

# C-19-15(c), BARNYARD ENTERPRISES, L.L.C., ET AL.

Residential Rezoning Report  
Beaverdam Magisterial District  
PC Meeting Date: November 19, 2015



## Overview

Current Zoning	A-1, Agricultural District
Requested Zoning	RC(c), Rural Conservation District with conditions
Requested Density	One (1) dwelling unit per 6.29 acres
Acreage	264.38 acres
Location	On the north and south lines of West Patrick Henry Road (State Route 54) at its intersection with Independence Road (State Route 669)
GPINs	7860-86-9561, 7870-07-5779, 7870-18-5092
General Land Use Plan	Suburban General (1-4 dwelling units per acre) (a concurrent Comprehensive Plan Amendment (CPA-2-15) pending for Agricultural designation)
Major Thoroughfare Plan	W. Patrick Henry Road – Minor Arterial (100' right-of-way)
Suburban Service Area	Inside (concurrent Comprehensive Plan Amendment (CPA-2-15) pending to remove the property from the Suburban Service Area)
Case Planner	Gretchen W. Biernot

## Executive Summary

This is a request to rezone 264.38 acres on West Patrick Henry Road to RC(c), Rural Conservation District with conditions to allow the creation of 42 building lots. The clustered building lots are surrounded by approximately 213 acres of conservation area, which includes 158.5 acres of common open space and a 54.6 acre preservation lot. A conceptual plan has been submitted to demonstrate that the development meets RC District and subdivision preliminary plat requirements.

## Staff Recommendation

**APPROVAL** subject to the submitted proffers, dated November 5, 2015, conceptual plan, dated May 28, 2015, and revised November 3, 2015.

## **Planning Analysis**

The applicant submitted an “Existing Features and Site Analysis” (EFSA) plan with the application, and staff met with the applicant on-site and reviewed the plan. Subsequently, a conceptual plan was submitted as required, addressing the findings of the site inspection. The EFSA plan shows that the subject property consists of a mixture of cultivated fields and mature hardwood and evergreen trees. The majority of soils on-site are labeled as either “somewhat limited” or “very limited” and also noted as being “prime farmland” or of “statewide importance” for farming. Several large ponds are located throughout the southern portion of the site, which are surrounded by Chesapeake Bay Resource Protection Areas (RPA). The conceptual plan accomplishes minimal encroachment into the environmental features on the property by locating the building lots away from steep slopes and RPA.

The RC District requires that a minimum of seventy (70) percent of the net acreage be set aside in conservation area. Net acreage shall be the total area of the district, minus the total of Chesapeake Bay Resource Protection Areas and areas with slopes greater than twenty-five (25) percent. The property contains 35.7 acres of RPA and steep slopes. By subtracting these areas from the gross acreage, the total net acreage calculated is 228.7 acres. The conservation area required is 160.09 acres (70% of 228.7 acres), and approximately 213 acres has been provided (177.32 acres have been provided outside of steep slopes greater than 25% and RPAs). The RC District stipulates that conservation areas may include a preservation lot, common open space areas, or both. Furthermore, the minimum size of common open space, owned by the homeowners’ association, shall be equal to 20% of the conservation area for the first one hundred (100) acres of gross district area plus 10% for area in excess of 100 acres. The conceptual plan shows that the conservation area will consist of both the preservation lot and the common open space area. The required common open space is 36.44 acres, and 158.5 acres has been provided (135.96 acres have been provided outside of steep slopes greater than 25% and RPAs).

Within the 2012 Comprehensive Plan, the property is currently shown on the General Land Use Plan Map for Suburban General (1-4 dwelling units per acre). This area is also part of the Suburban Service Area on the Growth Management Conservation and Suburban Development Plan as well as part of the Utility Service Area on the Public Utility Plan. A Comprehensive Plan Amendment (CPA-2-15) has been submitted and is being considered concurrently with this rezoning to remove the property from these areas and to designate the property for Agricultural use on the General Land Use Plan. Should this amendment be approved, a request for RC zoning would be considered appropriate. The RC District allows for the preservation of the rural character of an area while allowing development to take place, thus meeting the goals of the Comprehensive Plan and the developer. The gross density of the proposed development equals to one unit per 6.29 acres, which meets the density requirements of the RC District (maximum of one unit per 6.25 acres).

## **Specific Rural Conservation District Regulations**

The Board of Supervisors adopted several evaluation standards for conceptual plans for RC rezonings that should be used for adherence to the extent practical. Staff offers these comments for those evaluation criteria for the review of the Conceptual Plan as taken from Sections 26-54(e) and 26-54(g) of the Zoning Ordinance, as follows:

## *Conceptual Plan Standards*

1. *The conservation area shall be free of all structures except historic buildings, stone walls, and structures related to conservation area uses.*  
All buildings including the historic home, tenant houses, and sheds within the conservation area will be removed, except for the silos from the original Luck family farm that are shown on the conceptual plan to be preserved on the preservation lot. Staff would note that there are overhead power lines located on the property, and the Subdivision Ordinance requires that these lines be buried. The conceptual plan does not address this issue.
2. *The conservation areas shall generally not include parcels smaller than three (3) acres, have a length-to-width ratio of less than 4:1, or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields, or trail links.*  
The conservation areas are larger than three (3) acres, have a length-to-width ratio of greater than 4:1, and are greater than seventy-five (75) feet in width.
3. *The conservation areas shall be directly accessible to the largest practicable number of lots within the subdivision.*  
Common open space surrounds all building lots, and walking trails provide direct accessibility to the open space areas throughout each section of the subdivision.
- 4, 7. *The conservation area shall be suitable for active recreational uses without interfering with adjacent dwelling units, parking, driveways, and roads; Except for those parts of the conservation area located within the preservation lot, pedestrian pathways shall be provided within the area for use by the residents of the subdivision.*  
The conservation area is shown to be well-suited for active recreation through a network of walking trails that run along the ponds and throughout the common open space within the project. Residents will have direct or nearby access to these trails.
5. *The conservation areas shall be interconnected to provide a continuous network of conservation areas within and adjoining the subdivision.*  
All of the conservation areas are contiguous to each other.
6. *The conservation areas shall provide buffers to adjoining parks, preserves, or other protected lands.*  
To staff's knowledge, there are no adjoining parks, preserves, or other protected lands adjacent to this property.
8. *The conservation areas shall be undivided by public or private roads, except where necessary for proper traffic circulation.*  
Except for West Patrick Henry Road that divides the project into two parts, the conservation areas are contiguous throughout the project and undivided by the public roads.
9. *The conservation areas shall retain existing natural cover and wooded areas to the maximum extent practicable, to protect conservation area resources.*  
The conceptual plan shows the wooded areas to be preserved within the common open space areas. The applicant has indicated that minimal tree removal will be required for this subdivision.
10. *The conservation areas shall be consistent with the County's Comprehensive Land Use Plan and its Recreation Plan.*  
Should the Board of Supervisors approve the companion application for a Comprehensive Plan Amendment (CPA-2-15) for this property, the conceptual plan would then be considered consistent with the Comprehensive Land Use Plan for agricultural areas of the County by

