

**REZONING CASE NO. Z-0003-2008/MASTER PLAN CASE NO. MP-0003-2008-The Candle Factory Staff Report for the April 28, 2009, 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 Complex**

Planning Commission: November 05, 2008, 7:00 p.m. (deferred by the applicant)  
Planning Commission: December 03, 2008, 7:00 p.m. (deferred by the applicant)  
Planning Commission: January 07, 2009, 7:00 p.m. (recommended approval by 4-2)  
Planning Commission: April 1, 2009, 7:00 p.m. (recommended approval by 4-3)

Board of Supervisors February 10, 2009, 7:00 p.m. (deferred by the applicant)  
Board of Supervisors March 10, 2009, 7:00 p.m. (remanded to Planning Commission)  
Board of Supervisors April 28, 2009, 7:00 p.m.

**SUMMARY FACTS**

**Applicant:** Mr. Vernon Geddy, III, of Geddy, Harris, Franck & Hickman, L.L.P on behalf of Candle Development, LLC

**Land Owner:** Candle Development, LLC

**Proposed Use:** To rezone approximately 64.45 acres of land from A-1, General Agricultural District, M-1, Limited Business/Industrial District, and MU, Mixed Use District to MU, Mixed Use District, with proffers. The development proposed with this rezoning application will allow the construction of a maximum of 175 residential units; approximately 30,000 square feet of commercial/office space, and 90,000 square-foot assisted living facility with capacity for 96 units.

**Location:** 7551, 7559, and 7567 Richmond Road

**Tax Map and Parcel No.:** 2321100001A, 2321100001D and 2321100001E

**Parcel Size:** Approximately 64.45 acres

**Existing Zoning:** A-1, General Agricultural District, M-1, Limited Business/Industrial Districts, and MU, Mixed Use District

**Comprehensive Plan:** Low Density Residential, Mixed Use, and Limited Industry

**Primary Service Area:** Inside

**STAFF RECOMMENDATION:**

On January 07, 2009 the Planning Commission voted 4-2, with one vacancy, to recommend approval of this application. Prior to this case moving forward to the Board of Supervisors meeting on March 10, staff was notified by the County Attorney's Office that the applicant had notified them of a procedural error that occurred when they turned in the rezoning application for this project. The signature of one of the original

owners of the property, Mr. Jack Barnett, was missing from the application. Mr. Barnett is the owner of a 25-foot-wide access strip which runs north-south through the property. To ensure that there would not be a procedural problem with this rezoning application, staff was advised by the County Attorney's office that this case needed to be returned to the Planning Commission for consideration and a hearing. On April 1, 2009, the Planning Commission reconsidered the rezoning of Candle Factory project and recommended approval of this application by a vote of 4 to 3.

Staff finds this development, as currently proposed, to be generally inconsistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation for the following reasons:

- Inconsistency with the 2003 Comprehensive Plan Mixed-Use designation for Mixed-Use areas at or near major thoroughfares;
- Inconsistency with the 2003 Comprehensive Plan Limited Industrial land use recommendations; and
- School proffers not consistent with current policy.

Staff notes that two previous proffers related to road improvements (please see below) have been addressed by the applicant during the Planning Commission meeting on January 07, 2009 and are no longer grouped as reasons for staff's recommendation of denial for this application:

- Traffic Improvement Proffer addressing reconfiguration of the proposed driveway at the Route 60/Croaker Road has been addressed; and
- Completion of proffered traffic improvements has been addressed.

Staff recommends denial of this application for the reasons noted above. Should the Board of Supervisors approve this application, the enclosed proffers have been attached to this report for the approval of Board Members. A positive Board Action should include approval of the private streets proposed as part of this development.

### **Proposed Changes Made since the January 07, 2009 Planning Commission Meeting:**

#### *Amendment to Existing Proffers*

**Proffer No. 06-Entrances; Traffic Improvements (a):** The number of lanes proposed for the private driveway at the Route 60/Croaker Road intersection was upgraded from three to four lanes (i.e. addition of a dedicated right turn lane) as recommended by VDOT staff. As amended this entire proffer now reads:

*“The existing private driveway at the Route 60/Croaker Road intersection shall be reconstructed to a public road with a four lane road section at the Route 60 intersection and tapering to a two lane section. The northbound Croaker Road approach to the Croaker Road/Route 60 intersection shall include a left turn lane with 200 feet of storage, a through lane, and a right turn lane. ”*

Staff supports the above amendment to Proffer No. 06(a) as this new configuration potentially reduced delays experienced by vehicles turning right, thereby improving intersection safety and capacity.

**Proffer No. 06-Entrances; Traffic Improvements (d):** The applicant has modified the trigger for completion of proffered road improvements from “*issuance of any certificate of occupancy for buildings*” to “*final subdivision plat or site plan approval.*” As amended this entire proffer now reads:

*“The improvements proffered hereby shall be constructed in accordance with Virginia Department of Transportation (“VDOT”) standards and shall include any related traffic signal improvements or replacement, including signal coordination equipment, at that intersection. The improvements listed in paragraphs (a) through (c) shall be completed or their completion bonded in forma satisfactory to the County*

*Attorney prior to final subdivision plat or site plan approval for the development on the Property. ”*

Staff supports the above amendment to Proffer No. 06(d) as it secures that proffered road improvements will be finalized by the developer and not by future property owners.

