

Rezoning 6-01/Special Use Permit 19-01/Height Waiver 2-01. Williamsburg Landing Expansion Staff Report for December 11, 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: November 5, 2001, 5:00 p.m.
Board of Supervisors: December 11, 2001, 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Alvin Anderson
Land Owner: Norman G. Beatty, Katharine M. Beatty; Williamsburg Landing, Inc.

Proposed Use: Expansion of continuing care retirement community

Location: 3110 Lake Powell Road; 5660 Williamsburg Landing Drive; Jamestown District

Tax Maps and Parcel Nos.: (48-1)(1-33); (48-2)(1-3)

Primary Service Area: Inside

Parcel Sizes: .95 acres (Beatty property); 49 acres (Williamsburg Landing property)

Existing Zoning: R-8, Rural Residential District (Beatty property); R-5, Multi-Family Residential District with proffers (Williamsburg Landing property)

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-8 (veterinary clinic; day care center)
East: R-5 (Williamsburg Landing)
South: R-5 (Williamsburg Landing)
West: R-2, General Residential (single-family homes)

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

STAFF RECOMMENDATION:

Staff finds the proposed rezoning, special use permit, and height limitation waiver (maximum 50 feet) consistent with surrounding zoning, the Comprehensive Plan, and consistent with previous action by the Board of Supervisors. On November 5, 2001, the Planning Commission voted 5-0, with one abstention, to approve the rezoning, special use permit, and height limitation waiver. Staff recommends the Board of Supervisors approve the rezoning, special use permit, and height limitation waiver, and accept the voluntary proffers.

Project Description

Mr. Alvin Anderson has applied on behalf of Norman G. Beatty, Katharine M. Beatty, and Williamsburg Landing, Inc. for a rezoning, special use permit, and height waiver request for an expansion of the Williamsburg Landing continuing care retirement community. The rezoning request is to rezone approximately .95 acres from R-8, Rural Residential District, to R-5, Multi-Family Residential District, located at 3110 Lake Powell Road, known as the Greenwood Pre-School, in order to incorporate the property into the Williamsburg Landing community. The special use permit request is to expand the continuing care retirement community by extending SUP-7-95 to include the Beatty property, and increasing the number of nursing units by 30 and the number of assisted-living units by 30 on both the Beatty property and the existing Williamsburg Landing property. The Williamsburg Landing property is zoned R-5 with proffers and is located at 5560 Williamsburg Landing Drive. The height limitation waiver request is to allow an additional 15 feet for the continuing care facility, for a total of 50 feet.

History

The Williamsburg Landing site was rezoned from A-2, Limited Agriculture, to R-5 in 1982 to allow a nursing home, residence for aged and offices. In 1991, 1993, and 1995, property within the development was rezoned to allow single-family dwellings, nursing homes and facilities for the residence and care of the aged. In 1996, the Board approved a height limitation waiver for the Nursing and Assisted-Living Facility. Currently what is permitted on the Williamsburg Landing property is a 60-bed nursing home, a 60-unit assisted-living facility, and up to two dwelling units per acre (for a maximum of 98 dwelling units). The nursing home and assisted-living facility have been constructed. None of the permitted independent dwelling units have been constructed in this section.

Proffers

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

- use of property;
- number of dwelling units;
- entrance location;
- private roads;
- archaeological study;
- Route 199 buffer;
- 3-story building height limitation; and
- cash contribution toward water supply.

Please note that the proffers are consistent with the existing proffers that apply to the R-5 zoned Williamsburg Landing property, with the following exceptions: the currently proffered 60 nursing beds and 60 assisted-living beds has been increased to 90 nursing beds and 90 assisted-living beds, and a new proffer has been offered for a cash contribution toward water supply.

