

REZONING 2-01/Master Plan 2-01/Design Guidelines. Virginia United Methodist Homes, Inc. Staff Report for October 9, 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: July 2, 2001, 6:00 p.m. (PC deferred)
 August 6, 2001, 7:00 p.m. (applicant deferred)
 September 5, 2001, 7:00 p.m. (approved)
 Board of Supervisors: October 9, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Alvin Anderson
 Land Owner: C. C. Casey Limited Company
 Proposed Use: Continuing care retirement community (300 dwelling units and 119 continuing care beds)
 Location: 4692, 4694, 4740, 4710, 4704, and 4700 Old News Road and 144 Jester's Lane; Berkeley District
 Tax Map and Parcel Nos.: (1-34), (1-7), (1-2), (1-5), (1-6), (1-8), and (2-18) on Tax Map (38-3); (1-8) on Tax Map (38-1)
 Primary Service Area: Inside
 Parcel Size: 111 acres
 Existing Zoning: R-8, Rural Residential District
 Comprehensive Plan: MU, Mixed Use
 Surrounding Zoning: North: R-4, Residential Planned Community (Ford's Colony)
 East: R-8, Rural Residential (undeveloped portion of New Town)
 South: R-8 (undeveloped portion of New Town)
 West: R-8 (Jester's Lane); R-4 (Monticello Marketplace)
 Staff Contact: Jill E. Schmidle - Phone: 253-6685

STAFF RECOMMENDATION:

Staff finds this proposal to be consistent with surrounding zoning and land use, consistent with the Comprehensive Plan, and consistent with the intent of the New Town Master Plan, Design Guidelines, and proffers. On September 5, 2001, the Planning Commission voted 6-0 to approve the project. Staff recommends the Board of Supervisors approve the rezoning, master plan and design guidelines, and accepts the voluntary proffers.

Project Description

Mr. Alvin Anderson has applied on behalf of C.C. Casey Limited Company to rezone approximately nine acres from R-8, Rural Residential, and approximately 102 acres from R-8 with proffers to MU, Mixed Use, for a continuing care retirement community consisting of 30 dwelling units and 119 continuing care beds. Submission and approval of a Master Plan and Design Guidelines are required under the adopted proffers applicable to the property. The project is located within portions of Section 12 and 13 in the West Sector of New Town.

This project will be Virginia United Methodist Homes, Inc.'s seventh continuing care retirement community, where the average age of the resident is 80. The proposal consists of a gated community for 300 independent living units, consisting of a mixture of one and two-bedroom apartments, detached cottages, and attached duplex cottages. Specifically the 300 unites will consist of 125 cottages and duplex units and 175 apartments. In addition, the proposal contains 47 assisted living units, 56 nursing or health care beds, and 16 beds for residents with Alzheimer's related diseases. Overall density on site would be 2.83 dwelling units per acre.

Proffers

The applicant has submitted proffers as part of this project. The proffers address the following issues and will be discussed throughout the report: owner's association; development criteria, entrance road; traffic and signal improvements; pedestrian connections public square; emergency access entrance; enhanced landscaping; lighting limitations; Route 199 buffer, water conservation; water source cash contribution; age restriction; archaeology; small whorled pogonia, drainage; limitation on building permit issuance; and noise.

Surrounding Zoning and Land Use

The property is generally bounded by Route 199 to the east, Monticello Avenue to the south, Old News Road and Jester's Lane to the west, and Ford's Colony to the north. A majority of the site, 102 acres, is zoned R-8, Rural Residential, with proffers as part of the New Town Master Plan, which was approved in 1997. The New Town rezoning in 1997 consisted of a mixed use master plan for the entire Casey New Town site (approximately 622 acres) including binding proffers. However, each section of New Town requires a rezoning to Mixed Use. The project also includes a nine-acre parcel known as the Berry property, which is not part of the New Town Master Plan, but is contiguous to New Town.