**Proposed Changes Made since the April 1, 2009 Planning Commission Meeting:**

*New Proffers:*

Proffer No. 21-Right of Way Reservation: Per the request of the Planning Commission, the applicant has provided a new proffer addressing vehicular/pedestrian connectivity with the adjacent parcel located at 341 Farmville Lane. The new proffer reads:

*“Owner shall reserve the area shown on the Master Plan as Corridor to Adjacent Property Reserved for Possible Future Road/Pedestrian Connection for the possible future public road/sidewalk connection to the adjacent property. Owner shall have no responsibility to construct a connecting road/sidewalk in this area and shall not be obligated to permit the owners of the adjacent parcel to construct a road/sidewalk in such area unless and until Owner and the owner of the adjacent parcel have entered into an agreement addressing compensation for the Owner and/or the Association for the right of way, permitting, construction easements and obligations, such as appropriate replanting of disturbed areas, and addressing responsibility for the costs of any require road or traffic signal improvements on Owner’s property warranted by additional traffic from the adjacent parcel.”*

Part of the Planning Commission motion to approve this case included the understanding that the applicant was willing to provide for connectivity with the adjacent property to the south and located at 341 Farmville Lane. The proffered connectivity, as currently written, makes the actual future connection difficult to materialize and therefore may be too restrictive. Staff has recommended that the applicant consider sharing the costs of road/traffic improvements as one of the elements of the proposed agreement.

Proffer No. 23-Phased Clearing:

*“The Property shall be developed in phases in accordance with the approved site plan or plans for the development. Owner shall only clear the area necessary for the construction and operation of the phase then under development. Such necessary clearing includes, without limitation, clearing for roads, sidewalks, trails, building sites, recreational facilities and areas, utility connections, earthwork and grading, soil stockpiles and stormwater management. The limits of clearing for each phase shall be subject to the approval of the Environmental Director.”*

Staff supports the above Proffer as it allows clearing to occur in conjunction with each phase of the development of the property and not prior to the development of the entire property.

**Project Description**

Mr. Vernon Geddy has submitted an application on behalf of Candle Development, LLC to rezone approximately 64.45 acres from A-1, General Agricultural District (60.82 acres), M-1, Limited Business/Industrial District (3.0 acres) and MU, Mixed Use District (0.63 acres) to MU, Mixed Use District with proffers.

Located on the south side of Richmond Road (Route 60), opposite the intersection of Richmond Road and Croaker Road (Route 607), the Candle Factory is a proposed development combining residential and non-residential components to include: 175 residential units (i.e. 142 single-family attached and 33 single-family detached unit.), up to 30,000 square-foot of commercial and office uses, and a 90,000 square-foot assisted living facility complex with capacity for 96 individual units.

The area subject to the rezoning application is bounded on the south, east and west by low-density residential developments zoned A-1, General Agricultural, (i.e. Toano Woods and Oakland Estates) and R-2, General Residential (i.e. Norvalia). Adjacent properties to the north of the site and along Route 60 are zoned MU, Mixed Use (i.e. Cross Walk Community Church, formerly known as the Williamsburg Music Theater) and M-1, Limited Industrial (i.e. The Candle Factory commercial complex and the Poplar Creek office park). The Candle Factory development is located within the Norge Community Character Area and therefore subject to the recommendations set forth by the 2003 Comprehensive Plan. A private driveway at the Route 60/Croaker Intersection will provide vehicular access from Route 60, a Community Character Corridor, to the proposed development.

At its July 11, 2007 Planning Commission meeting, the applicant indefinitely deferred the rezoning/master plan/SUP application for the Candle Factory in order to address outstanding issues and to further incorporate suggestions from the Planning Commission into the plan. In September, 2008, the applicant submitted a revised application for the Candle Factory project. Table No. 1.0 below highlights the major differences between both applications:

**Table No. 1.0-Comparison between the 2006 and 2008 Applications for the Candle Factory Property**

	<b>The Candle Factory 2006 Application</b>	<b>The Candle Factory 2008 Application</b>
<b>Scope of Project</b>	Two combined applications (Rezoning and SUP) under single master plan. <b>Rezoning application:</b> To rezone 64.45 acres from A-1 to MU, with proffers. <b>SUP application:</b> To allow the construction of two non-residential mixed-use buildings.	<b>Rezoning application:</b> To rezone 64.45 acres from A-1 to MU, with proffers. <b>SUP application:</b> N/A
<b>Number of Residential Units</b>	180 units (i.e. 77 single-family attached, 54 single-family detached, and 49 multi-family units).	175 units (i.e. 142 single-family attached and 33 single-family detached).
<b>Total Gross Residential Density</b>	2.79 dwelling units per acre	2.71 dwelling units per acre (excludes the 97 assisted living facility units)
<b>Number of Affordable Units</b>	18 dwelling units for sale at or below \$160,000.00; and 9 dwelling units for sale at or below \$250,000.00	19 dwelling units for sale at or below \$160,000.00; 19 dwelling units for sale at or below \$190,000.00; and 20 dwelling units for sale at or below \$230,000.00
<b>Non-residential square footage</b>	<b>Rezoning application:</b> Maximum of 18,900 square-feet of commercial and/or office, and additional 80,000 square-feet of non-residential uses located in the Limited Industrial Area. <b>SUP application:</b> Two non-residential mixed-use buildings of approximately 45,000.00 square-feet.	<b>Rezoning application:</b> Maximum of 30,000 square-feet of commercial/office space and approximately 90,000 square-foot of assisted living facility with 96 units located in the Limited Industrial Area.

*Source: Rezoning Application Materials Associated with-Z-0003-2008/MP-0003-2008*

The assisted living facility is a new feature proposed as part of the latest rezoning application for the Candle Factory project. This facility with approximately 90,000 square-feet is planned with six smaller living clusters, a community room, and a central facility. Each of the living clusters is a stand-alone building that is connected to the central facility and to each other by means of an enclosed walk. Each cluster will consist of a residential kitchen, a nursing station, a common living area, dinning area and lounge. Inside each cluster the nursing stations will have one to two nurses and will provide 24 hour nursing assistance. Each cluster will accommodate 16 sleeping rooms. These rooms are designed to accommodate one to two people and will have a small sitting area and private bathroom. The central facility will have the main commercial kitchen and the

primary dining hall. According to information provided by the applicant, Cross Walk Community Church will manage and operate the proposed facility.

**Proffers:** Are signed and submitted in accordance with the James City County Proffer Policy. Table 2.0 below identifies all cash contribution (except for \$30,000 proffered for sidewalks later discussed in this report) offered by the applicant as a means to mitigate the physical impact of the proposed development.

