
REZONING-0002-2017/MASTER PLAN-0002-2017. The Parke at Ford's Colony

Staff Report for the November 1, 2017, Planning Commission Public Hearing**SUMMARY FACTS**

Applicants: Nathalie Croft, Eagle Construction of Virginia, LLC and Mark Matthews, Ford's Colony Homeowners Association

Land Owners: Parke at Westport, LLC and the Ford's Colony Homeowners Association

Proposal: To rezone \pm 45 acres of land from A-1, General Agricultural to R-4, Residential Planned Community for the purpose of constructing up to 81 single-family homes and to amend the adopted Master Plan, James City County Case No. MP-06-07, for Ford's Colony for the purpose of including those \pm 45 acres in the overall Ford's Colony Master Plan. Per Section 24-62 of the Zoning Ordinance, the applicant is also requesting that the Board of Supervisors permit private streets within the new section of the development.

Location: 3400 and 3401 Westport

Tax Map/Parcel Nos.: 3620100061 and 3620100060

Project Acreage: \pm 45 acres

Current Zoning: A-1, General Agricultural

Proposed Zoning: R-4, Residential Planned Community

Comprehensive Plan: Low-Density Residential and Rural Lands

Primary Service Area: Primarily inside; approximately four acres of the property are outside of the Primary Service Area (PSA).

Staff Contact: Roberta Sulouff, Senior Planner

PUBLIC HEARING DATES

Planning Commission: November 1, 2017, 7:00 p.m.

Board of Supervisors: December 12, 2017, 5:00 p.m. (tentative)

FACTORS FAVORABLE

1. Staff finds the proposal will not negatively impact surrounding zoning and development.
2. The proposal is consistent with the recommendations for residential development in lands designated Low-Density Residential (LDR) by the adopted Comprehensive Plan.
3. While unable to proffer consistency with the adopted Streetscape Policy, the applicant has included a note on the Master Plan to ensure that development will be in compliance with that policy.
4. While unable to proffer consistency with the Natural Resource Policy and the Archaeological Policy, studies were conducted for this property as a part of an earlier development plan, which satisfies these policies.
5. The proposal meets the adequate Public Schools Facilities Test, adopted by the Board of Supervisors on June 23, 1998.
6. While unable to proffer design guidelines, architectural elevations or materials, the development would be subject to review by the

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Ford's Colony Architectural Review Board to ensure design compatibility with existing development in Ford's Colony.

FACTORS UNFAVORABLE

1. Proffers are not accepted for residential rezonings. As such, some of the typical impacts associated with residential development are not mitigated or addressed, including impacts to schools, impacts to public facilities and utilities (such as James City Service Authority), the provision of affordable and workforce housing opportunities and the provision of enhanced environmental protections.
2. While the development may be age-targeted, without the ability to guarantee age restrictions, the project is fiscally negative per the submitted Fiscal Impacts Analysis worksheet.
3. This proposal does not fully meet the recommendations of the Parks & Recreation Development Guidelines. The applicant is seeking an exception from the Board of Supervisors, as further discussed below.
4. Staff has received negative responses regarding the proposal from residents of both Ford's Colony and the Westport subdivision. Copies of written responses are attached to this report.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of these applications to the Board of Supervisors.

PROJECT DESCRIPTION

- The applicant is requesting a rezoning from A-1, General Agricultural to R-4, Residential Planned Community to permit an 81-lot, single-family development on approximately 45 acres, known as "The Parke at Ford's Colony."
- This application requires an amendment to the existing, adopted R-4 Master Plan for Ford's Colony, bringing the total units of that Master Plan from 3,846 units to 3,927 units. For this purpose, the Ford's Colony Homeowners Association was a party to the Master Plan application, though they are not a party to the rezoning application.
- Consistent with the existing Ford's Colony development, the applicant is requesting permission from the Board of Supervisors for roads internal to the Parke at Ford's Colony to be private. Private roads would allow for gated entrances to the development. This request is per Section 24-62 of the Zoning Ordinance and does not require action by the Planning Commission.
- The project is located on a Community Character Corridor (CCC) per the adopted Comprehensive Plan, and thus, provides a 150-foot wooded buffer along the Centerville Road frontage of the subject properties.
- Per the adopted Pedestrian Accommodations Master Plan, this project includes the construction of a multi-use path along the Centerville Road frontage of the subject properties.

ABILITY TO GUARANTEE THE DEVELOPMENT AS PROPOSED

- On June 28, 2016, the Board of Supervisors adopted Ordinance No. 31A-304, specifying that the County will only accept proffers associated with non-residential rezonings.
- The County, therefore, is faced with assessing the development potential and associated land use impacts of this proposal. Because age restriction or age-targeted development, in the absence of proffers, cannot be binding, the staff report describes impacts for a non-age-restricted proposal (traffic generation, fiscal impact, schools).
- Proffers are not accepted for residential rezonings; however, several issues have been addressed proactively as a part of this application (such as the Streetscape Policy and pedestrian accommodations) or have been addressed during the preparation of earlier development plans for this site (such as the Natural Resource and Archaeological policies).

