COUNTY OF YORK
MEMORANDUM

DATE: January 3, 2012 (PC Mtg. 1/11/12)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. PD-31-12, Commonwealth Green LLLP

ISSUE

This application is a request to amend the York County Zoning Map by reclassifying approximately 45.9 acres of land located at the end of Commonwealth Drive (Route 1839) on the east side of the York County-City of Newport News boundary from Economic Opportunity (EO) to Planned Development Mixed Use (PDMU) for the purpose of establishing a mixed-use development consisting of a maximum of 334 rental apartments (plus 50 apartments on the Newport News side of the jurisdictional boundary), 94 townhouses, 16 "live-above" condominium or rental units, and a minimum of 40,610 square feet of commercial space. The property, further identified as 501 Commonwealth Drive and Assessor's Parcel No. 36-1-A, is designated in the Comprehensive Plan for Economic Opportunity with a Mixed Use overlay.

DESCRIPTION

- Property Owners: The JLK Family LLC (Jeanette Keener); applicant is contract purchaser.
- Location: 501 Commonwealth Drive (Route 1839)
- Area: Approximately 45.9 acres
- Frontage: 315.8 feet on Commonwealth Drive
- Utilities: Public water and sewer
- Topography: Mostly flat
- 2025 Land Use Map Designation: Economic Opportunity with a Mixed Use overlay
- Zoning Classification: EO – Economic Opportunity
- Existing Development: None
- Surrounding Development:
  North: Insurance Auto Auctions Center (fronting on 211 Production Drive)

East: Single-family detached home and horse farm; Pine Meadow vet clinic; auto storage lot
South: Miller's Pond Condominium development (in Newport News across Commonwealth Drive);
West: Staybridge Suites motel; Commonwealth Drive

- Proposed Development: Mixed-use development consisting of a maximum of 444 residential units and at least 40,610 square feet of commercial space

CONSIDERATIONS/CONCLUSIONS

1. The subject 45.9-acre parcel is located at the end of Commonwealth Drive (Route 1839) on the east side of the York County-City of Newport News boundary. The property is zoned EO (Economic Opportunity), consistent with its Economic Opportunity designation in the Comprehensive Plan. In addition, the entire site lies within the Mixed Use overlay designation that encompasses the area bounded by Route 17, the Newport News city boundary, and Bethel Industrial Park. Specifically with regard to this area, the Land Use element of the Plan states,

   "South of the Kiln Creek commercial area, which is designed General Business, is a large amount of contiguous undeveloped acreage comprised of relatively few parcels controlled by a few property owners, creating the opportunity for some type of master-planned business park that could also potentially include a residential component in a mixed-use, master planned development. This area, which extends from the end of Commonwealth Drive all the way to Route 17, is designated Economic Opportunity in recognition of its proximity to the airport and I-64 on one end and to Route 17 on the other, creating the potential for a mix of office, light industrial, and retail uses. There appear to be significant wetlands in the area, which could limit the viability of intensive commercial development while providing opportunities for attractive housing areas, as part of a mixed-use development, with units clustered around common open space. Residential development currently exists on the opposite side of Commonwealth Drive in the City of Newport News. A Mixed Use overlay designation applies to this area, including all the Route 17 frontage area between Bethel Industrial Park and the Kiln Creek Shopping Center, which includes some fairly large parcels and some undeveloped (nonconforming residential) properties. This full-area overlay is established with the thought that it could prompt some additional land assemblage and some needed redevelopment."

   As the Comprehensive Plan excerpt above indicates, the viability of mixed-use development in this area is predicated on its accessibility to both Commonwealth Drive and Route 17, preferably at its signalized intersection with Coventry Boulevard. Commercial frontage on Route 17 at a major signalized intersection would provide an opportunity for a sizable commercial/mixed-use (i.e., residential over retail) component that could serve as an attractive entrance into the development from the east side, with additional office/light industrial/retail and perhaps hotel development oriented toward the west side as an extension of the general development pattern

evident in the Kiln Creek area. This road is shown on the Land Use Map as a "Proposed Connector Road" and is discussed in the Transportation element of the Plan:

> *"Extension of Commonwealth Drive to provide a link between Commonwealth Drive and Route 17 at its signalized intersection with Coventry Boulevard would greatly improve access to one of the County's Economic Development Priority Areas. A future road corridor should be reserved through this area, and any development therein should be required to have its internal street system designed accordingly and to construct appropriate segments of the connector. Any such road should be somewhat circuitous and perhaps incorporate appropriate traffic-calming design features so as not to encourage cut-through traffic through the Coventry/Tabb Lakes/York Meadows/Patriot Village area."*

Unfortunately, the applicant was not able to reach an agreement with the owner of the property on the west side of Route 17 across from Coventry Boulevard either to purchase this property or to allow a road to be built across it. As an alternative, the applicants have purchased a one-acre parcel on Route 17 (located at 1629 George Washington Memorial Highway) across which they propose to construct a right-in/right-out access to and from Route 17, and they have entered into an agreement with the owner of the parcel located directly behind it (located at 223 Apple Lane) to allow the entrance road to cross that property, extending all the way to the subject property. This will provide the desired access to Route 17, although not at the Coventry Boulevard intersection as envisioned by the Comprehensive Plan.

2. There are three main components to this project. As depicted on the applicant's sketch plan, there would be a total of 16 apartment buildings, four of which – encompassing a minimum of fifty units – would be located in the City of Newport News on property that is already zoned for multi-family housing and does not need to be rezoned. A maintenance building and pool house are also shown in the apartment section. The apartments would be accessed off of an extension of Commonwealth Drive. The second component consists of 16 groupings of townhouses located along a new road – identified as Keener Drive on the sketch plan – extending from the Commonwealth Drive extension all the way to Route 17. The third component consists of three mixed-use "live-above" buildings with residential units above ground-floor retail uses and a separate two-story commercial building with office and retail uses. The commercial and mixed-use buildings would be located at the intersection of Commonwealth Drive and Keener Drive. In addition, the applicant proposes to construct a 1,800-square foot multi-use "town center" building on the east side of the Commonwealth Drive extension across from the apartment section. Intended to serve as a focal point for the community, the "town center" building and site would have picnic tables, open areas for planned events, a fountain water feature, park benches, and restroom facilities. Located directly behind the "town center" building is a 10.2-acre non-tidal wetlands area that lies in the middle of the property, separating the apartment and townhouse sections

and serving as a natural "central park" amenity with walking trails that would be provided for the residents' use.

3. The purpose of the PDMU district and provisions is "to provide opportunities for developments containing an integrated, comprehensively planned and designed mix of business, retail, cultural, residential and other appropriate uses." As stated in Section 24.1-361.1 of the Zoning Ordinance, mixed-use development proposals should address the following objectives:

   - Provide more efficient use of land through the accommodation of increased densities and intensities of use within a concentrated area;
   - Create a walkable, pedestrian-friendly environment that increases community vitality;
   - Reduce vehicular trips and reliance on the automobile by providing a mix of shopping, office, cultural, recreational and residential opportunities within walking distance of one another;
   - Include an internal "main street" (or streets) along which commercial opportunities are oriented to a street-side sidewalk rather than a parking field, thus preventing the automobile from dominating the project while enhancing the pedestrian experience;
   - Create an appropriately balanced mix of residential and non-residential uses that respects the underlying policies land use designations of the Comprehensive Plan;
   - Provide alternative housing choices and opportunities;
   - Create a "landmark" place through the application of superior design elements and a common or complementary design theme.

   The proposed Commonwealth Green mixed-use development would consist of 444 residential units and at least 40,610 square feet of commercial space. The proposed dwelling units include 334 rental apartments, 94 townhouses and duplexes, and 16 "live-above" units (i.e., owner-occupied residential units above ground floor retail/office use).