**Table 2.0-Cash Contributions for Community Impacts**

Housing Category	Housing Type	Total Quantity	Pricing Type	Total Quantity	CIP: Schools	CIP: Others:	Water	Sewer	Stream Restoration	Totals:
SFD <sup>1</sup>	Single Family Detached	33 units	Market Price	33 units	\$ 4,011	\$1,000	\$1,217.00	\$631.00	\$ 500.00	\$242,847
SFA <sup>2</sup>	Townhouse	142 units	At or below \$160,000	19 units	N/A	N/A	N/A	N/A	\$ 500.00	\$9,500
			At or below \$ 190,000	19 units	N/A	\$1,000	\$913.00	\$631.00	\$ 500.00	\$57,836
			At or below \$225,000	20 units	N/A	\$1,000	\$913.00	\$631.00	\$500.00	\$60,880
			Market Price	84 units	N/A	\$1,000	\$ 913.00	\$631.00	\$ 500.00	\$255,696
N/A	Assisted Living Units	96 units	N/A	N/A	N/A	\$250.00	\$ 456.00	\$558.00	N/A	\$121,344
<b>Total Contributions</b>										<b>\$748,103.00</b>

Source: Rezoning Application Materials Associated with-Z-0003-2008/Master Plan-0003-2008

<sup>1</sup>SFD = Single Family Detached; <sup>2</sup>SFA = Single Family Attached.

**PUBLIC IMPACTS**

**Archaeology**

**Proffers:**

- The County archaeological policy is proffered (Proffer No. 10).

**Staff Comments:** A Phase IA Cultural Resources Assessment developed for the property by the James River Institute for Archaeology was submitted for County review (attached to this report). The assessment suggests that “one or more sites associated with an eighteenth-or early nineteenth-century occupation may be present on the site” and that “the situation of the property at the confluence of two tributary streams suggest that there is high potential for the presence of temporary Native American campsites dating from the Archaic and Woodland periods, as well.” Given the above recommendations, staff finds that a Phase I Archaeological Study for the entire property is warranted and that Proffer No. 10 is therefore appropriate and acceptable.

**Environmental**

**Watershed:** Subwatershed 103 of the Yarmouth Creek Watershed

**Proffers:**

- A contribution of \$500.00 for each residential unit shall be made to the County toward stream restoration or other environmental improvements in the Yarmouth Creek watershed [Proffer No.5 (e)];

- Sustainable building practices as recommended in the NAHB Model Green Building Guidelines are proffered (Proffer No. 11);
- Development of a Master Stormwater Management Plan is proffered with the use of Low Impact Development (LID) techniques to treat 30% of the impervious areas on the property [Proffer No.14 (a)]; and
- A Nutrient Management Plan program has been proffered to be implemented in the proposed development. (Proffer No. 15).

**Environmental Staff Comments:** This proposal will meet the County’s 10-point Stormwater Management requirements through a combination of structural BMP facilities and Natural Open Space credit. Further, in order to comply with the Special Stormwater Criteria (SSC) for the Yarmouth Creek watershed, two forebays will be provided at the major stormwater outfalls into the largest of the BMP's (Marston’s Pond) in order to address water quality. Low Impact Development (LID) facilities, such as bioretention basins, dry swales, porous pavement systems, underground infiltration BMPs, rain barrels and downspouts are included in the Master Stormwater Conceptual Plan. The Environmental Division has recommended approval of the rezoning and associated proffers for this development.

According to information provided by the applicant, 12.33 acres of the entire site are non-developable areas (e.g. wetlands, streams, steep slopes and areas subject to flooding). The remaining 52.17 acres are developable land. The Candle Factory Master Plan shows approximately 24.45 acres or 47% of the net developable area of the site as natural open space. The proposed natural open space for Candle Factory is above the 10% requirement set forth by Section 24-524 of the ordinance and will include, in addition to required RPA buffers, 3.65 acres of parkland areas and over 12 acres of additional open space outside the 100 feet RPA buffer at the perimeter of the development.

**Fiscal Impact:**

**Proffers:**

- Cash contributions of \$1,000 per dwelling unit other than affordable units on the property (total of \$156,000, 00) and \$ 250.00 for each assisted living unit on the property (total of \$ 24, 000.00) shall be made to the County in order to mitigate impacts on the County from the physical development and operation of the property. The County may use these funds for any project in the County’s capital improvements plan which may include emergency services, off-site road improvements, future water needs, library uses, and public use sites.

A Fiscal Impact Study prepared for this development by the Wessex Group (attachment to this report) was provided along with the rezoning application for County review. Below are the major assumptions and results of the net fiscal impact analysis for the Candle Factory Development identified by the study:

- At completion in 2014, the proposed development is expected to add proximately \$59 million in real property value to James City County;
- An average of 87 full-time employees per year is expected during the five-year construction phase of the Candle Factory Development. At build-out in 2014, 148 employees are expected to work in the office spaces and in the assisted living facility combined;
- At build-out, the Candle Factory Development is expected to generate annually \$770,000 in revenues for James City County and create annual expenditures in the amount of \$816,000. The net fiscal impact is estimated to be negative \$46,200 at build out in 2014; and
- In future years, the net fiscal impact is expected to improve such that in 2021, the net fiscal impact is

at breakeven and increases in the years following.

**Staff Comments:** According to comments provided by the James City County Financial and Management Services (FMS), the Fiscal Impact Study for the Candle Factory is heavily weighted up front by construction spending. Permit fee revenue is the largest source of local revenue until the fourth year of a five year construction schedule. Permit fee revenue usually doesn't cover the costs of the on-going oversight by Code Compliance and the Environmental Division during construction, but Code Compliance and Environmental spending is not accurately reflected in the presentation of offsetting spending thus overstating the fiscal benefits. At build-out, the projections turn negative.

#### *Residential*

There is an expectation that houses and/or townhouses marketed with prices at the lower end of the residential sales market in James City County to be a positive feature with a fiscal impact that is skewed negative. However, property taxes will not pay for school spending with housing units in the proposed price range.

