

ARTICLES OF INTEREST

6/5/2010

Landowners sue Chesterfield

They say subdivision zoning lot-size changes enacted improperly

BY WESLEY P. HESTER
Times-Dispatch Staff Writer

Nineteen Chesterfield landowners are suing the county in Circuit Court, claiming that recent changes in zoning laws were hastily made and infringe on their property rights.

County leaders in late April approved changes to correct a loophole left by a Virginia Supreme Court ruling in February. That decision voided a section of the county's subdivision ordinance allowing 1-acre lots in agricultural districts where lots had previously been

limited to 5 acres.

From February to April, many landowners — including the complainants — filed subdivision requests in agricultural areas seeking to subdivide their properties using the 1-acre minimum.

Now those property owners are asking the court to void the changes and order the county to process their applications using the laws in place the day prior to the board's adoption of the amendments.

The lawsuit — against the county, its Board of Supervisors, Planning Commission and planning director — says the changes were made without due process and adequate notice.

It also alleges that the county violated state law by:

- adopting a version of the amendments that was substantially different from that advertised;

- failing to initiate the changes with a resolution approved by the Board of Supervisors;

- prohibiting the construction of new streets or street extensions to serve residential uses or new lots; and

- failing to mail notices to all affected landowners.

Chesterfield County Attorney Steven L. Micas said yesterday that because the lawsuit had not been served on the county, he could not comment.

The lawsuit was filed May 28, just within the one-month deadline required by law. William H. Shewmake, attorney for the landowners, said he has not yet asked for the

lawsuit to be served.

Shewmake said yesterday that neither he nor the landowners involved wished to comment on the matter. "At this point, we just don't think it's appropriate," he said.

In a separate lawsuit on behalf of nine of the same landowners, Shewmake asks that the county be ordered to approve subdivision applications already turned down because of applicants' refusal or inability to connect to public water and sewer service.

The lawsuit claims that public water and sewer connections are not required because the agricultural zoning was in place years before the county enacting those requirements.

• Contact Wesley P. Hester at (804) 649-68 or whester@timesdispatch.com.

Caroline mixed-use project approved

The county also says
McKesson Corp. is
planning a center

BY JOHN REID BLACKWELL
Times-Dispatch Staff Writer

Caroline County got two big pieces of news last night — approval for the county's largest mixed-used development and word that health-care giant McKesson Corp. plans to build a pharmaceutical distribution center.

The Caroline Board of Supervisors approved the rezoning request for the proposed Carmel Church Station, a 1,059-acre residential and commercial development just off Interstate 95.

Located about 25 miles north of Richmond, the project could take 18 to 25 years to develop and would include 3.16 million square feet of retail and commercial space; 8,659 residential units; and a 120-acre regional park.

Nearby in the Caroline Commerce Center off state Route 207 just east of I-95 is where McKesson plans to build the 340,000-square-foot facility. The \$50 million investment would create 150 to 190 jobs over three years, county officials say.

At last night's meeting, the supervisors voted 4-1 to change the land's zoning from rural

See **CAROLINE**, Page A8

Caroline

From Page A1

preservation and industrial to mixed-use for the Carmel Church project.

Supervisor Jeff Sili voted against the rezoning. He wanted to delay the vote until the board's next meeting because he had many unanswered questions. His motion to delay failed.

Board Chairman D.M. "Maxie" Rozell Jr. said the project offers the county a way to control its development.

"We have the opportunity to mold our Innsbrook," he said, referring to the western Henrico County office park.

Caroline residents gave their input into the development, he said. "These developers have done everything we have asked them to do."

The land mostly along the west side of I-95 from the North Anna River to Route 207 is owned by Robert L. "Litt" Thompson and Thomas P. "Tommy" Thompson, brothers from Richmond who are partners in Virginia Land Investments.

"We really believe this project is going to prove to be the right thing for the county," Tommy Thompson said.

Anchoring the development would be a train station on the Richmond-to-Washington CSX rail line. Developers envision the station as the centerpiece of a pedestrian-friendly community that would rely on multiple types of transportation.

The train station has not been approved, however.

