

COUNTY OF YORK

MEMORANDUM

DATE: September 20, 2016 (BOS Mtg. 10/4/16)
TO: York County Board of Supervisors
FROM: Neil A. Morgan, County Administrator 
SUBJECT: Application No. PD-42-16, Marquis Williamsburg RE Holding LLC

ISSUE

This application has two components:

- The application seeks to amend the York County Zoning Map by reclassifying two areas encompassing a total of 11.9 acres along the northern boundary of The Marquis “South Pod” property located at 900 Marquis Parkway (Assessor’s Parcel No. 11-4-12) from EO (Economic Opportunity) to PDR (Planned Development Residential).
- The application also seeks to amend the previously approved Overall Development Master Plan and proffered conditions for The Marquis “South Pod” by 1) relocating and enlarging the elementary school site proffered to the County by the developer in November 2013; 2) changing the mix of residential units by removing the 189-unit townhouse component, increasing the permitted number of apartment units from 300 to 418, and increasing the permitted number of single-family detached units from 161 to 182, resulting in an overall decline from 650 to 600 housing units; 3) reconfiguring the layout of the single-family detached section and relocating and reconfiguring the apartment section; and 4) eliminating a proposed hotel site approved by the Board in February 2014.

DESCRIPTION

- Property Owner: Marquis Williamsburg RE Holding LLC
- Location: East side of Interstate 64 south of the Route 199 (Marquis Center Parkway) interchange
- Area: Approximately 112.6 acres
- Frontage: Approximately one mile on Interstate 64
- Utilities: Public water and sewer
- Topography: Moderate and severe slopes
- 2035 Land Use Map Designation: Economic Opportunity with a Mixed Use overlay designation

- Zoning Classification: PDR – Planned Development Residential and EO – Economic Opportunity
- Existing Development: None
- Surrounding Development:
 - North: The Marquis retail center
 - East: Naval Weapons Station Yorktown
 - South: Interstate 64 Grove interchange ramp
 - West: Interstate 64; vacant land and Williamsburg Country Club golf course beyond
- Proposed Development: Residential development, at full build-out, of up to 600 homes, including up to 418 apartment units, no more than 182 single-family detached homes, and an approximately 14.43-acre future elementary school site (9.76-acre building/parking pad component and a 4.67-acre athletic fields component).

BACKGROUND

The Marquis retail center was originally approved by the Board on December 20, 2005 through the approval of Application No. UP-686-05 to authorize a Special Use Permit for the establishment of a retail center of more than 80,000 square feet of gross floor area on approximately 178 acres of land located on Route 199 in the southeastern quadrant of the southern Interstate 64/Route 199 interchange. Subsequent approvals increased the total allowable building area to 920,000 square feet, including up to 849,000 square feet of retail/office space and up to 71,000 square feet of hotel space.

To date, development activity has occurred only on the “North Pod” section of the Marquis property (the five existing retail stores – Target, BestBuy, Kohl’s, Dick’s, and the former JC Penney). On November 19, 2013, the Board approved a Special Use Permit application to amend the conditions of approval for the North Pod by authorizing modifications to the design and layout of the retail center and the establishment of an auto fuel dispensing establishment in connection with a “national club discount store” later identified as Sam’s Club. At the same time, the Board approved an application to rezone almost the entire South Pod from Economic Opportunity to PDR (Planned Development Residential) to allow a residential development consisting of a maximum of 650 dwelling units and including a proffered 6.5-acre school site. The rezoning action specifically excluded a 7.0-acre portion along the northern boundary of the property and an additional 4.9-acre portion located along the property’s Interstate 64 frontage, leaving those areas zoned EO. Shortly thereafter, on February 18, 2014, the Board approved an application to amend the original use permit by authorizing the establishment of a 100-room hotel on the EO-zoned 7.0-acre portion of the South Pod.

CONSIDERATIONS/CONCLUSIONS

1. The 112.6-acre Marquis South Pod property was rezoned for residential development in 2013 at the request of the property owner, whose intent in submitting that

application was to reclassify a large commercially-zoned tract of land that he felt had little or no viability for commercial development to allow a 650-unit residential development that would, in turn, generate a nearby customer base for the existing Marquis retail center, enhancing its attractiveness for Sam's Club and other retailers to locate there and allow the project to be successfully completed. As a means of addressing the school enrollment impacts associated with these 650 additional housing units, the developer proffered to dedicate to the County a 6.5-acre site for a future elementary school, which, though smaller than a typical elementary school site in the County, was comparable to the Bethel Manor Elementary School site located within the Landings at Langley military housing complex. The Marquis site is considered desirable from a location standpoint because it would serve both the Marquis residential development and, depending on how the School Board decides to redraw the attendance zone boundaries to account for the new school, take pressure off of Magruder and/or Yorktown Elementary Schools, both of which are operating at or near their respective instructional capacities.