#### *Office*

The Class B office space generates none of the taxes that could be expected from retail, lodging property, manufacturing or an assembly plant. From a local fiscal perspective, Class B commercial does not provide many of the taxes benefits desired for the County. This may become more evident if the office vacancy rates begin to climb and rents and assessments start to fall.

#### *Assisted Living Facility:*

Fiscally, the assisted living facility provides the greatest economic potential, but it is projected to be built in the last year of the construction schedule. It is the most tentative of the proposed improvements and if it should be discarded or rejected, the development's fiscal profile becomes significantly worse than what has been currently presented in this report.

### **Public Utilities**

The site is inside the PSA and served by public water and sewer.

#### **Proffers:**

- For cash contribution information please refer to Table No. 03 on this report and/or Proffer No. 5 attached to this report.

**Staff Comments:** The James City Service Authority has reviewed the rezoning application and finds that proffers being offered will mitigate impacts to the County's public water and sewer system. The James City Service Authority has recommended approval of the rezoning and associated proffers for this project.

### **Public Facilities:**

#### **Proffers:**

- A cash contribution of \$ 4,011.00 per each single-family detached dwelling unit, other than affordable units has been proffered to the County to mitigate the impacts from physical development and operation of the property [Proffer No. 4(a)]. The County may use these funds for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the property, including, without limitation, school uses.

**Staff Comments:** According to the Public Facilities section of the Comprehensive Plan, Action No. 4 encourages through rezoning, special use permit or other development processes (1) evaluation of the

adequacy of facility space and needed services when considering increasing development intensities and (2) encouraging the equitable participation by the developer in the provision of needed services.

This project is located within the Norge Elementary, Toano Middle, and Warhill High Schools districts. Under the proposed Master Plan, 175 residential units are proposed. With respect to the student generation and the current school capacities and enrollments for 2007-2008, the following information is provided:

*Student Projections:*

- Single-Family Detached: 0.41 (generator) x 33 (residential type) generates **14 new students**
- Town homes: 0.16 (generator) x 142 (residential type) generates **23 new students**

A total of thirty-seven new students are projected to be generated under the assumed residential unit mix. These numbers are generated by the Department of Financial and Management Services in consultation with WJCC Public Schools based on historical attendance data gathered from other households in James City County. Table 3.0 below illustrates the expected number of students being generated by Candle Factory and overall student capacity for Norge Elementary School, Toano Middle School and Warhill High School.

**Table 3.0-Student Enrollment and School Capacity for JCC-Williamsburg Schools 2008**

School	Design Capacity	Effective Capacity <sup>1</sup>	Current 2008 Enrollment	Projected Students Generated	Enrollment + Projected Students
<b>Norge Elementary School</b>	760	715	601	<b>16</b>	617
<b>Toano Middle School</b>	775	822	839	<b>9</b>	848
<b>Warhill High School</b>	N/A*	1,441	1,037	<b>12</b>	1049
<b>Total</b>	1535	2,978	2259	<b>37</b>	2514

Source: 2007-2008 5 Year Enrollment Projection Report

<sup>1</sup>Effective Capacity represents the “realistic and practical number of students that the school facility can accommodate. Effective capacities were revised in November of 2008.

\* There is no Design Capacity developed for Warhill High School

Based on this analysis, the twenty-eight students projected to be produced from the new development would not cause the enrollment levels for Norge Elementary and Warhill High Schools to exceed their effective capacities. However, the proposed development does not meet the Adequate Public Facilities (APF) Policy at the Middle School Level, both on Design and Effective capacity. As it is noted that a new Middle School is funded and is scheduled to open in 2010, staff believes that this proposal would still meet the APF Policy Guidelines.

Staff notes that the \$ 4,011 proffered by the applicant to mitigate the impact of students on schools was based on the Cash Proffer Policy for Schools adopted by the Board of Supervisors on September 13, 2005. On July 24, 2007, the Board of Supervisors adopted a new Cash Proffer Policy for Schools with revised figures for contributions. Table 4.0 below shows the difference in the amount of cash proffers for schools per the different residential dwelling types in the 2005 and 2007 revised policy.

**Table 4.0-Cash Proffer Policy for Schools in 2005 and 2007**

<b>Dwelling Unit Type</b>	<b>Cash Proffer Policy adopted in September 13, 2005</b>	<b>Cash Proffer Policy adopted in July 24, 2007*</b>
<b>Single-Family Detached</b>	\$ 4,011 per unit	\$ 17,115 per unit
<b>Single-Family Attached</b>	\$ 0 per unit	\$ 4,870 per unit
<b>Multi-Family</b>	\$ 4,275 per unit	\$ 15,166 per unit

*Source: James City County Planning Division*

The 2007 Cash Proffer Policy for Schools states that staff will use the procedures and calculations described in the resolution beginning with rezoning applications received after June 12, 2007. The original rezoning application was received prior to that date, on December 27, 2006. However, it is staff's opinion that the applicant should adhere to the most recently approved Cash Proffer Policy for Schools based on the following: 1) the original rezoning application was indefinitely deferred by the applicant and therefore no legislative approval was granted to the project prior to adoption of the 2007 Cash Proffer Policy for Schools, and 2) the rezoning application submitted and reviewed by staff in 2008 is substantially different from the 2007 plans (i.e. exclusion of the SUP request for the project and inclusion of an assisted living facility complex). Based on the above information, staff has requested that the applicant revise the proffered contributions for schools to reflect the recently approved 2007 Cash Proffer Policy for Schools. However, staff notes that the proffer document submitted along with this rezoning application does not reflect the amounts specified by the 2007 policy.

### **Parks and Recreation**

#### **Proffers:**

- Approximately 3.65 acres of parkland, including one centrally located, shared playground of at least 2,500 square feet with at least five activities;
- A minimum eight-foot wide concrete or asphalt path along one side of the entrance road approximately 0.36 miles in length;
- Approximately .094 miles of soft surface walking trail;
- One paved multi-purpose court approximately 50' x 90' in size; and
- Two multi-purpose fields, one which will be at least 200' x 200' in size.

