

COUNTY OF YORK

MEMORANDUM

DATE: December 28, 2012 (PC Mtg. 1/9/13)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. ZM-139-13, Kevin Rollins

ISSUE

This application is a request to amend the York County Zoning Map by reclassifying approximately 9.2 acres of land located at 313 and 315 Dorothy Drive, further identified as Assessor's Parcel Nos. 24-72-3B and 24-46-2A, from PD (Planned Development), RMF (Residential Multi-Family), and GB (General Business) to conditional R20. The property owners have voluntarily proffered that the property will be developed with a maximum of nine (9) single-family detached homes. The Comprehensive Plan designates this property for High Density Residential development.

DESCRIPTION

- Property Owners: Betty A. Rollins and Susan D. Rollins Voss, Successor Trustees of the Roland R. Rollins Family Trust, and Betty A. Rollins, Trustee of the Betty A. Rollins Living Trust (313 Dorothy Drive); Dennis Lee Rollins et ux (315 Dorothy Drive)
- Location: 313 and 315 Dorothy Drive
- Area: 9.2 acres
- Frontage: Fifty feet (50') on the unpaved stub street extension of Trevor Trace (Route 1873)
- Utilities: Both properties are served by public water and private septic systems
- Topography: Relatively flat
- 2025 Land Use Map Designation: High Density Residential
- Zoning Classifications: PD – Planned Development and GB – General Business (313 Dorothy Drive); RMF – Residential Multi-Family (315 Dorothy Drive)
- Existing Development: Two single-family detached homes
- Surrounding Development:

North: Willow Lakes Planned Development

East: Willow Lakes Planned Development

South: Willow Lakes Planned Development, Stor Moore mini-storage facility

West: Yorkminster Presbyterian Church

- Proposed Development: A maximum of nine (9) single-family detached homes, including the two existing homes

CONSIDERATIONS/CONCLUSIONS

1. The subject property consists of a 7.7-acre parcel located at 313 Dorothy Drive on the west side of the Willow Lakes Planned Development and a landlocked 1.5-acre parcel at 315 Dorothy Drive. Each of the two parcels is occupied by a single-family detached home; the parcel at 313 Dorothy Drive is owned and occupied by the applicant's mother (as trustee), Betty Rollins, while the property at 315 Dorothy Drive, which was created through a family subdivision in 1985, is owned and occupied by the applicant's brother, Dennis Rollins. The 7.7-acre parcel was part of the original Willow Lakes (formerly Amory's Trace) Planned Development application approved in 1995 under the Affordable Housing Incentive Provisions and was designated on the approved sketch plan for eight (8) single-family detached homes, including Ms. Rollins's existing house. The property was never incorporated into the development; however, the PD zoning and accompanying conditions still apply. Ms. Rollins wishes to resubdivide her parcel so as to create a separate parcel for her other son, the applicant, to build a single-family detached home. There are no immediate plans for the remainder of the property, but the family has expressed a desire to eventually market the property to a developer to build a residential subdivision of up to nine homes, including the two existing homes and the planned third home. The property owners do not want to be subject to the Willow Lakes conditions, which include not just dimensional standards but also limitations on house size, lot coverage, and required membership in the Willow Lakes Homeowners' Association. They are requesting to rezone this parcel and the adjacent 1.5-acre RMF-zoned parcel located at 315 Dorothy Drive to R20 subject to the proffered condition that the property will be developed with a maximum of nine single-family detached homes.
2. The 7.7-acre parcel at 313 Dorothy Drive is the remainder of an 18.1-acre parent tract that extended to Route 17 and was owned by Ms. Rollins and her husband (now deceased). In 1995, the eastern 10.8 acres of this parcel and two adjoining parcels were rezoned from RMF (Residential Multi-Family) to PD as part of the Amory's Trace (now Willow Lakes) Planned Development approval. The 7.3-acre frontage along Route 17, which was and is zoned GB (General Business), was not part of the Amory's Trace application (and was ultimately subdivided and conveyed to the adjacent Yorkminster Presbyterian Church). The Amory's Trace Planned Development approval authorized up to 276 single-family detached and duplex units under the Affordable Housing Incentive Provisions. Construction took place from 1998 through 2004, and over the course of that time the project underwent various changes to the original concept plan, lot layout, and dimensional standards. In the end, a total of 248 units were built (28 units fewer than approved), and only 3.1 of the 10.8

acres were incorporated into the development, leaving a 7.7-acre parcel, most of which is zoned PD and is still subject to the conditions of approval for Willow Lakes. A 0.6-acre portion of this parcel is zoned GB because of a subsequent boundary line adjustment that did not follow the zoning boundary.