With the current application, the developer of The Marquis is proposing several changes to the development of the South Pod:

- Expansion of the proffered elementary school site from 6.5 to approximately 14.43 acres, including approximately 4.67 acres dedicated to school athletic fields and facilities, and shifting the building pad (9.76 acres, which would accommodate a footprint and parking similar to Coventry Elementary) location further to the north away from the Busch Gardens I-64 interchange ramp,
- Reduction of the allowable number of residential units from 650 to 600,
- An increase in the allowable number of rental apartments from 300 to 418 and a shift in the location of the apartments further to the south closer to the Busch Gardens interchange,
- An increase in the allowable number of single-family detached homes from 161 to 182,
- Elimination of the 189-unit townhouse portion of the project,
- Changes to the street and lot layout of the single-family detached residential portion of the project,
- Elimination of the approved hotel site adjacent to the North Pod in the area of the Marquis Parkway road crossing of the wetland area, and
- Elimination of the future commercial site along the I-64 frontage (referred to in the applicant's narrative as the "signage parcel").

In terms of gross residential density, the combined effect of these proposed changes is a decrease from 6.9 to 6.1 dwelling units per acre, excluding the school and athletic field sites. A land use comparison of the current and proposed plans, based on the applicant's acreage figures, is provided in the table below.

| | | MARQUIS SOUTH POD LAND USE SUMMARY - CURRENT AND PROPOSED | | | | | | |
|----------------------------|----------|---|-------------|------------|-------------|------------|----------------|-------|
| | | Single-Family Detached | Town-houses | Apartments | School Site | Hotel Site | Signage Parcel | TOTAL |
| UNITS | Current | 161 | 189 | 300 | NA | NA | NA | 650 |
| | Proposed | 182 | 0 | 418 | NA | NA | NA | 600 |
| GROSS AREA (Acres) | Current | 49.7 | 16.0 | 28.5 | 6.5 | 7.0 | 4.9 | 112.6 |
| | Proposed | 68.9 | 0.0 | 13.9 | 29.8 | 0.0 | 0.0 | 112.6 |
| GROSS DENSITY (Units/Acre) | Current | 3.2 | 11.8 | 10.5 | NA | NA | NA | 5.8 |
| | Proposed | 2.6 | NA | 30.2 | NA | NA | NA | 5.3 |
| RIGHT-OF-WAY (Acres) | Current | NA | NA | NA | NA | NA | NA | NA |
| | Proposed | 8.6 | NA | 0.3 | 0.7 | 0.0 | 0.0 | 9.5 |
| OPEN SPACE (Acres) | Current | 28.3 | 3.6 | 20.1 | 0.0 | 0.0 | 0.0 | 52.0 |
| | Proposed | 37.0 | 0.0 | 4.5 | 14.9 | 0.0 | 0.0 | 56.5 |
| NET AREA (Acres) | Current | 21.5 | 12.4 | 8.3 | 6.5 | 7.0 | 4.9 | 60.6 |
| | Proposed | 23.3 | 0.0 | 9.0 | 14.3 | 0.0 | 0.0 | 46.6 |
| NET DENSITY (Units/Acre) | Current | 7.5 | 15.3 | 36.1 | NA | NA | NA | 10.7 |
| | Proposed | 7.8 | NA | 46.3 | NA | NA | NA | 12.9 |

Note: There is a slight discrepancy between the sketch plan and the proffer statement as to the acreage of the school site; in such instances, the proffers govern.

Approximately half of the acreage would be designated as common open space, far greater than the 25% minimum open space requirement set forth in Section 24.1-361(e) of the Zoning Ordinance. This is mostly because a significant portion of the acreage lies within a Chesapeake Bay Resource Protection Area (RPA) and/or is encumbered with severe slopes and therefore is largely unbuildable.