preserving open space on the property. By providing walking trails nearby for use by the residents, the plan is also consistent with the Parks and Recreation Plan by providing active recreation facilities as part of new residential development.

*Evaluation Criteria*

1. *Protection and preservation of all floodplains, wetlands, and steep slopes.*  
RPA or slopes greater than 25% are located outside of all building lots and preserved within conservation areas.
- 2, 3, 5 *Preservation and maintenance of existing treelines; Minimization of development on open fields or pastures; Avoidance of siting new construction on prominent hilltops or ridges.*  
The conceptual plan shows that the building lots are arranged in a way that will preserve existing treelines, thus minimizing the visibility from State Route 54. On the northern portion of the project, the property rises to somewhat of a ridge in the middle of the site and then slopes towards the back half of the property. Building lots have been sited in the back half of this ridge to minimize the visibility from State Route 54, which preserves the front open field for continued cultivation.
4. *Preservation of existing vistas.*  
For the most of the site, existing vistas as seen along State Route 54 are preserved. Some homesites will be visible from the road in the southern part of the property. However, the scenic viewshed of the portion of the property containing the ponds, cultivated fields, and silos will be maintained along Route 54.
6. *Preservation of sites of historic, archaeological, or cultural value.*  
The dilapidated historic home is being removed from the property because it has been determined not feasible for saving. However, the silos from the original Luck farm are shown to be preserved on the preservation lot.
- 7, 8. *Provision of active recreational areas, inclusion of a pedestrian circulation system.*  
An extensive walking trail network provides opportunities for active recreation throughout the site.
9. *Provision of open space that is reasonably contiguous.*  
Open space areas are contiguous around the site, except where divided by State Route 54.

**Schools Analysis**

Population Increase					
General Population	42 units	x	2.69 (avg. persons per household)	=	113 persons
School Children	113 persons	x	20% (avg. % of children per pop.)	=	23 children

School Enrollment Forecast				
Schools Affected	Capacity	2015 Enrollment	2016	2017
Henry Clay Elementary	445	353	306	302
John Gandy Elementary	369	310	310	310
Liberty Middle	1,131	1,051	1,020	1,022
Patrick Henry High	1,669	1,454	1,452	1,425

## **Community Meeting**

The applicant held a community meeting on October 7, 2015. Issues raised at the meeting included the following:

- *Additional traffic added to this already heavily travelled area of State Route 54*

The County's transportation policy does not require a traffic study from the applicant for subdivisions of 49 or fewer lots. The applicant has agreed to the transportation cash proffer to address the additional traffic of the 42 new lots.

- *Removal of trees, especially the grove around the historic house*

The applicant indicated that very few trees would require removal as part of this subdivision. The building lots have been located along existing treelines to minimize tree removal. Trees within the conservation area shall remain as shown on the conceptual plan.

- *Possible cemetery on the property*

One meeting attendee pointed out the existence of a cemetery on the eastern side of the property adjacent to the Town of Ashland. After initially looking into the matter, the applicant suspects that the cemetery is most likely within the Town limits and not part of the property under consideration. However, the applicant has submitted a proffer stating that if a cemetery is found on the property in conflict with necessary infrastructure, it will be located in accordance with the Virginia Department of Historic Resources procedures at the applicant's expense.

## **Agency Analysis**

VDOT Secondary Street Acceptance Requirements (SSAR) require that road stubs to adjacent properties be provided for future connections. VDOT cannot approve this plan unless a waiver is granted. In addition, a portion of Luck Brothers Drive is in the Town of Ashland. VDOT has indicated that they will maintain the entire road.

The Town of Ashland Planning Department has provided comments on this application. As mentioned above, a portion of a road (approximately 200') will be located within the Town limits. That portion of property is zoned RR-1, Rural Residential District, which requires one street tree be planted every 50'. At the time of subdivision, the construction plans will be routed to the Town for review and approval to ensure the portion of property within the Town meets ordinance requirements. In addition, the Town noted that the Town's Transportation Plan shows the proposed relocation of Elmont Road running through the subject property. The applicant has addressed this road relocation within the proffers.

The Historical Commission reviewed this application at their October 19, 2015, meeting due to the project's proximity to various historic sites on and adjacent to the property. The Commission determined that the historic sites would not be significantly impacted and had no concerns with the dilapidated historic house being torn down. However, the Commission did recommend that the Luck dairy farm and its connection to the Clover Room in Richmond be recognized with a local historic

marker. The applicant has proffered to install the historic marker in accordance with the Commission's recommendations.

The U.S. Postal Service has established new regulations requiring mailboxes be clustered at the entrances to subdivisions. The location and design of the mailbox pull-off areas as shown on the conceptual plan must be approved by the local postmaster prior to the Board of Supervisors meeting.