Surrounding Zoning and Land Use

The property is surrounded by residentially zoned property. To the northwest of the site, across Brookwood Drive is a veterinary clinic and day care center, zoned R-8, Rural Residential. The property is bounded on the north side by Route 199. To the east and south of the site is the existing Williamsburg Landing development, zoned R-5. To the west of the site are several single-family residences located on Lake Powell Road in the Marlboro and Birchwood subdivisions, zoned R-2, General Residential. The

proposed development is consistent with the residential character of the surrounding zoning and development.

Topography and Physical Features

The Greenwood Pre-School site is surrounded by woods. The Williamsburg Landing property contains a mixture of mature evergreens and hardwoods. Ravines within Resource Protection Area wetlands are located on the eastern edge of the site. A proffer has been offered that provides 100 feet of undisturbed buffer along Route 199, Brookwood Drive, and Lake Powell Road.

Utilities

The site is located within the Primary Service Area (PSA). 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. To mitigate the demands placed on 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 \$500 per nursing and assisted-living beds for a maximum of \$30,000. Staff finds that the cash contribution adequately mitigates demands placed on the water supply as a result of this expansion and is an acceptable proffer.

Regarding the County's water supply, the Board of Supervisors recently agreed to apply certain criteria to new developments to mitigate the negative impact on the County's water supply. One of those criteria suggests that building permits be delayed until a draft permit is obtained by James City County from the State for the proposed desalinization plant or the applicant provide information on mitigating factors that offset the need for this criteria. No proffers, conditions or information addressing this criterion have been submitted or included in this report, due to the unique nature of this expansion, an addition to an existing facility.

Transportation and Access

A Traffic Impact Study was submitted as part of the 1995 rezoning. For this project, an update to the traffic study was submitted which outlined the changes to the traffic in the area with the additional nursing and assisted-living beds and the elimination of traffic at the Greenwood Pre-School. The existing driveways to the Pre-School will be closed. All Williamsburg Landing traffic will be routed to the existing Williamsburg Landing entrance, which has turn lanes on Lake Powell Road. The existing Greenwood Pre-School driveways are in close proximity to the Brookwood Drive/Lake Powell Road intersection. Traffic entering the School backs up in both directions during drop-off and pick-up times into the through travel lanes on Lake Powell Road.

Trip generation for the increased development (30 nursing beds and 30 assisted-living beds) would be 160 trips per day, or the equivalent of 16 single-family housing units. A.M. and P.M. peak hour traffic for the increased development is less than that for 16 single-family housing units.

Actual counts taken reveal the pre-school generates 195 trips per day, with the peak occurring during the A.M. peak hour and midday. Classes at the pre-school end before the P.M. peak hour, so there is no trip generation for the school at that time. The heaviest traffic occurs between 12:15 p.m. and 1:15 p.m., when 137 vehicles were counted.

The elimination of the Greenwood Pre-School and the addition of the Williamsburg Landing beds will improve the traffic in the area by eliminating traffic during the AM peak hour and midday hour. Additionally, the periodic back-ups at the school's driveways will be eliminated. The land use change will be an improvement from existing conditions as a result of reducing the traffic volume and reducing the traffic congestion.

The Virginia Department of Transportation (VDOT) has reviewed the additional traffic information and concurs with the findings.

Adequate Public School Facilities Test Policy

The proposal is for nursing and assisted-living beds, and no additional school age children will be added with this expansion. The project passes the Adequate Public School Facilities Test policy.

Emergency Medical Services, Fire and Police Protection

Staff from Emergency Medical Services and the Fire Department reviewed the proposal and have determined it will create very little increase in services. EMS staff anticipates only a minor increase in emergency service calls and states that the rate of calls historically has been only moderate at Williamsburg Landing compared to other nursing care facilities. Fire Department staff anticipates no major additional coverage required. The projected increase in calls is 32 EMS and two fire calls per year.

Williamsburg Landing provides a partially fenced property and staff security at its single point of entry. Staff from the Police Department state that their only need to enter the premises has been to inform residents of the natural death of a family member or to follow-up on an occasional larceny report. No significant increase in involvement is anticipated.