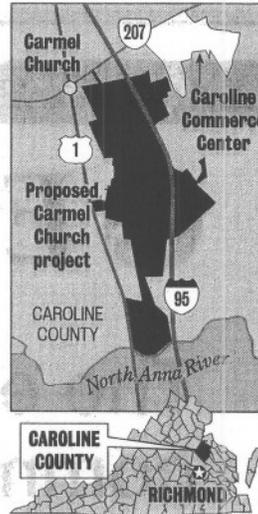
The Virginia Department of Rail and Public Transportation has done a feasibility study but still would need to do an engineering review. CSX, which owns the tracks, would have to agree to the location of the station, and Amtrak or Virginia Railway Express would have to agree to provide service.

Tommy Thompson said last week that the development could attract residents who would commute to jobs in the Washington area by train.

Commuters also could

Caroline projects

Caroline County officials announced last night that McKesson Corp. will build a distribution center in the Caroline Commerce Center. Supervisors also approved a rezoning request for the proposed Carmel Church Station development.



JOHN G. OWNBY/TIMES-DISPATCH

Much of the residential development would be multi-family units such as condominiums and apartments, with single-family detached homes only on the edges of the property. About 260 acres of the project would be set aside for parks, government buildings and other municipal needs.

According to a note in the county's planning department report, the development could more than double Caroline's population, which was estimated at 27,870 in 2009.

On the McKesson distribution center, the supervisors last month agreed to provide up to \$460,000 in incentives and infrastructure improvements for the company.

County officials had not identified the company until last night and had referred to it only as "Company 51" in documents.

Creating the jobs was a key factor, said Gary Wilson, the county's economic development director.

"It's of great significance for Caroline County. We only have a couple of nongovernment employers that are as large," he said.

The company would invest \$21 million in real estate and

'A huge project for Caroline'

Richmond Times-Dispatch

Transit-based community could double population of county within 20 years

BY EMILY C. DOOLEY
AND JOHN REID BLACKWELL
Times-Dispatch Staff Writers

Two Richmond brothers who have dabbled in real estate development are proposing a 1,059-acre transit-oriented community with dense housing and commercial space that could double the population of Caroline County within 20 years.

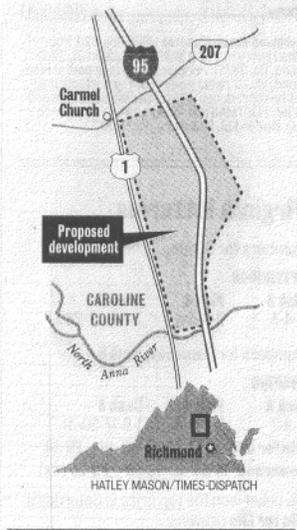
Called Carmel Church Station, the project about 25 miles north of Richmond is slated to have 3.16 million square feet of retail and commercial space, 8,659 residential units and a 120-acre regional park — all anchored around a yet-to-be approved train station on the Richmond-to-Washington CSX rail line.

Tomorrow, the Caroline Board of Supervisors is scheduled to take up a request to change the area's zoning from rural preservation and industrial to mixed-use.

A decision was tabled last month as supervisors had lingering questions about the effect of the growth on schools, water and sewer needs, and what might happen if the train station is not approved. It may or may not vote tomorrow, either.

"This is what I call an irreversible

See **CAROLINE**, Page A6



Caroline

From Page A1

decision," said Mattaponi District Supervisor Floyd Thomas. "The overall success of this project depends on the rail station, and there is no guarantee."

Robert L. "Litt" Thompson and Thomas P. "Tommy" Thompson own the land, which straddles Interstate 95 from the North Anna River up to the Carmel Church exit at state Route 207. They became interested after being approached by the county.

It's a transportation-oriented community meant to be walkable and dense enough to allow growth without creating sprawl, said Tommy Thompson, a partner in Virginia Land Investments, which his brother founded.

"It is a huge development and it is a huge project for Caroline, but it is exactly where they have said they want growth to happen," he said.

An economic-impact study the Thompsons commissioned, which has not been made public, estimated that about 10,000 permanent jobs would be created once the project is finished and 10,000 temporary jobs would be generated during construction, which would take from 18 to 25 years.

During the construction phase, an estimated \$150 million in tax revenue would be generated and, once finished, the annual tax revenue is estimated at \$15 million, Thompson said.

Caroline Economic Development Director Gary Wilson is a supporter.

"We know growth of some sort will happen here, and we want to make sure it happens intelligently," he said.

The urban core centered around the train station would feature apartments and retail. Duplexes, triplexes and condominiums would radiate out, as would other commercial uses. Only the edges of the property would have single-family detached homes.

