

## PLANNING REPORT

### APPLICATION:

The application of East West Partners of Virginia, Inc., applicant, and Eagle Harbor, LLC, owners, to rezone 111.39 acres of land with tax map numbers 34-01-077 and 34-01-077D from RAC, Rural Agriculture Conservation, to C-PD-MX, Conditional Planned Development-Mixed Use, and to amend the conditional zoning and rezone 3.2 acres of land with tax map numbers 34-01-003A1 from C-GC, Conditional General Commercial, to C-PD-MX, Conditional Planned Development Mixed Use. The purpose of the application is to allow for 340 age restricted residential units with approximately three acres of commercial land.

### ELECTION DISTRICT:

Newport

### LOCATION:

The property is located on the east side of Carrollton Boulevard (Rte. 17) and extends east across wetlands to Channel Way. Parcel 34-01-003A1 is part of the Eagle Harbor Development, while the parcels 34-01-077 and 077D are undeveloped and are part of the property often referred to as the "Channel Farm." To the north of the property are commercial and residential portions of Eagle Harbor, the remainder of the "Channel Farm," and wetlands. To the west of the site is Rte. 17, and commercial and residential portions of Eagle Harbor. To the south of the site is the approved "Crossings" development consisting of commercial area and up to 240 apartments. To the east of the site is the Carisbrooke residential neighborhood and some vacant wooded property and a few single family homes.

### BACKGROUND:

The Eagle Harbor Development was conditionally rezoned in 1998 allowing for 1,500 residential units and commercial space. Development has been ongoing since that time with a mix of housing types including single family detached and attached, and apartments. Additionally, there has been a variety of commercial development over the years, including the Food Lion shopping center, the smaller Eagle Harbor Shoppes, and several outparcels.

Parcel 34-01-003A1 was rezoned as part of Eagle Harbor and has sat as undeveloped Conditional General Commercial (C-GC) zoning for over twenty years of development. The application seeks to change 3.2 acres of this zoned area to Conditional Planned Development - Mixed Use (C-PD-MX) to allow for residential development. This change would leave two commercial outparcels fronting on Rte. 17 while changing the rear (eastern) portion of the property to residential.

Parcels 34-01-077 and 077D are currently zoned Rural Agricultural Conservation. The property consists of a tidal creek and surrounding wetlands which flows to the Ragged Island Wildlife Management Area, some forested areas, and agricultural fields. The application seeks to change the entire 111.39 acres to C-PD-MX zoning to allow for residential development.

### DESCRIPTION:

The rezoning application requests that 3.2 acres of land currently zoned Conditional General Commercial (C-GC) and 111.39 acres of land currently zoned Rural Agricultural Conservation (RAC) be changed to Conditional Planned Development Mixed Use (C-PD-MX) zoning. The purpose of this change is to allow for 340 residential units in a mix of single family detached and townhouse units, as well as residential amenities such as a pool and clubhouse associated with the development. The proffer statement includes a restriction that all residential units are intended to be age restricted as defined by state code. As restricted, no school children are expected to be generated by this development. However, it should be noted that the age restricted nature of the development does

generate a higher need for emergency services as noted in comments by the County's Department of Emergency Services.

**Site Access:** The site will have access from three locations, including an extension of Smith's Neck Road between the existing 7-11 and Bojangles properties, an extension of Northgate Drive across Rte. 17 into the development, and a connection to Channel Way. The development also includes a proposed bridge connection internal to the development to connect across the tidal creek. The applicant is still working with VDOT on bridge options and has not yet determined if the bridge will be public or private. The applicant would like to construct a public bridge but if that can't be achieved, a private bridge which is the responsibility of the homeowners association is planned. There is also a pedestrian network of sidewalks and trails through the development connecting it to Eagle Harbor.

**Transportation Impacts/Improvements:** The Traffic Study outlines the impacts of the development and the improvements which should be constructed. There is also a graphic attached to this report which depicts these improvement locations. Included in the improvements are increased turn lanes at Rte. 17 and Smith's Neck Road, additional lanes at the existing commercial entrance across from Smith's Neck Road, reconfiguration of the Rte. 17 and Northgate Drive intersection to restrict certain movements and eliminate the need for a traffic signal in the future, turn lane improvements at Rte. 17 and Channel Way, road improvements to Channel Way from the Rte. 17 and Channel Way intersection to the development entrance.

**Utilities:** The development is intended to be served by public water and public sewer service. Parcel 34-01-003A1 will tie into existing water and sewer infrastructure which is part of the Eagle Harbor development. Parcels 34-01-077 and 077D will tie into water and sewer infrastructure which is part of "The Crossings" approved rezoning and which is in design review currently.

**Emergency Services:** As previously noted the emergency services demands of an age restricted development are greater than those of a normal residential development. The Emergency Services director has noted the Carrollton Station is nearing the functional capacity of the current personnel and an additional unit may be necessary in the future. This development is not expected to surpass the current capacity.

**Design:** The application also includes a Neighborhood Plan Book, as allowed by the PDMX zoning, which outlines lot sizes, setbacks, and some design specifications. The intention of the PDMX is to allow for site specific design and flexibility in order for the development to have unique character and better utilize the property. As required by ordinance, Staff is noting that the townhouse units as designed would not meet the requirements of the zoning ordinance due to the garage facade projecting in front of the facade of the house. The alternative design requires a waiver to this ordinance, which can be approved with Planning Commission and Board approval of the proposed Plan Book.