To the north of the site is property owned by Ford's Colony, zoned R-4, Residential Planned Community. Please note that a portion of this property was originally part of New Town but purchased by Ford's Colony and rezoned to R-4 in 1998. To the east of the site across Route 199 is the East Sector of New Town, which is currently undeveloped. To the south of the site are Sections 11 and 12 of the West Sector of New Town, which as designated for commercial and high-density residential uses. To the west of the site are several single-family residences zoned R-8 located off of Jester's Lane. Also to the west of the site is Monticello Marketplace shopping center, which is zoned R-4 as part of the Powhatan Secondary master planned community. Since the property is predominantly surrounded by master planned communities and has a binding master plan which permits this development, staff finds the proposal to be consistent with surrounding zoning and land use.

Topography and Physical Features

Currently the property is heavily wooded and has been forested in the past. Moderate slopes exist on-site. Topography consists of level ridgelines and sloping valleys as well as a tributary to Powhatan Creek running through the property and the wetlands. Wetland areas within a ravine divide the property into three distinct developable areas. The project has been designed to minimize impacts on the wetlands on the site by locating the one-story cottage and duplex units on the eastern portion of the site and the apartment units in four-story buildings on the

western portion. A conceptual stormwater management plan has been developed which utilizes structural BMPs and open space to meet current County requirements.

The draft Powhatan Creek stormwater management plan recommends that the majority of the site only meet the County's current stormwater criteria. However, staff recommended special stormwater criteria be implemented for the western most area closest to Jester's Lane and that stormwater from this area be diverted to the proposed regional BMP. The applicant submitted a new proffer which guarantees run-off from this area will be collected and treated in the regional BMP. Staff supports this proffer that implements recommendations based upon the draft Powhatan Creek stormwater management plan.

The Powhatan Creek study may also recommend an expansion of the Resource Protection Area (RPA) buffer to protect the existing wetland present on the site. At this time, it is unclear where the boundaries of the future expansion would be located or whether an expansion would be supported by the County. This extension would more likely have an impact on any future expansion of the facility rather than the existing proposal. Please note that the recommendations of the Powhatan Creek study have not been adopted by the Board.

As part of the submission, the applicant completed a Phase I Environmental Site Assessment. In May 2000, a portion of the Berry property contained chemicals, gasoline, oil, and other substances as well as construction vehicles and other equipment on the property. In December 2000, the substances, vehicles, and equipment had been removed, and environmental consultants determined that there were no areas of environmental concern.

Additionally, small whorled pogonia has been identified within the project area. Based upon the recommendations of the County Impact Statement, the applicant submitted a proffer offering a survey of small whorled pogonia, including a conservation plan. Staff supports the new proffer as it will provide protection for any small whorled pogonia found on site.

Utilities

The site is located within the Primary Service Area (PSA) and public water and sewer are available. The applicant states that the recent purchase of between 1.1 and 1.8 million gallons of water per day from the Newport News Waterworks, coupled with the desalinization plant, will ensure adequate water capacity. To mitigate the demands placed on the future water supply, the applicant submitted a proffer for a cash contribution to water supply alternatives, such as a desalinization plant. The proffer specifically provides for contributions of \$625 for each independent dwelling unit and \$500 per assisted living unit and nursing bed. The proffer will be paid at the time of final site plan approval. After consultation with JCSA staff, staff finds that the cash contribution adequately mitigates demands placed on the water supply as a result of this development and is an acceptable proffer.

On September 25, 2001, the Board expressed its expectations on water supply issues to be addressed in pending and future rezoning proposals. In general, the Board set out an expectation for a proffer that addresses future water supply costs. The proffer submitted meets this expectation.

The Board set out an expectation that the issuance of building permits will be tied to issuance of the draft permit from the Department of Environmental Quality (DEQ) for the desalinization plant or the submittal by the applicant of documentation of mitigating criteria that negates the need for such a proffer. The applicant also submitted a proffer stating that should the Board of Supervisors enact a County-wide moratorium restricting issuance of building permits based upon water resources, no building permits shall be issued for this development. The applicant also has submitted documentation outlining the unique nature of this project and the rationale for not including a proffer tying the issuance of building permits to the issuance of the DEQ permits. The documentation, a letter from Liz White to John Horne, is attached for your reference. The Board should decide whether the mitigating factors referenced by Ms. White are sufficient to overcome its general expectations related to water supply issues.