4. Architectural design is of paramount importance with any PDMU development. The applicant has proffered that all exterior building façades will be constructed of brick, stone, cement-board siding, dryvit, or the equivalent of the same, although trim, soffit, and accent features may be composed of or contain vinyl, aluminum, or other materials. The applicant has also submitted a sketch plan and architectural renderings that appear to incorporate the architectural guidelines set forth in the PDMU provisions. It should also be noted that Section 24.1-361.1(4)(f) of the PDMU ordinance will require that all buildings in Commonwealth Green incorporate 360-degree architecture in order to ensure that a quality appearance is presented on all building faces visible to the public or to adjacent property owners. Although the PDMU provisions allow multi-family and mixed-use structures to be up to four stories in height, the proposed apartment buildings and townhouses would be up to three stories tall, while the commercial and mixed-use buildings would be two stories. (By comparison, the existing EO zoning allows a maximum building

height of 75 feet.) With these proffers, standards, and requirements in place, staff believes the development could be an aesthetically appealing addition to Commonwealth Drive and the Kiln Creek area.

5. The PDMU provisions set forth a series of numerical guidelines, which are listed below, pertaining to the desirable mix of residential and commercial uses within a mixed-use development. These guidelines are not specific mandates; the Zoning Ordinance allows the Board to modify the guidelines in approving a PDMU. While some of these guidelines apply to all mixed-use developments, there are some that distinguish between "minor" and "major" PDMU developments. A minor PDMU is one that has at least ten (10) but fewer than fifty (50) gross acres of land, and a major PDMU is one that has at least fifty acres. Based on the wording of the Zoning Ordinance, staff has determined that Commonwealth Green can be considered a minor PDMU, even though it exceeds fifty (50) acres when the Newport News acreage is included.

    - With 444 residential units, the proposed residential density (10.9 dwelling units per developable acre) would be only slightly higher than the Zoning Ordinance maximum guideline of ten (10) dwelling units per developable acre. (Developable acreage, excluding 50% of jurisdictional non-tidal wetlands over one-tenth of an acre, areas of existing ponds/lakes, and existing/proposed public/private utility easements, is approximately 40.6 acres.)

    - With at least 40,610 square feet of commercial space use, Commonwealth Green meets the Zoning Ordinance minimum guideline of 1,000 square feet per acre of developable land.

    - At 3.6%, the percentage of dwelling units to be located in buildings that have ground-floor, pedestrian-oriented commercial, office, or civic space falls well below the Zoning Ordinance minimum guideline of 40%.

6. In addition to the residential and commercial guidelines enumerated above, the Zoning Ordinance requires that construction in mixed-use developments be sequenced in accordance with a projected build-out schedule conceived by the applicant, submitted for review as a part of the initial application, and approved by the Board of Supervisors. For minor PDMU developments there is no specific guideline for the sequencing of commercial and residential development within the project. The developer is required to provide a project build-out schedule, the purpose of which is to "provide assurance to the Board that the project will, in fact, include both the proposed non-residential and residential elements at certain project milestones and/or at build-out."

    For Commonwealth Green, the applicant has proposed a sequencing schedule that would allow the construction of up to 130 rental apartments *or* 34 townhouses – depending on which section is developed first – prior to the construction of any commercial space. Prior to the construction of any additional dwelling units, the

developer would be required to build two of the mixed-use buildings, which have a combined total of 7,400 square feet of ground-floor commercial space and eight (8) "live-above" residential units. The third mixed-use building, with 11,000 square feet of ground-floor commercial space and eight (8) "live-above" residential units, would have to be built prior to the occupancy of the 73rd townhouse unit; in other words, all the remaining apartments and up to 72 townhouse could be built before any additional commercial space is constructed. The multi-use "town center" building would be constructed prior to the completion of either the apartment section or the townhouse section, whichever comes first; however, another section of the Proffer Statement states that it will be constructed prior to the issuance of the Certificate of Occupancy for the 67th townhouse unit. The two-story 20,800-square foot commercial building would be built within six months of the completion of the third mixed-use building, but only if the three mixed-use buildings are at least 50% occupied. If 50% occupancy has not been achieved, the proffers state, "the applicant would be deemed to have used their 'best efforts' in trying to meet the minimum commercial requirement of 40,610 square feet and no other commercial space would be required to be constructed until such time as natural market forces take over and demand for additional commercial space requirements exceeds 50% of total square footage." In other words, construction of almost half of the required commercial space – 20,800 out of 40,610 square feet – could be deferred indefinitely depending on market conditions.