### **Proffers**

Staff recommends approval of the following proffers, dated November 5, 2015:

1. **Contribution for Road Improvements.** The standard proffer language has been submitted for a cash proffer in the amount of \$2,306.00 to address impacts to the thoroughfare network.
2. **Dedication of Right-of-Way.** Standard right-of-way dedication proffer language has been submitted for West Patrick Henry Road (State Route 54).
3. **Brick or Stone Foundations.** The use of brick, stone, or synthetic stucco foundation materials has been proffered.
4. **Minimum House Size.** The applicant has proffered 2,000 square foot minimum house size for one and one and a half story dwellings and 2,400 square foot minimum house size for two-story dwellings. Staff makes no recommendations regarding house size.
5. **Relocation of Elmont Road.** In accordance with the Town of Ashland Transportation Plan, the applicant has proffered to reserve 100' of right-of-way through the property for the relocation of Elmont Road for a period of 20 years. The proffer also indicates that the right-of-way location will be determined at the time dedication is requested.
6. **Historical Marker.** As previously mentioned, the Historical Commission has recommended a local historic marker be placed on the property to recognize the history of the Luck dairy farm. The applicant has proffered to install the marker on the property in a location shown on the conceptual plan. Currently, the conceptual plan shows the marker located just south of the historic house. Staff would recommend that the marker be located closer to State Route 54, around the location of the mailbox pull-off area off of Luck Farms Way so that interested passersby may safely stop and read the sign.
7. **Preservation Lot.** The applicant has proffered to record a restrictive covenant requiring both parts of the preservation lot retain the same ownership. The RC District allows for only one preservation lot within a project.
8. **Cemetery Removal or Relocation.** As previously discussed, it was brought to the attention of the applicant at the community meeting that a cemetery was likely located on the property. Should a cemetery be found on the subject property, the applicant has proffered to relocate it in accordance with the Virginia Department of Historic Resources procedures.

GJWB/HTE

**Attachments**

- Maps (land use, vicinity, zoning, aerial)
- Historical Commission Recommendation
- Approved Proffers/Elevations/Conceptual Plan
- County Traffic Study
- Application Materials
- Agency Review Comments
- 527 Traffic Study
- Citizen Correspondence
- Photographs
- Proffers /Conceptual Plan

# Hanover County, Virginia

## Land Use Map

### Legend

-  Agricultural
-  Rural Village
-  Suburban Transitional
-  Suburban General
-  Suburban High
-  Multi-Family
-  Commercial
-  Multi-Use
-  Mixed-Use (LC/HR)
-  Mixed-Use (HC/LR)
-  Business-Industrial
-  Industrial
-  Limited Industrial
-  Planned Business
-  Destination Commerce
-  Flood Plain

### C-19-15

Barnyard Enterprises, L.L.C., et al.

Rezone A-1 to RC

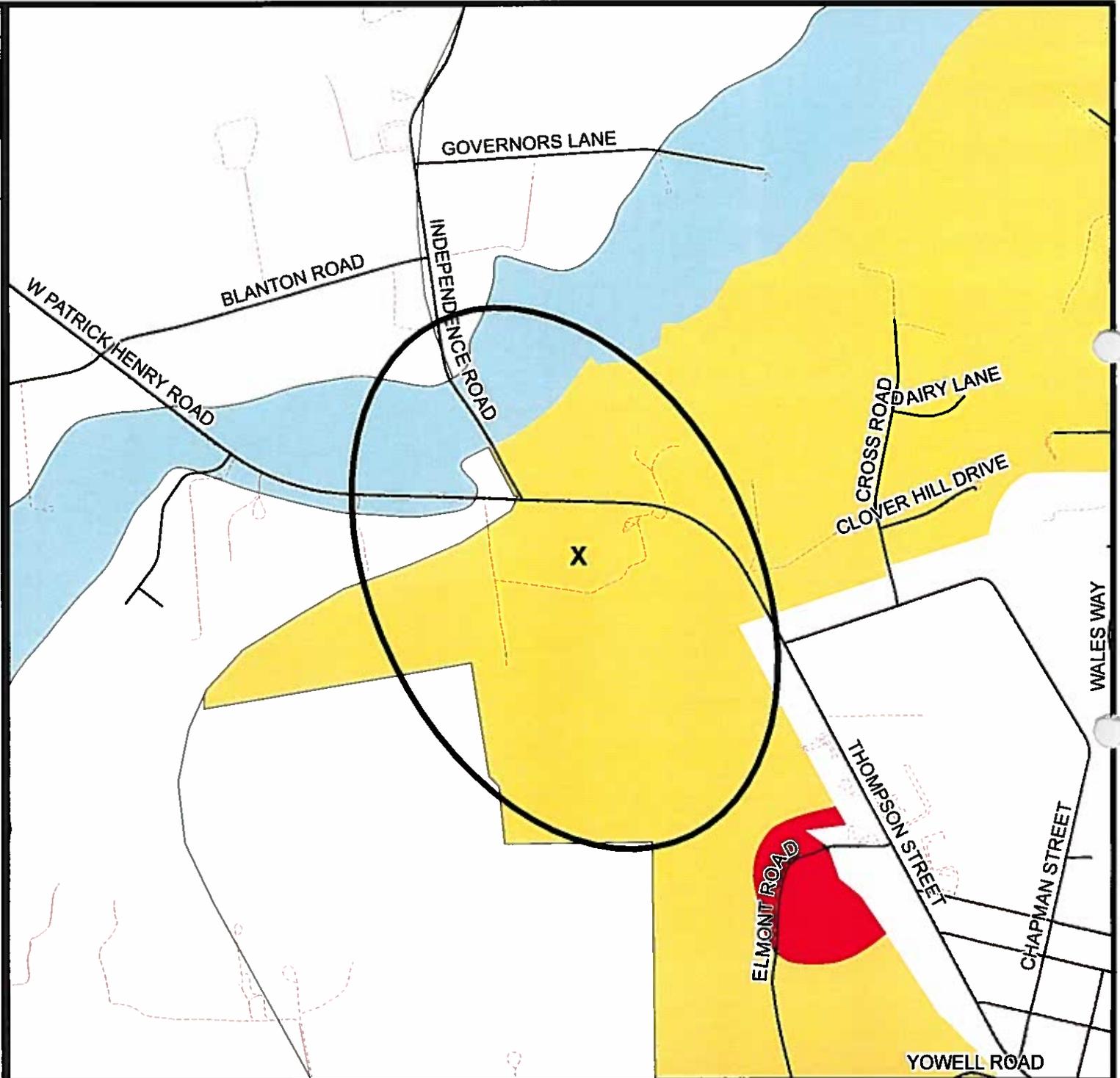
Suburban General & Agricultural  
Land Use

