

**REZONING-15-03/MASTER PLAN-13-03/HEIGHT LIMITATION WAIVER-2-03. The Station at Norge
Staff Report for the July 27, 2004, 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 F Board Room; County Government Center

Planning Commission: February 2, 2004, 7:00 p.m. (deferred)
March 1, 2004, 7:00 p.m.

Board of Supervisors: April 13, 2004, 7:00 p.m. (continued)
May 11, 2004, 7:00 p.m. (continued)
May 25, 2004, 7:00 p.m. (continued)
June 22, 2004, 7:00 p.m. (continued)
July 27, 2004, 7:00 p.m.

SUMMARY FACTS

Applicant: Ms. Lou Rowland, The Station at Norge, L.P.

Land Owner: Sixty-Four Associates

Proposed Use: To rezone a total of approximately 10.167 acres to allow for the construction of up to 104 apartments which, by proffer, are proposed to be affordable in rent. A height limitation waiver is also requested from the Board of Supervisors as the proposed apartment buildings exceed 35 feet in height.

Location: 7721 Croaker Road

Tax Map/Parcel: (13-4)(1-21)

Primary Service Area: Inside

Parcel Size: 10.167 acres

Existing Zoning: B-1

Comprehensive Plan: Moderate Density Residential

STAFF RECOMMENDATION

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property and is consistent the Comprehensive Plan Land Use Map designation. Staff recommends the Board of Supervisors approve the Rezoning and Master Plan applications, the acceptance of the voluntary proffers, and approval of the height limitation waiver.

Staff Contact: Matthew D. Arcieri, Planner Phone: 253-6685

PLANNING COMMISSION RECOMMENDATION

On March 1, 2004, the Planning Commission recommended denial of this case by a vote of 6-1.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

PROJECT DESCRIPTION

The Station at Norge, L.P., has submitted an application to rezone approximately 10.167 acres located at 7721 Croaker Road from B-1, General Business, to R-5, Multi-family Residential, with proffers. If approved, the developer would construct a new affordable apartment housing complex. The development, to be known as The Station at Norge, would consist of up to 104 two- and three-bedroom apartments among nine buildings. The project is possible with support from the Low-Income Housing Tax Credit Program and financing by the Virginia Housing Development Authority.

A height limitation waiver is also requested from the Board of Supervisors as the proposed three-story apartment buildings exceed 35 feet in height. The apartments are proposed to be 39 feet in height. The attached elevations submitted by the developers indicate the architecture to be used on this project.

PROPOSED DENSITY BONUS

Under the R-5 provisions of the Zoning Ordinance, a 10.167-acre site can only accommodate 86.76, three-story apartments by-right. However, the Ordinance permits density bonuses to be granted - up to an additional 20 percent more dwelling units per acre can be added to the by-right unit count. These bonuses will have to be granted by the Development Review Committee during the site plan review.

For this particular project, the developer seeks an additional nine percent increase in density by providing enhanced recreation. An additional 7.5 percent is also sought by providing enhanced building setbacks from the CSX railroad side of the property. Also, an additional 3.5 percent increase in density is sought by a landscaping proposal which exceeds the minimum ordinance standards. Only with these bonuses can the requested 104 units be built.

The landscape plan attached to the Master Plan is conceptual in nature. The final landscaping details, in support of the requested density bonus, are to be resolved during the site plan review process. Upon a preliminary review, staff finds the landscape plan generally consistent with the intent of the landscape ordinance and it forms a good foundation on which to grant a density bonus. Staff hopes to work with the applicant on developing a final landscape plan which utilizes native species and species which are drought-tolerant, and developing a plan which minimizes future maintenance costs on the residents of this development. In addition to the enhanced landscaping to achieve the density bonus, the applicant has proffered supplemental landscaping around the proposed BMP.

The recreation amenities provided, as indicated on the Master Plan and proffers, are planned to be provided as shown and also help to meet the recommendations of the Parks and Recreation Master Plan guidelines for residential development. Recommendations for multifamily developments include park land, biking/jogging trails, playgrounds, play courts, and softball fields.

