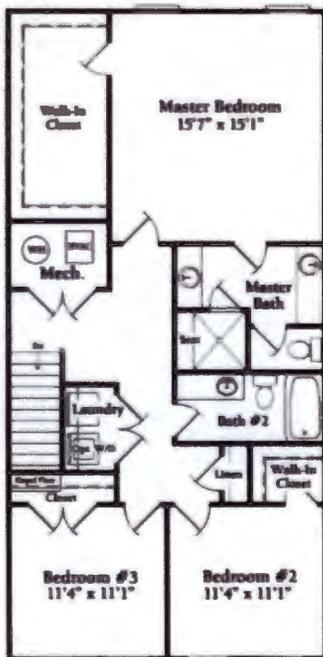


Standard Main Level Floor Plan

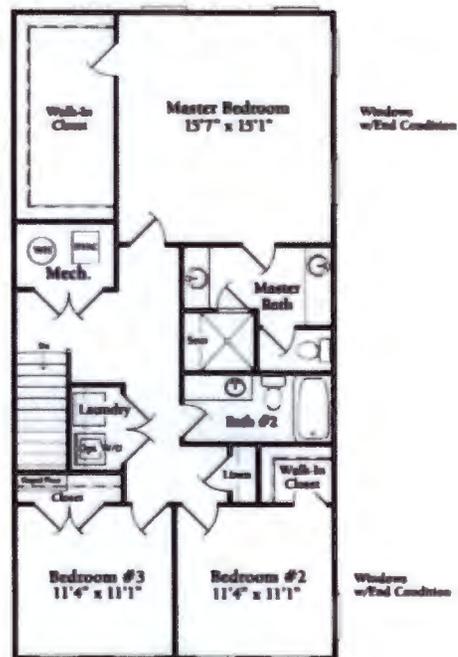


**Optional Main Level Floor Plan
w/Windows w/End Condition**

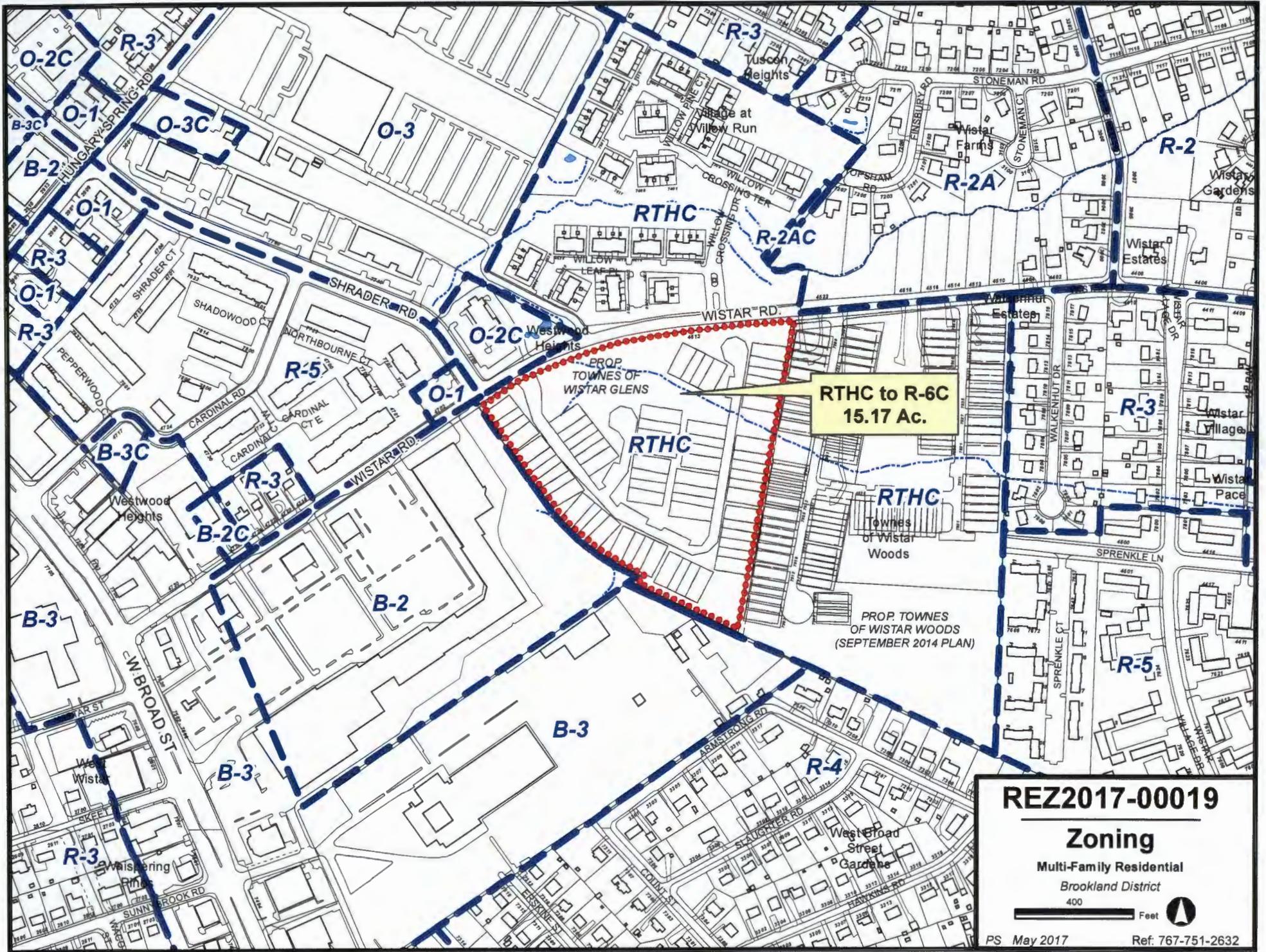
UPPER LEVEL



Standard Upper Level Floor Plan



**Optional Upper Level Floor Plan
w/Windows w/End Condition**