GPINs: 7870-18-5092, et al.  
Beaverdam Magisterial District



1 inch = 1,183 feet

June 01, 2015



**Hanover County,  
Virginia**

**General Parcel Map**

**Legend**

- Roads
- Water
- - - Trees
- - - Private Road
- Structures
- Parcels

**C-19-15**

**Barnyard Enterprises, L.L.C., et al.**

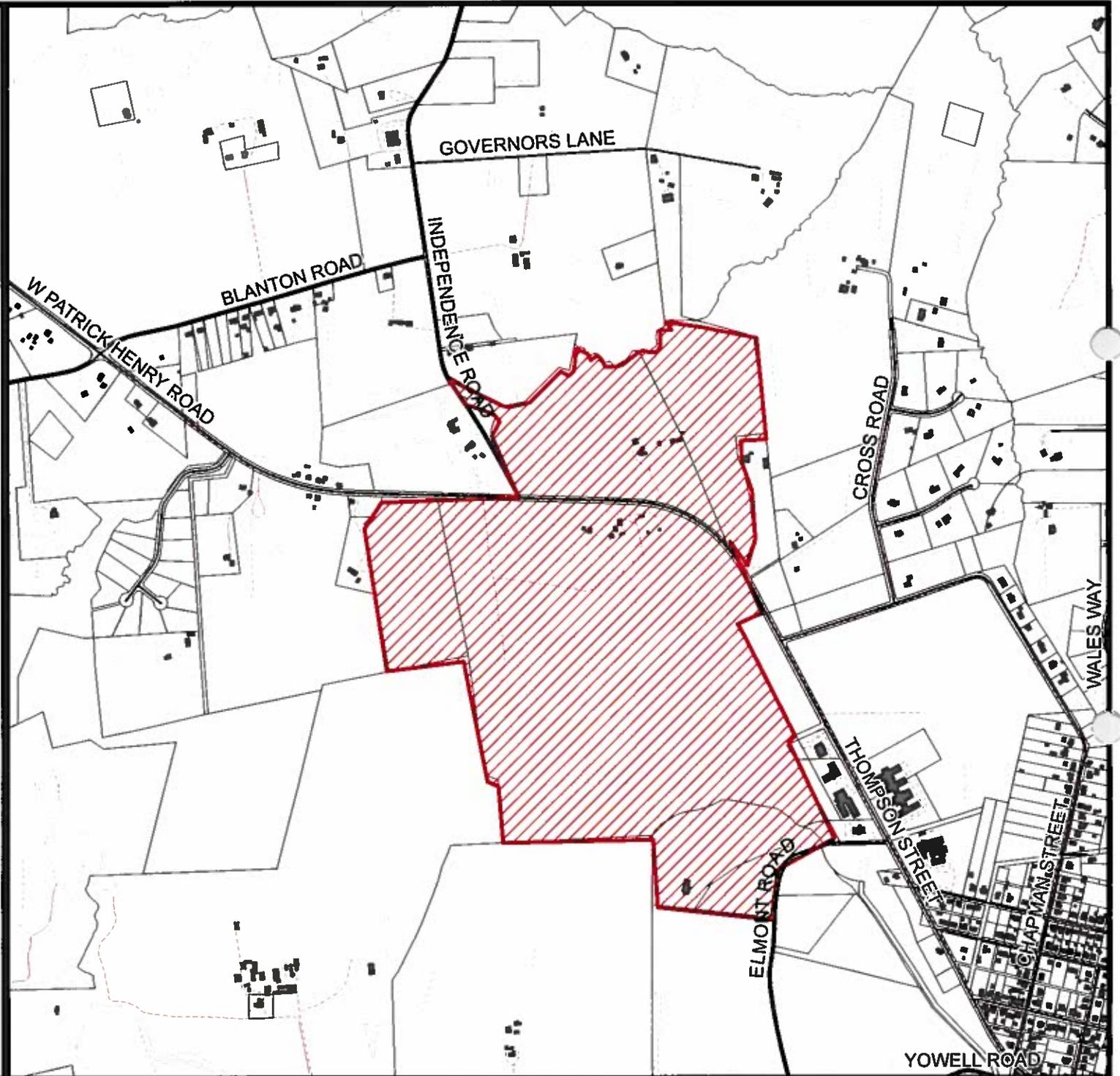
**Rezone A-1 to RC**

GPIN's: 7870-18-5092, et al.  
**Beaverdam Magisterial District**



**1 inch = 1,183 feet**

*June 01, 2015*



# Hanover County, Virginia

## Zoning Map

### Legend

— Roads	■ R-4
- Water	■ R-5
- - - Private Road	■ R-6
□ Parcels	■ RM
□ CUP	■ MX
□ A-1	■ B-1
□ AR-1	■ B-2
□ AR-2	■ B-3
□ AR-6	■ O-S
□ RC	■ B-0
□ RS	■ M-1
□ R-1	■ M-2
□ R-2	■ M-3
□ R-3	

### C-19-15

Barnyard Enterprises, L.L.C., et al.

