

STAFF EVALUATION

To: Planning Commission

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Case: Rezoning Application No. 1242

Date: January 8, 2007

General Information

Applicant Southeastern Capital Investments, L.L.C

Purpose This application is to rezone eight adjoining parcels, totaling 4.0 ± acres, at the northwest corner of Magruder Boulevard and Semple Farm Road. The rezoning is from R-11 (One Family Residence District)/ SPI-MVC (Special Public Interest-Magruder Visual Corridor District) to MD-3 (Multiple Dwelling District)/ SPI-MVC (Special Public Interest-Magruder Visual Corridor District) for the development of two three-story apartment buildings, which will yield 48 units.

The purpose of this rezoning is to expand the existing Falcon Creek Luxury Apartment development, which was unanimously approved by City Council September 8, 2004.

Location The eight parcels included in this rezoning are identified below:

1. LRSN# 6001041 0.45± acres
2. LRSN# 6001040 0.45± acres
3. LRSN# 6001039 0.45± acres
4. LRSN# 6001038 0.45± acres
5. LRSN# 6001037 0.45± acres
6. 32 Semple Farm Road 0.5± acres
7. 26 Semple Farm Road 0.54 ± acres
8. LRSN # 6001035 0.57 ± acres



(existing Falcon Creek development bordered in **black** and proposed development bordered in **red**)

Land Use Vacant

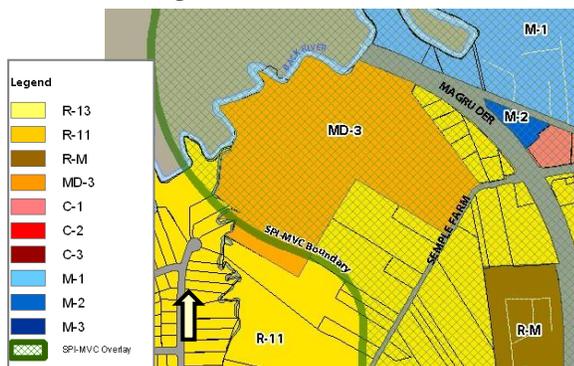
Surrounding Land Use and Zoning **North:** York County city limits: Single family and multifamily homes, R-7 (Single Family Manufactured Home Subdivision District), R-R (Rural Residential District), P-D (Planned Development District)

South: Single family homes, Church: R-11 (One-Family Residence District)

East: (across Magruder Blvd) Commercial strip which includes a gas station and other neighborhood services: M-2 (Light Manufacturing District), M-1 (Limited Manufacturing District), C-1 (Neighborhood Commercial District)

West: Falcon Creek Luxury Apartments: MD-3 (Multiple Dwelling District)