The 1.5-acre parcel at 315 Dorothy Drive was not part of the Amory's Trace approval and is all that is left of the RMF zoning that previously encompassed approximately 68 acres of vacant land on the north side of Wolf Trap Road which is now Willow Lakes. This parcel is occupied by a single-family detached house that was built in 1986 and is considered a legally conforming special use since single-family detached homes are permitted in the RMF zoning district with a Special Use Permit.

3. The Comprehensive Plan designates the subject property for High Density Residential development. This designation is intended to provide opportunities for single-family detached housing with a maximum density of 3.0 dwelling units per acre. The proposed housing density is 0.98 unit per acre.
4. Access to both properties is currently provided by a private stone driveway that extends from Dorothy Drive. In addition, there is a private fifty-foot (50') right-of-way extending to Route 17 across the adjacent parcel to the west (6030 George Washington Memorial Highway, owned by Yorkminster Presbyterian Church). Since the 1.5-acre parcel was created through a family subdivision, it is not required to have frontage on a public street; however, any further subdivision must be in accordance with all the standard Subdivision Ordinance requirements, including public street frontage. When the Willow Lakes development was platted, a fifty-foot (50') stub street right-of-way was platted to the subject property to accommodate the future extension of Trevor Trace, which is a public road. This road will need to be extended to serve any new lots to be created from the subject property, and access between the future subdivision and Route 17 will be prohibited by a restricted access easement across the entire frontage of the adjacent parcel.
5. Both parcels are served by public water and private septic systems. There is an eight-inch (8") sewer line within the unpaved Trevor Trace street right-of-way that extends to the eastern boundary of Ms. Rollins's lot. There is also an eight-inch (8") Newport News Waterworks water main within this same right-of-way. In accordance with the requirements of the Subdivision Ordinance, the developer/property owner will need to extend both the water and sewer lines to serve the entire 9.2 acres at such time as the property is developed, and the existing septic tanks will need to be abandoned.

RECOMMENDATION

The Willow Lakes Planned Development was completed many years ago, the last home having been built in 2004. The existing PD zoning for the 7.7-acre property that was never incorporated into the development no longer makes sense, and staff knows of no reason why it should not be changed. Similarly, the residual RMF zoning of the 1.5-acre parcel also serves no purpose since the parcel is too small to be developed for multi-family housing; the only practical effect of the RMF zoning is to make the existing

single-family detached home a legally conforming special use, which could limit the owner's ability to add onto his house without making application to the Board of Supervisors. The proffered condition to limit the property to a maximum of nine (9) single-family detached homes, including the two existing homes, ensures that there will be no increase in density above that which was previously approved as part of Willow Lakes (and thus no traffic or school enrollment impacts that were not already accounted for when Willow Lakes was approved). In essence, the property owners are asking to develop the property as originally envisioned but without the limitations on house size, lot coverage, and other requirements applicable to Willow Lakes. Therefore, based on the considerations and conclusions as noted, staff recommends that this application be forwarded to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC13-1.

TCC

Attachments:

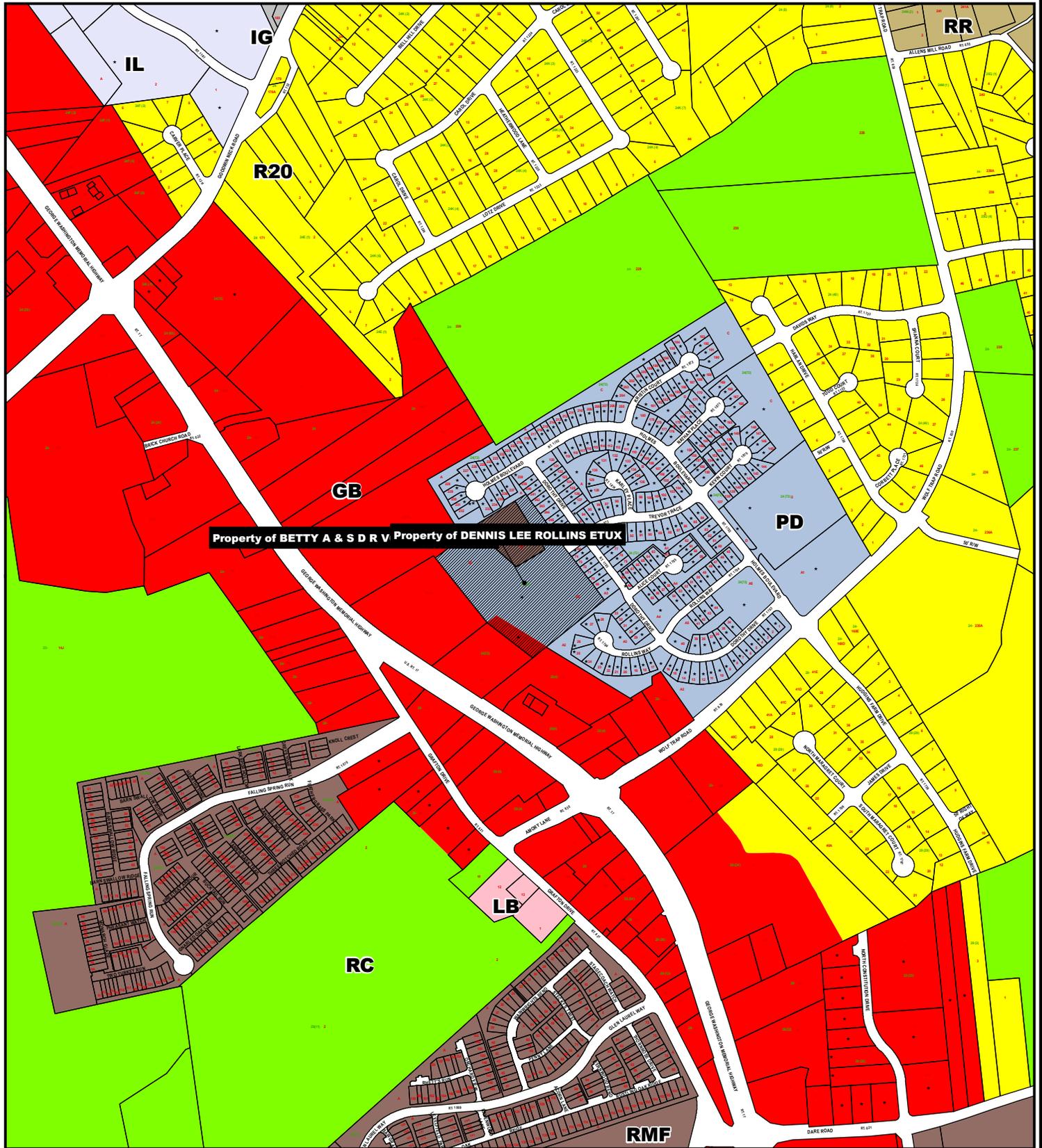
- Zoning Map
- Proffer Statement
- 1995 sketch plan and sketch plan detail for Amory's Trace (Willow Lakes)
- Proposed Resolution No. PC13-1

APPLICANT
Kevin Rollins

Rezone from PD, GB, and RMF to conditional R20
R07d-4858-1220, R07d-4996-1595

ZONING MAP

APPLICATION NUMBER: ZM-139-13



★ = Conditional Zoning



Printed on December 20, 2012



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

Proffer Statement

12/17/2012

We hereby voluntarily proffer that the development of the property located at 313 Dorothy Drive (Assessor's Parcel No. 024-72-3B), owned by Betty A. Rollins and Susan D. Rollins Voss, Successor Trustees of the Roland R. Rollins Family Trust dated August 21, 2003 and Betty A. Rollins, Trustee of the Betty A. Rollins Living Trust dated June 4, 1996; and the property located at 315 Dorothy Drive (Assessor's Parcel No. 024-26-2A), owned by Dennis Lee Rollins Et Ux; said properties proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

1. The property shall be developed with a maximum of nine (9) single family detached homes, including the two existing homes.