**Staff Comments:** All of the above recreational features have been proffered (Proffer No.9). Staff finds the proffered recreational amenities to be in accordance with County Parks and Recreational Master Plan (CPRM) and to be acceptable.

### **Transportation**

A Traffic Impact Analysis (TIA) to address the requirements set forth by VDOT's Traffic Impact Analysis regulations commonly known as Chapter 527 was prepared for the proposed Candle Factory development and submitted as part of this rezoning application. VDOT has evaluated this TIA and found that the report conforms to the requirements of Chapter 527 with regard to the accuracy of methodologies, assumptions, and conclusions presented in the analysis. The scope of this study encompassed (1) a corridor analysis inclusive of Route 60 traffic signals at Croaker Road, Norge Lane, and Norge Elementary School; and

(2) a traffic analysis which extends fifteen years in the future to the year 2021. The intersections for the traffic counts and traffic analysis used for this report are shown below:

- Richmond Road/Croaker Road-Signalized intersection;
- Richmond Road/Norge Lane-Signalized intersection;
- Richmond Road/Norge Elementary School-Signalized intersection; and
- Croaker Road/Rochambeau Drive.

**Proffers:**

- Reconstruction of the existing private driveway at the Route 60/Croaker Road intersection to a public road with four lane road section at the Rt. 60 intersection [Proffer No.6(a)];
- At the intersection of Route 60 and Croaker Road, a right turn lane with 200 feet of storage and a 200 foot taper and with shoulder bike lane from east bound Route 60 into the property shall be constructed [Proffer No. 6(b)];
- At the intersection of Route 60 and Croaker Road, the eastbound left turn lane shall be extended to have 200 feet of storage and a 200 foot taper [Proffer No. 6(c)];
- Related adjustments to the Route 60 traffic signal at Croaker Road were proffered [(Proffer No. 6(d)];
- Right-of-way reservation to connect the proposed development with adjacent property located at 341 Farmville Lane (Proffer No.21).
- Payment to VDOT, not to exceed \$ 10,000.00 of the equipment at the Norge Lane/Route 60 traffic signal necessary to allow the coordination of the signal at the Croaker Road/ Route 60 intersection [Proffer No. 6(e)];
- Provision of pedestrian and vehicular connections between the Property and the adjacent property (Tax Parcel 2321100001C ); and
- Installation of crosswalks across Route 60, a median refuge island, signage and pedestrian signal heads at the intersection of Route 60/Croaker Road as warranted (Proffer No. 20).

Staff notes that the traffic forecast for Stonehouse development and proffered road improvements were incorporated into the analysis of the TIA for Candle Factory. Following are the transportation improvements (currently non-existing) assumed in the submitted TIA based on proffered conditions for Stonehouse development:

- *Widen the segment of State Route 30 from two lanes to four lanes west of Croaker Road;*
- *Add dual left turn lanes and a channelized right turn lane to the eastbound approach of Rochambeau Drive at Croaker Road;*
- *Install left turn, shared left/through lane and right turn lane on southbound Croaker Road at Route 60;*
- *Install a second left turn and a separate right turn lane On northbound Croaker Road at Rochambeau Drive; and*
- *Add a left turn lane, a right turn lane and a second through lane on westbound Rochambeau Drive at Croaker Road.*

**Trip Generation:**

According to the TIA (attached to this report), the proposed development, with a single entrance onto Route 60 via proposed Croaker Road Extended, has the potential to generate 3580 daily trips: 210 a.m. peak hour (110 entering and 100 exiting the site) and 401 p.m. peak hour (183 entering and 218 exiting the site). The residential part of the development alone is expected to generate a total of 1,148 vehicular trips per day (vpd), while commercial and office areas are expected to generate 1,906 vpd and the assisted living facility is expected to generate the lowest vehicular trips per day at 526 vpd.

**Intersection Level of Services:**

The overall Level of Service (LOS) for the Croaker Road intersection with Route 60 is currently at level C. At the same intersection, the level of service is projected to remain at Level C in 2015 with and/or without the Candle Factory Development. Assuming all traffic improvements proffered by Stonehouse and the Candle Factory development, overall LOS C is maintained for all conditions.

**Traffic Counts:**

- **2007 Traffic Counts:** From Croaker Road (Route 607) to Lightfoot Road (Route 646), 21,892 average daily trips.

- **2026 Volume Projected:** From Croaker Road (Route 607) to Centerville Road – 33,500 average daily trips is projected. This segment of Richmond Road is listed on the “watch” category in the Comprehensive Plan.

**VDOT Comments:** VDOT concurs with the trip generation as presented by the Traffic Analysis. A supplemental material to the TIA (attached to this report) was further provided by the applicant per the request of the Virginia Department of Transportation in order to forecast future traffic conditions and road improvements without the Stonehouse development. The supplemental analysis demonstrated that without improvements in place at the Route 60/Croaker Road intersections previously proffered by Stonehouse, several movements exhibit LOS “D” or lower in the background conditions without the Candle Factory, and these deficiencies are carried into the “with Candle Factory” scenario. While not directly attributable to the proposed Candle Factory development, there will be several operational deficiencies prior to Stonehouse improvements being implemented.

VDOT concurs with the proffer improvements proposed within the traffic impact study but offers the following recommendation as an additional proffer: *“The submitted traffic impact study proposes the northbound approach to the intersection (i.e. Route 60/Croaker Road) as an exclusive left-turn lane and a shared through/right lane. Due to the anticipated site traffic distribution northbound, we recommend the installation of a dedicated right-turn lane resulting in providing separate left, through, and right turning lanes. This configuration would reduce delays experienced by right turning vehicles, thereby improving intersection safety and capacity.”*

**Staff Comments:** Staff concurs with VDOT’s findings and notes that according to the supplemental material, Overall LOS at Route 60/Croaker Road and Route 60/Norge Lane will remain at Level C, although several turning movements exhibit LOS D. Level of Service at Croaker Road/Rochambeau Drive will decline over time. Staff further notes that primary access to the development will be from the existing shared and signalized entrance at the Richmond/Croaker Road intersection. Access to the office/commercial component of the development will also be provided by extension of the existing drive from Poplar Creek Office Park. Staff notes that during the last Planning Commission meeting, the applicant agreed to proffer a dedicated right-turn lane to the north bound approach to the intersection of Route 60 and Croaker Road.