The applicant proposes:

- A swimming pool and 1,800-square-foot clubhouse;
- bike racks;
- two passive recreational areas (to include picnic benches and BBQ grills);
- an active tot lot/playground area; and
- a 6-foot wide mulched walking and jogging trail running around the perimeter of the site.

The total recreation areas provided add up to 3.98 acres, which is 10 percent of the site area. Also an additional 2.95 acres or 29 percent of the site area is natural open space. The proposed recreation amenities are well in excess of applicable Zoning Ordinance requirements. Staff finds the recreation proposal acceptable for achieving the density bonus.

PUBLIC IMPACTS

Archaeology

The County archaeological policy is proffered.

Environmental Impacts

Watershed: Yarmouth Creek/Ware Creek

Environmental Proffers: Conservation Area: The applicant will grant to the County a conservation easement over 2.95 acres of the property. This area shall remain undisturbed except for the proffered jogging trail.

Staff Comments: None

Housing

Housing Proffer: For a period of 15 years after the first apartment is occupied, occupancy will be limited to only those individuals and families whose incomes do not exceed 60 percent of the area's median gross income (median gross income is \$55,200 in 2003). As shown on the Fiscal Impact Statement, this effectively means that the maximum rents in 2003 for the two-bedroom units would be \$745/month and would be \$861/month for the three-bedroom units.

Staff Comment: The James City County Office of Housing and Community Development (OHCD) finds the proposal is consistent with the Comprehensive Plan affordable housing goals and that use of the Low-Income Housing Tax Credit Program as proffered will provide assurance of affordable rental housing in this development for a 15-year period.

Public Utilities

Primary Service Area (PSA): The site is inside the PSA and served by public water and sewer.

Public Utility Proffers: Sewer Service: The applicant has three options for public sewer service: the development will either (1) use the proposed Lift Station 9-9, (2) upgrade Lift Station 6-5, or (3) tie into the force main on the other side of the CSX railroad tracks. If the development uses proposed Lift Station 9-9, a cash proffer will be provided to the James City Service Authority (JCSA) to cover the projects share of the cost of construction.

Water Conservation: Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

JCSA Comments: The JCSA has reviewed these proffers and concurs with the proffers as proposed. It should be noted that with other recent residential proposals, a per-unit cash contribution has been proffered to help offset the costs of water supply facilities. However, as with affordable proposals at Michelle Point, Longhill Grove, and Pocahontas Square, the applicant has maintained that such a contribution would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff concurs with this statement and recommends acceptance of the proffers, as currently proposed.

Property Values

The James City County Division of Real Estate Assessments has reviewed this proposal and concluded that approval of this project should not produce a negative effect on surrounding property values.

Fiscal Impact

Information produced by the applicant indicated the project would generate \$38,000 in property taxes. No information was provided on specific costs of the development to County services.

Staff Comments: The Department of Financial and Management Services concludes that The Station at Norge would be a fiscal negative by definition. \$38,000 in annual real property taxes would be more than offset by the projected addition of 28 new public school students. Other residential revenues such as personal property taxes, sales/meals/telecommunications taxes, and fees typically do not pay for other residential services such as public safety, library, health/welfare, and community services.

Schools

Per the Adequate Public School Facilities Test policy adopted by the Board of Supervisors, all special use permit or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

<i>School</i>	<i>Current Enrollment</i>	<i>Design Capacity</i>	<i>Projected Students Generated by</i>	<i>Enrollment + Projected</i>
Stonehouse Elementary	525	588	12	537
Toano Middle	783	775	7	790
Lafayette High	1,478	1,250	9	1,487

Staff Comments: The proposal does not pass the adequate public school test for the Middle or High School.

As with affordable proposals at Michelle Point, Longhill Grove, and Pocahontas Square, any capital contribution (i.e., cash proffer) to the school system to mitigate impacts would impair the ability to provide these units at the affordable rents proposed. Based on information presented to staff to date and other public benefits provided by this proposal, staff recommends acceptance of the proffers, as currently proposed.

The average student generation rate for apartments is 0.267 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with Williamsburg-James City County (WJC) Public Schools based on historical attendance data gathered from other apartment complexes in James City County. The number does not include non-school age children. As this number is an average, some apartment complexes will have more children while others have less.

