

REZONING-8-00/SPECIAL USE PERMIT-29-00. Williamsburg Christian Retreat Center Staff Report for the July 10, 2001, Board of Supervisors Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Complex
 Planning Commission: June 4, 2001, 7:00 p.m.
 Board of Supervisors: July 10, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Robert Ackerman
 Land Owner: Williamsburg Christian Retreat Association, Inc.

Proposed Use: 51 single-family lot retirement community and 9-hole golf course

Location: 9241 Barnes Road, Stonehouse District

Tax Map and Parcel No.: (4-3) (1-14)

Primary Service Area: Outside

Parcel Size: 138.7-acres

Existing Zoning: A-1, General Agricultural District

Proposed Zoning: R-2, General Residential

Comprehensive Plan: Rural Lands

Surrounding Zoning: North: A-1, General Agricultural (Williamsburg Christian Retreat)
 East: A-1 (Racefield Subdivision)
 South: A-1 (undeveloped property in Barnes Swamp AFD)
 West: A-1 (The Retreat Subdivision)

Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds that approval of a residential rezoning outside the Primary Service Area (PSA) would be contrary to the adopted Comprehensive Plan policy dictating the preferred type of development outside the PSA. This proposal contains five more dwelling units than permitted by-right. Staff is unable to recommend approval of this project. Staff finds that approval of a residential rezoning outside the PSA would send a message that it is preferable to develop agricultural and forestal land residentially rather than preserve the current uses as recommended in the Comprehensive Plan. On June 4, 2001, the

Planning Commission voted 5-1 to deny this application. Staff recommends the Board of Supervisors deny this rezoning and special use permit request. Should the Board choose to approve the request and accept the voluntary proffers, staff recommends the conditions listed in the staff report.

Project Description

Mr. Robert Ackerman, Executive Director of Mennowood, has applied on behalf of the Williamsburg Christian Retreat Center (WCRC), for a rezoning to allow a 51-lot single-family subdivision retirement community on 138-acres. The applicant also has applied for a special use permit to allow a 9-hole golf course for youth and retirees. The project will be developed as a retirement community for residents 55 years and older. A by-right A-1 development on this project would yield a maximum of 46 three-acre lots. The density for this proposal is one dwelling unit per 2.72-acres. The proposed lots range from .5-acres to 1.87-acres, with an average lot size of .88-acres. The homes are proposed to range in size from 1,200 - 1,500 square feet.

Proffers

The applicant has submitted proffers as part of this project. The proffers address the following issues:

- age restriction;
- water conservation;
- environmentally sensitive golf course design;
- private covenants and restrictions; and
- conservation easement.

Surrounding Zoning and Land Use

The site is zoned A-1, General Agricultural, and is located on Barnes Road adjacent to the WCRC site. The site is surrounded by A-1 property located outside of the Primary Service Area (PSA). The WCRC is located to the north of this property, and the access road to the WCRC runs through this site. To the east is Racefield subdivision and to the west is the approved but undeveloped Retreat subdivision, a 60-lot subdivision with lots of three-acres or more in accordance with A-1 zoning. To the south of the site, across Barnes Road, is undeveloped property currently in the Barnes Swamp Agricultural and Forestal District. Since all surrounding property is zoned A-1 and located outside of the PSA, staff finds that an isolated residential rezoning is not consistent with surrounding zoning and land use.

Topography and Physical Features

The site is heavily wooded and consists of several ridges and valleys with areas of steep slopes, as well as stream beds and wetlands. The site contains young trees and is used by WCRC for youth nature hikes. The property has been timbered in the past. A portion of the property's boundaries follow natural stream channels. Another stream channel divides the property topographically into a northern and southern section. The WCRC access road runs through the center of the southern section. Homes have been proposed along the ridge tops and away from low-lying and areas of steep slopes. The location of the golf course contains limited areas within the area of steep slopes.

Approximately 100-acres, or 75 percent of the site is developable. The area utilized for lots and roads is approximately 54-acres or 39 percent of the site, with an average lot size of .88-acres. There is a natural drainage channel in the center of the property. If feasible, the applicant proposes to create water impoundments or dams to create passive water amenities such as boating or fishing. Impoundments

would be used for golf course irrigation and fire protection. However, the viability of water impoundments has not been established.

