

# Upper Magnolia Green FAQ

- **How can I be notified of upcoming meetings regarding this project?**

Upcoming meetings will be publicized in a manner similar to previous meetings and will be prominently listed on the county's website, [www.chesterfield.gov](http://www.chesterfield.gov). Anyone wishing to receive future notifications from the county should sign up at <https://www.chesterfield.gov/list.aspx>. The county also heavily publicizes meetings on social media platforms, including Facebook and Nextdoor.

- **Who is the applicant for this project?**

The Board of Supervisors initiated the cases and appointed Planning Director Andy Gillies as their agent. Therefore, the Board of Supervisors is the applicant. Andy Condlin is the attorney representing the property owners in both cases, which includes the EDA. Though the Board of Supervisors initiated the cases and is the applicant for each, Mr. Condlin can proffer conditions on behalf of the property owners per the Code of Virginia. Staff for the Board of Supervisors sends suggested proffered conditions to Mr. Condlin, who then submits proffered conditions to address concerns of staff.

- **Where can I see the zoning application?**

Since the county started using the new web-based application submittal system known as Enterprise Land Management (ELM) on February 16, 2021, the zoning application submittal process changed from submitting hard copy paper to the planning department, to all application information being submitted online. The Board of Supervisors officially voted at their regular public meeting on September 22<sup>nd</sup>, 2021 to initiate a rezoning request for approximately 1,850 acres of land owned and controlled by the Economic Development Authority. On October 27, 2021 the Board of Supervisors initiated an application to rezone an additional 589 acres contiguous to the first application initiation. The planning department staff entered all the required application information into the electronic application system to complete the application and begin the review process. Information required by the ELM computer system to begin an official zoning case review includes: the proposed zoning district, location and acreage of the requested zoning district (including GPIN information), ownership information and/or Power of Attorney (For parcels not owned by the county), survey or legal description of the requests, and any conceptual plans and/or documents that will enhance the request and aid in the review by county and state departments. All of this information entered into the ELM system is available for public viewing zoning at the following link:

<https://www.chesterfield.gov/5559/Upper-Magnolia-Green-Rezoning-Project> and looking in the section marked “Presentations and Resources” under the heading “Additional Resources.”

- **Have other undeveloped areas, with I2 zoning & existing supporting infrastructure, been considered for this expansion?**

There are no existing properties of this size that are zoned for a technology park in Chesterfield County. Please see the available I-2 properties in Chesterfield County chart under “Additional Resources” for additional information.

- **When will the public have access to the staff report? What will the report include?**

The final staff report will be published one week in advance of the public hearing. Many of the elements the staff report will contain including area maps, conceptual plans, land use descriptions, proffer statements, case history, etc. have either already been posted to the project webpage or will be soon. Other elements of the report include analysis by other departments (CDOT, Environmental engineering, Parks, Schools, etc.). Planning staff’s recommendation and analysis will also be provided.

- **When will the Planning Commission vote on the Upper Magnolia Green project? Will you separate “Upper Magnolia East” and “Upper Magnolia West” into two separate zoning cases?**

They are two distinct cases. Both cases are currently before the planning commission, which voted February 15, 2022 to schedule a public hearing for March 15, 2022 on one of the cases, Upper Magnolia Green – East. Beyond that, suggesting a timeline for either case would be speculative.

- **What are the timelines on these proposals?**

Currently, the only project with a definitive timeline is the middle school, which is planned for a Fall 2024 opening.

- **Why rezone “Upper Magnolia West” industrial?**

At their regular meeting on December 16, 2020, the Board of Supervisors voted unanimously to provide funding to the Chesterfield County Economic Development Authority (EDA) for the pursuit of future economic development opportunities. Chairwoman at the time, Leslie Haley, stated, “there are precious few large acreage sites in Chesterfield for the county to better manage growth and focus on jobs-centric opportunities and related amenities. The EDA should

continue, with deliberate speed, negotiations with willing sellers for the next opportunities.” The full press release can be found on the project’s website.