Of the total property, 260 acres would be set aside for parks, government buildings and other municipal needs.

Supervisor Wayne A. Acors said the proposed development would be the largest ever for the county.

A note in the county's planning department report said it could increase the

Project photos

See images at
TimesDispatch.com,
keyword: featured.



Thomas P. "Tommy" Thompson is a partner in Virginia Land Investments.

Carmel Church Station

The Caroline County Board of Supervisors is scheduled to vote tomorrow on rezoning Carmel Church Station, a transit-oriented "new urbanism" proposal that could double the population of the rural county.

Size: 1,059.3 acres

Residential units: 8,659

Commercial space: 3.16 million square feet

More info: CarmelChurchStation.com

population by 28,000. The estimated 2009 population, according to the U.S. Census Bureau, is 27,870.

Supervisors have questioned the developers about water and sewer needs and the demand the residential development would place on the county's schools.

Since 1977, the area has been cited as a primary growth area. A federal grant is helping to pay for an environmental-impact study evaluating the train station plan and location, Wilson said.

"The state of Virginia says this should be a when, not if," he said.

But the "if" is a concern.

The Virginia Department of Rail and Public Transportation has done a feasibility study about which of three spots would be the best location for a station. The next step would be an engineering and plan review.

CSX, which owns the tracks, would have to agree to the location, said Kevin B. Page, the department's chief of rail transportation.

Amtrak or Virginia Railway Express would have to agree to provide service. Amtrak did not return a call for comment.

The county would have to join one of two transportation commission districts and collect a 2 percent gas

tax for VRE to consider extending service.

"It's not an easy thing to accomplish," said Mark Roeber, VRE's manager of public affairs and government relations. "It won't happen just because this developer builds a station and says, 'We're ready for you.'"

The developers have indicated the project will be scaled down if the train station is not approved, which could mean less retail and more housing. Houses create the need for schools and infrastructure that cost more and bring in less revenue than commercial enterprises.

"We have to make sure we protect the county," Thomas said. "We can't just have a residential community."

Acors, a lifelong resident of the county and a board member for 23 years, noted that no one spoke in opposition to the proposal at a recent public hearing.

Some nearby residents and business owners said they like the idea of a mixed-use development, though with some reservations.

Just a short drive up Telegraph Road from the proposed site is Virginia Berry Farm, a wholesale nursery operated by Scott Smythe.

Smythe said the plans for Carmel Church Station look great on paper, and he likes the idea of having a train station nearby, but he also worries that a giant development could end up with too many empty buildings and half-developed land.

"It's hard not to be skeptical in today's economy," said Smythe, whose family owns about 300 acres of farmland.

"But I do think the area needs something besides another truck stop. Caroline County needs something to put it on the map. This could be it, if it is done right."

The Carmel Church Station plan fits well with what residents envisioned when they submitted development goals for the county's comprehensive plan several years ago, said Sandra Stevens, a real estate agent who served on a committee that studied development in the Carmel Church area.

"It takes traffic off I-95, and it will preserve our community," said Stevens, who grew up on a dairy farm in the county. "To me, it is visionary and realistic."

• Contact Emily C. Dooley at (804) 649-6016 or edooley@timesdispatch.com.
• Contact John Reid Blackwell at (804) 775-8123 or jblackwell@timesdispatch.com.

Caroline project has supporters, skeptics



LINDY KEAST RODMAN/TIMES-DISPATCH

Lisa Williams (left) and Sheronda Wingo walk along the streets of Ladysmith Village at least once a week. The 500-acre development is zoned for 2,679 units and now has about 210 homeowners. It continues to attract commuter families.

Rural lifestyle at risk?

Though development has caused little controversy, some fear the unknowns

BY JOHN REID BLACKWELL
Times-Dispatch Staff Writer

CARMEL CHURCH — Caroline County native Rory Smith lives less than a mile from where developers are planning a massive new residential and commercial community.

The development, called Carmel

Church Station, is among the most ambitious ever proposed in the Richmond area.

It would bring more than 8,500 residential units to a swath of now-rural land along Interstate 95 in southern Caroline and potentially double the county's population of roughly 28,000.

Smith, a self-described country boy, isn't bothered by the prospect at all.

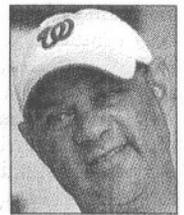
The proposed centerpiece of the village-style development — a train station along the Richmond-to-Washington railroad line owned by CSX — would be about a quarter-mile

from his home.

