



CITY OF WILLIAMSBURG
MEMORANDUM

PCR#22-019
STAFF REPORT #2

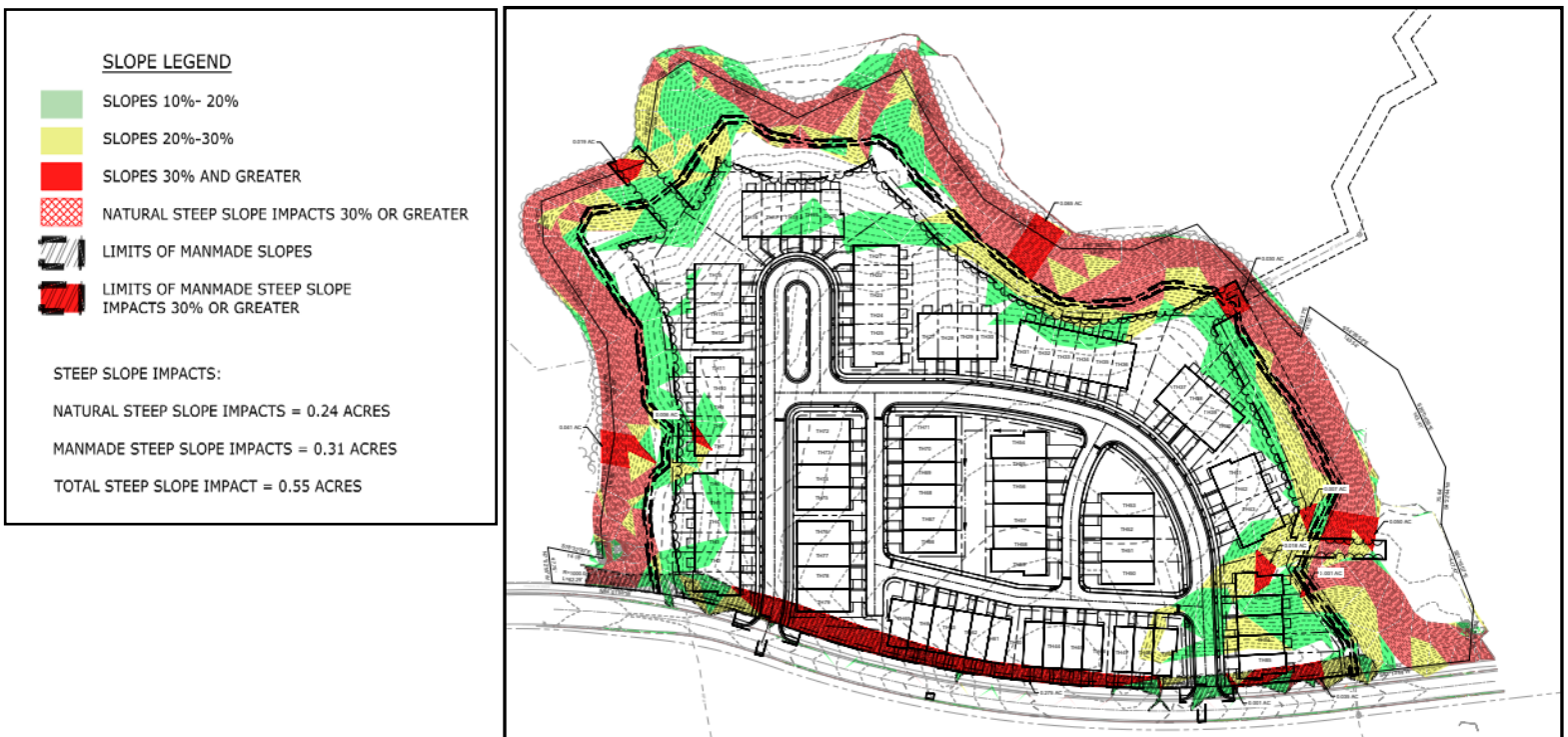
TO: City Council

DATE: January 20, 2023

SUBJECT: PCR#22-019
Riverside Health System requests a special use permit to encroach on slopes in excess of 30 percent for the future development of townhomes on Parcel B-7 located in the Quarterpath Masterplan development.

APPLICANT’S REQUEST

This is a request by Riverside Health System for a special use permit to encroach on slopes in excess of 30 percent for property located on Parcel B-7, also identified as Parcel ID# 2025.253.579. The applicant anticipates the encroachment will be up to .55 acres of slopes in excess of 30 percent. These include .24 acres of natural slopes and .31 acres of manmade slopes. If approved, the applicant plans to move forward with a site plan to develop townhomes. Below is a map of the proposed townhouse development showing the areas of slope impact. A larger map is also attached to this report.