## COMPREHENSIVE PLAN

### Land Use Map

The 2003 Comprehensive Plan Land Use Map designates the site for the proposed Candle Factory project as Low Density Residential, Mixed Use, and Limited Industry. Table 5.0 below shows all the three different land use designations on the site broken down by respective acreage, proposed use, and correspondent densities.

**Table No.5.0-2003 Comprehensive Plan Land Use Designation for the Candle Factory Property**

	<b>Candle Factory Site (Total Acreage)</b>	<b>Mixed Use Designated Area</b>	<b>Low Density Residential Designated Area</b>	<b>Limited Industry Designated Area</b>
<b>Area</b>	±64.45 Acres	±23 acres	±26 acres	±16 acres
<b>Uses Proposed</b>	<b>Residential, non-residential, and recreational uses</b>	<b>Residential:</b> Single-Family Attached Units <b>Recreational:</b> ±1.90 acre of park land <b>Non-residential:</b> Thirty-thousand square feet of commercial/office space	<b>Residential:</b> Single-Family Detached Units <b>Recreational:</b> ±0.75 acre of park land	<b>Non-Residential:</b> Ninety-thousand square-foot Assisted Living Facility with capacity for 96 units
<b>Density</b>	2.71 dwelling units per acre	4.2 dwelling units per acre	2.0 dwelling units per acre	N/A

Source: Rezoning Application Materials Associated with-Z-0003-2008/MP-0003-2008

According to the master plan for The Candle Factory, the majority of the 142 single-family attached units, park areas, and all commercial and office spaces are planned for the 23-acre Mixed-Use area. The 33 single-family detached units are planned for the 26-acre Low Density Residential designated area, and the proposed assisted living facility is located on the 15-acre Limited Industry Designated area.

The residential density proposed for the Candle Factory is well below the maximum of 18 dwelling units per acre allowed in Mixed Use Zoning Districts. Staff notes that the master plan shows two residential density numbers for this project; the lowest gross density number, 2.71 dwelling units per acre, is achieved by using the total acreage of the site (175 residential units/64.45 acres). The highest density number, 3.61 dwelling units per acre is achieved by not considering the 16-acre area designated Limited Industry on the site (175 residential units/48.47 acres). Staff finds that the use of the lowest density number for this project to be acceptable and consistent with other residential project as it considers the entire acreage of the parcel to calculate density.

Designation	<p><b>Low Density Residential (Page 120):</b>            Low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre. . . . In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. Examples of such benefits include mixed-cost housing, affordable housing, unusual environmental protection, or development that adheres to the principles of open space development design. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.</p>
	<p><b>Staff Comment:</b> This development proposes approximately thirty-three single-family detached units in this area, creating a density of 2.0 units per acre. Residential developments with gross densities greater than one unit per acre and up to four units per acre may be considered if they offer particular public benefits to the community. Staff notes the provision of affordable and workforce housing, unusual environmental protection, and open space design as public benefits offered by this proposal.</p>
	<p><b>Mixed Use (Page 124):</b>            Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. . . . Moderate to high density residential uses with a maximum gross density of 18 dwelling units per acre could be encouraged in mixed-use areas where such development would complement and be harmonious with existing and potential development and offer particular public benefits to the community.</p>
	<p><b>Staff Comment:</b> The majority of the 142 single-family attached units are planned to be located within the existing Mixed-Use area, along with 30,000 square feet of non-residential uses. The Comprehensive Plan designation for Mixed Use areas located at or near interstate interchanges of major thoroughfares (Candle Factory is accessed by the signalized intersection of Route 60 and Croaker Road) recommends “more intensive commercial, office, and limited industrial purposes.” As the majority of the uses proposed for this existing Mixed-Use area are residential, staff finds it to be inconsistent with the Mixed-Use Land Use designation.</p>

	<p><b>Limited Industry (Page 123):</b>  Limited Industry sites within the PSA are intended for warehousing, office, service industries, light manufacturing plants, and public facilities that have moderate impacts on the surrounding area...Secondary uses in Limited Industry areas may include office uses and a limited amount of commercial development generally intended to support the needs of employees and other persons associated with an industrial development.</p>
	<p><b>Staff Comment:</b> Approximately 16-acre of land is depicted Limited Industry by the Comprehensive Plan. Of these, approximately 13-acre of industrially designated land immediately behind the parcel occupied by the Cross Walk Community Church, formerly known as the Music Theater, is part of the rezoning application. This project proposes 90,000 square-foot assisted living facility with 96 units. Staff finds that the proposed use for the area designated Limited Industry to be inconsistent with the primary uses (i.e. warehousing, office, service industries, light manufacturing plants, etc) and secondary uses (i.e. limited amount of commercial development) set forth by the 2003 Comprehensive Plan.</p>

**Parks and Recreation**

<p>Goals, Strategies and actions</p>	<p>Strategy # 9-Page 39: Encourage new developments to proffer neighborhood and community park facilities and trails as outlined in the Parks and Recreation Master Plan.</p> <p>Action # 4-Page 39: Encourage new developments to dedicate right-of-way and construct sidewalks, bikeways, and greenway trails for transportation and recreation purposes, and construct such facilities concurrent with road improvements and other public projects in accordance with the Sidewalk Plan, the Regional Bicycle Facilities Plan, and the Greenway Master Plan</p> <p><b>Staff Comment:</b> All recreational facilities proposed for this development are in accordance with the Parks and Recreation Master Plan as described above. Sidewalks are proffered for one side of each of the public streets on the property (Proffer No. 12).</p>
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**Environmental**