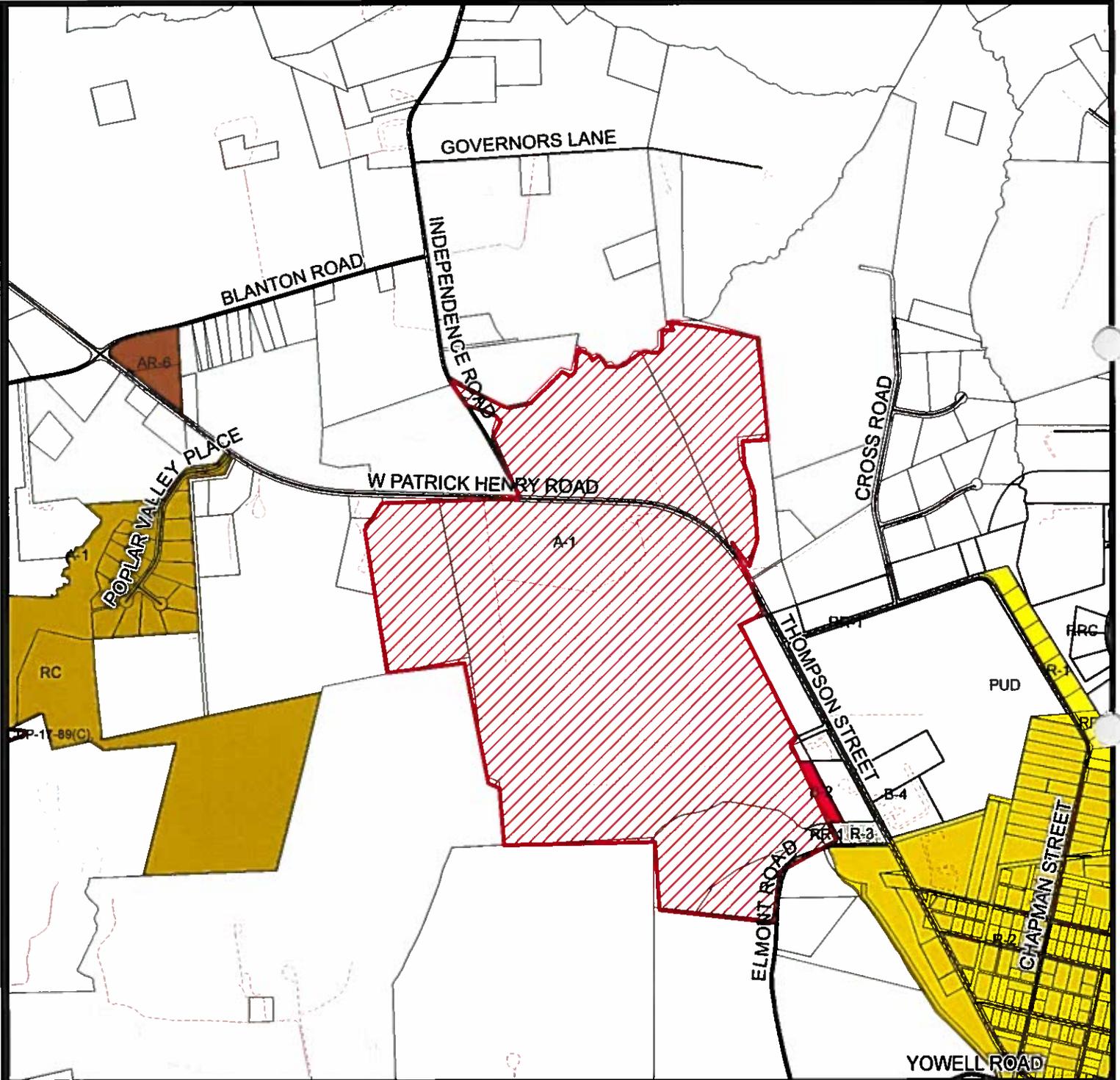
Rezone A-1 to RC

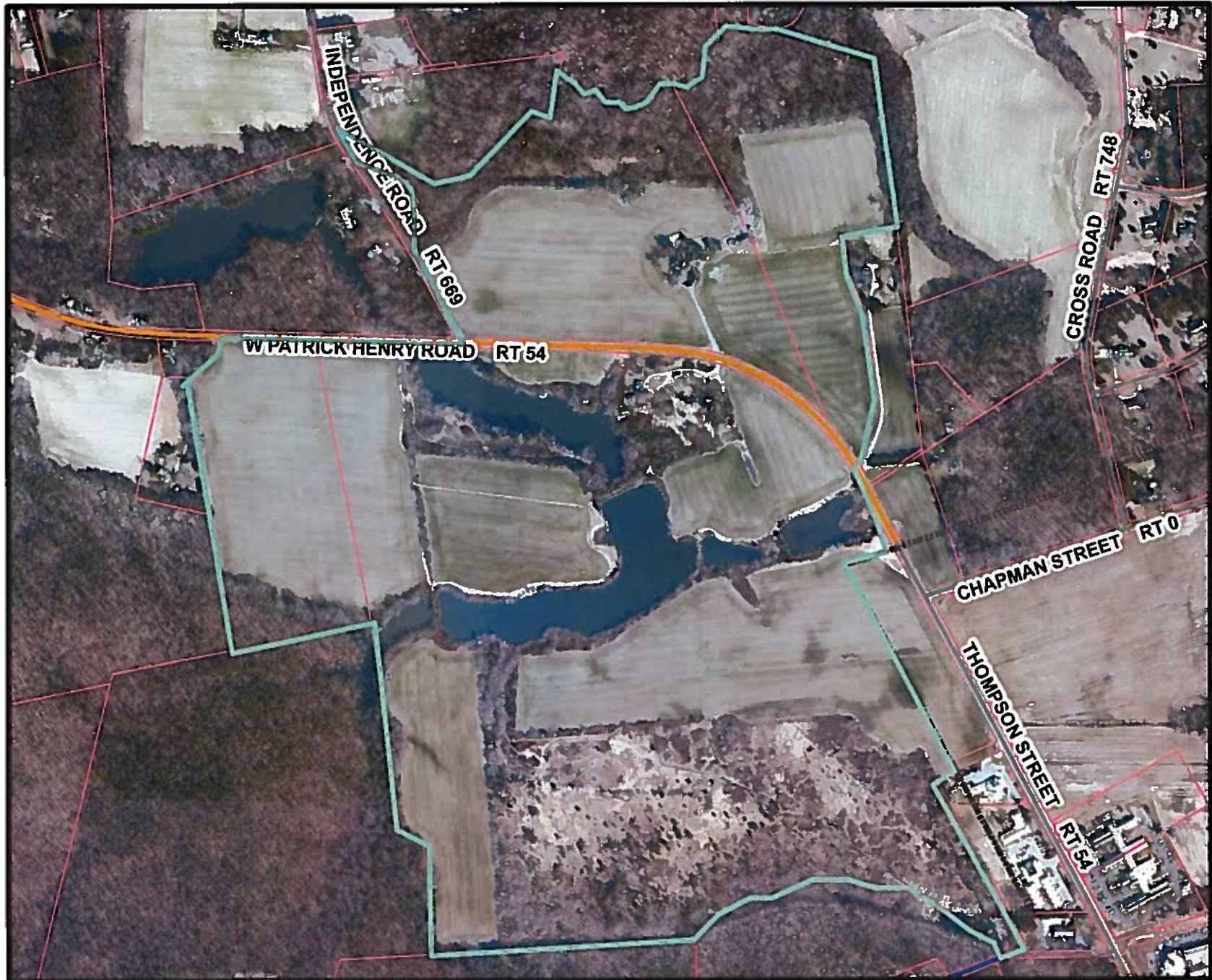
GPINs: 7970-18-5092, et al.  
Beaverdam Magisterial District