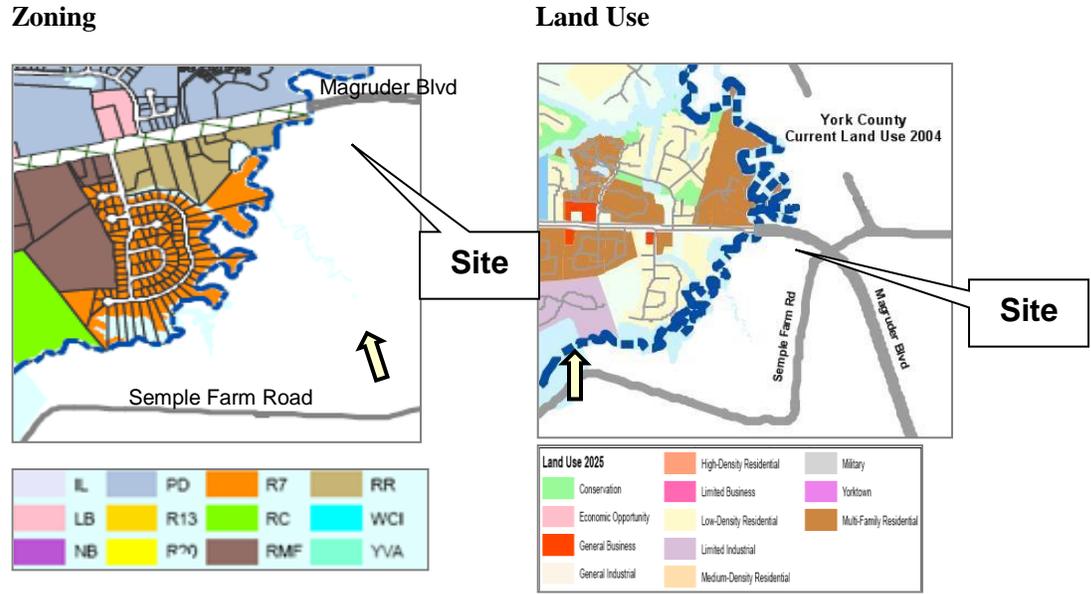
Zoning



Land Use



York County's Zoning and Current Land Use maps are below:



Zoning

The site is zoned R-11 (One-Family Residence District), which permits single-family homes at a density of 3.5 to 4.5 units per acre, requires a minimum frontage of 70 square feet, and a minimum dwelling size of 1,700 square feet. The proposed zoning, MD-3 (Multiple Dwelling District), permits multiple dwelling units with a minimum lot size of two acres, a maximum density of 20 units per acre, and minimum of 500 square feet apartments.

The site is included within SPI-MVC (Special Public Interest – Magruder Visual Corridor) District, which was established to protect Magruder Boulevard’s visual environment while allowing planned economic development that provides a positive visual impact along the major roads of this corridor. The SPI-MVC District responds to three issues. First, it restricts the number, size, and location of signs. Second, it requires a landscaped setback that buffers visual and environmental impacts of the built environment. Lastly, it restricts certain uses that would adversely affect the visual corridor.

Policy

Hampton Community Plan (2006, as amended)

The Hampton Community Plan recommends Low-Density Residential at the subject site. (LU-21) To reflect the existing Falcon Creek development and proposed expansion, Staff is recommending a Community Plan Amendment (Community Plan Amendment 010-2006) that proposes Medium-Density Residential rather than the Low-Density Residential designation. (see maps below) Medium-density permits development density from 9 units to less than 15 units per acre. (LU-13)

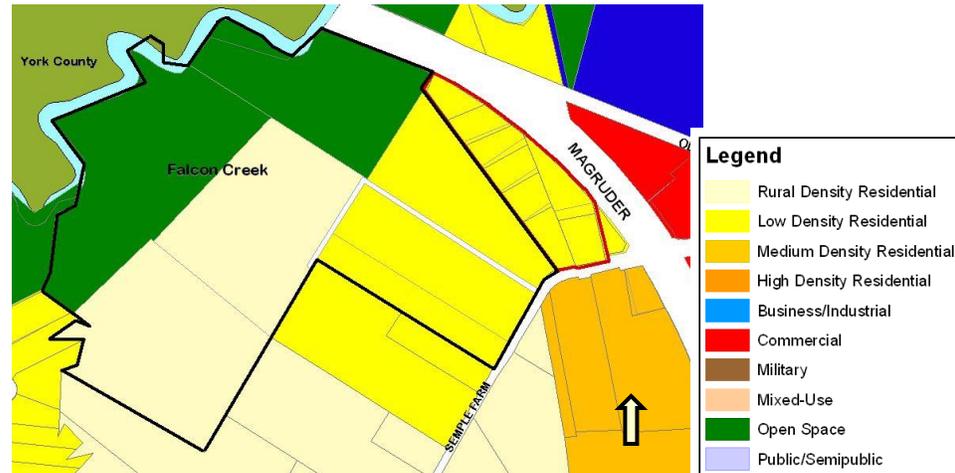
Housing quality is a major factor in determining the health and stability of neighborhoods. Two Housing and Neighborhood objectives from the Plan speak to preserving existing higher quality housing and encouraging new higher quality housing. Additionally, the Plan promotes a diverse mix of housing values, types, and choices that meet the needs of different income groups, ages, and household types and sizes. (HN-2,3)

