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 zoning matter.

I. PUBLIC HEARINGS:

Planning Commission: September 13, 2012   Recommended for Approval
Board of Supervisors    October 9, 2012    Pending

II. IDENTIFICATION AND LOCATIONAL INFORMATION:

Requested Zoning: C-1 Conservation District
Existing Zoning: R-6C General Residence District (Conditional)
Acreage: 4.396 acres
Proposed Use: Conservation area (floodplain)
Location of Property: East line of North Gayton Road approximately 350 feet north of its intersection with Bacova Drive
Magisterial District: Three Chopt
Comprehensive Plan Recommendation: Environmental Protection Area (EPA)
Parcel Nos: Parts of Parcels 735-766-8340 and 735-767-8435
Zoning of Surrounding Property:
   North: R-6C (proposed Bacova Apartments)
   South: R-6C (proposed Bacova Apartments), A-1 (large-lot residential)
   East: R-3C (future single-family residential)
   West: A-1 (large-lot residential)
III. SUMMARY OF STAFF REPORT COMMENTS:

This request would rezone 4.396 acres of 100-year floodplain from R-6C General Residence District (Conditional) to C-1 Conservation District as required by Proffer 10 accepted with case C-9C-11. The 2026 Comprehensive Plan recommends the site for Environmental Protection Area. This request is consistent with the 2026 Plan designation and would meet the requirements specified in the applicable proffer. For these reasons, staff recommends approval of this request.

The Planning Commission recommended approval of this item at their September 13, 2012 meeting.

IV. LAND USE ANALYSIS AND IMPLICATIONS:

The subject property consists of the 100-year floodplain along an unnamed stream running through two parcels where the Bacova apartment development is to be constructed. The stream drains westward where it joins the Tuckahoe Creek system west of North Gayton Road. Aside from the R-6C zoned properties planned for apartments to the north and south, other surrounding uses include: proposed single-family residential neighborhoods to the east (R-3C), and existing large-lot single-family residential properties to the south and west (A-1).

On December 13, 2011, the Board of Supervisors approved case C-9C-11, which rezoned 135.94 acres between Pouncey Tract Road and N. Gayton Road for development of single-family, multi-family, and office uses. Proffer 10 accepted with that case requires the applicant to submit an application to rezone the areas of the property within the 100-year flood plain to C-1 Conservation District.

Plan of development approval for 420 multi-family units was granted by the Planning Commission for the 30.786 acres of R-6C zoned property in the Bacova development (cases POD2012-00150 and POD2012-00152). The proffered maximum number of units for the site remains at 430. If 4.396 acres are rezoned to C-1, a total of 26.39 acres would remain for up to 430 units, resulting in a net density of 16.29 units per acre which is below the code maximum of 19.8 units per acre.

The 2026 Comprehensive Plan designates the site Environmental Protection Area. This request is consistent with this designation and the proffers accepted with rezoning case C-9C-12. For these reasons, staff recommends approval of this request.

The Planning Commission recommended approval of this item at their September 13, 2012 meeting.

V. COMPREHENSIVE PLAN ANALYSIS:

Future Land Use Plan Recommendation:
The 2026 Comprehensive Plan designates the site Environmental Protection Area. This request would be consistent with this designation.

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

- General Development Policy 9: Encourage developments to be designed to minimize adverse environmental and fiscal impacts.
- General Development Policy 11: Encourage developments to be designed to minimize disruption to life and property resulting from erosion and flooding.
• Natural, Cultural and Historic Resources Objective 4: Use development standards and ordinances to protect the quality of surface and groundwater consistent with guidelines established by the Virginia Department of Conservation and Recreation Division of Chesapeake Bay Local Assistance.
• Natural, Cultural and Historic Resources Objective 9: Identify and protect physical resources and natural habitats for wildlife.
• Natural, Cultural and Historic Resources Objective 11: Discourage development in areas where the land's physical limitations may threaten the safety, health and welfare of residents.

VI. PUBLIC SERVICE AND SITE CONSIDERATIONS:

Major Thoroughfare and Transportation:
No issues identified.

Drainage:
No issues identified.

Public Utilities:
The Department of Public Utilities is currently reviewing plans for the proposed Bacova Apartments. A legal agreement to serve the parcels with water and sewer has not been executed. DPU has no objection to the applicant’s request for a conservation area as shown provided that any easements needed for water or sewer are shown on plans submitted and approved by DPU.

Schools:
No issues identified.

Community Revitalization:
No issues identified.

Fire:
No issues identified.

Police:
No issues identified.

Libraries:
No issues identified.

Recreation and Parks:
No issues identified.

Topography and Land Characteristics Adaptability:
The requested zoning is consistent with the property's location within the 100-year floodplain.
BOUNDARY INFORMATION FOR THIS PLAT WAS TAKEN FROM INFORMATION PROVIDED BY YOUNGBLOOD TYLER ASSOCIATES, PC AND TIMMONS GROUP FIELD SURVEY.

FLOOD PLAIN TABLE:
GPIN: 735-767-8435 - 0.514 AC.
GPIN: 735-766-8430 - 3.882 AC.
TOTAL: 4.396 AC.

ZONING PLAT OF 2 PARCELS OF LAND LYING EAST OF NORTH GAYTON ROAD

SCALE 1"=100'