
REZONING-19-0012/SPECIAL USE PERMIT 19-0020. Forest Heights Rezoning and Independent Living Facility

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

Applicant: James City County Board of Supervisors, Mr. Doug Harbin of Wayne Harbin Builder, Inc.

Land Owner: See attached list, per the August 13, 2019, Initiating Resolution

Proposal: This rezoning, initiated by the Board of Supervisors per the attached August 13, 2019, resolution and accompanied by Mr. Harbin, proposes to rezone the Forest Heights area from MU, Mixed Use with proffers to R-3, Residential Redevelopment and R-3, Residential Redevelopment with proffers, to allow for the addition of 46 townhomes and a 50-unit independent living facility.

Location: Forest Heights

Tax Map/Parcel No.: See properties listed in attached August 13, 2019, Initiating Resolution

Project Acreage: ± 47.1 acres

Current Zoning: MU, Mixed Use with proffers

Comprehensive Plan: Low Density Residential (LDR), Moderate Density Residential (MDR)

Primary Service Area: Inside

Staff Contact: Thomas Wysong, Senior Planner

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 will not negatively impact surrounding zoning and development.
2. The proposed amendment will increase the overall density of the entire master planned area up to four dwelling units per acre, which is within the range recommended for lands designated LDR and MDR by the adopted Comprehensive Plan, *Toward 2035: Leading the Way*.
3. The proposal will increase the supply of affordable housing within the County, as the applicant has proffered 100% of the 96 units (46 townhomes and all 50 units within the independent living facility) to be offered as affordable units.
4. The proposal meets the Adequate Public Schools Facilities Test adopted by the Board of Supervisors on June 23, 1998.
5. Impacts: Please see Impact Analysis on Pages 4-5.

FACTORS UNFAVORABLE

1. Pursuant to the Fiscal Impact Analysis submitted for this application, the proposal is expected to have a negative fiscal impact.
2. Impacts: Please see Impact Analysis on Pages 4-5.

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SUMMARY STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this rezoning application with the proposed proffers and the Special Use Permit (SUP) application with the proposed conditions.

PLANNING COMMISSION RECOMMENDATION

At its November 6, 2019 regular meeting, the Planning Commission unanimously recommended approval of this rezoning and SUP application by a vote of 6-0. The Commission further recommended that Planning staff develop a landscaping plan for the County owned parcel located adjacent to this development (Tax Map ID No. 3221500001A).

Proposed Changes Made Since the Planning Commission Meeting

None.

HISTORY OF THE PROJECT

In 2011, the James City County Board of Supervisors initiated the rezoning of approximately 47.1 acres of the Forest Heights area from R-2, General Residential to MU, Mixed Use (Z-0001-2011). The purpose of the rezoning was twofold. First, the County desired to facilitate improvements to the existing Forest Heights neighborhood in partnership with the Office of Housing and Community Development. Second, the Salvation Army planned to build new offices, a community meeting space and gym, and other accessory uses on the property it owns adjacent to the Forest Heights neighborhood.

The rezoning succeeded in improving the Forest Heights neighborhood in a number of ways. The County was able to facilitate the rearrangement of property boundary lines to bring lot owners into

compliance with the County Zoning Ordinance. The County also coordinated infrastructure improvements, including the addressing of previously uncontrolled and untreated drainage and stormwater, the upgrading of water and sewer mains, the realignment, widening, and paving of Forest Heights Road and Neighbors Drive, safety improvements to Richmond Road, the addition of open space and pedestrian amenities, and the provision of streetlights and street trees. The proposed project also included the rehabilitation of homes (including energy audits and energy efficiency improvements), the construction of new affordable housing, and the demolition of vacant, dilapidated dwellings. The proffers approved for this rezoning required water conservation and green building measures for certain sites, the inclusion of affordable and workforce housing, and the establishment of a homeowners association.

Regarding the second purpose of the 2011 rezoning, the Salvation Army has not pursued the development of the planned non-residential uses on its property. Its 11.42-acre property remains wooded and vacant and is the proposed location of the townhomes and independent living facility.