Transportation is one of the most critical services within the community. The Plan identifies Magruder Boulevard as a critical transportation corridor and encourages development that minimally affects the transportation system within

residential neighborhoods. (TR-3)

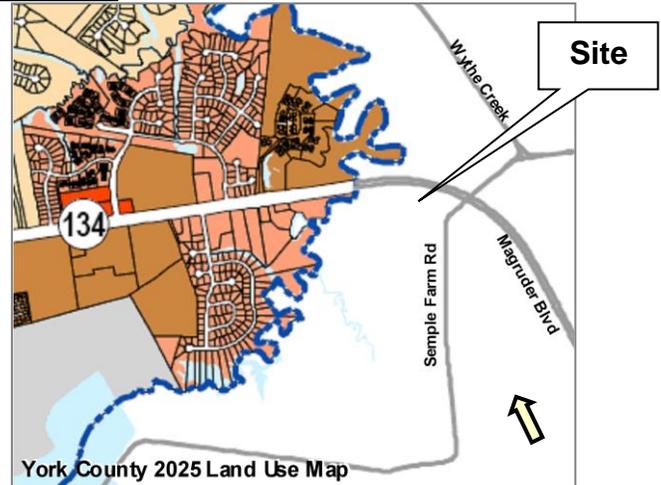
A goal of the Plan is to balance growth and economic development while protecting the natural environment. (EN-2) There are wetlands and a Resource Protection Area on site. The Plan encourages the protection of wetlands from the impacts of new development and redevelopment as required by local, state, and federal environmental laws and regulations. (EN-23)

Hampton Community Plan Land Use Recommendation



York County 2025 Comprehensive Plan

York County’s Comprehensive Plan recommends Multifamily Residential (maximum of 10 units per acre) and High-Density Residential (single family, maximum density of 3 units per acre) where the York County line connects to Hampton. (see map)



History

On September 8, 2004 Council unanimously approved a request (Rezoning Application No. 1182) to rezone 41.3 ± acres located near the northwest corner of Semple Farm Road and Magruder Boulevard to permit a multi-family development (Falcon Creek Luxury Apartments). The rezoning was from R-11 (One-Family Residence District) to MD-3 (Multiple-Dwelling District) with seven conditions. The present application represents an expansion of this apartment community.

Site Details

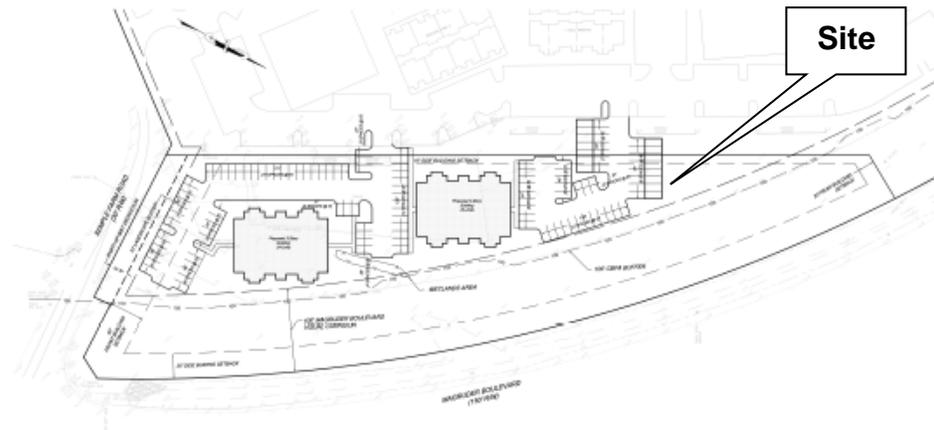
As previously mentioned, this application is an extension of the existing Falcon Creek development. (see the original Falcon Creek site plan and the proposed expansion on the next page) The existing development, which is 41.3 ± acres, consists of 17 apartment buildings with approximately 360 units. This plan includes a pool, a man-made lake, walking trails, a club house, and detached garages. The proposed plan, which is 4.0 ± acres, will add two buildings to this development, yielding an additional 48 units. The building elevations will be constructed in

substantial conformance with the existing development. Additionally, the proposal will share a single entrance off Semple Farm Road and have access to the recreational amenities.