For purposes of comparison, if Commonwealth Green were a major PDMU, a maximum of 89 dwelling units could be built before any commercial construction would be required. The next 178 units would have to be sequenced in conjunction with at least 16,244 square feet of commercial space. Twice this amount – 32,488 square feet of commercial space – would have to be ready for individual tenant fit-out and customization prior to the issuance of building permits for construction of the last 89 residential units. It should be noted that the two previously approved PDMU developments – Nelson's Grant and Yorktown Crescent, both of which are "minor" PDMUs, proposed and were approved with sequencing schedules that very closely matched what would have been required under the "major" classification.

7. Section 24.1-361.1(g)(1) of the Zoning Ordinance requires at least 10% of the gross area of any PDMU development to be reserved as open space designed and improved or maintained for use by those who live or work within the development or such other persons or groups as the property owners association may allow. With 10.16 acres of wetlands set aside as a "nature conservation area" with walking trails, Commonwealth Green greatly exceeds the minimum open space requirement. As required by the PDMU provisions, this open space is "arranged in one or more centrally located green space areas … or similar areas that serve as both visual and activity focal points for the development." However, staff does not believe that the wetlands area constitutes the "central town square" that is also mentioned in the previous sentence in the PDMU requirements.

   The PDMU provisions of the Zoning Ordinance also require that one or more recreation areas or facilities be incorporated into the development for the common

use of the residents. Such recreational facilities can be indoor and/or outdoor and active and/or passive depending on the market orientation of the residential units. The applicant's Narrative Description states that in addition to the "town center" building and walking trails, which will be available for all the residents to use, "tenants of the multi-family apartments will enjoy added features to enhance their living environment, such as recreational vehicle parking areas, a community center, meeting hall, fitness workout facilities, kitchenette and restroom facilities."

8. Pursuant to Section 24.1-361.1(f)(7) of the Zoning Ordinance, signs shall be permitted in accordance with the provisions applicable to the LB (Limited Business) zoning district. Staff has proposed a condition requiring all freestanding identification signs to be of a monument type, which means the maximum sign area would be 40 square feet and the maximum height would be six feet (6'). The applicant is requesting to install community identification signs at both entrances to the development.

9. The applicant has voluntarily proffered a series of conditions that will apply to the development if this application is approved. In addition to basic project details – such as the sketch plan, number of dwelling units, amount of commercial space, and phasing plan – the applicant has proffered the following:

- Exterior building materials shall be brick, stone, cement-board siding, dryvit, or the equivalent.
- Residential units shall be constructed with 9-foot ceilings on the main floor and 8- to 9-foot ceilings on the second and third floors.
- Amenities shall include
    - "Town Center" mixed-use building and associated accessory uses
    - Walking trails and nature preserve conservation area
    - Sidewalks, concrete paver crosswalks, and streetscape lighting
    - Bike paths, emergency access lanes on Commonwealth Drive extending to the easterly side of the property
    - Minimum of two aerated pond fountains
- The following uses shall be prohibited [in addition to those uses that are prohibited pursuant to Section 24.1-361.1(c)(1) of the Zoning Ordinance unless authorized by the Board of Supervisors]:
    - Flea market
    - Church
    - Animal hospital with outside runs
    - Indoor theater
    - Health club with outdoor facilities
    - Video arcade/Pool hall/Bingo
    - Outdoor commercial amusement
    - Auction house
    - Funeral home
    - Nightclub
    - Commercial reception hall
    - Helipad

- Tourist home
- Bus terminal
- Taxi/Limousine service
- Towing service/Auto storage
- Truck distribution center
- Bowling alley
- Skating rink
- Grocery store
- Recycling plant
- Reclamation of borrow pits

10. The effect of this project on school enrollment is difficult to predict since there are no other mixed-use developments in the County and thus no developments that are truly comparable to Commonwealth Green. There are, however, townhouse, apartment, and condominium developments, some of which are listed in the table below along with the current number of York County school students per dwelling unit:

Development	**Unit Type**	**Students Per Unit**
Belmont Apartments	Apartments	0.22
Burnt Bridge Run	Townhouses	0.31
Clairmont Apartments	Apartments	0.33
Country Club Apartments	Apartments	0.23
Eagle Sound (Kiln Creek)	Condominiums	0.16
Four Seasons Apartments	Apartments	0.38
Grafton Station Apartments	Apartments	0.47
Pines of York Apartments	Apartments	0.25
Riverwalk Townes	Townhouses	0.26
The Gables of York County	Quadruplexes	0.52
The Quarters of York County	Quadruplexes	0.40
Williamsburg Commons	Condominiums	0.07
York Crossing	Townhouses	0.39
York Pointe Apartments	Apartments	0.30
	Apartments Average	0.33
	Townhouse/Quadruplex Average	0.40
	Condominium Average	0.16
	OVERALL AVERAGE	**0.32**

Table 1: Students per Housing Unit in Selected Multi-Family and Single-Family Attached Developments

In general, townhouses and condominiums have fewer school-age children per unit than do single-family detached homes, and mixed-use developments, at least in other localities, tend to have relatively low school impacts compared to other types of multi-family housing because they tend to be more attractive to young professionals and "empty nesters" than to families with children, which have greater space needs. For example, the Stoney Run mixed-use development in Newport News (at the intersection of Denbigh Boulevard and Jefferson Avenue), which has a mix of retail

businesses, condominiums, and rental apartments, has an average of only one school student for every six dwelling units (0.17 student per unit). Another factor that might deter families with children from living in Commonwealth Green is the absence of any tot lots or playgrounds and the Residential Design Guidelines' prohibition on play equipment on any individual lots within the development.

Based on these factors and the proposed mix of unit types, staff estimates that Commonwealth Green, if approved, can be expected to generate up to 111 school students – 55 in elementary school, 25 in middle school, and 31 in high school. In contrast, the applicant's fiscal impact analysis, prepared by The Wessex Group, projects a total of 37 students 0.084 per housing unit) based on three apartment/townhouse developments – two in Indiana and one in Midlothian, Virginia – that the analyst considers comparable to Commonwealth Green.

Based on current school attendance zone boundaries, students living on the York County side of Commonwealth Green would attend Grafton-Bethel Elementary School, Grafton Middle School, and Grafton High School, all of which currently have excess capacity, as noted in the following table:

School	Enrollment	Capacity	Surplus/Deficit
Grafton-Bethel Elementary	638	703	+65
Grafton Middle	863	1,215	+352
Grafton High	1,302	1,397	+95
TOTAL	2,803	3,315	+512
Note: Enrollment (Average Daily Membership) and program capacity figures as reported by the York County School Division for November 2011			

Table 2: School Enrollment and Capacity, Grafton-Bethel/Grafton Attendance Zones

There appears to be sufficient capacity in the three affected schools to accommodate the additional students that would be generated by Commonwealth Green, although the staff projections suggest that the project could fill Grafton-Bethel Elementary School almost to capacity. There is very little subdivision activity pending or planned in these attendance zones. There are currently no active housing developments in the Grafton-Bethel Elementary School attendance zone and three housing developments – with a total of 29 lots – currently planned (the 16-lot Darby Estates on Darby Road and the 9-lot Owen's Fen and 4-lot Ray's Cove subdivisions on Patrick's Creek Road). Otherwise, there is not a significant amount of undeveloped and developable residentially zoned land in this attendance zone.

11. According to the applicant's traffic impact analysis, the proposed development can be expected to generate an average of 4,312 new vehicle trips per day, including 494 trips in the AM peak hour and 445 trips in the PM peak hour, based on the Institute of Transportation Engineers' (ITE) *Trip Generation* manual (8th edition). Most of the traffic – approximately 2,700 daily trips (63% of the total) – would be generated by the residential units, while commercial uses are estimated to generate approximately 1,613 trips per day (37% of the total). Based on these traffic forecasts, the study indicates that a 200-foot right-turn lane will be needed on southbound Route 17 at the site entrance.