The county currently has just two employment sites of more than 100 acres, and both properties have limitations. Having “Upper Magnolia West” ready for future businesses is key to the long-term prosperity of the county, and the county is confident there are opportunities in the near future that will be attractive to this site. The types of high-quality companies the county is seeking to locate require shovel-ready sites with appropriate zoning in place. In terms of the businesses, the business categories we are seeking in this zoning request do not generally have high truck volumes. Specifically excluded are warehouse, distribution and logistics companies that have much higher truck traffic. The main goal of this project is to create an employment center in this part of the county that generates tax revenue to diversify the county’s tax base. In terms of the overall look and feel of what is being proposed, West Creek is a good example, although the county envisions a higher concentration of technology and advanced manufacturing. Of the 100+ allowable industrial uses enumerated in the current zoning ordinance, only 8 uses and 3 accessory uses are proposed in “Upper Magnolia West.” Creating an employment center with advanced manufacturing and data center uses is a goal of this project.

- **Does the land have to be zoned I-2 to qualify for potential government funding?**

There are multiple state government funding sources for infrastructure associated with this zoning request. For the technology campus to qualify for [Virginia Business Ready Sites Program](#) funds, the land must be zoned in a manner “appropriate for industrial and/or commercial development and use.” Similarly, for transportation infrastructure under the Virginia Smart Scales program, road projects are given added priority if they serve an economic development site (source: Smart Scale Technical Guide, p. 34). While the zoning status is not mentioned in that section, the readiness of the projects is a key criteria mentioned throughout the document.

- **Why rezone “Upper Magnolia West” now?**

When the Board of Supervisors acquired the property December 2020, the decision was made to keep both projects tied together. The board realized that residential growth was not keeping up with infrastructure in this area, but also that high-quality jobs and businesses would both support the tax base to pay for infrastructure and allow future workers to have jobs closer to their homes. This part of the county is one of the only areas with a high population and no employment centers. It’s also important to zone both properties at the same time to jointly plan waterlines, roads, drainage and other infrastructure that need to be sized properly during the initial development stages to prevent costly rework and reconstruction. By taking action now, residents can be assured that all the appropriate infrastructure is conditioned as part of the case. Because the county, through the Economic Development Authority (EDA), owns the property, it still retains final say on what is ultimately located there.

- **As part of the zoning application process, the county’s zoning ordinance requires private zoning applicants to submit an affidavit, under oath, that is usually referred to as a “zoning disclosure affidavit” or “disclosure.” Among other things, the zoning disclosure affidavit requires the applicant to identify the owners of the subject property, including all persons other than governmental entities or public service companies who have an interest by means of a mortgage, easement, license, trust, or otherwise. It also requires the applicant to identify (i) the persons who have ownership interests in corporations when they are listed as a property owner and (ii) all Board and Planning Commission members who have an interest in those corporations. Why and how did the Board of Supervisors waive the zoning disclosure affidavit requirement for these proposals?**

When the Board of Supervisors or Planning Commission initiates a zoning application, the zoning ordinance, specifically County Code 19.1-40.B.2.a of the zoning ordinance, allows each such entity to waive submission of a zoning disclosure affidavit. In such cases, the county is often the owner of the subject property and the zoning is being sought for economic development purposes. The zoning ordinance explicitly identifies economic development as a reason to waive the disclosure affidavit requirements. The planning department agreed to post on the project’s website the names of the owners of the private parcels in the Upper Magnolia Green rezoning cases so that information is available for review by citizens, the Board, and Planning Commission members. The waiver of a disclosure affidavit does not mean that the county can ignore what it must publicly disclose regarding a rezoning case as required by FOIA, by the zoning ordinance, and by normal zoning processes.