The design attempts to emphasize the natural rural characteristics of the site by clustering the home locations in both the northern and southern sections of the property. Approximately 84-acres or 60 percent of the site will remain in open space as either active or passive recreation, including the golf course and nature trails. The clustered lot layout has been positioned to place the homes and the drainfields at or as close to the ridge tops as possible to allow the preservation of the perimeter woodland buffer where trails are planned. Portions of the wooded buffer along the access road through the property and along Barnes Road have been preserved. No lots are proposed at the entry. This is to minimize visual impact and to concentrate homes largely at the center of the property. However, with the clearing for the golf course, much of the site will in fact be disturbed. Staff has concerns that clearing for the homes, clubhouse area and the golf course will impact the sites' natural, wooded, and rural character.

Utilities

The property is located outside of the Primary Service Area (PSA), although public water is available through the Racefield system. (A portion of the Racefield water system was developed and constructed outside of the PSA by WCRC and turned over to the James City Service Authority (JCSA).) It serves the existing facilities at the WCRC site and a portion of the Racefield subdivision. The remainder of the Racefield subdivision is on private wells. The Racefield system is an independent system not tied into the rest of the JCSA system. According to JCSA, there is enough well capacity to serve the proposed development, although the proposal will accelerate the need for improvements such as an additional storage tank. The construction of these improvements will be the responsibility of WCRC, not JCSA. Individual septic systems will be provided for each lot.

Another significant conflict with the Comprehensive Plan and utility policy is the extension of additional public waterlines outside the PSA to serve residential development. The section of Racefield served by the existing well was subdivided under previous zoning regulations and Comprehensive Plan, both were much more permissive than current regulations. Although the extension of the current water system or a new central well has to be allowed to serve permitted uses, no public utilities should be provided to any other uses. Staff believes that approval of the proposed development would set a strong precedent for additional residential development outside the PSA, especially given how water would be provided.

To help mitigate the impact of the development on the water supply, the developer has offered a proffer addressing water conservation standards. The proffer addresses water conserving fixtures, irrigation systems and irrigation wells, and landscaping materials. Irrigation for the golf course will be restricted to surface water stored in stormwater ponds and deep wells using the Aquia or Potomac aquifers. Analysis of the golf course irrigation system shows that water from the proposed surface pond could be utilized for irrigating the golf course. However, this would not be sufficient during periods of drought. The applicant determined that utilizing additional sources of water, for example, constructing a well that would tap into the middle Potomac aquifer and increasing the capacity of lake storage, could meet the water demands for golf course irrigation. Please note that water from the middle Potomac aquifer is not drinkable unless treated. Despite the proffer for water conservation standards, the proposal does not offer any mitigation of future impacts on the water system.

Transportation and Access

The proposal utilizes the existing entrance road to WCRC off of Barnes Road. No additional entrances off of Barnes Road are proposed. As part of the rezoning process, the applicant has submitted a traffic impact study. The Virginia Department of Transportation (VDOT) has reviewed the traffic study and concurs with the trip generations and distributions in the study. The traffic study states that at full build-out this proposal would generate 431 vehicle trips per day and that traffic distribution would be evenly split between Route 30 (Barhamsville Road) and Route 60 (Richmond Road). Turning movements at the intersections of Barnes Road/Barhamsville Road and Barnes Road/Richmond Road would remain at Level of Service (LOS) B. VDOT also concurs with the study's conclusion that the proposed development will not have a significant traffic impact on Barnes Road. Currently this section of Barnes Road is not part of any approved secondary road construction plans and has minimal pavement width. VDOT recommends however, "in the future, Route 601 (Barnes Road) should be considered for placement on JCC's secondary road improvement plan." VDOT also recommends a stop sign at the entrance.