Fiscal Impact

Fiscal impact information was submitted as part of the Community Impact Statement, which shows the project to be fiscally positive for the County. The construction costs are approximately \$25-30 million, including payroll, purchase of materials and furnishings, and 30 new jobs will be created. Williamsburg Landing is currently the County's eighth largest taxpayer. Staff from Financial and Management Services reviewed the fiscal information and concurs that the project is fiscally positive for the County.

Comprehensive Plan

The Comprehensive Plan designates this site as Low-Density Residential. Low-Density Residential areas are located in the PSA and where natural characteristics are suitable for residential development. Low-Density Residential areas are located where public services and utilities exist or are expected to be expanded to serve the sites over the next 20 years. Timing and density of the development of particular sites within low-density areas will depend upon the availability of utilities and the maintenance of an acceptable level of service of roads and other public services. Staff finds the expansion of Williamsburg Landing to be consistent with the Low-Density Residential designation of the Comprehensive Plan.

Height Waiver

Section 24-314 (j) of the James City County Zoning Ordinance states that a structure in excess of 35 feet in height from grade to the top of the structure may be erected only upon the granting of a height limitation waiver by the Board of Supervisors. In 1996, the Board approved a height limitation waiver to allow

construction of a facility that is 42 feet in height. The Board may grant a height limitation waiver upon finding that the following five items are adequately addressed.

A. Such Structure Will Not Obstruct Light to Adjacent Property

The development is located within the Williamsburg Landing property, and is guaranteed by proffer to be no closer than 100 feet from Route 199, Lake Powell Road, and Brookwood Drive. Staff finds a 50-foot structure will not obstruct light to adjacent property as a result of the buffers.

B. Impact on Historic Features and Surrounding Areas

Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest. As a result of the wooded nature of the property and proffered buffer, staff finds that the proposed location meets this criteria.

C. Property Values

Such structure will not impair property values in the surrounding area. The Real Estate Assessor has stated that it is unlikely that there would be a negative impact from having such a facility in this location.

D. Safety

Such structure shall be adequately designed and served from the standpoint of safety. Staff from the Fire Department finds that Williamsburg Landing is well located in relation to fire stations and equipment, so as to offer adequate protection to life and property. The structure will be constructed according to the building code and with the concurrence and approval of the Fire Department.

E. Public Health, Safety and General Welfare

Such structure will not be contrary to the public health, safety, and general welfare. Staff does not expect the proposed expansion to be contrary to the public health, safety and general welfare.

Recommendation:

Staff finds the proposed rezoning, special use permit and height limitation waiver consistent with surrounding zoning, the Comprehensive Plan and consistent with previous action by the Board of Supervisors. On November 5, 2001, the Planning Commission voted 5-0, with one abstention, to approve the rezoning, special use permit, and height limitation waiver. Staff recommends the Board of Supervisors approve the rezoning, special use permit, and height limitation waiver, and accept the voluntary proffers.

1. If construction has not commenced on the project within thirty-six months from the issuance of the special use permit, it shall become void. Construction shall be defined as obtaining permits for building construction and installation of footings and/or foundations.
2. This special use permit shall be limited to the following specially permitted uses:
 - a. Single-family dwellings.
 - b. Nursing homes and facilities for the residence and/or care of the aged.

These specially permitted uses are in addition to those generally permitted uses specified in Proffer 1 of the Proffer Agreement. Nursing home facilities shall be limited to one 90-bed nursing home. Assisted-living units shall be limited to 90 units. The aggregate number of generally and specially permitted living units, over and above the sum of a 90-bed nursing home and a 90-unit assisted-living facility, shall not exceed two dwelling units per acre of the gross acreage of the property.

3. 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/tlc
wbgland121101.wpd

Attachments:

1. Planning Commission minutes
2. Site location map
3. Development plans (separate attachment)
4. Proffers
5. Rezoning resolution
6. Special use permit resolution
7. Height limitation waiver resolution