This common open space is required to include one or more recreational areas, equal to a minimum of 10% of the gross acreage of the Planned Development, set aside for the common use of the residents. In accordance with the conditions of approval set forth in 2014 when the South Pod was rezoned, recreational amenities will include "soft-surface multi-purpose trails" of not less than 3,000 feet and a minimum of two (2) outdoor activity facility areas designed for activities such as community picnic shelters, barbecue grilling areas, horseshoe pits, etc. In addition, there will be a swimming pool specifically for the use of the apartment residents, although the developer would have the ability to voluntarily make arrangements that would enable residents of other portions of the development to also have access to the pool. These requirements are set forth in the applicant's proffer statement, which also includes a condition that would allow the school athletic fields, open space, and recreation amenities to count toward the 10% recreation space requirement. As depicted on the sketch plan, which is only conceptual in nature, these fields/facilities would consist of two youth soccer fields, a softball field, a playground, two basketball courts, and "other athletic uses" along with a "pedestrian/vehicle boardwalk" providing access between the school and the athletic fields. The proposed athletic field site is in a location designated for recreational amenities on the previously approved concept

plan, but unlike the approved plan, the school athletic facilities would not be for the *exclusive* use of those who reside in the development.

2. Staff estimates that the proposed reduction in the number of residential units will reduce the project's impact on total school enrollment by approximately twenty (20) students. Under the currently approved mix of unit types, staff estimates that when fully built-out the Marquis residential project can be expected to generate up to 258 school students, including 119 elementary school students, 62 middle school students, and 77 high school students; under the proposed mix, these estimates would fall to 107, 58, and 73 elementary, middle, and high school students respectively. The Marquis property is currently located in the attendance zone for Magruder Elementary School, Queens Lake Middle School, and Bruton High School.

As noted previously, Magruder Elementary School is currently operating near its capacity and is not capable of accommodating the total number of elementary school students projected to be generated by this project. The same is true of Yorktown Elementary School, the nearest attendance zone to which these students could be shifted. The Marquis is one of several approved future residential developments in these two attendance zones that are expected to contribute, albeit gradually as building progresses, to looming elementary school capacity shortages at Magruder and Yorktown in the years ahead. This situation led the developer to proffer a school site as a condition of approval of the original rezoning from EO to PDR in 2013, and it has also led to a series of discussions between the Board of Supervisors and the School Board that culminated in the inclusion of a \$23 million elementary school construction project in the *Capital Improvements Program for FY 2017-FY 2022*. The project is envisioned initially as a 500-student school with adequately sized core facilities to allow for ultimate expansion to 700 students.

In their evaluation of the previously proffered school site and potential alternative elementary school sites, the School Division and the County noted two drawbacks about the Marquis site: its relatively small size, which was less than half the size of a typical elementary school site, and the absence of road access, or, more specifically, its location along a future road with no certainty that the road would be in place at the time of site work for and construction of the new school. The developer proposes to address these concerns by proffering 1) to provide a larger school building pad site together with a site for athletic fields and facilities, and 2) to extend Marquis Parkway to permit construction traffic associated with engineering, materials delivery, grading, and construction on the school site by a certain date. The proffered condition states that the road will be built prior to October 1, 2017 if the School Division enters into a contract for architectural design of the school by September 1, 2016, or one month later for every month or partial month of delay in entering into such a contract. Since this application will not come before the Board of Supervisors for approval before October 4, the deadline for constructing the road will likely be extended to December 1, 2017 at the earliest. (It should be noted that this application was submitted to the County before July 1 and therefore is not subject to the new state restrictions regarding residential proffers.)

3. With the elimination of the potential hotel site and the reduction in the number of housing units, the amount of traffic that would be generated by the South Pod development can be expected to decline by almost 900 vehicle trips per day, including 53 in the AM peak hour and 65 in the PM peak hour. Traffic projections for both The Marquis North and South Pods under both the *approved* and *proposed* development scenarios are shown below.

Marquis Traffic Projections – Approved and Proposed

| <u>Development Scenario</u> | <u>Average Daily Trips</u> | <u>AM Peak Hour Trips</u> | <u>PM Peak Hour Trips</u> |
|-----------------------------------|--------------------------------|-------------------------------|-------------------------------|
| The Marquis as currently approved | 27,858 | 1,219 | 2,780 |
| The Marquis as proposed | 26,959 | 1,166 | 2,715 |
| Net Difference | -899 | -53 | -65 |

The development will be served by Marquis Parkway, which extends off of Route 199 (Marquis Center Parkway) and is the single point of access to the Marquis center. The traffic signal on Route 199 at Marquis Parkway has been and will continue to be timed to achieve the purpose of ensuring an overall Level of Service (LOS) C for this intersection.¹ The intersection is designed to accommodate at least 37,000 trips per day – 2,955 in the PM peak hour and 1,027 in the AM peak hour – while maintaining LOS C. Previous use permit approvals for the Marquis North Pod include a condition, still in effect, requiring the developer to submit detailed traffic count information for the Route 199/Marquis Parkway intersection to the County on an annual basis, beginning one year from the date of issuance of the next commercial Certificate of Occupancy within the North Pod, to verify that the intersection is functioning at a LOS C or better.

