
REZONING-19-0014/MP-19-0016. The Promenade at John Tyler Highway Proffer and Master Plan Amendment

Staff Report for the December 10, 2019, Board of Supervisors Public Hearing**SUMMARY FACTS**

Applicant:	Mr. Jerry L. Bowman of Franciscus at Promenade, LLC
Land Owner:	Mr. Jerry L. Bowman of University Square Associates
Proposal:	A request to amend the adopted proffers and Master Plan to permit the construction of an additional ten-plex building.
Locations:	5299, 5303, 5307, and 5311 John Tyler Highway
Tax Map/Parcel Nos.:	4812200025, 4812200026, 4812200027, and 4812200028
Project Acreage:	+/- 5.5 acres
Zoning:	MU, Mixed Use
Comprehensive Plan:	Mixed Use
Primary Service Area: (PSA)	Inside
Staff Contact:	Jose Ribeiro, Senior Planner II

PUBLIC HEARING DATES

Planning Commission:	November 6, 2019, 6:00 p.m.
Board of Supervisors:	December 10, 2019, 5:00 p.m.

FACTORS FAVORABLE

1. Staff finds the proposal consistent with the 2015 Comprehensive Plan, *Toward 2035: Leading the Way*.
2. Staff finds the proposal will not negatively impact surrounding development.
3. Impacts: Please see Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Impacts: Please see Impact Analysis on Pages 4-5.

SUMMARY STAFF RECOMMENDATION

Approval, subject to the proposed amended proffers.

PLANNING COMMISSION RECOMMENDATION

At its November 6, 2019 meeting, the Planning Commission recommended approval of this application and acceptance of the amended proffers by a vote of 5-0 with one abstention (Leverenz).

CHANGES SINCE PLANNING COMMISSION

None.

PROJECT DESCRIPTION

- The Promenade at John Tyler is a mixed use development approved for the construction of up to 204 dwelling units and ± 47,918 square feet of commercial space.

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- The 204 residential units are approved per the current adopted master plan as 110 residential units distributed in 11 ten-plex buildings, 80 residential units distributed in 40 duplex buildings, and 14 live-above units associated with the commercial development located at the four outparcels adjacent to Route 199.
- According to the applicant, (Attachment No. 9) construction of the residential portion of the project is substantially completed. However, the proposed commercial square footage approved for the outparcels has not yet been developed.
- The zoning land use designation type of the four outparcels subject to this amendment application is MU (i.e., residential, commercial, and office) located within mixed use structures.
- This amendment proposes revisions to the adopted master plan and proffers for a portion of The Promenade at John Tyler to allow for the following:
 - In lieu of constructing the 14 live-above units in mixed use buildings on the outparcels, the applicant would like to build another ten-plex, all residential building instead.
 - The proposed master plan therefore revises the land use designation of a portion of one of the outparcels located at 5311 John Tyler Highway which is approved for commercial, office, and multifamily units contained within a mixed use structure to a single use structure containing 10 residential units. If this amendment is approved, a total of 200 residential units out of 204 allowable units would be built on the site. The applicant has not indicated where or if the remaining four residential units will be constructed.
 - The proposed master plan also revises the land use designation of properties at 5299, 5303, and 5307, and the

remaining portion of property at 5311 John Tyler Highway approved for commercial, office, and multifamily units contained within mixed use structures to permit stand-alone commercial and/or office structures and open space. The Master Plan would still permit up to 47,918 square feet of these uses.

- The proposed proffer amendment would allow modifying the Community Space proffers (Attachment No. 3) by replacing the reference to the amended land use designation.
- This amendment will not change the previously approved residential density of 8.3 dwelling units per acre and will not permit any net increase in the total number of residential units previously approved. No other changes are proposed as part of this request.

PLANNING AND ZONING HISTORY

- The initial Williamsburg Crossing Shopping Center Master Plan was adopted by the Board of Supervisors in 1989 and permitted up to 657,390 square feet of nonresidential development. The Master Plan was subsequently amended by the adoption of two Special Use Permits (SUPs) in 1993 associated with a proposed outdoor amusement center. However, the SUP for the outdoor amusement center expired in 1996.
- In 1993, ± 13.3 acres was rezoned from MU and the Master Plan was amended to permit the development of up to 198 dwelling units and reduced the amount of nonresidential development to 535,665 square feet. La Fontaine subdivision consists of 160 of the permitted 198 dwelling units. The Riverside medical facility was constructed in 1999 at Kings Way.

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- On December 9, 2014, the Board of Supervisors rezoned six properties totaling \pm 24.54 acres within the Williamsburg Crossing Shopping Center from B-1, General Business, to MU, with proffers and design guidelines, to construct up to 204 dwelling units and commercial development along Route 199.
- On April 12, 2016, the Board of Supervisors approved an application to amend Condition No. 2 of the adopted proffer to clarify language regarding adherence to the Housing Opportunities Policy.
- On June 14, 2016, the Board of Supervisors approved an application to amend Condition No. 8 of the adopted proffers to amend the narrative description and conceptual cross-section of the Route 199 Community Character Corridor buffer that was submitted with the original rezoning application in order to allow the placement of a 5.5-foot berm with the northern portion of the buffer.

Mix of Uses

Section 24-519(d) of the Zoning Ordinance states that in order to achieve the intent of the MU District, more than one land use category shall be used and no single use or category shall exceed 80% of the developable land area within a mixed use area, as designated on the Master Plan. Staff finds that this requirement is achieved with the proposed master plan amendment.