- **Is there a study on the impact of the creeks and wetland use for the developments on the area where residents have wells?**

There are ongoing studies of wetlands and resource protections areas. This project will respect those areas and any impacts would need state and local permits. Any development that is part of this rezoning will be required to use public water and wastewater, so no impact to the water table is anticipated. Several environmental studies have been completed and can be shared if there’s a specific area of concern.

- **What is the commitment to green space?**

Horner Park is an existing 300+ acre park adjacent to the subject property. Additionally, a trail network is planned in accordance with the county’s Bikeways and Trails plan that will connect residents to the proposed school campus and Horner Park. Trail networks are typically constructed as development and associated road improvements are completed.

- **How will this plan impact the Upper Swift Creek Watershed?**

Any development in this area will be held to the county's most stringent stormwater management requirements, as it is located within the Upper Swift Creek Watershed.

- **How does this rezoning request align with the Comprehensive & Capital Investment plans?**

The Comprehensive Plan contains a number of policies that are supportive of the County's plan for UMG. Below are a number of applicable example policies.

- Identify and preserve Economic Development Opportunity Sites for regional level growth and encourage the development of these sites for high tax revenue-generating uses. (CH 5, BD 20)
  - Identify areas for employment-generating uses to ensure new and growing job opportunities are available in communities throughout the county. (CH 5, BD 20)
  - The Comprehensive Plan promotes a high quality of life supported by an expanding and diverse economy that generates well-paying jobs and contributes significantly to the tax base. CHAPTER 3: PLAN GOALS Moving Forward...The Comprehensive Plan For Chesterfield County. (CH 3, GO 1)
  - Innovative Development. Give consideration to unique and innovative development proposals that may not conform to a literal interpretation of the Plan, if the benefits and merits are consistent with the intent of the Plan to achieve a well-designed, integrated and high-quality community served by adequate public facilities and infrastructure. (CH 10, LU 5)
  - The Comprehensive Plan supports an atmosphere conducive to fostering new and unique business opportunities, especially small business through land use recommendations and support for incentives. (CH 3, GO 1)
  - The Comprehensive Plan strives to achieve an appropriate balance between residential and business growth. (CH 3, GO 1)
- **What developers will the county be targeting for "Upper Magnolia West?" Has the county considered a mixed-use space with light residential, light industrial, commercial/retail, etc. for "Upper Magnolia West?"**

The goal is to develop a technology village, which could include a mix of employment uses such as office campuses, technology production, data centers, and advanced manufacturing. No residential uses are planned on the "Upper Magnolia West" property. The rezoning proposal seeks to create a location for significant capital investment and high-quality jobs through the technology park. Because the county currently lacks economic development sites greater than 100 acres, that was a central reason the board acquired this property in December 2020. The daytime jobs created here would also be helpful to draw in a "Town Center" type development closer to Hull Street Road in the future.

- **How much will it cost to get the “Upper Magnolia West” acreage “shovel ready” for a developer?**

There will be significant infrastructure improvements required to develop “Upper Magnolia West.” At this point, the county is not obligated to pay for any of the improvements, nor has an overall cost been developed.

- **How was it determined that rezoning to I-2 is the best use of this land?**

The uses highlighted in the rezoning represent the types of projects that have come to Chesterfield and Virginia searching for options that we cannot meet due to a lack of zoned sites.

- **Will a developer be paying for any of the Powhite extension costs?**

Funding sources are not identified during zoning; however, it is anticipated that the Powhite Parkway will need to be completed in order to fully develop “Upper Magnolia West.” It should also be noted that under the state’s Smart Scale funding system, economic development projects served by a highway are a key criteria that will enhance the prospects of obtaining significant state funding sooner.

- **Will you be modifying the buffers? Will there be penalties in place for developers who violate the buffer requirements?**

The buffer provided along the UMG West property line with adjacent residential uses has increased from the original proposed minimum width of 100 ft., to a minimum width of 200 ft, with an additional buffer area equivalent of 750 feet measured from the nearest residential units. The revised conceptual plan shows this 750 ft. measured distance and the resulting buffer that exceeds the minimum 200 ft. along the western property edge.