Water Conservation

A proffer has been submitted which requires development of water conservation standards to be approved by the James City Service Authority. The standards will address such water conservation measures as limitations on installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials, and the use of water conserving fixtures and appliances to promote water conservation and minimize the public water resources. The proffer also states that no groundwater supplied by a public water system shall be used for irrigation unless approved by the James City Service Authority. Staff finds this proffer acceptable since no public water will be utilized for irrigation unless approved by the James City Service Authority and additional efforts will be made to conserve water.

Transportation and Access

As required by the existing New Town proffers, the applicant submitted a traffic study that addresses the impacts this proposal will have on all intersections surrounding the New Town development area. The site will be accessed off of Monticello Avenue between Old News Road and Route 199. An entrance road will be constructed to provide access to WindsorMeade and also additional development on the West Sector of New Town. There also will be a gate-controlled emergency service entrance provided off of Jester's Lane. During the August Planning Commission public hearing, there was concern with the impact the emergency service entrance would have on Jester's Lane. Due to concerns from nearby residents of Jester's Lane, the applicant submitted a proffer which states that the Jester's Lane access will be used as emergency access only and will not be used as a construction entrance. Staff supports this proffer.

The traffic study determined that full build-out of WindsorMeade will entail 1,771 vehicle trips per day, with an average of 126 vehicle trips during the p.m. peak hour. The traffic study states that no additional lanes are needed on any of the roads surrounding New Town as a result of this development. Staff from the Virginia Department of Transportation (VDOT) reviewed the findings of the traffic study and concurs with both the trip generation and trip distribution figures and that the proposed improvements will adequately handle traffic generated by this site. VDOT staff will require the entrance road, WindsorMeade Way, be constructed to VDOT standards if it will be public. Staff concurs with VDOT's recommendation.

The Master Plan shows a broad area for the location of the entrance road, as the details of the specific location are currently being discussed. A proffer has been submitted which outlines the specific road design requirements for the entrance road until the adjacent property along Monticello Avenue (the remaining sections in the West Sector of New Town, Section 11 and the remainder of Section 12) is rezoned. The details of the road design improvements are described on the WindsorMeade Way road plans, which were approved by the New Town Design Review Board (DRB), and include specific recommendations from the DRB regarding the design of the road, including road widths, median widths, and size of street trees. This proffer allows the road design to remain consistent with the DRB's recommendation and also allows VDOT approval. One of the purposes of the variable width medians and right-of-way is to ensure that there is enough land area in the median and along both sides of the road to meet VDOT requirements pertaining to the planting of large street trees. The DRB's approval of WindsorMeade Way plan was conditioned on the planting of these large trees. Staff finds these proffers to be acceptable.

Traffic Signal Pre-Emption and Emergency Medical Services

The applicant submitted a proffer for traffic signal pre-emption devices for the future traffic signals at Monticello Avenue and the entrance road WindsorMeade Way. Please note that traffic generated to this development will not trigger the installation of the traffic signal. Future development of the remaining sections on the West Sector of New Town likely will warrant the installation of a traffic signal. Future developers will be expected to pay for these

signals. The applicant has provided a cash proffer of \$10,000 to pay for traffic signal pre-emption device upon installation of the traffic signal.

No Automated External Defibrillators have been proffered by the applicant. The applicant submitted information stating that WindsorMeade will have licensed nursing staff on duty 24 hours a day, seven days a week. The nursing staff and security personnel will be trained in CPR. Residents also will have an emergency call system to reach nursing or security staff in the event of an emergency.

Adequate Public Schools Facilities Test Policy

The applicant has submitted a proffer assuring that all residents will be 18 years and older. Since there will be no additional school children as a result of this project and no additional impacts on the school system, this project passes the adequate public school facilities test.

Library Services

Staff requested the applicant provide information on the impact this development will have on community services, such as the library. The applicant provided information that there will be on-site library services for residents which will contain space for approximately 2,000 books and periodicals, books on tape, vision enhancing machines, and large print books. Most materials provided in the library will be donated or loaned by the WindsorMeade residents, and the library will be staffed by volunteers. While this development may place additional demands on the existent library system, staff finds the on-site library services will alleviate some of those pressures.