Smith counts himself as one of the Caroline residents who sees the train station and the urban-village-style development as the county's best chance yet to get its share of the growth along the Interstate 95 corridor.

"It's time to grow," he said. If the project works out as envisioned, "I would not have to go to Glen Allen to go to a mall. I could practically walk to one. I could hop a train to Washington."

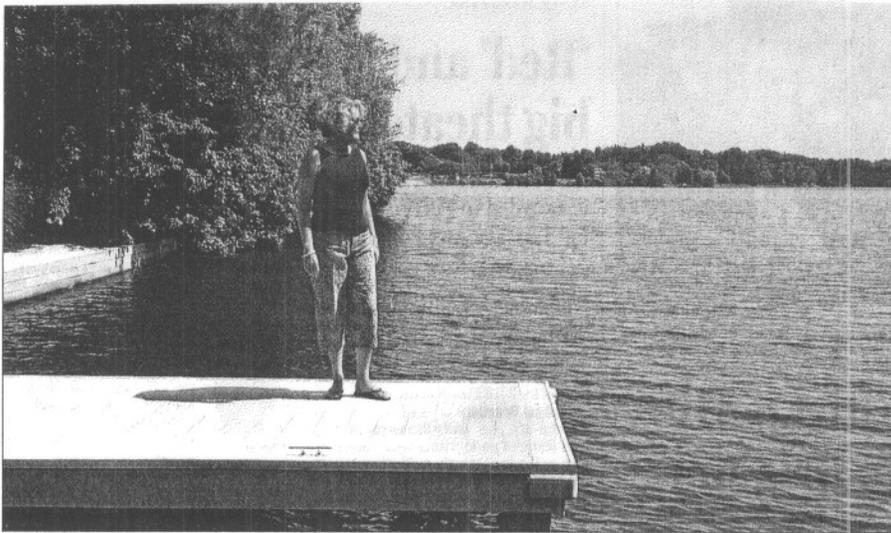
"I'm proud of our supervisors for



"It's time to grow."

RORY SMITH
Caroline
County native

See **CAROLINE**, Page A5



RTD
6/14/10

L.J. Moyer, who moved to Caroline County in the early 1980s to sell real estate, was one of the first residents on Lake Caroline. She stands on her dock.

LINDY KEAST ROOMAN/TIMES DISPATCH

Caroline

From Page A1

not sleeping on this one," he said.

In a 4-1 vote last week, the Caroline Board of Supervisors approved a zoning request to change the 1,059-acre property from industrial and rural preservation to mixed-use.

The land, owned by Richmond brothers Robert L. "Litt" Thompson and Thomas P. "Tommy" Thompson, extends along I-95 and U.S. 1 from the North Anna River north to Exit 104.

The project has drawn little public controversy in Caroline, where officials say the high-density development consisting mostly of apartments and condominiums would help attract businesses and jobs without threatening the county's rural lifestyle.

"We are not going to attempt to urbanize the entire community," said Gary Wilson, the county's economic development director. "The goal is to maintain a high quality of life, which is interpreted here as being a rural quality of life."

◆ ◆ ◆
But the prospect of a massive new development in the county does have skeptics.

The lone dissenting vote on the board was cast by Bowling Green District Supervisor Jeff Sili, who said there still are too many unknowns about the project, including whether the train station that is supposed to serve as a transit hub for the development becomes a reality.

"It's not that I am down on the development," Sili said in an interview last week. "There is just a lot that needs to be talked about," including the impact on schools, water and public-safety services.

"It is a big project, and we did not spend a lot of time on it," he said.

William Bolecek, a Caroline native who lives near Bowling Green, also expressed concerns that a major development will set a precedent that erodes Caroline's rural qualities and county resources.

"I live here because I like to live out in the country, and I don't want the congestion," Bolecek said. "I have seen what has happened in Spotsylvania County and in Stafford County."

Sili also said the county has about 11,000 housing lots that have been approved

Caroline by the numbers

Here are some facts about the county.