Existing Development



Proposed Site Plan



Proffers

The applicant has proffered the following conditions:

1. The development shall have the following features:
 - A. Through signed agreements with the adjoining Falcon Creek Luxury Apartment Community, the property will be entitled to utilize all amenities and receive the same maintenance services offered to residents of the Falcon Creek Luxury Apartment Community. Maintenance services will be defined as any labor or materials required to repair building and individual unit deficiencies covered in the Falcon Creek Luxury Apartment Rental Agreement or Work Request Policy.
 - B. The site layout will be designed to promote the preservation of natural features to include existing trees, the existing 839 square feet of non-tidal wetlands, and the existing wildlife habitat present on the property at the date of this application.

2. The property will be developed substantially in conformance with the conceptual plan filed with the City of Hampton Planning Department on December 19, 2006 and titled “Falcon Creek Phase II”.
3. Building elevations will be constructed substantially in conformance with the adjoining Falcon Creek Luxury Apartment Community.
4. Landscaping will be installed substantially in conformance with the conceptual plan filed with the City of Hampton Planning Department on December 19, 2006 and titled “Falcon Creek Phase II”.
5. Applicant will install a 20’ right-of-way dedication on the northerly side of Semple Farm Road substantially in conformance with the conceptual plan filed with the City of Hampton Planning Department on December 19, 2006 and titled “Falcon Creek Phase II”.

Community Meeting

A community meeting was held December 11th at the Emmanuel Lutheran Church. Approximately 73 invitations were mailed. Of those, seven people attended. There were no concerns regarding the proposed expansion of Falcon Creek.

Impact Analysis

Traffic

Magruder Boulevard is a limited access highway and direct access to this road is not permitted. The proposal will enter through the existing Falcon Creek entrance off Semple Farm Road. The traffic volume on Semple Farm Road is slightly more than 4,000 vehicles per day. During the AM peak hours, the Level of Service (LOS) at this intersection is E and during the peak evening hours, the LOS is F. A LOS of “E” indicates that the intersection is operating at maximum capacity and a LOS of “F” means the traffic volume has exceeded the available capacity.

During the initial rezoning the applicant proffered conditions, which installed a dedicated turn lane into the development and ensured other road improvements within the existing right of way along the northerly side of Semple Farm Road. This helped to alleviate any stress on the intersection caused by the development. The applicant has also provided a 20’ right of way dedication with the Falcon Creek expansion.

Staff has confirmed that an additional 48 units will not adversely affect the Semple Farm Road and Magruder Boulevard intersection.

Schools

This property is within the Machen Elementary, Davis Middle, and Bethel High School zone. Below is the allotted capacity and current enrollment (*as of December 4, 2006*) for each school. Hampton City Schools provided the building capacity and enrollment data.

Machen Elementary 20 Sacramento Drive	Enrollment: 500 students	Capacity: 660
Davis Middle 1435 Todds Lane	Enrollment: 984 students	Capacity: 1475
Bethel High 1067 Big Bethel Road	Enrollment: 1959 students	Capacity: 2000

Student generator factor for rental multi-family = .09
 Approximate total projected students generated by this project =
48 units x .09 children = 4.32

All schools are currently operating below capacity and according to data provided by the Virginia Department of Education, enrollment in Hampton City Schools is expected to decrease a total of 8% by 2010.

Environment

An existing drainage ditch runs parallel to Magruder Boulevard that has tidal wetland characteristics. This ditch is classified as a Resource Protection Area (RPA) and requires a 100' vegetated buffer. The applicant has provided a RPA buffer and plans to address other wetlands issues during the developmental review.

This proposal is within the Langley Air Force Base noise contour zone (65 decibels). Langley Air Force Base has reviewed this proposal and stated that high-density residential uses are generally discouraged within noise contours. However, they understand that an existing neighborhood is immediately adjacent to the parcel(s) in question and that the City has demonstrated a need for residential use in this area. In noise areas where the City has determined that residential uses are appropriate, Langley AFB recommends that the applicant utilize noise level reduction measures in new construction for the protection of their residents.