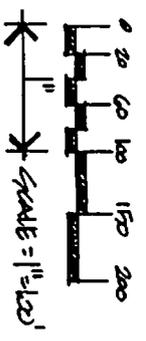
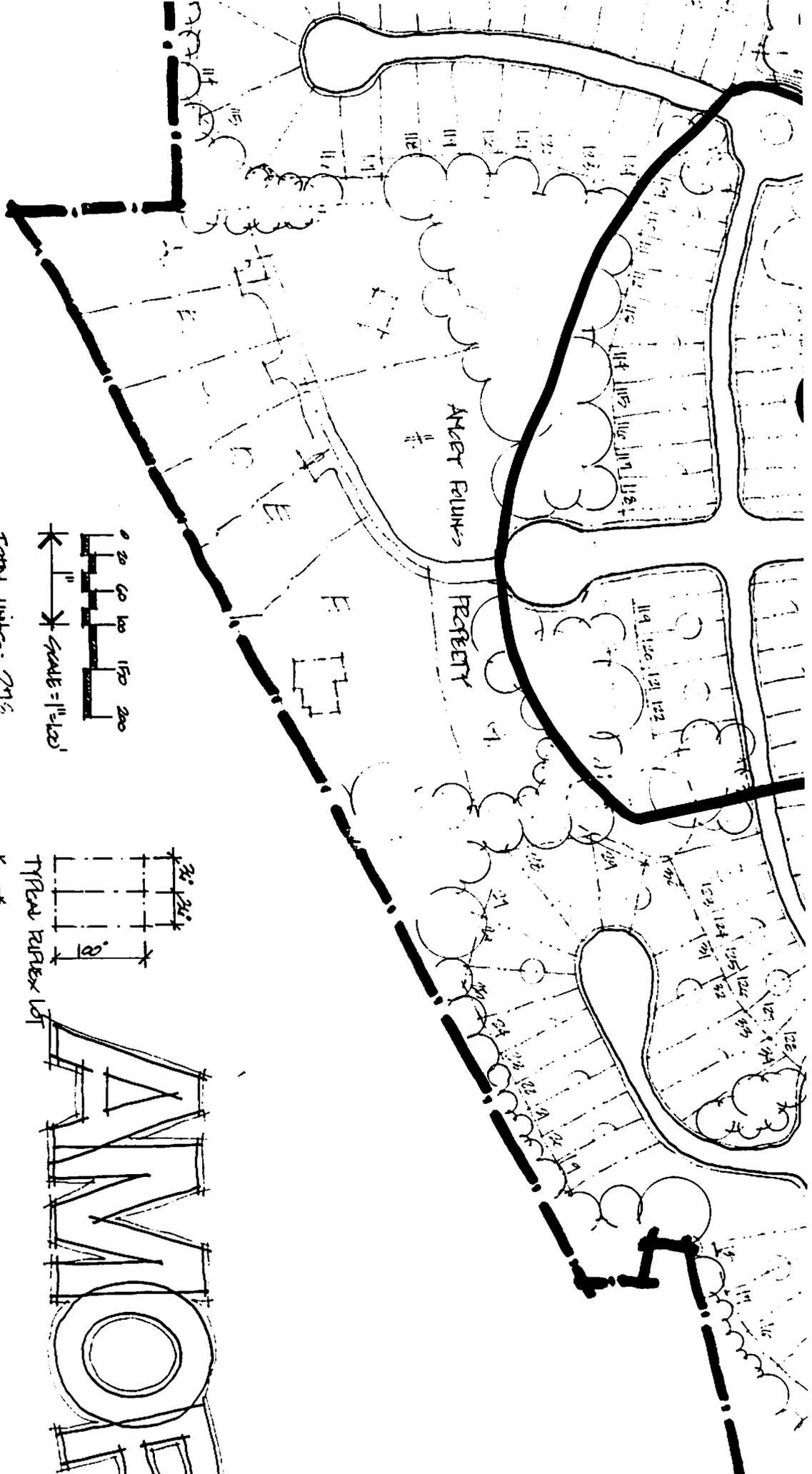
The conditions proffered herein shall supersede all previously proffered conditions as they apply to the referenced property. Proffered conditions set forth in Ordinance No. 095-34(R), adopted by the York county Board of Supervisors on November 15, 1995, and in Ordinance 098-3, adopted by the York County Board of Supervisors on May 6, 1998 as they apply to the referenced property shall be null and void.