PROJECT DESCRIPTION

- The County is proposing to rezone the Forest Heights area from MU, Mixed Use with proffers to R-3, Residential Redevelopment and R-3, Residential Redevelopment with proffers. Accompanying this request, Mr. Harbin is proposing 46 townhomes and a 50-unit independent living facility via an SUP on the property currently owned by the Salvation Army and addressed 6015 Richmond Road. Mr. Harbin has submitted proffers to address impacts associated with these 96 units.
- This project proposes a density of up to four units per acre for the entire Forest Heights area. The Zoning Ordinance allows for a

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base density of 2.5 dwelling units per acre in the R-3 District. In order to achieve the proposed four units per acre density, the project will need to achieve five bonus density points. From the options available in the Ordinance, the applicant is proposing to achieve the needed bonus density points by committing via proffers to the provision of affordable and workforce housing, plus the provision of either Low Impact Design (LID) storm-water management or the construction of all units to EarthCraft or LEED standard.

- The applicant is proposing vehicular and pedestrian connectivity with the existing Forest Heights neighborhood.
- According to the Master Plan, the 46 townhomes will be distributed in a group of 12 buildings with parking provided through a combination of individual attached garages, driveways, and surface parking.
- A 50-unit independent living facility is proposed along the frontage of the property on Richmond Road via an SUP. No new entrances are proposed for Richmond Road as a result of this project.
- The project includes a 50-foot buffer along Richmond Road, a 15-foot landscape buffer between the proposed independent facility and the townhomes area, a 20-foot buffer between the existing single-family residential located north of the development and the independent living facility, and a variable width 12- to 42-foot landscaped buffer between the existing Forest Heights neighborhood and the proposed townhomes area.
- Approximately 1.20 acres of open space is proposed for this development which includes: 0.30 of this acreage of unimproved

parkland to be located adjacent to the rear of the townhomes; 0.15 acre of unimproved space located adjacent to the proposed surface parking; 0.45 acre of Community Character Corridor (CCC) buffering; and 0.30 acre as a proposed pocket park to be located adjacent to proposed surface parking across from the proposed location of the independent living facility.

- The Pedestrian Accommodation Master Plan calls for a sidewalk on the side of Richmond Road fronting the property. The Master Plan shows an 8-foot-wide asphalt multiuse path located in the right-of-way of Richmond Road and connecting to the existing multiuse path traversing the frontage of the Forest Heights neighborhood. Staff finds the provision of the 8-foot-wide paved multiuse path as an acceptable substitution for the standard 5-foot paved sidewalk. The Regional Bikeways Plan shows no improvements for this portion of Richmond Road.
- Mr. Harbin is proposing all 96 dwelling units for the Salvation Army property be made available for rent or sale at affordable prices.

SURROUNDING ZONING AND DEVELOPMENT

North: R-2, General Residential, single-family residential development.

South: R-2, General Residential, single-family residential development.

East: R-2, General Residential, single-family residential development.

West: R-2, General Residential, single-family residential development.

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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 46 townhomes and 50-unit independent living facility is expected to generate a combined 482 trips per day and 44 vehicle trips in the PM peak hour. No improvements to Richmond Road are warranted or proposed. The turn lane and median improvements to serve Forest Heights were previously completed.
<u>Public Transportation: Bicycle/Pedestrian</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- Per the Adopted Regional Bikeways Map Pedestrian Accommodation's Master Plan, a sidewalk is required along Richmond Road.- A multiuse path is proposed along the frontage of Richmond Road, which staff deems acceptable given its proposed linkage to the existing multiuse path fronting to the south.
<u>Public Safety</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Fire Station 4 on Olde Towne Road serves this area of the County, approximately 2.2 miles from the Forest Heights neighborhood.- Staff finds this project does not generate impacts that require mitigation to the County's Fire Department facilities or services.
<u>Public Schools</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- The applicant has proffered for the 50-unit independent living facility to be age restricted for those 55+, thus no students are expected to be generated by the facility.- The 46 townhomes are expected to generate a total of eight additional students (+3 for Norge Elementary School, +2 for Hornsby Middle School, and +3 for Warhill High School).- Norge Elementary School is currently over-enrolled, while Hornsby Middle and Warhill High Schools are able to incorporate the new students and stay under effective capacity.- The proposed construction of a new elementary school included in the adopted Capital Improvements Program is projected to alleviate enrollment for Norge Elementary School.- The applicant has submitted cash proffers to mitigate the impact of these units.
<u>Public Parks and Recreation</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- The applicant is providing a pocket park, a playground, and a multiuse path in accordance with the requirements of the Parks and Recreation Development Guidelines.- Cash in-lieu amounts have been proffered instead of the required sport court and field.