<p>Goals, Strategies. and actions</p>	<p>Strategy #2-Page 65: Assure that new development minimizes adverse impacts on the natural and built environment.</p> <p>Action #5-Page 66: Encourage the use of Better Site Design, Low Impact Development, and best management practices (BMPs) to mitigate adverse environmental impacts.</p> <p>Action#22-Page 67: Promote the use of LEED (Leadership in Energy and Environmental Design) “green building” techniques as a means of developing energy and water efficient buildings and landscapes.</p> <p>Action #23-Page 67: Encourage residential and commercial water conservation, including the use of grey water where appropriate.</p>
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	<p><b>Staff Comment:</b> The required 100 foot RPA buffer and the additional twelve acres of open space located at the perimeter of the property will separate and protect environmentally sensitive areas such as the perennial streams feeding Yarmouth Creek. Low Impact Development (LID) features to treat stormwater from 30% of the impervious areas on the property have been proffered. Further, sustainable building practices as recommended in the NAHB Model Green Building Guidelines have been proffered as part of Design Guidelines and Review. Water conservation standards, which limit the installation and use of irrigation systems and irrigation wells on the property, have also been proffered.</p>
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### Housing

Goals, strategies, and actions	Goal # 1-Page 106: Achieve a range of choice in housing types, density, and price range.
	Goal# 3- Page 106: Increase the availability of affordable housing.
	<p><b>Staff Comment:</b> This development will offer a variety of housing types and housing prices. Up to 175 residential units are proposed. According to the master plan, the residential mix for this proposal will be 33 single-family detached units and 142 single-family attached units. The developer has proffered (Proffer No. 4) affordable and mixed cost housing as part of this proposal; a minimum of 19 of the dwelling units shall be offered for sale at or below \$ 160,000 (“affordable units”), a minimum of 19 of the dwelling units shall be offered for sale at a price at or below \$190,000 (“workforce” units), and a minimum of 20 units shall be offered for sale at or below \$225,000. According to the submitted proffers, none of the single-family detached units will be sold below the market price. According to the master plan all affordable and workforce residential units will not be constructed all in the same location. Staff finds that the provision of affordable housing is a significant public benefit offered by this development and find that the applicant’s effort to provide affordable housing is acceptable.</p>

### Transportation

General	Richmond Road- Page 77: Future commercial and residential development proposals along Richmond Road should concentrate in planned areas, and will require careful analysis to determine the impacts such development would have on the surrounding road network.
	Croaker Road-Page79: The section of Croaker Road extending from Route 60 West to Rose Lane has been placed in the “watch” category since traffic volumes are projected to increase from 8,356 vehicle trips per day to 13,000 vehicle trips per day. Development pressure in this area could push the need for future improvements. It is recommended therefore that road widening be avoided by careful land use and traffic coordination, and intersection and turn lane improvements be implemented if the traffic volumes warrant them.
	<p><b>Staff Comment:</b> The proposed development is planned as a master planned community with internal private and public roads and shared access between residential and commercial uses. Staff finds that the revised traffic road improvements will mitigate the negative impacts of increase in traffic flow, particularly at the intersection between Route 60 and Croaker Road.</p>

Goals, Strategies, and actions	<p>Strategy #5-Page 80: Support the provision of sidewalks and bikeways in appropriate areas, increased use of public transportation services, and investigation of other modes of transportation.</p> <p>Strategy #7(a)-Page 81: Encourage efficient use of existing and future roads, improve public safety, and minimize the impact of development proposals on the roadway system and encourage their preservation by limiting driveway access points and providing joint entrances, side street access, and frontage roads.</p> <p>Strategy #7(f)-Page 81: Develop and implement mixed-use land strategies that encourage shorter automobile trips and promote walking, bicycling, and transit use.</p>
	<p><b>Staff Comment:</b> As part of the pedestrian circulation plan proposed for this development, sidewalks will be installed on at least one side of each of the public streets on the property. Staff notes that Proffer No. 12 states that “<i>Sidewalks shall be installed prior to issuance of any certificated of occupancy for adjacent dwelling units.</i>” Staff has indicated to the applicant a preference for sidewalks to be installed concurrently with the construction of internal roads. At the time this report was written no change was made to this proffer to reflect staff’s suggestions. Also, the applicant has proffered a “<i>one time contribution of \$30,000 to be made to the County for off-site sidewalks.</i>” According to the County Engineer, the amount proffered after the design, installation, and traffic control costs are considered, may yield 400 to 500 linear feet of sidewalks (5-foot wide). Staff notes that 800 of linear feet were proffered to be installed by the applicant at the previous rezoning for Candle Factory. Staff finds that the above modifications to the said proffers would enhance the overall proffers for the Candle Factory development.</p>

**Community Character Area**

Goals, strategies, and actions	<p>Action #24(b)-Page 97: Maintain the small town, rural, and natural character of the County by encouraging new developments to employ site and building design techniques that reduces their visual presence and scale. Design techniques include berms, buffers, landscaping, building designs that appear as collections of smaller buildings rather than a single large building, building colors and siting that cause large structures to blend in with the natural landscape, and low visibility parking locations.</p>
	<p><b>Staff Comment:</b> The applicant has proffered to install streetscape improvements in accordance with the County’s Streetscape Guidelines along Croaker Road extended (please refer to Proffer No. 8). Further, the applicant has proffered landscaping in the portion of the Route 60 median beginning at the Route 60/Croaker Road intersection and extending eastward 800 feet (please refer to Proffer No.19). According to this proffer “<i>The landscaping shall consist of 20 street trees and least 125% of Ordnance caliper size requirements.</i>” Staff finds said proffers to be acceptable in its current form.</p>