PLANNING AND ZONING HISTORY

- Ford's Colony: The existing Ford's Colony subdivision was originally rezoned with proffers to R-4, Residential Planned Community in the late 1980s. Its Master Plan currently allows for 3,846 units with a mix of single-family units, multi-family units and units designated for a future Continuing Care Retirement Community. The Ford's Colony development currently has an outstanding proffer obligation, which requires a traffic study to be completed every five years in order to assess the need for several

traffic improvements along Centerville Road, Longhill Road and News Road. If warranted, the proffers commit the development to construct the improvements. Traffic studies were most recently completed and provided to the County in 2004 and 2008.

- Westport: The area subject to current rezoning was previously proposed to be developed as a by-right subdivision on land zoned A-1, General Agricultural (Section B of the Westport subdivision). While the area to the west of the site was approved and is partially built-out, this section of the Westport subdivision never received final approval. It was also the subject of a rezoning and Special Use Permit application in 2010, which was withdrawn by the applicant at that time. While the platted and approved section of the Westport subdivision is a part of the Ford's Colony Homeowners Association, it was never rezoned, and thus, is not part of the adopted R-4 Master Plan.
- The Parke at Ford's Colony: The current application was reviewed by the Development Review Committee as a conceptual item for preliminary feedback prior to submission for rezoning.

SURROUNDING ZONING AND DEVELOPMENT

- North, South and West: A-1, General Agricultural, including the platted Westport subdivision and several undeveloped lots.
- East: The existing Ford's Colony development, zoned R-4, Residential Planned Community.

PUBLIC IMPACTS

Anticipated Impact on Public Facilities and Services:

Streets

- A Traffic Impact Study was not required for this development since the PM peak trip generation fell below the 100 trip threshold in the Zoning Ordinance. The Institute of Transportation Engineers projects that the development would generate 82.7 PM peak hour trips and approximately 810 daily trips.
- The project would take access from Centerville Road through Westport, which is designed as a public road that will eventually be accepted for maintenance into the state system. The applicant is requesting a private street exception from the Board of Supervisors for roads internal to the Parke at Ford's Colony development. The exception would allow for guardhouses and gates at the two entrances to the development from Westport.
- Centerville Road is currently operating at a Level of Service (LOS) A-C and is anticipated to remain operating at this LOS through 2034.
- While a traffic study was not required for the submittal of the rezoning application, the Ford's Colony development currently has an outstanding proffer obligation which requires a traffic study to be completed every five years in order to assess the need for several traffic improvements along Centerville Road, Longhill Road and News Road. If warranted, the proffers commit the development to construct the improvements. The adopted Ford's Colony proffers call for the construction of right and left turn lanes

at the Centerville/Manchester intersection, which are currently in place. However, a number of other proffered traffic improvements along Centerville Road, News Road and Longhill Road remain outstanding at this time.

Parks & Recreation

- As previously noted, the applicant is requesting an exception to the Parks & Recreation Development Guidelines. Per the Board adopted Parks & Recreation Master Plan, the Ford's Colony master-planned community would require two additional playing fields and two additional playgrounds. The applicant has provided documentation verifying that they are providing a capital contribution of \$320,000 to the Ford's Colony Homeowners Association for improvements, including recreational amenities. Additionally, in the context of the current guidelines, the existing Ford's Colony development provides an excess of swimming pools, walking trails and tennis courts per the adopted guidelines. Planning and Parks & Recreation staff are receptive to this request; however, the waiver must be approved by the Board of Supervisors.

Schools

- Per the applicant, and as found in the Community Impact Statement, the proposed development is designed to be age-targeted to a demographic which generally produces fewer school children. As discussed above, proffers are not accepted for residential rezoning applications. In previous age-restricted developments (such as Colonial Heritage), proffers have been able to provide assurance that no permanent resident of the development would be under a certain age. With no way to guarantee the mitigation of that impact, an analysis of school-age children is provided.

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- The proposed 81 lots are anticipated to generate an additional 34 students. As illustrated in the table below, the 34 students projected from the development would not cause the enrollment levels for D. J. Montague Elementary School, Lois S. Hornsby Middle School or Lafayette High School to exceed effective capacity.

Student Enrollment and School Capacity, WJCC Schools 2016

<i>School</i>	<i>Effective Capacity</i>	<i>Enrollment</i>	<i>Projected Students Generated</i>	<i>Enrollment + Projected Students</i>
D. J. Montague	590	461	± 16	477
Hornsby Middle	952	942	± 8	950
Lafayette High	1314	1152	± 10	1,162

Source: WJCC Public School Official Student Enrollment Report, November 2016

Fiscal Impact

- The Fiscal Impact Analysis worksheet was submitted per the Fiscal Year 2017 calculations provided by the Department of Financial and Management Services.
- Per that analysis, the development would result in a \$128,432.59 negative fiscal impact to the County.