Population: 28,245 (estimate)

Size: 549 square miles

County budget: \$86 million (fiscal 2010)

Real estate tax rate: 53 cents per \$100 of assessed value

Median household income: \$57,302

Median family income: \$69,535

Unemployment rate: 8.9 percent (April)

SOURCES: U.S. Census Bureau; Virginia Employment Commission; Caroline County government



CAROLINE COUNTY
JOHN G. OWNEY/TIMES DISPATCH

but not developed. In the communities surrounding the Carmel Church Station site, there are signs that the economic downturn and the burst housing bubble have taken a toll.

Several miles north on U.S. 1, a commercial business park development stands unfinished with its storefront windows empty but for the leasing signs.

Caroline also was hit hard by foreclosures, which drove down home prices. Other residential developments have seen demand slip during the recession and have been slow to grow.

Skeptics also note that Carmel Church Station is not Caroline's first ambitious proposal for a mixed-use, traditional-style planned community.

About 20 years ago, developers proposed Haymount, a planned village along the Rappahannock River that was supposed to have 4,000 residential units, 250,000 square feet of retail space, neighborhood parks, a farmers market and a college campus.

The project won zoning approval in 1992. Since then, however, various problems have befallen it, including lawsuits and the housing-market bust.

Yet the infrastructure is in place at Haymount, and the project still could take off as the economy improves, said Dan Stone, a lawyer with McGuireWoods who worked with developers on Haymount and now, separately, the Carmel Church Station project.

Stone points to Carmel Church Station and Lady-smith Village, another residential community along U.S. 1 in Caroline, as the wave of the future as communities look for more sustainable growth patterns.

"They are projects that other counties would envy, even when you agree with the disappointment that Haymount has not happened as fast as some people would like it to," he said.

At Ladysmith Village, a "new urbanism" community just off Jefferson Davis Highway, 15 homes are under construction, all but one of them pre-sold, said Tracy Graves, vice president of operations for developer Newland Communities.

The 500-acre development is zoned for 2,679 units and now has about 210 homeowners, Graves said.

Ladysmith Village continues to attract commuter families.

Out for a walk Friday morning along the village streets, Lisa Williams and Sheronda Wingo said they were drawn to the community because it seems to offer the best of two worlds: a rural setting with little traffic congestion, and amenities within walking distance such as a library, a school and playgrounds.

"That is what I love," said Williams, whose husband, Scott, commutes to Richmond. "We have two girls, so we like the country concept, but we also like that it is a small neighborhood here with sidewalks."

Wingo said her husband, Maurice, commutes to Washington. They moved from Richmond to Ladysmith Village several years ago.

"When I saw this, I knew it was the right place," she said. But she added that Caroline does need more commercial development to add to its jobs and tax base.

◆ ◆ ◆
The hope among county officials is that Carmel Church Station will prove to be more than just a bedroom commu-



Nancy Galner and her husband reluctantly put their Lake Caroline home up for sale. They plan to move to Mathews County.

nity and become a kind of economic engine of its own.

Before the recession, Caroline had seen steady economic growth, said Wilson, the economic development director.

The county's unemployment rate was consistently below 5 percent, and the median household income grew 46 percent from 2001 to 2009. Yet Caroline continues to see about 50 percent of its work force commute outside the county for work.

"What we are attempting to do is be an employment center," rather than just a bedroom community, Wilson said.

The Carmel Church Station plans call for 3.16 million square feet of retail and commercial space. The developers and county officials said it could attract business from the Northeast, possibly even corporate headquarters or federal government facilities.

The county's most recent economic-development catch, a pharmaceutical distribution plant operated by McKesson Corp., is planned for the Caroline Commerce Center on state Route 204, not far from the Carmel Church Station project.

The plant would be one of Caroline's largest private employers and bring up to 190 jobs in three years.

The county also has attracted other economic drivers such as the Virginia State Fair and the Virginia Sports Complex on U.S. 1, where Carmel Church resident Rory Smith works as concessions manager. The sports complex attracts about 150,000 visitors a year for baseball and softball tournaments.

Washington" along I-95, she said.

Even after nearly 30 years of growth, the county remains a rural outpost, said Moyer, who lives on Lake Caroline.

Yet she has seen the number of houses around the lake grow from about 40 to about 1,200 in her 28 years of selling real estate in the area.

Moyer said real estate prices became too inflated during the housing bubble and now have dropped to more realistic levels. She thinks the market will make a turnaround.

On Lake Caroline, one of the older residential developments in the county, Nancy and Geoff Gainer recently have put their waterfront home up for sale but only reluctantly.

The couple moved from Columbia, Md., a few years ago and escaped high-density development for low-density. Now they plan to move to Mathews County.