## **COMPREHENSIVE LAND USE PLAN:**

This application is accompanied by a Comprehensive Plan amendment application. If the amendment is approved, the proposed zoning, uses, and density would be consistent with the new Comprehensive Plan future land use designation.

Parcel 34-01-003A1 is currently designated as Suburban Residential (SR) in the Comprehensive Plan. The SR land use is identified for single family detached and attached and multifamily housing types in densities up to four units per acre. The SR is also recommended for supporting civic and public uses. The proposed zoning and uses for this parcel are consistent with the Comprehensive Plan but the proposed density would exceed the recommendations of the Comprehensive Plan.

Parcels 34-01-077 and the northern portion of 34-01-077D are currently designated as Suburban Estate in the Comprehensive Plan. The SE land use is identified for single family detached housing types in densities up to one unit per acre. The SE is also recommended for supporting civic and public uses. The proposed zoning, uses, and density for these parcels exceed the recommendations of the Comprehensive Plan for the current future land use map designation.

The southern portion of 34-01-077D is already designated as Mixed Use in the Comprehensive Plan. The proposed zoning, uses, and density for this parcel are consistent with the recommendation of the Comprehensive Plan.

## **ORDINANCE REVIEW:**

The application is seeking Conditional Planned Development Mixed Use (C-PDMX) zoning. Under the PDMX zoning district criteria in the Zoning Ordinance, the applicant may include their own requirements for bulk regulations and design. The intention of the PDMX is to allow for site specific design and flexibility in order for the development to have unique character and better utilize the property. The application includes a Neighborhood Plan Book which outlines lot sizes, setbacks, and a variety of design specifications. It should be noted that the townhouse units as designed would not meet the requirements of the zoning ordinance due to the garage facade projecting in front of the facade of the house. Approval of the Neighborhood Plan Book as submitted would be a waiver to that requirement. Complete reviews for subdivision and zoning ordinance requirements will be completed during the site plan process. Any variation from the ordinance which isn't covered in the Neighborhood Plan Book would require a waiver from the Planning Commission and Board or compliance with the ordinance.

## **AGENCY REVIEW:**

Below is summary of comments received. A full account of agency comments and applicant responses from all three reviews is attached.

Sheriff's Office- No objection to the application, did note the high potential to require additional resources.

Emergency Services - Noted the approaching capacity concerns for the Carrollton Station.

Economic Development - No concerns

Schools - No concerns

Environmental Planner - Comments resolved

General Services - Advisory comments noted, comments resolved

VDOT - The applicant believes they have adequately addressed VDOT's comments.

Budget and Finance - Comments resolved

Commissioner of Revenue - Comments resolved

Planning - The applicant believes they have adequately addressed Planning's comments.

## **STAFF CONCLUSIONS:**

### Strengths:

1. The age-restricted nature of the development creates no additional school impacts.
2. The development would provide customers for County utilities.
3. The development enhances the commercial marketability of the Carrollton area.
4. The transportation improvements identified eliminate the need for an additional signal on Rte. 17 at Northgate Drive.

### Weaknesses:

1. A large portion of the proposed development is not consistent with the current comprehensive plan, dependent on Planning Commission and Board action on the associated Comprehensive Plan Amendment Application.
2. The proposed development adds additional traffic to a location which is already congested during peak periods.
3. The age-restricted nature of the development creates an enhanced burden on emergency services.

## **STAFF RECOMMENDATION:**

Due to the weaknesses noted, Staff recommends denial of the application. Should the Planning Commission and Board choose to approve the associated Comprehensive Plan Amendment those weaknesses would be reduced.

## **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Application</a>	Backup Material	10/16/2019
<a href="#">Community Impact Statement</a>	Backup Material	10/15/2019
<a href="#">Proffer Statement</a>	Backup Material	10/15/2019
<a href="#">Master Plan</a>	Backup Material	10/15/2019
<a href="#">Illustrative Plan</a>	Backup Material	10/15/2019
<a href="#">Pedestrian Plan</a>	Backup Material	10/15/2019
<a href="#">Traffic Impact Analysis</a>	Backup Material	10/15/2019
<a href="#">Transportation Improvements Plan</a>	Backup Material	10/15/2019
<a href="#">Fiscal Impact Analysis (FIA).</a>	Backup Material	10/15/2019
<a href="#">FIA Methodology.</a>	Backup Material	10/15/2019
<a href="#">Neighborhood Plan Book</a>	Backup Material	10/21/2019
<a href="#">Vicinity Map</a>	Backup Material	8/22/2019
<a href="#">Closeup Map</a>	Backup Material	8/22/2019
<a href="#">Land Use Map</a>	Backup Material	8/19/2019
<a href="#">Zoning Map</a>	Backup Material	8/19/2019
<a href="#">Site Photos</a>	Backup Material	10/15/2019
<a href="#">1st Round Comments</a>	Backup Material	10/15/2019
<a href="#">1st Round Response</a>	Backup Material	10/15/2019
<a href="#">2nd Round Comments</a>	Backup Material	10/15/2019
<a href="#">2nd Round Response</a>	Backup Material	10/15/2019
<a href="#">3rd Round Comments</a>	Backup Material	10/15/2019
<a href="#">3rd Round Response</a>	Backup Material	10/15/2019
<a href="#">Pitt Lippe Rezoning PC Resolution</a>	Resolution Letter	10/16/2019
<a href="#">Pitt Lippe Rezoning Ordinance</a>	Ordinance	10/16/2019
<a href="#">Exhibit B</a>	Backup Material	10/16/2019