Archaeology

A Phase I archaeological study was completed in 1990, and a prehistoric procurement camp was identified. As part of this proposal, the applicant submitted a Phase II archeological study for review. The applicant submitted a proffer which is consistent with the County's archaeology policy, which addresses approval of the Phase II study, the requirement for a Phase III study if recommended by the Phase II study, or the possibility of a treatment plan. Staff supports the revised proffer.

Fiscal Impact

The project's Fiscal Impact Study shows the development to have a positive fiscal impact on James City County. When the New Town Master Plan was approved in 1997, the overall project site was assigned a maximum residential development and maximum non-residential development level. The original New Town Fiscal Impact Study determined the overall build-out of New Town would have a positive fiscal impact for the County. Regarding the West Sector (Sections 11, 12, and 13), the New Town Fiscal Impact Study analyzed a development potential with a mix of single-family residences, offices, and retail square footage.

The WindsorMeade proposal utilizes 300 out of a maximum 650 residential dwelling units for the West Sector. Additionally, 94 dwelling units have been utilized as part of the 1998 Ford's Colony rezoning, leaving a maximum of 256 additional dwelling units. The WindsorMeade proposal shows a more positive fiscal impact for the site than the original New Town Fiscal Impact Study with respect to residential development, since WindsorMeade will not generate any of the anticipated school children.

Regarding non-residential density, the West Sector has been allocated a maximum of 183,700-square feet, envisioned as office and retail. The 47-bed assisted living facility is considered to be residential; however the 72-bed nursing or special care continuing care facility is not considered residential and does not use up residential density. The continuing care facility is considered non-residential square footage and utilizes 34,100-square feet of non-residential

square footage originally envisioned for retail and office space within Sections 12 and 13. Staff from Financial and Management Services has determined that the continuing care facility would have a fiscal impact similar to office square footage. The fiscal impact of this proposal on the remaining non-residential or retail square footage envisioned for Section 11 and the remainder of Section 12, approximately 149,600 square feet, is uncertain and will be addressed at the time rezoning plans are submitted for those sections. It is staff's intention to ensure a positive fiscal impact from the total West Sector and from New Town as a whole.

New Town Master Plan/Design Guidelines

The New Town Master Plan designates the portion of New Town for this proposal as part of Sections 12 and 13. The following uses are permitted: single-family, two/three/four family, two-story townhouse and apartments, three-story townhouses and apartments, institutional and public, and common open space. Three hundred dwelling units is higher than what is currently shown on the New Town Master Plan for these sections. However, the intent of the New Town Master Plan is allowed flexibility within the various sections. The additional density will be transferred from Section 11 of the West Sector, meaning there will be no overall increase to the number of approved dwelling units for New Town as a result of this project.

Additionally, property in the New Town area is required to adhere to an approved set of Design Guidelines. The Design Guidelines outline issues such as street layout, building design, and architectural materials. The proffers and Design Guidelines require design approval from the New Town Design Review Board (DRB) prior to submission of a rezoning application. The DRB approved the design of this proposal on January 18, 2001, and a subsequent amendment on May 17, 2001. The Design Guidelines also require approval by the Planning Commission and the Board of Supervisors, and have been proffered.

As recommended in the Design Guidelines, the proposal has incorporated an urban design with the creation of a distinct village character, a cohesive architectural style, grid street pattern with alleys, open space, and pedestrian-friendly development. Various open spaces have been provided throughout the development including an entry park, a major community open space with gazebo at the entrance, a clock tower park linking the cottage and apartment neighborhoods, and an additional community open space with the cottage neighborhood. Open courtyard spaces are provided in the apartment and continuing care neighborhoods.

In the cottage neighborhood, streets and blocks have been designed to link open spaces. Cottages and duplexes are located on either side of a divided boulevard and also have rear alleys for garage access. As recommended in the New Town Design Guidelines, the alleys are intended to reduce the visual impact of garages, parked cars, and curb cuts along the divided boulevard, to link the clock tower and community open space, and to encourage pedestrian movement along the boulevard. Additionally, sidewalks, landscaping, and tree planting, pedestrian lighting and off-street parking will incorporate recommendations in the Design Guidelines.

Streets and blocks contain no cul-de-sacs to encourage connectivity and to provide clear pedestrian movement among residents. Parking for guests and visitors will be provided in both on-street and off-street areas. The project proposes two parking terraces near the continuing care facility.