CURRENT REGULATIONS

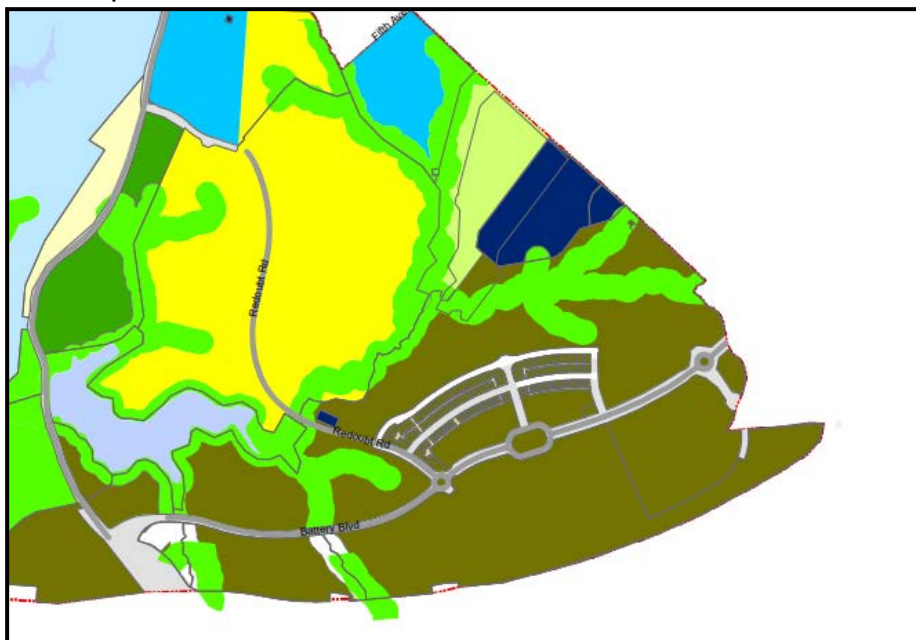
Comprehensive Plan

The 2021 Comprehensive Plan designates this parcel as Economic Development, which is defined in the Plan as follows:





“The Economic Development land use category is intended to encourage economic development activities that provide desirable employment and enlarge the city’s tax base. Large new mixed-use developments can contribute to the city’s character and economic well-being by having a well-designed mix of uses, rather than being a monolithic commercial, office, health care, or residential development. This land use category expands the historic mixed-use concept beyond the city’s core area into two large areas for future development – the High Street Williamsburg development on Richmond Road and the Quarterpath at Williamsburg (Riverside) development on the east side of Quarterpath Road.”

The development of areas designated as Economic Development land use should address a range of important goals stated by the Comprehensive Plan, including: protect and enhance Williamsburg’s unique character; encourage conservation of open space; encourage high quality commercial and institutional development; encourage adequate housing opportunities; encourage appropriate scale and character for new residential development; improve and expand bicycle and pedestrian facilities; and preserve scenic vistas, natural areas and historic sites on public and private land.”

As shown on the Future Land Use Map below, properties to the south and east are designated Economic Development. Areas to the north are designated Sensitive Environmental Areas & Chesapeake Bay Protection, and Surface Water, Medium Density Single Family Detached Residential, and areas to the west are designated as Sensitive Environmental Areas & Chesapeake Bay Protection and Economic Development.



LEGEND

	Medium Density Single Family Detached Residential
	Surface Water
	Environmental Areas & Chesapeake Bay Protection
	Economic Development

Zoning

This property is zoned ED Economic Development.

The statement of intent for the ED Economic Development reads:

“This district is established to enhance the city's real property tax base and to allow a mixture of tax-generating commercial, entertainment, office, and medical uses in a mixed-use setting with an emphasis on landscaping and high-quality design standards, and on property which is designated by the comprehensive plan as economic development land use. This district is also intended to encourage economic development activities that provide desirable employment and enlarge the tax base as contemplated in section 15.2-2283 (vii), Code of Virginia, 1950, as amended. Residential uses are allowed as a secondary use and should be integrated into the overall design of the development. Higher intensity uses such as manufacture or assembly, warehouses, and distribution centers may be allowed with the issuance of a special use permit.”

Special Use Permit

The special use permit section of the Zoning Ordinance (Sec. 21-42) establishes the following criteria for special use permits:

- (a) *The proposed use shall be:*
 - (1) *In harmony with the adopted comprehensive plan.*
 - (2) *In harmony with the intent and purpose of the zoning district in which the use is proposed to be located.*
 - (3) *In harmony with the character of adjacent properties and the surrounding neighborhoods, and with existing and proposed development.*
- (b) *The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.*
- (c) *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic, or historic importance.*
- (d) *The proposed use shall be designed, sited, and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.*

Additional reasonable standards as deemed necessary to protect the public interest and welfare may be imposed, including more restrictive sign standards; additional open space, landscaping or screening requirements; additional yard requirements; special lighting requirements; limitation on hours of operation; and additional off-street parking

and loading requirements. The Planning Director or Planning Commission may require the following additional information:

- (1) A traffic impact analysis, showing the effect of traffic generated by this project on surrounding streets and neighborhoods.
- (2) A public utility analysis, showing the effect of this project on public water, sewer and/or storm drainage facilities.
- (3) A fiscal impact analysis. The Planning Director or the Planning Commission may request the City Council to provide funds for the preparation of this study by the City.