Pedestrian Circulation

Early on in the rezoning process, it was recognized by staff and the applicant that providing a sidewalk along the property's Croaker Road frontage was not practical given the steep topography of the site and since a sidewalk could not connect to adjoining properties to the east due to the railroad overpass. Based on staff's recommendation, the applicant provided a sidewalk along the entrance road to the project. This sidewalk will provide *future* connection to the adjacent property at the corner of Croaker and Richmond Road. Sidewalks will be required on that property when it develops.

The County has a Federal grant to partially fund a multiuse path and is in the preliminary planning stages for a multiuse path on the opposite side of Croaker Road. When constructed, this path is envisioned to extend from the James City County Library over the railroad tracks to the corner of Croaker and Richmond Road.

The Police Department reviewed accident data involving pedestrians on Croaker Road. From the period of January 1, 2001, through July 31, 2003, there were no accidents involving pedestrians on Croaker Road.

From the period of January 1, 2001, through July 31, 2003, there were no accidents involving pedestrians and trains.

Based on the topography and the affordable goals of the project, staff concludes that the proposed pedestrian facilities are acceptable. Staff realizes that residents of The Station at Norge will primarily utilize automobiles to attend facilities such as the James City County Library or shopping centers on Richmond Road until such time as adequate, safe pedestrian facilities exist on Croaker Road.

Traffic

Although not required, an impact study was prepared for the applicant by Landmark Design Group to look at the impact of the project on the Richmond Road/Croaker Road intersection. According to the report, the proposed apartments will generate approximately 690 trips per day with 53 a.m. peak hour vehicle trips and approximately 64 p.m. peak hour vehicle trips. Although the study did not use recent traffic count data, it concludes these additional vehicle trips will have little effect on the capacity of the Croaker Road/Richmond Road intersection.

2003 Traffic Counts:	8,434 vehicles per day on Croaker Road between Rose Lane and Richmond Road. The road operates at a level of service C.
2026 Volume Projected:	13,000 vehicles per day on a two-lane road. The road is listed as a "watch" in the 2003 Comprehensive Plan but is not recommended for widening.
Speed:	The Police Department conducted a four-day analysis of traffic conditions on Croaker Road at the overpass beginning on March 28, 2004. The average vehicle speed over a four-day period was between 48.3 and 49.3 MPH. Ten percent to 13 percent of vehicles traveled over the posted speed limit of 55 MPH.
Road Improvements:	The project will utilize a shared entrance with the adjacent Speegle property; the preliminary agreement with the adjacent property owner has been completed. A right-turn taper from southbound Croaker Road and a left-turn lane from northbound Croaker Road built to Virginia Department of Transportation (VDOT) standards will be required for this project.

- Traffic Proffers: Private Driveways: Roads internal to the project shall remain as private driveways - not VDOT streets.
- Road Improvements: The proffers provide for the road improvements listed above.
- VDOT Comments: Agrees that the level of service for the intersection and Croaker Road should not be significantly impacted by the proposed development.

COMPREHENSIVE PLAN

The James City County Comprehensive Plan Land Use Map designates this property for Moderate-Density Residential development. Moderate-density areas are residential developments or land suitable for such developments with a minimum density of four dwelling units per acre, up to a maximum of 12 dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The location criteria for moderate-density residential require that these developments be located within the PSA where utilities are available. Optimum sites are near the intersections of collector streets, have natural characteristics such as terrain and soil suitable for compact residential development, and provide sufficient buffering so that the higher-density development is compatible with nearby development and the natural and wooded character of the County. These moderate-density residential areas may serve as transitional uses, primarily to neighborhood commercial, general commercial, or mixed-use areas. The timing and density of development for a moderate-density residential site may be conditioned on the provision of least-cost housing or the provision of open space. Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

Staff Comments: During the 1991 Comprehensive Plan update, this property was re-designated from low-density residential to moderate-density residential. This represented an effort to identify and increase the amount of land designated moderate-density residential in James City County in recognition of a significant lack of opportunities. In addition, the moderate-density residential designation was intended to help establish the limits of the Norge Community Character Area and to provide a transitional land use between the Community Commercial area (Norge Crossing Shopping Center) and low-density residential property further west along Richmond Road. Language was added in subsequent Comprehensive Plan updates to encourage land use and development patterns that reinforce the visual separation between Community Character Areas. An important way to achieve this is by encouraging development which does not require a high degree of visibility from the road.