**COMPREHENSIVE PLAN**

**Staff Comments:**

Since the last Planning Commission meeting on July 11, 2007, this rezoning application has been revised to address suggestions made by the Planning Commission and by Planning Staff. These revisions are reflected in changes to the Master Plan and proffers (e.g. reduction of residential units, provision of additional open space areas and affordable housing, etc). Staff recognizes and commends all the positive changes made to this project since its last reiteration; good design lay-out of the site, architectural treatment of structures, etc, but

unfortunately, staff finds the project to be inconsistent with the 2003 Comprehensive Plan Land Use Designation. Below are the two major areas of inconsistency in accordance with the Comprehensive Plan Policies:

#### *Mixed-Use Area*

The majority of the 142 single-family attached units and a maximum of 30,000 square-feet of commercial/office space is planned to be located within the 23-acre area designated Mixed Use by the Comprehensive Plan. Staff finds that the majority of the land uses for this Mixed Use area of the Candle Factory development to be skewed toward residential uses and therefore inconsistent with the primary and secondary land uses recommendations for Mixed Use areas near major thoroughfares:

*“Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes.”*

#### *Limited Industry Area*

A 90,000 square foot assisted living facility is proposed for the 16-acre area designated Limited Industry by the 2003 Comprehensive Plan. From a land use perspective, this proposal appears to have minimum impacts on the environment, local traffic and has the potential to be a positive fiscal impact to the County. However, an assisted living facility is a use which is neither a primary or secondary use suggested by the 2003 Comprehensive Plan for an industrial area. Staff acknowledges that an application to change the Limited Industrial land use designation for this area has been submitted for consideration as part of the 2008 Comprehensive Plan Updated. However, staff’s analysis and land use recommendations are based on current use and designation.

### **SETBACK REDUCTION REQUEST:**

As part of the Planning Commission consideration of this case, the applicant proposed a request for modifications to the setback requirements in Zoning Ordinance Section 24-527 (b) subject to the criteria outlined in Section 24-527 (c) (1). According to the applicant (attached to this report), the setback modification, from a required 50-foot landscape buffer to 0-feet, was being requested for the portion of the site abutting the Cross Walk Community Church Parcel to provide future connectivity between both parcels.

Further, the applicant requested reduction of the vegetative buffer to a minimum of 20 feet between the commercial/office area as shown on the master plan, and the Candle Factory Commercial Complex. This was also requested for the purpose of providing connectivity between both parcels.

Section 24-527 (c) of the ordinance states that “a reduction of the width of the setbacks may also be approved for a mixed use zoning district that is not designated Mixed Use by the Comprehensive plan upon finding that the proposed setback meets both criteria (1) and (2) listed below and at least one additional criteria (i.e. criterion No. 3, 4, or 5)

- (1) Properties adjacent to the properties being considered for a reduction in setback must be compatible;
- (2) The proposed setback reduction has been evaluated by appropriate county, state, or federal agencies and has been found to not adversely impact the public health, safety or welfare;
- (3) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
- (4) The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
- (5) The proposed setback is due to unusual size, topography, shape or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

Staff supported this request for a buffer modification based on the following criteria (with staff responses in

italics):

- (1) Properties adjacent to the properties being considered for a reduction in setback must be compatible

*The Cross Walk Community Church Parcel is zoned Mixed Use, the same zoning designation sought for the rezoning for Candle Factory. Further, Cross Walk Community Church will run and operate the proposed Assisted Living Facility at the Candle Factory site.*

- (2) The proposed setback reduction has been evaluated by appropriate county, state, or federal agencies and has been found to not adversely impact the public health, safety or welfare.

*The proposed setback reduction has been evaluated as part of this rezoning application and found not to adversely impact the public health, safety or welfare of citizens.*

- (3) The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;

*The reduction of the vegetative buffer along the areas mentioned above has the potential to allow for pedestrian/vehicular connectivity between the Candle Factory development and Cross Walk Community Church and Candle Factory Commercial Complex Parcels.*

This setback reduction request was approved by the Planning Commission concurrently with their recommendation of approval for this project.

#### **PRIVATE STREETS:**

Section 24-258 (b) of the Zoning Ordinance states that: *'Private streets may be permitted upon approval of the board of supervisors and shall be coordinated with existing or planned streets of both the master plan and the county Comprehensive Plan. Private streets shown on the development plan shall meet the requirements of the Virginia Department of Transportation.'* The applicant has indicated the possibility of private streets in the some areas of the development, as shown in the master plan, and has proffered (Proffer No. 16) maintenance of the private streets through the Home Owners Association.

#### **RECOMMENDATION:**

Staff finds this development, as currently proposed, to be generally inconsistent with surrounding land uses, the Land Use policies of the Comprehensive Plan, and the Comprehensive Plan Land Use Map designation for the following reasons:

- Inconsistency with the 2003 Comprehensive Plan Mixed-Use designation for Mixed-Use areas at or near major thoroughfares;
- Inconsistency with the 2003 Comprehensive Plan Limited Industrial land use recommendations; and
- School proffers not consistent with current policy.

Staff notes that two previous proffers related to road improvements (please see below) have been addressed by the applicant during the last Planning Commission meeting and are no longer grouped as reasons for staff's recommendation of denial for this application:

- Traffic Improvement Proffer addressing reconfiguration of the proposed driveway at the Route 60/Croaker Road has been addressed;
- Completion of proffered traffic improvements has been addressed.

Staff recommends denial of this application for the reasons noted above. Should the Board of Supervisors approve this application, the enclosed proffers have been attached to this report for the approval of Board

Members. A positive Board Action should include approval of the private streets proposed as part of this development.

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Jose Ribeiro

CONCUR:



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JR/gb

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**Attachments:**

1. Revised Master Plan
2. Revised Proffers
3. Unapproved Minutes from April 1, 2009, Planning Commission meeting
4. Resolution
5. The following documents have already been submitted to the Board members prior to the March 10, 2009 meeting and have not been modified:
  - a. Community Impact Statement
  - b. Supplemental Material
  - c. Supplement to Traffic Impact Study (December 11, 2008)
  - d. Location Maps
  - e. Fiscal Impact Study
  - f. Letter Requesting Modifications for Setbacks
  - g. Phase IA Cultural Resources Assessment