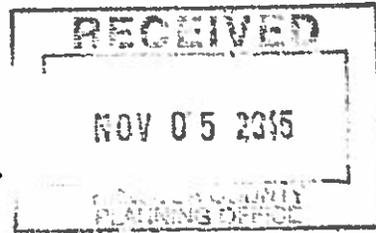


1 inch = 1,183 feet

June 01, 2015







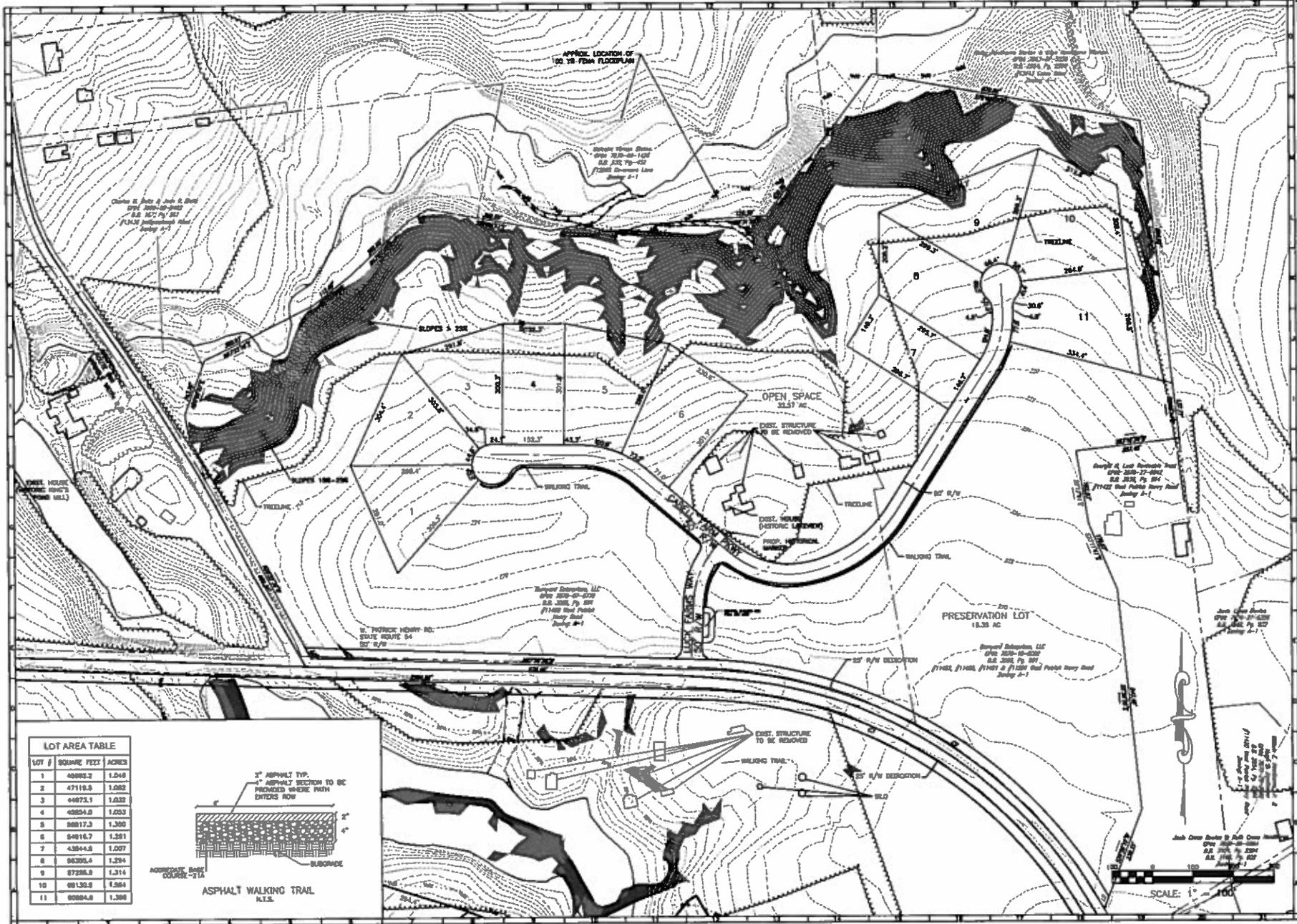
**I. PROFFERS: C-19-15(C), BARNYARD ENTERPRISES, LLC ET AL.**

The undersigned, owners of parcels designated GPINs 7860-86-9561, 7870-18-5092, and 7870-07-5779, ("the Property"), voluntarily agree for themselves, their agent, personal representatives, successors and assigns (collectively the "Property Owner") that, in the event the Property is rezoned from A-1 to RC, the development and use of the Property shall be subject to the following conditions:

1. **Contribution for Road Improvements.** The Property Owner, for himself, his successors and assigns, agrees to pay Hanover County prior to issuance of a Certificate of Occupancy for the Property, the amount of Two Thousand Three Hundred Six and 00/100 (\$2,306.00) per single family unit built on the Property. The funds shall be used for the purpose of completing off-site road improvements relating to the development allowed by the rezoning and included in the Business and Residential Development Road Improvements Transportation Policy, adopted March 13, 2013. In the event funds are paid and are not used for such improvements, the County shall return the funds paid to the Owner or his successors in title.
2. **Dedication of Right-of-Way.** The Property Owner agrees to dedicate fifty (50) feet of right-of-way from the centerline of West Patrick Henry Road (State Route 54) to the Property for future road widening, free of cost to the County, upon request of the County or VDOT.
3. **Brick or Stone Foundations.** Exterior of all foundations shall be of brick or stone unless the residence is constructed with synthetic stucco, in which case the foundation may be synthetic stucco. No cinder block, cement block, solite block, or asbestos shingle shall be permitted for the finished exterior of any structures.
4. **Minimum House Size.** Minimum house floor area shall be 2,000 square feet for one level or one and a half level dwellings and 2,400 square feet for two-level dwellings. The calculation of minimum floor area shall not include floor area devoted to garages or breezeways in any category. Floor area shall be measured along the exterior walls of the structure.
5. **Relocation of Elmont Road.** The Property Owner shall reserve 100' of right-of-way through the Property for the relocation of Elmont Road for a period being 20 years from the date hereof, as generally shown on the Town of Ashland Transportation Plan, in a mutually agreeable location to be determined at the time of dedication. This right-of-way shall be dedicated free of cost to the County, upon request of the County, Town, or VDOT.
6. **Historical Marker.** The Property Owner agrees to erect a Hanover County historic marker to commemorate the history of the Luck Dairy Farm, including its owners' connection to the Clover Room, once located on Broad Street, west of Malvern Avenue. The Property Owner shall complete an application for a local historic marker

and pay the cost for the manufacture of such marker. The text shall be drafted with assistance from the Historical Commission. The marker shall be installed in the location shown on the conceptual plan prior to recordation of the first section of the subdivision.

7. Preservation Lot. The Property Owner shall record a restrictive covenant that requires both parts of the Preservation Lot (15.35 acre part and 39.23 acre part as shown on the conceptual plan) to be held in common ownership. Both parts of the Preservation Lot shall be recorded in the same subdivision section, and this covenant shall be recorded with the section.
8. Cemetery Removal or Relocation. Should a grave or cemetery be discovered on the Property, and should the location of the grave or cemetery be in conflict with the conceptual plan and necessary infrastructure such as roads, drainage, and utilities, the grave or cemetery shall be relocated in accordance with the procedure administered by the Virginia Department of Historic Resources. The Property Owner shall be responsible for all costs and expenses associated with the cemetery removal or relocation.



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 15471 Old West Drive  
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**REGISTERED PROFESSIONAL ENGINEER**  
 No. 52872

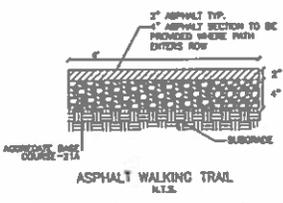
**LAKEVIEW AT LUCK FARMS**  
 LUCK FARM REZONING  
 LAYOUT  
 BEAVERDAM DISTRICT  
 HANOVER COUNTY, VIRGINIA