Since this section of Barnes Road contains minimal pavement width, staff has concerns that the development of this property could accelerate the need to upgrade Barnes Road and that it would become the County's responsibility to do so. Upgrading Barnes Road would be inconsistent with the County's policy to improve roads outside the PSA only where there are safety concerns. Such road improvements would facilitate a residential development pattern that is inconsistent with the Comprehensive Plan.

Since the Planning Commission meeting, the applicant submitted revised proffers which include a new cash proffer specifically dedicated to improvements to the curve on Barnes Road, located approximately 1,300 feet west of the intersection of WCRC access road and Barnes Road. The proffer is for \$1,000 per unit, to be paid at the time of final subdivision approval. Board policy recommends the Board refer the case back to the Planning Commission in situations similar to this. However, please note that the new proffer is not related to issues the Commission had, should the Board choose not to adhere to its policy. Staff has no objections to not referring the case back to the Planning Commission.

Adequate Public School Facilities Test Policy

The applicant has offered a proffer assuring that all residents will be 55 years and older, and no school children will be permitted. This project therefore passes the adequate public school facilities test.

Fiscal Impact

The Fiscal Impact Study shows the development to have a positive fiscal impact on James City County. Staff from Financial and Management Services (FMS) reviewed the study and have concerns regarding some of the basic fiscal assumptions. FMS staff finds that although the results of the study are overstated, the fiscal impact would remain positive.

Comprehensive Plan

The Comprehensive Plan designates this site as Rural Lands. Rural Lands are areas containing farms, forests and scattered houses, exclusively outside of the Primary Service Area, where a lower level of public service delivery exists or where utilities and urban services do not exist and are not planned for the future. Appropriate primary uses include agricultural and forestal activities, together with certain recreational and public or semipublic and institutional uses which may require a spacious site and which

are compatible with the natural and rural surroundings. Rural residential uses associated with legitimate agricultural and forestal activities are appropriate where overall density is no more than one dwelling unit per three-acres and soils are suitable for individual waste disposal systems. Concentrations of residential development such as large-scale subdivisions will interrupt rural qualities sought to be preserved and significantly increase the demand for urban services and transportation facilities. This proposal is inconsistent with the Rural Lands designation as it not a rural residential use associated with legitimate agricultural and forestal activities and the density is higher than one dwelling unit per three-acres. Also, while 60 percent of the site would remain open space, the open space is not preserved for agricultural or forestry uses.

Residential developments not related to agricultural or forestal uses are only appropriate when they meet the Rural Lands Development Standards of the Comprehensive Plan and minimize adverse impacts on rural lands, in particular its rural character and the soils more suited for agriculture. One Rural Land Development Standard is to preserve the natural, wooded, and rural character of the County. While the development clusters residential development on smaller lots, staff has concerns that clearing for a golf course and clubhouse area would not preserve a substantial portion of the natural, wooded, and rural character of the area. Another Rural Land Development Standard is to site non-agricultural/non-forestal uses so that they minimize impacts or do not disturb agricultural/forestal uses, open fields, and important agricultural/forestal soils and resources. Additionally, Rural Land Use Standards recommend discouraging conventional large lot residential development in rural areas and several guidelines are recommended. The Comprehensive Plan recommends minimizing the impact of residential development by preserving a substantial amount (more than half) of the development in an undivided block of land for permanent open space. As the residential development is clustered along the ridge tops, the open space is distributed throughout the site as part of the golf course and at the perimeter of the property. This project does utilize the land in an environmentally sensitive manner by placing lots away from environmentally sensitive areas. However, given the amount of clearing for the project, a substantial portion of the natural vegetation and wildlife habitat will be eliminated. Open space will be placed in a conservation easement, and the visibility of the development from the main road should be minimized wherever possible. Lots will be placed along an access road rather than along Barnes Road to help retain the road character. Staff finds that the proposal meets some of the Rural Land Use Standards, although staff has concerns that the open space will not be preserved in an undivided and undisturbed block of land, but primarily as a golf course.