The traffic study analyzes the project's impact on Levels of Service* at the intersections surrounding and affected by the Commonwealth Green project. The results are shown in Table 3 below, which compares current and future Levels of Service under both the no-build (i.e., if Commonwealth Green is not built) and build scenarios (if Commonwealth Green is built). It should be noted that VDOT considers a LOS of D or higher to be acceptable, while the Zoning Ordinance defines "acceptable" as LOS C or higher. The traffic study indicates that by 2018, most of the surrounding intersections would have acceptable AM and PM peak-hour Levels of Service (LOS), with two exceptions. The intersection of Route 17 and Victory Boulevard, which is currently operating at an unacceptable LOS D in both peak hours, is expected to deteriorate to LOS E in the PM peak hour by 2018 regardless of whether or not Commonwealth Green is developed. The intersection of Commonwealth Drive, Victory Boulevard, and Kiln Creek Parkway is expected to experience a decline from LOS C to LOS D in the PM peak hour as a result of Commonwealth Green. The traffic study notes that widening Route 17 to six lanes at both approaches to Victory Boulevard would reduce volume/capacity ratios to acceptable levels. However, there is no such project in the VDOT Six-Year Improvement Plan or in the fiscally constrained regional Long-Range Transportation Plan for Hampton Roads. As such, there is virtually no likelihood that this segment of Route 17 will be widened by 2018.

Intersection	**AM/PM Peak-Hour Level of Service**		
	Current	**2018 No-Build**	**2018 Build**
Regal Ave./Village Ave. @ Commonwealth Dr.	B/B	B/B	B/B
Arthur Way/Village Sq. Entrance @ Commonwealth Dr.	C/D	C/C	C/C
Commonwealth Dr./Kiln Creek Pkwy @ Victory Blvd.	B/C	C/C	C/D
Village Ave./Kiln Creek Parkway @ Victory Blvd.	B/C	B/C	B/C
Walmart Drive @ Victory Boulevard	A/A	A/A	A/A
Victory Boulevard @ Route 17	D/D	D/E	D/E
Production Drive @ Route 17	A/A	A/A	A/A
Coventry Boulevard @ Route 17	B/C	B/C	C/C
Site Entrance @ Route 17	-	-	B/A
Source: Commonwealth Green Traffic Impact Analysis prepared by URS (October 31, 2011)			

Table 3: AM/PM Peak-Hour Capacity Analysis, Commonwealth Green

In any evaluation of the traffic impacts of the proposed development, it should also be noted that residential development typically generates significantly fewer vehicle trips per acre than does commercial development; therefore, the inclusion of a residential component on this commercially zoned site reduces the likely traffic impact below that which would likely occur if the property were developed in accordance with the existing zoning.

* As described in the Transportation Research Board's *Highway Capacity Manual*, Level of Service (LOS) is defined 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 (free flow) to F (forced flow, severe congestion).

The application and the traffic study have been reviewed by the Virginia Department of Transportation (VDOT) in accordance with the so-called Chapter 527 requirements set forth in Section 24 VAC 30-155 of the Virginia Administrative Code. In its comment letter to the County, a copy of which is attached, VDOT generally concurs with the findings of the study while also expressing concerns about the proposed entrance on Route 17 as well as the alignment of the entrance road and recommends that access to Route 17 be provided at the existing Coventry Boulevard intersection instead. (As noted, this is also the staff's preference as well as the applicant's; however, the property owners who control the intervening parcels have so far not demonstrated a willingness to allow such a road to be built.)

12. United States Geological Survey (USGS) maps indicate that a tributary stream runs in a southwesterly direction from the interior of the property approximately 430 feet east of the end of Commonwealth Drive to the Newport News side and ties into another stream that feeds into the Big Bethel Reservoir. Unless the applicant can provide evidence from a qualified professional that, based on a field investigation, this stream does not exist, the Watershed Management and Protection Area (WMP) overlay district provisions will require a 200-foot undisturbed buffer adjacent to the stream even though the reservoir is no longer used as a drinking water reservoir. (A proposed Zoning Ordinance text amendment to remove the Big Bethel and Jones Pond [Cheatham Annex] reservoirs from the applicability of the WMP provisions was ultimately not adopted by the Board of Supervisors in order to ensure the protection of these water bodies in the event that either of them is eventually converted back to a drinking water reservoir.) Pursuant to Section 24.1-376(e)(2) of the Zoning Ordinance, the Zoning Administrator can authorize a reduction in the 200-foot buffer down to an absolute minimum of fifty feet (50') upon presentation of an impact study that provides adequate documentation and justification that even with the reduction, the same or a greater degree of water quality protection would be afforded as would be with the full-width buffer. Roads, main-line utilities, and stormwater management structures are permitted to encroach into any required watershed management buffers, but there is no exception for buildings; as such, this stream will not prevent the proposed extension of Commonwealth Drive, but it could have a significant impact on the overall layout of the development. The stream and the watershed buffer are not depicted on the sketch plan, which appears to show several buildings encroaching into the buffer, even if it is reduced to fifty feet (50').