REZ2017-00019

Zoning

Multi-Family Residential

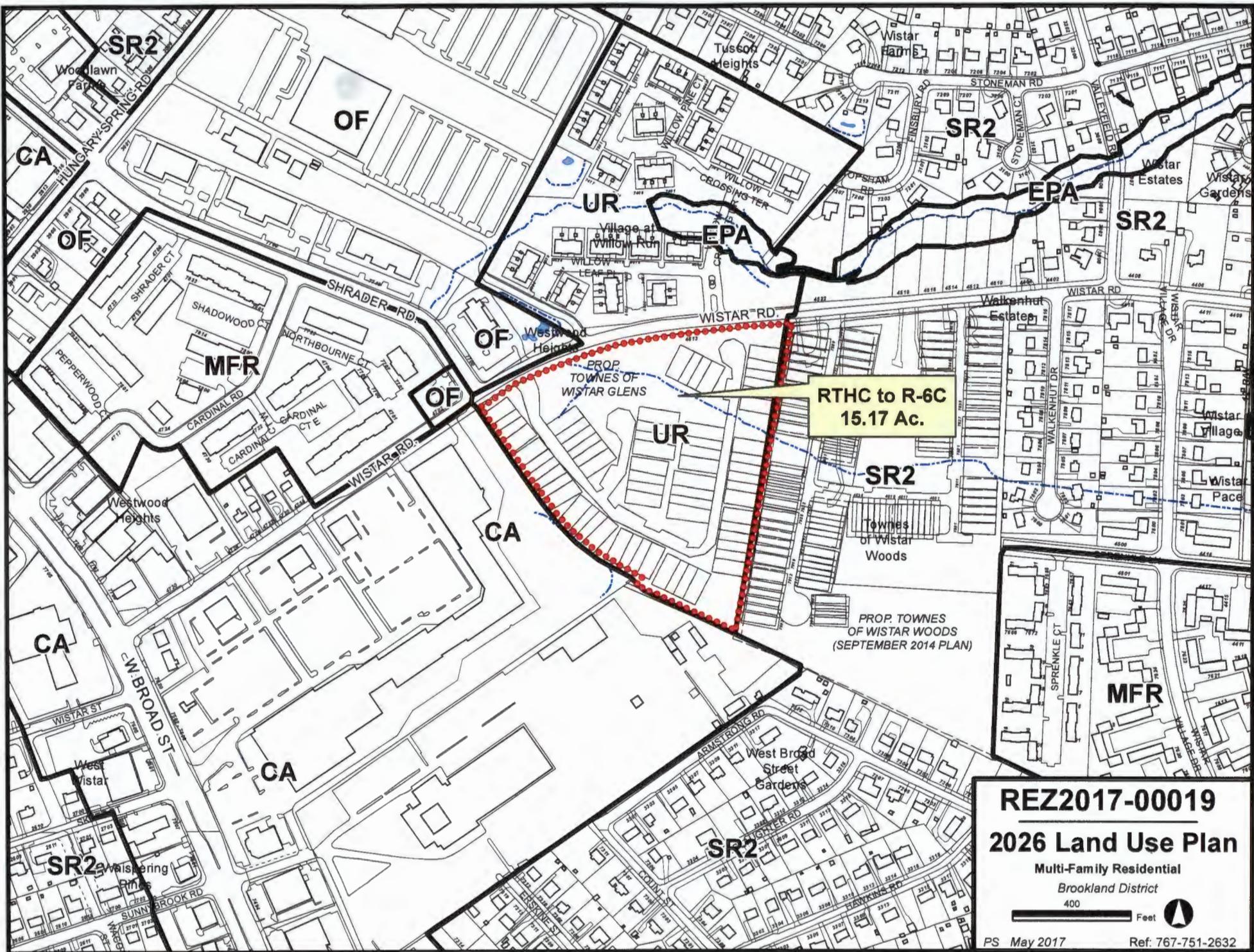
Brookland District

400



PS May 2017

Ref. 767-751-2632



**RTHC to R-6C
15.17 Ac.**

REZ2017-00019
2026 Land Use Plan
 Multi-Family Residential
 Brookland District

400 Feet

PS May 2017 Ref: 767-751-2632