Primary Service Area

The Primary Service Area (PSA) is the principal tool used by the County to manage growth. The PSA is the area in which the County encourages most growth to occur. Most lands located outside the Primary Service Area are designated Rural Lands. Adhering to strong rural land policy is necessary to protect existing agricultural and forestry activities and to avoid their displacement by other types of development. The sprawl of residential development also adversely affects farming and forestry activities, and increases the cost of providing public services such as police, fire, and school transportation. Staff has significant concerns about the precedent of permitting this type of residential development outside the PSA. Staff does not recommend rezoning property to accommodate residential development outside the PSA under any circumstances. If a landowner wishes to request something other than three-acre lots, a more appropriate tool is a special use permit request under the A-1 district.

Please note that staff has fielded inquiries for residential development on at least five large tracts of undeveloped land outside the PSA, ranging in size from approximately 150-acres to 800-acres. Governor's Land is one instance of a residential rezoning approved outside the Primary Service Area. A residential rezoning outside the PSA also could hinder current County efforts to preserve agricultural and forestal property.

Recommendation:

Staff finds that approval of a residential rezoning outside the PSA would be contrary to the adopted Comprehensive Plan Policy dictating the preferred type of development outside the PSA. This proposal contains five more dwelling units than permitted by-right, smaller lot sizes, and inappropriate utility extensions. Staff does not recommend approval of this project. Staff finds that approval of a residential rezoning outside the PSA would send a message that it is preferable to develop agricultural and forestal land residentially rather than preserve the current uses as recommended in the Comprehensive Plan. On June 4, 2001, the Planning Commission voted 5-1 to deny this application. Staff recommends the Board of Supervisors deny this rezoning and special use permit request. Should the Board choose to approve the request and accept the voluntary proffers, staff recommends the following conditions:

1. Master Plan. The plan of development shall be generally consistent with the “Williamsburg Christian Retreat Center Mennowood Development” prepared by McKee Carson, dated December 22, 2000, as determined by the Director of Planning.
2. Density. There shall be no more than 51 dwelling units on the property with a 9-hole golf course.
3. Golf Course. The areas on the Master Plan designated as golf course and clubhouse shall be used only for those purposes or such areas shall be left as open space. Water for irrigation of the golf courses shall be provided from surface water collection or by constructing a well tapping into the middle Potomac aquifer.
4. Pedestrian System. The Owner shall provide and construct a 6-foot wide soft surface or unpaved pedestrian trail system generally in the location shown on the Master Plan. The Director of Planning shall review and approve the final design and location of the trail prior to construction. The trail shall be constructed or bonded prior to final subdivision approval for any residential lot adjacent to the trail.
5. Clubhouse. A landscaped clubhouse area shall be provided in a manner generally consistent with the location shown on the Master Plan and shall not be located within 150 feet of Barnes Road. There shall not be direct access from the clubhouse to Barnes Road. The final design and location shall be reviewed and approved by the Development Review Committee prior to construction. The clubhouse shall be installed or bonded prior to final subdivision approval for more than 25 lots or units.
6. Traffic Study Implementation. Access to the development shall be in the approximate location shown on the master plan of development. The applicant shall provide a stop sign at the entrance to the property. There shall be no median on the main access road.
7. Time Limit. If construction of the development has not commenced within a period of 36 months from the date of issuance of this special use permit, this permit shall become void. Construction shall be defined as clearing, grading, or excavation for the development.
8. Signs. The entrance sign, entrance features, and lighting shall be approved by the Planning Director prior to approval of any plan of development.
9. Landscape Plan. The applicant shall submit a landscape plan for the site’s entrance, including the first 600 feet of the main access road and Barnes Road with street trees every 30 feet, to be approved by the Planning Director prior to approval of any plan of development.

10. Lighting. All exterior light fixtures for the clubhouse and clubhouse area shall have recessed fixtures with no lens, bulb, or globe extending below the casing. A lighting plan shall be submitted to, and approved by, the Planning Director prior to final site plan approval which indicates the fixture type and that no glare will occur outside the property lines. "Glare" shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from a public street or adjoining residentially designated property.
11. Severability. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/gs
wmsbrgchristian.wpd

Attachments:

1. Planning Commission minutes
2. Location map
3. Development plans (see BOS reading file)
4. Proffers
5. Resolution for Z-8-00
6. Resolution for SUP-29-00