Proffers and Design Guidelines

The applicant is proposing to amend Proffer No. 11. Community Spaces to ensure that the “public square” (as shown on the Master Plan) will be installed or bonded prior to the County being obligated to issue Certificates of Occupancy for the proposed new ten-plex building. If the construction of the “public square” is bonded, it shall

be installed within seven years or prior to the issuance of a Certificate of Occupancy of the first building in the area designated on the Master Plan as EGJ. The proposed new ten-plex building will be constructed similarly to the existing residential buildings, with four-sided architecture consistent with the approved building elevations for The Promenade at John Tyler (Attachment No. 8). The commercial and office uses also remain subject to the approved Design Guidelines.

Fiscal Impact

The applicant has submitted the County’s Fiscal Impact worksheet submitted in 2014 as part of the rezoning of The Promenade at John Tyler. The County’s Fiscal Impact worksheet indicates that the project will have a negative fiscal impact at build-out of \$14,717. Regarding the changes proposed by this current application, the applicant has indicated that they do not believe the total commercial revenue will change. They intend to develop the same square footage of commercial and residential space. The 14 remaining residential units will be built with the same revenue projections. If the last four residential units are built, the revenue projections would remain unchanged.

SURROUNDING ZONING AND DEVELOPMENT

- North: Across Route 199 properties are zoned Planned Unit Development, PUD, and are located in the City of Williamsburg.
- South: Properties are zoned MU, Mixed Use (The Promenade at John Tyler).
- West: Properties are zoned B-1, General Business (Williamsburg Crossing Shopping Center).
- East: Properties are zoned R-2, General Residential (Winston Terrace).

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Impacts/Potentially Unfavorable Conditions	Status <i>(No Mitigation Required/Mitigated/Not Fully Mitigated)</i>	Considerations/Proposed Mitigation of Potentially Unfavorable Conditions
<u>Public Transportation: Vehicular</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The proposal is not anticipated to generate additional traffic as the total number of residential units remain capped at 204 units.- No changes to the right-of-way are proposed.- No changes anticipated to Level of Service on Route 199.- Mr. Dexter Williams of DRW Consultants has submitted a memorandum stating that the proposed ten-plex building does not substantially change the previous recommendations of the traffic impact study and no road improvements are warranted. The Virginia Department of Transportation staff has reviewed this application and concurs with its conclusion.
<u>Public Transportation: Pedestrian/Bicycle</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The Pedestrian Accommodations Master Plan does not require installation of a sidewalk along Route 199. The requirement for a bike lane will be addressed as part of the review process of the site plan. Development on the outparcels will still connect internally with the existing and proposed residential and commercial development via sidewalks.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Subject property is served by Fire Station 3 on John Tyler Highway.- Previously adopted proffers contributed toward County's Fire and EMS uses.
<u>Public Schools</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- A previously adopted proffer has contributed toward the County's school uses.
<u>Public Parks and Recreation</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- A previously adopted proffer has contributed toward the County's parks and recreation uses.
<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- A previously adopted proffer has contributed toward the County's library uses.

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<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	- A previously adopted proffer has contributed toward the County's water system uses. A Water Conservation Agreement has been previously submitted for review and has been approved by James City Service Authority.
<u>Watersheds, Streams and Reservoirs</u>	<u>No Mitigation Required</u>	- Watershed: Mill Creek - A previously adopted proffer has required the submittal of a Nutrient Management Plan for review and approval of the County's Stormwater and Resource Protection (SRP) Division. - SRP's staff has reviewed the amendment and provided comments that will be addressed as part of the review of the site plan for the proposal.
<u>Cultural/Historic</u>	<u>No Mitigation Required</u>	- A previously adopted proffer requires a Phase I Archaeological Study to be submitted for review and approval by the Planning Director prior to issuance of a land disturbing permit. A Phase I Archaeological Study has been submitted, and the Virginia Department of Historic Resources has concurred with the findings of the Study that no further studies are warranted.
<u>Nearby and Surrounding Properties</u>	<u>No Mitigation Required</u>	- Staff does not anticipate significant visual or other similar impacts on nearby properties.
<u>Community Character</u>	<u>No Mitigation Required</u>	- A previously adopted proffer requires a Community Character Corridor buffer along Route 199 with an average width of at least 50 feet.

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The area for the proposed development (the four outparcels), as well as the Riverside medical facility, La Fontaine, the existing shopping center, and the remaining residential development at The Promenade at John Tyler are all included in the Williamsburg Crossing Shopping Center MU designation on the 2035 Comprehensive Plan Land Use Map. The general MU area designation descriptions note that mixed use areas should be inside the PSA and should be centers for higher density development with a mix of uses served by adequate infrastructure and public services. Further, centers with higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Staff finds the proposed use consistent with the Comprehensive Plan.

PROPOSED PROFFER AMENDMENT

Proposed proffers are provided as Attachment No. 3.

STAFF RECOMMENDATION

Staff finds the proposal to be compatible with surrounding development and consistent with the adopted Comprehensive Plan and Zoning Ordinance. Staff recommends that the Board of Supervisors approve this application and accept the amended proffers.

JR/md
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Attachments:

1. Ordinance
2. Location Map

3. Proposed Proffer Amendment
4. Previously Adopted Proffers (Z-0005-2016/Z-0001-2016/Z-0003-2014)
5. Proposed Master Plan Amendment
6. Memorandum from Traffic Consultant
7. Restated Fiscal Impact Study
8. Proposed Architectural Elevation
9. Applicant's Letter of Request
10. Unapproved Minutes from the Planning Commission's November 6, 2019 Meeting

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