During the 2003 Comprehensive Plan, staff re-evaluated all of the undeveloped moderate-density residential property in the County. Again, it was determined that the County has very few opportunities for multifamily development, especially in affordable ranges. Based on the location of the site, it was determined that the site was preferable for a residential development. The site is lower than the adjacent road, which would impede the visibility of any business located on the site and limit its access from Croaker Road. In addition, there is more than 30 acres of undeveloped B-1 property designated community commercial (rezoned in 1987) in the Norge Crossing Shopping Center.

The proposal is consistent with both the Land Use and Housing policies of the Comprehensive Plan.

ADDITIONAL CONSIDERATIONS

To assist the Board in its full review of this project, these additional considerations are offered by the Office of Economic Development since the Planning Commission meeting. While market forces in the vicinity of this property have not yet supported extensive business development, the Board may wish to consider the property's future potential if the existing B-1 zoning were to remain. A business use would typically generate local taxes that would include real estate, business personal property, Business and Professional Occupation License(s), and sales tax (if retail). By comparison, an apartment complex would typically generate real estate tax and some personal property tax on residents' cars. Businesses typically require less in public services than they generate in taxes, while residential uses tend to require more. Depending on the nature of the business use, jobs can be created for which local citizens can compete, and the overall business base of the County can be increased.

In addition to removing approximately ten acres from commercial inventory, another potential consideration might be the effect of allowing a new residential use in the immediate vicinity of an existing industrial use. Close proximity of residential and industrial uses has, in some instances in the past, caused residents to call for constraints on industrial activity.

HEIGHT LIMITATION WAIVER

The applicant has also requested a Height Limitation Waiver from the Board of Supervisors. On property zoned R-5, structures may be constructed up to 35 feet as a matter of right; however, structures in excess of 35 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that a Height Limitation Waiver be granted to allow for the construction of structures up to 39 feet tall.

Section 24-314(j) of the James City County Zoning Ordinance states that structures in excess of 35 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

Such structure will not obstruct light from adjacent property;

Staff Comment: Given the proposed building setbacks and given that this development will consist of multiple buildings (instead of one large and tall single building), staff finds that light would not be obstructed from adjacent property.

Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

Staff Comment: There are no immediately adjacent aboveground historic attractions or other areas of significant historic interest. Staff believes the ability to enjoy surrounding historic attractions and developments will not be impaired.

Such structure will not impair property values in the area;

Staff Comment: According to Real Estate Assessments, there is no indication that the construction of apartments on this site will have a detrimental effect on surrounding residential properties.

Such structure is adequately designed and served from the standpoint of safety and that the County Fire Chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;

Staff Comment: The project, if approved, will be subject to full County review processes. Staff feels confident this review process will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from the James City/Bruton Volunteer Fire Department with backup from the other James City County fire stations and the York County Fire Department.

Such structure will not be contrary to the public health, safety, and general welfare.

Staff Comment: Based on the current proposal, information submitted by the applicant and the proffers, staff believes the development will not adversely affect the public health, safety, or general welfare.

CONCLUSIONS

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal consistent with the Land Use and Housing policies of the Comprehensive Plan and consistent with the Comprehensive Plan Land Use Map designation. Staff also finds that the added benefit of affordable housing will meet an important need in James City County. Staff recommends the Board of Supervisors approve the Rezoning and Master Plan applications, the acceptance of the voluntary proffers, and the height limitation waiver.

On March 1, 2004, the Planning Commission recommended denial of this case by a vote of 6-1.

Matthew D. Arcieri

CONCUR:

O. Marvin Sowers, Jr.

MDA/adw
z15-03.wpd

ATTACHMENTS:

1. Planning Commission Minutes
2. Location map
3. Elevations
4. Master Plan (under separate cover)
5. Community Impact Statement
6. Proffers
7. Resolutions