Regarding architecture, the project will incorporate a traditional architectural style reminiscent of the historic buildings within the Williamsburg area. Building massing and architectural elements will exhibit simple massing, traditional roof shapes, dormers, projecting balconies and bays, and porches that contribute to human scale and architectural interest. Brick is the predominant exterior wall material with siding as a secondary material. Roofing materials will consist of fiberglass shingles. The architecture of this project is consistent with the adopted New Town Design Guidelines.

One inconsistency with the New Town Design Guidelines is the gated nature of the project. In two locations the Design Guidelines state, "enclave developments or walled communities do not reinforce a village character and are not encouraged." To mitigate this inconsistency and provide some public benefit from this project, the applicant has shown a town square at the end of the entrance road at WindsorMeade's entrance gate. The WindsorMeade design guidelines state "to acknowledge the New Town design objective of avoiding the appearance of enclaves or walled communities while still providing a secure environment for a particularly vulnerable population, the main entrance and gateway to the retirement could be designed as part of a town square terminus to the divided entry road." The New Town DRB approved this as an acceptable approach to satisfy the Design Guideline's restriction on walled communities. The applicant submitted a proffer which states the public square will be constructed or bonded in the amount of \$100,000 by the owner of the property. The adjacent property owner agrees to this and has signed the proffers. Since the DRB has not approved the detailed design of the public square and the specific design of the public square is not part of this proposal, the actual size and cost of the public square is not known at this time. Any additional costs above \$100,000 for the public square will be the obligation of the property owner or rezoning applicant for that section. Staff supports this proffer as it provides assurances that there will be a public element of this private development.

Enhanced Landscaping/Lighting

As a result of discussion at the August Planning Commission, the applicant submitted additional proffers to address concerns by residents of Jester's Lane regarding noise, landscaping, and lighting. One proffer addressing noise states that upon rezoning to MU, Mixed Use, the property will comply with the County's noise ordinance that applies to residentially zoned areas. Staff finds this proffer to be acceptable. Additional proffers address enhance landscaping along the Jester's Lane property line as well as enhanced landscaping and/or a berm along the Route 199 buffer. The applicant also included a proffer that restricts the lighting for buildings, parking areas and drive aisles along the area adjacent to Jester's Lane to ensure that adjacent properties are not impacted by site lighting. Staff supports these additional proffers as they will provide protection to surrounding areas, including residents of Jester's Lane and citizens traveling along Route 199.

Comprehensive Plan

The Comprehensive Plan designates this site as Mixed Use. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas are located at or near state interchanges and the intersections of major throughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. Mixed Use areas are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area. Moderate- to high-density residential uses could be encouraged in mixed use areas where such development would complement and be harmonious with existing and potential development.

Mixed Use developments require nearby police and fire protection, arterial road access, access to public utilities, large sties, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. Master Plans are encouraged to assist in the consideration of mixed use development proposals. The consideration of development proposals in mixed use areas should focus on the development potential of a given area compared to the area's infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

The New Town area is listed in the Comprehensive Plan as "Casey Fields Area." For the area in the vicinity of Route 199/Monticello Avenue, the principal suggested uses are a mixture of commercial, office, and limited industrial with residential uses as secondary uses. The development in this area should be governed by a detailed

Master Plan which provides guidelines for street, building, and open space design and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.

Staff finds this proposal to be consistent with the Mixed Use designation of the Comprehensive Plan, as it conforms to the approved New Town Master Plan.

RECOMMENDATION:

Staff finds this proposal to be consistent with surrounding zoning and land uses, consistent with the Comprehensive Plan, and consistent with the intent of the New Town Master Plan, Design Guidelines and proffers. On September 5, 2001, the Planning Commission voted 6-0 to approve the project. Staff recommends the Board of Supervisors approve the rezoning, master plan and design guidelines, and accept the voluntary proffers.

Jill E. Schmidle

CONCUR:

O. Marvin Sowers, Jr.

JES/adw
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Attachments:

1. Site location map
2. Planning Commission minutes
3. Development plans (separate attachment)
4. Design Guidelines (2) (separate attachment)
5. Proffers
6. Letter from Elizabeth L. White to John Horne, dated August 28, 2001
7. Resolution