Operational efficiencies at this intersection and along the Route 199 corridor should be further enhanced with the planned realignment of Water Country Parkway to intersect with Route 199 directly across from Marquis Parkway, creating a full four-way intersection.

4. The subject parcel is adjacent to Naval Weapons Station Yorktown. In accordance with Section 15.2-2204.D of the *Code of Virginia*, staff sent the Commanding Officer of the Naval Weapons Station written notice of this application and the opportunity to submit comments or recommendations. The Navy’s comments are included in the attached letter from Captain Haebler dated August 4. The letter reiterates concerns raised by the Navy about the original rezoning of the property in October 2013. Specifically, the letter notes the property’s proximity to an Explosive Ordnance Disposal (EOD) range and an existing pistol range, both of which can generate high levels of noise at the project site that “typically generate complaints from residents and others engaged in noise sensitive land uses.” The letter also states that an Environmental Assessment has been completed for a new small arms range facility

¹ The Transportation Research Board’s *Highway Capacity Manual*, defines Level of Service (LOS) as a qualitative measure describing operational conditions within a traffic stream in terms of speed, travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Levels of Service range from A (no congestion) to F (forced flow, severe congestion). Level of Service C is characterized by stable operations, moderate speed, and restricted maneuverability.

supporting both rifle and pistol firing that is now under construction and is expected to be in operation in 2017, and it suggests that consideration be given to “alternative site plans and project designs that account for [these] noise impacts and that will enhance residential use and enjoyment of the property.”

It should be noted that the noise exposure zones depicted in the attachments to CAPT Haebler’s letter are based on peak decibel levels (dBp), which measure noise at a specific instance in time, and not on day-night levels, which average noise over a 24-hour period and are more commonly used for land use planning. According to military land use compatibility guidelines for small arms ranges cited in the aforementioned Environmental Assessment (EA), it is only in those areas with peak noise levels greater than 104 dBp that “noise-sensitive land uses” such as schools and housing are specifically not recommended; according to the noise modelling, peak noise levels generated by the small arms range will not exceed 104 dBp anywhere on the South Pod property. For areas with peak noise levels in the 87-104 dBp range, such as the South Pod, the guidelines recommend that residential uses incorporate noise level reduction features into building design and construction. The EA concludes that the approved residential development of the Marquis property “would be subject to a minor increase in noise” from construction and operation of the small arms range. IT states that the size of the area subject to high peak noise levels would increase, but actual sound levels experienced in this area would increase by no more than 2 or 3 dBp. Noting that this area also experiences noise from I-64, the EA concludes that “Overall, given the existing noise environment, [construction of the range] would result in a periodic, long-term, minor increase.”² With respect to the proposed school site, it is important to note that it is separated from the NWS firing range by approximately 3,000 feet and the Grove Interchange interstate westbound on/off ramps. By comparison, Dare Elementary School is approximately 2,000 feet from the Lafayette Gun Club.

PLANNING COMMISSION RECOMMENATION

The Planning Commission considered this application at its September 14 meeting and, subsequent to conducting a public hearing at which only the applicant’s agent and a representative of the School Division spoke in support of the application, voted 4:1 (Dr. Phillips dissenting; Messrs. Brazelton and King absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

Compared to the approved concept plan for this property, the proposed plan provides for a larger and more viable school site with athletic fields while reducing the number of residential units, school students, and vehicle trips generated by the project at full build-out. I view all of these as positive changes. The addition of athletic fields and facilities will provide more recreational options for the residents, albeit only when not being used for school or organized sports activities, similar to recreational benefits provided by Coventry Elementary School’s facilities within the Coventry Planned Development.

² Environmental Assessment for the Construction and Operation of a Small Arms Range Facility at Naval Weapons Station Yorktown, Yorktown, Virginia: FINAL Environmental Assessment (December 2, 2014), pp. 3-8 and 4-10.

Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application through the adoption of proposed Ordinance No. 16-10.

Cross/3496

Attachments:

- Planning Commission minutes excerpts, October 4, 2016
- Zoning Map
- Vicinity Map
- Aerial Photo
- Narrative Description
- Proffer Statement
- Approved Overall Marquis Master Plan (2 sheets – Overall and South Pod)
- Zoning Exhibit: Proposed Marquis South Pod Residential Development Plan
- Proposed Marquis South Pod Concept Plan
- Letter from CAPT P. C. Haebler dated August 4, 2016
- Proposed Ordinance No. 16-10