Should the applicant or future owner violate the buffer requirements as shown on the conceptual plan and referenced in the proffers, zoning enforcement action will be taken to ensure conformity. The buffers will be required to be brought into conformance within an established period of time.

- **What is the cost of the proposed project?**

The current engineering estimate for the infrastructure development for the schools (Magnolia East) is \$7,200,000 for road, water and wastewater extensions. The costs of development of the technology village (Magnolia West) will be depend on the businesses that locate in the village and the infrastructure required to serve those sites. The county will use the same process that has proved successful for both the Meadowville and Stonebridge developments. This process uses the proceeds from the sale of the land parcels in the park and a portion of the taxes

generated by the businesses in the park to cover the expenses of the original land purchase and the installation of the needed infrastructure. The county has decades of experience and a strong track record of success conducting planning, analysis and financial projections on commercial, office and manufacturing facilities. The rate of financial return for the types of businesses proposed on Upper Magnolia West are some of the highest in the county. As each prospect is analyzed for consideration at this site, funding and revenue projections will ensure a beneficial rate of return for the county.

- **Will the zoning conditions specify the order of improvements before additional growth can occur?**

The zoning conditions will specify the improvements that have to be completed prior to opening of the middle school. The roadway improvements necessary for the middle school will be completed in 2024. There may be temporary roadway shutdowns during construction of these improvements. Beyond that, additional traffic studies will be required as development occurs to ensure the appropriate improvements are provided.

- **Why zone “Upper Magnolia West” as industrial before the Powhite Parkway is extended?**

The Powhite Parkway Extension will be included as a required part of the infrastructure necessary to fully develop “Upper Magnolia West.” In fact, the completion of the Powhite will almost certainly occur more quickly with the inclusion of the technology park because Smart Scale, the state’s method for prioritizing road funding gives preference for zoned economic development sites. The state has another \$150 million in funding available for infrastructure to support already zoned economic development sites zoned of at least 100 acres.

- **What additional Fire and EMS services will be added to support the industrial and residential growth in this area? Where would they be located?**

Chesterfield opened Fire Station 25 on Woolridge Road in late 2020 and it is anticipated to meet the needs of the community for the future. The proffers for the UMG West site include a requirement for dedication of five (5) acres to accommodate the future construction of a fire station on the property. The fire station is anticipated to meet the demand for service generated from the site as well as serve the surrounding area.

- **Will eminent domain be used?**

All potential road improvements and associated right of way/easement needs will be handled in accordance with the Department of Transportation guidelines.

- **If you allow data centers, will you use above ground power lines or will they be buried?**

All power lines in “Upper Magnolia West” are planned to be underground.

- **How tall will the buildings be allowed to be in the west side?**

The types of facilities we are targeting typically are no more than three or four stories, although under the I-2 zoning category there is a maximum height of 150 feet.

- **Why change the density of units in “Upper Magnolia East?”**

All of Upper Magnolia was entitled to develop approximately 1,400 additional residential units. The proposed 600 units is an overall reduction of 800 units, as no residential use is currently being proposed for “Upper Magnolia West.” The current proposal is for 600 lots on approximately 500 acres, having a density of 1.2 dwelling units per acre.

- **Have things like public playgrounds, outdoor space for concerts or festivals, splashpads, outdoor malls, and sports fields been considered for inclusion in the area?**

A large portion of “Upper Magnolia East” is being proposed for civic uses: an elementary school, middle school, and library are being proposed, in addition to trails connecting to nearby Horner Park. Outdoor space for concerts or festivals, a splashpad, and sports fields are all in existence or being proposed at the county’s River City Sportsplex. Open space and common areas will be provided and proffered in the development of the proposed Residential R-15 areas.