Fire

- The location of the project allows for coverage by both Fire Station 3, located on John Tyler Highway, and Station 5, located on Monticello Avenue.

Utilities

- The project would be served by public water and sewer.
- A Water Conservation Agreement for the existing Westport subdivision, which previously included this property, has been recorded.
- James City County Service Authority has reviewed the Master Plan and may have comments at development plan level, but concurs with the proposed utility layout generally.

Environmental/Cultural/Historic:

Environmental

- Watershed: College Creek.
- The application identifies and avoids Resource Protection Areas (RPA).
- The applicant submitted studies analyzing the natural resources in the project area and possible impacts to bald eagles, long-eared bats, small whorled pogonia, etc. Review by the Department of Conservation and Recreation (DCR) found that this site is located in the Gordon Creek Conservation Site and is home to the natural heritage resource Tidal Freshwater Marsh. As this resource lies within areas already protected by rules governing RPAs and wetlands, the DCR recommended adherence to existing state and local stormwater management and erosion and sediment control regulations at the development stage.

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- The Stormwater and Resource Protection Division has reviewed the proposal and concurs with the Master Plan as proposed. For this location, staff finds that a Nutrient Management Plan would be preferred and is recommended. However, as noted above, the County does not accept proffers for residential rezonings.

Cultural/Historic

- A Phase I Archaeological Study, conducted prior to the earlier rezoning, was submitted with this application and reviewed by the Virginia Department of Historic Resources (VDHR). The study concluded that no further archaeological historic preservation efforts were necessary on site. The VDHR concurred with the findings of this study.

Nearby and Surrounding Properties

- Staff finds that the proposed 35-foot perimeter buffer mitigates visual impacts to other adjacent properties. Additionally, much of the northern parcel includes RPA, which provides an even larger buffer.
- The project is located on a CCC per the adopted Comprehensive Plan, and thus, provides a 150-foot wooded buffer along the Centerville Road frontage of the subject properties. Wooded CCC buffers utilize and/or supplement existing vegetation to create visual screening of development along CCCs and serve to preserve open space and wildlife habitat.

COMPREHENSIVE PLAN

- The project site consists of two parcels: one north of the Westport right-of-way and one south of the Westport right-of-way. The southern property is designated LDR by the adopted

Comprehensive Plan. The northern property is also largely designated LDR; however, approximately four acres of that property is designated Rural Lands (RL). Those four acres are also outside of the PSA.

- Recommended uses in LDR include single-family and multi-family units, accessory units, cluster housing and recreation areas.
- This application proposes a density of 1.88 dwelling units per acre in the Parke at Ford's Colony development. Generally, the Comprehensive Plan recommends a gross density of up to one unit per acre in LDR areas. However, a gross density from one to four units per acre is acceptable if certain public benefits are provided. The Comprehensive Plan states that "[e]xamples of such benefits include mixed-cost housing, affordable and workforce housing, enhanced environmental protection or development that adheres to the principles of open space design." As previously noted, the application includes provisions in accordance with the Comprehensive Plan for a wooded CCC buffer along Centerville Road, and has also provided documentation per the County's adopted Archaeological and Natural Resources policies. Because proffers are not accepted for residential rezonings, there is a limited ability for this application to provide typical enhanced public benefits, such as affordable housing. While not traditional public benefits, this application does include provisions for adherence to the County's adopted Streetscapes Policy as well as assurances for architectural review by the Ford's Colony Homeowners Association and access to existing Ford's Colony recreational amenities.

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- The application proposes a density of 1.37 units per acre in the overall Ford's Colony development. This represents a 0.01 increase in overall density.
- The Comprehensive Plan recommends very limited residential development in lands designated RL, at intensity much lower than is permitted by the R-4 Zoning District. This application is generally not consistent with the recommendations for development in RL and outside of the PSA; however, staff finds the project is overall consistent with the Comprehensive Plan in consideration of the following mitigating factors:
 - The area of land designated RL and outside of the PSA is less than 10% of the Parke at Ford's Colony site and only encompasses portions of five lots.
 - This area is topographically isolated from the surrounding Westport development. Should public utility connections be extended to the five lots, which are partially outside of the PSA, topography would limit utilities from being further extended beyond these lots.
 - The impacted lots are designed to have stems inside the PSA, thereby taking access from streets and using utility infrastructure that will be located inside the PSA.
 - JCSA reviewed this application and recommended that the lots be permitted to connect to public utilities.
 - Past examples of such split development include the Greensprings West and Patriot's Colony developments.

- Based on the specific factors listed above, staff recommends that the four acres designated RL be permitted to rezone to R-4, Residential Planned Community and that the five lots be included inside the PSA during the next Comprehensive Plan update process.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of these applications to the Board of Supervisors.

RS/gt
RZ02-2017Parke

Attachments:

1. Location Map
2. Master Plan
3. Community Impact Statement
4. Fiscal Impact Study
5. Private Streets Request
6. Parks & Recreation Exception Request
7. Citizen Correspondence

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