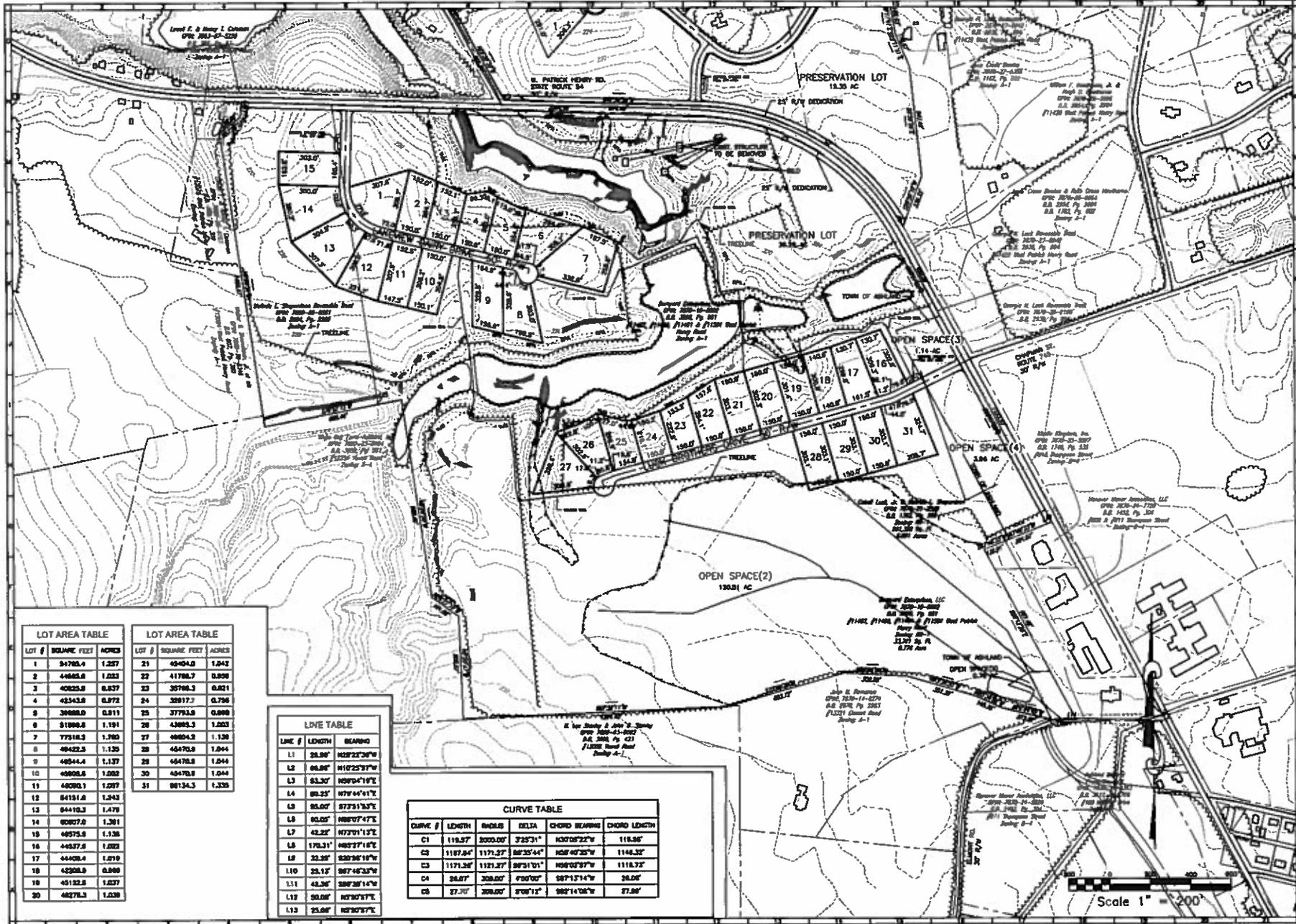
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 DESIGNED BY: JFC  
 CHECKED BY: JFC  
 DATE: 05-28-15  
 SCALE: 1"=100'

REVISIONS:  
 9-31-15  
 10-15-15  
 11-3-15

SHEET NO.  
**2 of 4**  
 JOB NO. 64120114.02

LOT #	SQUARE FEET	ACRES
1	40892.2	1.048
2	47116.9	1.082
3	44873.1	1.032
4	40854.8	1.033
5	58817.3	1.300
6	54816.7	1.381
7	43844.8	1.027
8	86386.4	1.924
9	87286.8	1.914
10	88130.8	1.964
(1)	88894.8	1.908





LOT AREA TABLE

LOT #	SQUARE FEET	ACRES
1	54785.4	1.257
2	44663.8	1.023
3	40823.8	0.937
4	42343.8	0.972
5	39888.0	0.911
6	51888.8	1.191
7	77318.3	1.780
8	48423.3	1.120
9	48544.4	1.127
10	48808.6	1.120
11	48993.1	1.127
12	54151.8	1.243
13	54410.3	1.249
14	60877.0	1.391
15	48575.8	1.126
16	44837.5	1.022
17	44408.4	1.019
18	42388.9	0.966
19	45152.3	1.027
20	48773.3	1.120

LOT AREA TABLE

LOT #	SQUARE FEET	ACRES
21	45404.0	1.042
22	41788.7	0.950
23	35768.3	0.821
24	32817.7	0.756
25	37793.8	0.869
26	43885.3	1.003
27	48804.2	1.120
28	48478.8	1.094
29	48478.8	1.094
30	48478.8	1.094
31	88134.3	2.025

LINE TABLE

LINE #	LENGTH	BEARING
L1	28.80'	N02°32'30"W
L2	86.80'	N10°25'37"W
L3	53.30'	N09°04'19"E
L4	89.25'	N79°44'41"E
L5	85.00'	S73°15'57"E
L6	80.00'	N68°07'47"E
L7	42.25'	N73°01'15"E
L8	170.31'	N63°27'18"E
L9	32.30'	S20°36'18"W
L10	25.12'	S87°45'33"W
L11	43.28'	S88°38'14"W
L12	28.00'	N73°37'47"E
L13	25.00'	N79°39'7"E

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	118.57'	3000.00'	72°31'1"	N30°25'22"W	118.56'
C2	1187.64'	1171.27'	88°25'44"	N08°45'20"W	1148.32'
C3	1171.26'	1171.27'	88°31'01"	N08°03'37"W	1118.72'
C4	28.07'	308.00'	9°07'00"	S87°13'14"W	28.06'
C5	27.17'	308.00'	9°08'11"	S88°14'08"W	27.89'



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LAKEVIEW  
 LUCK FARM REZONING  
 LAYOUT  
 BEAVERDAM DISTRICT  
 HANOVER COUNTY, VIRGINIA

DRAWN BY: JCP  
 DESIGNED BY: JCP  
 CHECKED BY: JCP  
 DATE: 08-29-18  
 SCALE: 1"=200'  
 REVISIONS:  
 8-31-18  
 10-18-18  
 11-3-18

SHEET NO.  
**3 of 4**  
 JOB NO. 1118211A01



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**LAKEVIEW**  
 LUCK FARM REZONING  
 OVERALL LAYOUT  
 BEAVERDAM DISTRICT  
 HANOVER COUNTY, VIRGINIA

DESIGNED BY PFC  
 CHECKED BY PFC  
 DATE 05-28-18  
 SCALE 1"=400'  
 REVISIONS:  
 8-21-18  
 10-16-18  
 11-2-18

SHEET NO.  
**4 of 4**  
 JOB NO. 143001466