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<u>Public Libraries and Cultural Centers</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- Staff finds this project does not generate impacts that require mitigation.
<u>Groundwater and Drinking Water Resources</u>	<u>No Mitigation Required</u>	<ul style="list-style-type: none">- The property will be served by public water and sewer and will generate 29,760 gallons per day. The James City Service Authority has stated the sewer lift station and water mains are both sufficient to incorporate this development and that no water and sewer impact study is required.- SUP Condition No. 4 requires water conservation measure be implemented for all proposed units on the Salvation Army property.
<u>Watersheds, Streams, and Reservoirs</u> The project is located in the Powhatan Creek Watershed.	<u>Mitigated</u>	<ul style="list-style-type: none">- The Master Plan shows a conceptual layout for stormwater management facilities.- This project will need to demonstrate full compliance with environmental regulations at the development plan stage.- Per the Stormwater and Resource Protection Division notes shown on the Master Plan, the development plan for this project will be required to meet specific criteria to ensure best stormwater management practices on-site.
<u>Cultural/Historic</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- A Phase 1 Archaeological Study for the property at 6015 Richmond Road has been conducted and concluded that no further archaeological historic preservation efforts were necessary on-site.
<u>Nearby and Surrounding Properties</u>	<u>Mitigated</u>	<ul style="list-style-type: none">- The project will also need to demonstrate full compliance with lighting and landscaping regulations in the Zoning Ordinance at the development plan stage.- Staff does not anticipate significant noise, odor, lighting, or other similar impacts on nearby properties. However, to address any potential impacts of this nature, the project includes enhanced landscaping between proposed development of the Salvation Army parcel and the existing residential development within the Forest Heights area.
<u>Community Character</u> The project is located along the Richmond Road CCC.	<u>Mitigated</u>	<ul style="list-style-type: none">- The Master Plan shows a 50-foot CCC buffer on Richmond Road abutting the Salvation Army property. The R-3 District requires 150 feet, but provides for reduction of the width or waiver by the Planning Director which would be processed at the development plan stage.- SUP Condition No. 5 requires a landscaping plan that ensures plantings meet the requirements of County Ordinances, as well as the Comprehensive Plan's intent for CCCs.- SUP Condition No. 6 requires the dumpster to be screened within a brick enclosure or materials in accordance with the architectural character of the independent living facility.

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The land use designations for this site within the Comprehensive Plan are LDR and MDR. The recommended uses within an LDR include single-family and multifamily units, as well as limited commercial development to support the surrounding residential areas. The recommended uses within MDR include residential development, including multifamily units, and very limited commercial and community-oriented facilities.

The Comprehensive Plan recommends density standards for residential development within the LDR and MDR.

For residential development, the Comprehensive Plan recommends the following approach to density for LDR and MDR:

- *LDR*: Gross density from one unit per acre up to four units per acre, if particular public benefits are provided. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection, or development that adheres to the principles of open space design.
- *MDR*: Gross density of four units per acre up to 12 units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of proposed dwelling units and the degree to which the development is consistent with the Comprehensive Plan. Development at this density is not recommended unless it offers particular public benefits. Examples of such public benefits include mixed-cost housing, affordable and workforce housing, and enhanced environmental protection.

At approximately four units per acre for the entire master planned area, this project aligns with the density recommended within the Comprehensive Plan. Staff finds the proffered proposal of 100% affordable housing units within this project and the proffer of LID stormwater management or EarthCraft/LEED construction for all

units meets the Comprehensive Plan recommendation for a significant public benefit.

It is of vital importance that the proposed independent living facility be of high quality design and complement the residential character of the area. This is due to the facility's proximity to and visibility from Richmond Road, which is classified as an Urban/Suburban CCC within the 2035 Comprehensive Plan Land Use Map.

The Comprehensive Plan states that the County should preserve and enhance the character of this portion of Richmond Road, given its designation as a CCC. This is due to the fact that CCCs within the County set the first impression that many visitors have of the area. Therefore, it is crucial that proposed development be of high quality design that is complementary to the existing character of the area.

Staff finds that the site layout and elevations submitted for the proposed independent living facility provides sufficient screening of the site and aligns with the goals of the CCC designation within the Comprehensive Plan.

STAFF RECOMMENDATION

Staff recommends that the Board of Supervisors approve this rezoning application with the proposed proffers and the SUP application with the proposed conditions.

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TW/md

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Attachments:

1. Rezoning Ordinance
2. SUP Resolution
3. Location Map
4. Proposed Master Plan
5. Proposed Building Elevations
6. Design Guidelines
7. Community Impact Study
8. Fiscal Impact Worksheet
9. Existing Proffers
10. Proposed Proffers
11. August 13, 2019 Initiating Resolution
12. Unapproved Minutes of the November 6, 2019 Planning Commission meeting

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