    As noted previously, a 10.16-acre area of non-tidal wetlands has been delineated in the center of the property, and an additional 1.17 acres of wetlands are scattered throughout the property. The vast majority of these wetlands would not be disturbed; however, the applicant has received a permit from the Virginia Department of Environmental Quality (VDEQ) to disturb approximately eight-tenths of an acre of wetlands in exchange for purchasing credits from a wetlands mitigation bank in Gloucester County.

13. The applicant has submitted a fiscal impact analysis of the proposed development, prepared by the Wessex Group, which presents two alternative scenarios based on

differing sets of assumptions. One scenario, referred to as the "County Average" analysis, is based on population and school enrollment multipliers (i.e., an assumed number of residents and school students per housing unit that the Wessex Group attributes to the County), while the second scenario, referred to as the "Comparable" analysis, is based on multipliers derived from an examination of three developments – two in Indiana and one in Midlothian, Virginia – that the analyst considers comparable to Commonwealth Green in terms of price, size, and the character of the neighborhood.

The results of these two analyses differ markedly. The "Comparable" analysis yields a positive fiscal impact, with the net present value of the cumulative fiscal impact over twenty years calculated to be $6.6 million. This is based on an assumed average household size of 1.39 persons and 0.084 school student per housing unit. The "County Average" assumptions, however, result in a negative fiscal impact calculated to be -$1.7 million. This is based on an assumed average of 2.78 persons and 0.33 school student per household. (Although the fiscal impact analysis attributes these multipliers to the Planning staff, staff does not consider an average household size of 2.78 – which was the County average reported in the 2000 Census – to be realistic for this development. Rather, staff estimates that the development is likely to generate an average of 2.14 residents and 0.34 student per housing unit, based on the County's experience with other apartment, condominium, and townhouse developments.) Since the difference between staff's and the analyst's school student multipliers accounts for most of the difference between the "County Average" and "Comparable" analyses, adjusting the average household size from 2.78 to 2.14 would still result in a negative fiscal impact – albeit less negative – under the "County Average" scenario. In both scenarios, the fiscal impact analysis estimates that the commercial component of the project would create 70 permanent jobs in addition to the 145 temporary construction jobs that will be created during the development of the project. Of course, if the parcel were fully developed in accordance with the existing EO zoning – not a likely scenario, at least not in the near term, in the current economic environment – the net fiscal impact would be much more positive.

RECOMMENDATION

Both the Housing and Economic Development elements of the Comprehensive Plan state that the County should "Encourage mixed-use development in appropriate areas," and the Land Use element identifies the subject area as one that is appropriate for this type of development. In furtherance of this goal, an ad hoc Mixed-Use Development Committee was formed in 2006 to develop a series of recommended Zoning Ordinance provisions to facilitate and encourage such development. This effort led to the creation of the PDMU district and provisions set forth in Section 24.1-361.1 of the Zoning Ordinance. Since then the Board of Supervisors has approved two mixed-use developments, Nelson's Grant (112 units) and Yorktown Crescent (210 units), at the intersection of Route 17 and Fort Eustis Boulevard. Neither project has been built yet, but site work is underway for Nelson's Grant, with construction expected by the middle of next year.