Utilities

The lake on the existing Falcon Creek site serves as the development's storm water outfall. The proposed expansion will also drain into the lake. Additionally, the applicant plans to connect all sewer lines and utilities to the existing pipes and lines onsite. Further logistics will be discussed during the development stage.

Economics

Staff explored alternative uses, such as single family homes and commercial establishments, to adequately assess the merits of this proposal. By right single-family homes are permitted on the subject site. Due to the high traffic volumes at the Magruder Boulevard and Semple Farm Road intersection and poor access, single-family homes are an incompatible use in this area. Additionally, single-family homes would not cohesively merge with the neighboring Falcon Creek development. Commercial development could potentially produce higher traffic volumes, require additional curb cuts, and is not supported by public policy. Commercial development on the west side of Magruder Boulevard has consistently been discouraged. The proposed multifamily development provides a transition and buffer from the busy intersection to the existing single-family homes on Semple Farm Road. In addition, the proposal will share a common entrance and mirror the building design of the existing Falcon Creek development.

Analysis

This proposal is to rezone 4.0 ± acres at the northwest corner of the Magruder Boulevard and Semple Farm Road intersection from R-11 (One-Family Residential District) / SPI-MVC (Special Public Interest-Magruder Visual Corridor District) to MD-3 (Multiple Dwelling Residential district) / SPI-MVC (Special Public Interest-Magruder Visual Corridor District) for the expansion of Falcon Creek Apartments. The Hampton Community Plan (2006, as amended) recommends low density residential. However, Staff is recommending an amendment to the Hampton Community Plan (Community Plan Amendment 010-2006) that reflects the existing Falcon Creek development and proposed expansion.

Rezoning Application No. 1242**STAFF EVALUATION**

Because this proposal is within the Magruder Boulevard Visual Corridor and at the gateway into Hampton, it is essential to encourage quality design, adequate buffering, and take measures that reduce adverse traffic impacts. Several objectives in the Hampton Community Plan (2006, as amended) respond to character and quality of future development. One objective encourages high quality housing that promotes a diverse mix of housing values, types, and choices. Falcon Creek offers a diverse housing option, which would attract people from different “markets.” The site is near Langley Air Force Base, NASA, and the Hampton Roads Center business district. These rental units will cater to those employees as well as middle or upper class professionals and empty nesters.

The Plan identifies Magruder Boulevard as a critical transportation system within residential neighborhoods. As mentioned previously, Staff evaluated alternative land uses for this site. More specifically, Staff evaluated how these uses may respond to the existing traffic conditions. Single family homes are discouraged because of the traffic volumes and poor access to the site. Commercial development is discouraged for similar reasons, and would generate higher traffic volumes than the permitted single family homes. Staff confirmed that the additional 48 apartment units will not adversely affect the existing traffic patterns. Additionally, the proposed expansion will share the entrance to Falcon Creek, which eliminates the need of additional ingress/egress on Semple Farm Road.

By right, single family homes are permitted on site. Due to the existing Falcon Creek development, the limited access nature of Magruder Boulevard, and the proximity to the intersection, it would be hard to successfully develop single family homes at this intersection. During the initial Falcon Creek rezoning, the applicant stated intentions to develop additional units on the proposed parcels. For that reason, this application is consistent with the original development goal and the adjoining land use.

The applicant has proffered five conditions. These voluntary proffers were established to ensure a high quality development that mimics the character of Falcon Creek. The proposed expansion will share the amenities and maintenance services provided by Falcon Creek. It will be designed in a manner that preserves natural features such as trees, wetlands, and wildlife habitat. Additionally, all building elevations will mirror the existing Falcon Creek Apartments.

Overall, this proposal is a suitable use for the site. It maintains consistency with the existing Falcon Creek Apartment development, provides a transitional use from the northwest corner of the Semple Farm Road and Magruder Boulevard intersection, and establishes a gateway into the Hampton city limits.

Staff recommends approval of Rezoning Application No. 1242 with five conditions.