Staff does not feel that any additional studies are needed to decide on this request.

Slope Waiver Requirements

Section 21-626 of the Zoning Ordinance establishes the following criteria for waivers to slope requirements:

City Council may approve encroachments on slopes in excess of 30 percent not qualifying for a waiver pursuant to Section 21-788, with a special use permit. In addition to the criteria contained in Division 2, Special Use Permits in the Zoning Ordinance, the project must contain adequate measures to alleviate any negative environmental impacts of the encroachment, including the following requirements:

- (1) *No encroachment into a Resource Protection Area (RPA) is permitted except those uses allowed under section 21-818 of the Zoning Ordinance.*
- (2) *Submission of a mitigation plan to reduce downstream erosion and to prevent any increase in water pollution for the project.*
- (3) *Regulate stormwater runoff for the project at the source to protect against and minimize water pollution and the deposition of sediment from the proposed development to tributaries, buffers areas and other sensitive environmental lands.*
- (4) *For redevelopment projects, the post development plan shall:*
 - a. *Meet the water quality requirements for new development where the total phosphorus load shall not exceed 0.41 pounds per acre per year, as calculated pursuant to 9VAC25-870-65; and*
 - b. *Discharge the maximum peak flow rate from the post-development one-year, 24-hour storm in accordance with the following methodology:*

$$Q_{Developed} \leq 0.7 * (Q_{Pre-developed} * RV_{Predeveloped}) / RV_{Developed}$$

*Under no condition shall $Q_{Developed}$ be greater than $Q_{Pre-developed}$ nor shall $Q_{Developed}$ be required to be less than that calculated in the equation $0.9 * (Q_{Forest} * RV_{Forest}) / RV_{Developed}$; where*

QDeveloped = The allowable peak flow rate of runoff from the developed site.

RVDeveloped = The volume of runoff from the site in the developed condition.

QPre-Developed = The peak flow rate of runoff from the site in the pre-developed condition.

RVPre-Developed = The volume of runoff from the site in pre-developed condition.

QForest = The peak flow rate of runoff from the site in a forested condition.

RVForest = The volume of runoff from the site in a forested condition.

ANALYSIS

The parcel is 15.606 acres, with 5.515 acres within a Resource Protection Area (35% of the parcel). Based on maps provided by the applicant, there is no encroachment into the RPA. Staff will ensure the project will not encroach into the RPA through the placement of Erosion and Sediment Control measures and inspections.

Prior to Council's consideration, the city's stormwater manager program administrator must review and submit a recommendation on the mitigation plan. Additionally, through Erosion and Sediment Control measures, and stormwater features, runoff for the project will be regulated at the source to protect against and minimize water pollution and the deposition of sediment from the proposed development to tributaries, buffers areas and other sensitive environmental lands. Staff is currently reviewing the site plan for this development.

The proposed development contains 86 townhomes. The following table shows the number of units already developed or under construction and those in the pipeline as a part of the Quarterpath Masterplan.

	Completed/Under Construction	Proposed
Multi-family- Rental	Attain at Quarterpath (226 units)	
Multi-family- Rental- Age Targeted	RLC (130 units)	
Multifamily – For Sale (condo)	Village Green North (33 units)	Greenwood Village (56 units)

Fee Simple- 3 Story Townhomes	Village Green North (55 units)	
Fee Simple- 2 Story	Village Green North (66 Units)	Greenwood Village (96 units) Kirbor (86 units)
TOTAL UNITS	510	238

The development was approved with proffers that allowed the construction of no more than 895 residential units. The additional 86 units proposed for Parcel B-7 will leave only 147 more units available for construction.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend to City Council approval of Special Use Permit PCR#22-019, the request by Riverside Health System for a special use permit to encroach on slopes in excess of 30 percent for property located on Lot B-7, also identified as Parcel ID# 2025.253.579.

PLANNING COMMISSION RECOMMENDATION

At their meeting on January 18, 2023, the Planning Commission voted 5-2, to recommend approval of PCR#22-019 with the condition that prior to City Council's consideration, the city's stormwater manager program administrator must review and submit a recommendation on the mitigation plan.



Tevya W. Griffin, AICP
Director
Planning & Codes Compliance