One of the overall goals behind the mixed-use development concept is the creation of special places that stand apart from conventional development. The proposed development does indeed incorporate several design features that set it apart from other developments in the County. These include not just the mixing of residential and commercial uses within a single development (and within a single building), but also narrow streets, a roundabout, and shallow front yard building setbacks. These are features customarily found in mixed-use developments and are consistent, in staff's opinion, with the mixed-use concept and goals as described in the Comprehensive Plan and the Zoning Ordinance.

However, staff feels that in other respects – compactness, walkability, integration of land uses, and the balance between residential and commercial uses – the project is not consistent with the mixed-use concept or the Comprehensive Plan's vision for this area. The project has two separate and distinct residential components – a 384-unit apartment complex (including the 50 units in Newport News) located entirely on one side of a four-lane road and a 94-unit townhouse complex with buildings laid out in a fairly linear fashion. Separated from each other by a 10.2-acre wetland area, each of these two areas functions basically as a stand-alone development, as does the strip of 3 to 4 commercial and mixed-use buildings situated along the Commonwealth Drive extension. The only truly "mixed-use" aspect of the development are the three "live-above" buildings, with a combined total of only 16 residential units (3.6% of the residential units) above ground-floor retail/office space. The retail and office uses would be within relatively convenient and easy walking distance of most of the residential units, but generally there is not much integration of land uses. Some of this is due to various site constraints and other challenges that are beyond the applicant's control and have hampered their efforts to design a mixed-use development in accordance with the guidance of the Comprehensive Plan and the requirements of the Zoning Ordinance. These challenges include a large wetland area in the center of the property, an extremely weak commercial real estate market, and the inability to secure access to Route 17 at the Coventry Boulevard intersection. However, some of the applicant's reluctance to pursue a more integrated "town center" design appears to be related to contractual commitments that have been made to a prospective purchaser of the apartment component of the project.

Staff is also concerned that the proposed sequencing plan is not sufficient to ensure an appropriate balance of residential and non-residential uses. Although the application materials state that the project will have at least 40,610 square feet of non-residential space, only 20,200 square feet of that space – 497 square feet per developable acre – is guaranteed to occur based on the proposed sequencing plan. The applicant's reluctance to commit to a specific schedule for the completion of the two-story commercial building is understandable in view of the weak commercial real estate market and the overall economic downturn nationally. Nevertheless, it leaves open the possibility of a rather large residential development with very little commercial space, which is what the sequencing requirements are specifically intended to prevent and is contrary to the Comprehensive Plan's guidance, which identifies this area as appropriate "for some type of master-planned business park that could also potentially include a residential component in a mixed-use, master planned development."

In addition to the previously noted concerns about the project itself, staff has concerns that the timing of the project might be premature. With two mixed-use developments approved in the last two years but not yet built, the mixed-use concept is still untested in York County. Both projects were approved on the basis of estimates and assumptions relative to school, traffic, and fiscal impacts that are as yet unproven, as is the market demand – both residentially and commercially – for mixed-use "live-above" units. That being the case, it might be prudent, in staff's opinion, for the Commission and the Board of Supervisors to wait until at least one of the previously approved mixed-use developments is established before approving a third one, particularly one as large as Commonwealth Green.

Therefore, based on the considerations and conclusions as noted, staff believes the proposed development is not generally consistent with the Comprehensive Plan and the intent of the PDMU ordinance and recommends that the Commission forward this application to the Board of Supervisors with a recommendation of denial. Should the Commission choose to recommend approval, staff has proposed a series of conditions set forth in proposed Resolution No. PC12-1; however, if the Commission is inclined to recommend approval, staff would recommend that the application be tabled until the applicant can either provide evidence that the tributary stream does not exist or submit a revised sketch plan showing how the development will be redesigned to avoid encroaching into the required watershed management buffer.

TCC
Attachments:

- Zoning Map
- Zoning Plat
- Sketch Plan
- Building Summary
- Proffer Statement
- Narrative Description
- Residential Design Guidelines
- Sign Guidelines
- Street Furniture Guidelines
- Building Materials Palette
- Fiscal Impact Analysis
- Building Renderings and Elevations
- Townhouse Floor Plans
- Letter from Rachel Cox, P.E., Virginia Department of Transportation, dated December 9, 2011
- Proposed Resolution No. PC12-1