Betty A. Rollins Betty A. Rollins
Susan R. Voss Susan R. Voss
Dennis L. Rollins Dennis L. Rollins

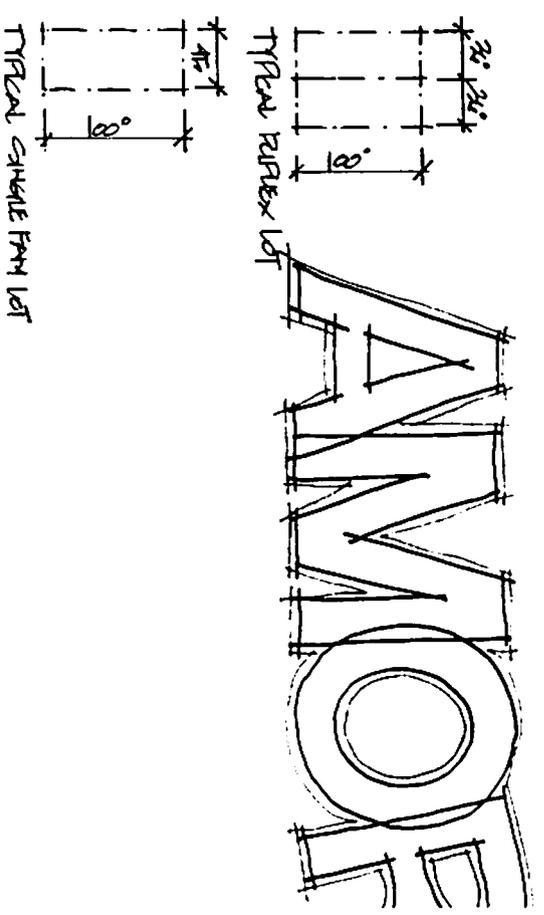
RECEIVED
York County

DEC 19 2012

Planning Division



- ◆ TOTAL UNITS = 2718
- ◆ HOUSES TRAIL = 24
- ◆ CURBWAYS = 128
- ◆ CAR PARKING = 124



PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2013:

Present

Vote

Richard M. Myer, Jr., Chair
Mark B. Suiter, Vice Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Todd H. Mathes
Melissa S. Magowan

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 9.2 ACRES AT 313 AND 315 DOROTHY DRIVE FROM PD, GB, AND RMF TO R20 SUBJECT TO A VOLUNTARILY PROFFERED CONDITION

WHEREAS, Kevin Rollins has submitted Application No. ZM-139-13, which seeks to amend the York County Zoning Map by reclassifying approximately 9.2 acres of land located at 313 and 315 Dorothy Drive (Route 1703), further identified as Assessor’s Parcel Nos. 24-72-3B and 24-46-2A (GPIN R07d-4858-1220 and R07d-4996-1595), from PD (Planned Development), RMF (Residential Multi-Family), and GB (General Business) to conditional R20 subject to a voluntarily proffered condition; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission had conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ___ day of _____, 2013, that Application No. ZM-139-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying approximately 9.2 acres of land located at 313 and 315 Dorothy Drive (Route 1703), further identified as Assessor's Parcel Nos. 24-72-3B and 24-46-2A (GPIN R07d-4858-1220 and R07d-4996-1595), from PD (Planned Development), RMF (Residential Multi-Family), and GB (General Business) to conditional R20 subject to the voluntarily proffered condition set forth in the Proffer Statement signed by Betty A. Rollins, Susan R. Voss, and Dennis L. Rollins and dated December 17, 2012.

BE IT FURTHER RESOLVED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of the Ordinance accepting the proffered condition, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for a building permit.