"Right now, the [housing] market is kind of soft, but it is resuscitating," Nancy Gainer said. "I was reluctant to sell this house, because we are between Richmond and Fredericksburg along I-95, and you can't help but have growth here."

Moyer said she understands why protecting the county's rural nature is important to so many residents.

"I have grown to love it here even though I am not from Caroline," she said. "It is truly where my heart is. The people are wonderful here."

"But I really get the feeling that the people are ready for a change, and I think they are going to be receptive of this project," she said of Carmel Church Station. "I think that they understand that this is the part of Caroline County that is going to be the growth area."

◆ ◆ ◆
Contact: John Reid Blackwell at (804) 775-8123 or jblackwell@timesdispatch.com.

progress-index.com

Search site Web search Search local businesses

Enter a search term... Search

Enter a search term... Search

Search

HOME • NEWS • OBITUARIES • MY TOWN • SPORTS • LIFESTYLES • CLASSIFIEDS • CUSTOMER SERVICE

WORLD | NATION | STATE | OP-ED | POLICE/COURTS | MILITARY | EDUCATION | GAS BUDDY



Dinwiddie seeks to stop non-residents from dumping trash

BY MICHAEL BUETTNER (STAFF WRITER)
Published: June 16, 2010

Font size: [A] [A] [A]

E-MAIL THIS SHARE THIS YAHOO! BUZZ

DINWIDDIE - Concerned that non-residents may be dumping trash at county waste-collection sites, the Board of Supervisors has asked county staff to work out details of a plan to distribute windshield stickers to Dinwiddie County residents and property owners.

The county plans to have attendants working at all of its waste-collection sites in the near future, and those attendants are supposed to be spot-checking visitors for proof of residency. But District 3 Supervisor John Talmage said that isn't always happening.

A friend who lives in Chesterfield County was working on renovating a property in Dinwiddie recently and took some trash to one of the waste-collection sites, Talmage said. Even though his vehicle sported a Chesterfield decal, "no one challenged him," Talmage said.

County Administrator W. Kevin Massengill outlined three options that county staff and some supervisors had worked out for dealing with the problem: increase the number of spot checks for proof of residency; distribute small stickers at the collection sites for residents to display on their windshields; or reinstate the county vehicle decals that were discontinued a few years ago.

Most of the supervisors said they preferred the plan to give out small, metallic-finish stickers at the collection sites to citizens who provide proof of residency, so they can use the collection points in the future without being checked.

Massengill said 30,000 of the stickers would cost about \$8,700, or 29 cents each. Other details remain to be worked out, including how to accommodate non-residents who own property in the county or who transport waste for relatives who do live in the county, such as aging parents.

Also on Tuesday, the board:

- Voted to require new county employees to contribute 5 percent of their salary to the Virginia Retirement System. Previously, the state and any local governments whose employees belonged to the pension system for government employees were paying the 5 percent contribution on their employees' behalf.

The change reflects legislation passed by the General Assembly earlier this year to end the state's contribution and require employees to pay it themselves. Local governments had the option of following the state's lead or continuing to pay some or all of the contribution.

- Agreed to technical changes in an agreement needed to obtain funding for construction of a new regional jail to serve Dinwiddie, Brunswick and Mecklenburg counties. The Meherrin River Regional Jail is to be built near Alberta in Brunswick County, and plans are to issue up to \$55 million in long-term bonds and \$30 million in short-term notes to finance its construction.

Massengill said groundbreaking is scheduled for July 1. Construction is expected to be complete by June 2012, with the jail to open for business the following month.

- Michael Buettner may be reached at 722-5155 or mbuettner@progress-index.com.

Sign up for e-mail newsletters

If You Haven't Had a Ticket in the Last 3 Years, You Are Paying Too Much for Auto Insurance

SELECT YOUR AGE

Calculate New Payment

©2010 LowerMyBills, Inc. LowerMyBills.com



Find us on Facebook

The Progress-Index

Like

The Progress-Index has 689 fans

Michael Rebecca Amber Maurice Teejay

Cherka Teresa Robyn Vicki Richard

Facebook social plugin

become a fan today

follow me

GET OBITUARIES E-MAILED TO YOU!

ObitMessenger

Powered by 123.com

Brought to you by The Progress-Index

Get More From Your Day

WITH THE NEWSPAPER

Subscribe Today!