

Staff Analysis

BACKGROUND

Applicant/Owner: Broadview Holdings, LLC & Fog Holdings, LLC

Representative: Walsh, Colucci, Lubeley & Walsh, PC

Request: The Owner/ Applicant, Broadview LLC and Fog Holdings, LLC, are requesting a Comprehensive Plan Amendment (CPA) to revise the Future Land Use Map changing three Low-Density Residential designations to Re-Planned Commercial in the Experience Broadview Character District; a Zoning Map Amendment (ZMA) for three parcels currently zoned R-15 Residential parcels to Commercial (C); and a Special Use Permit (SUP) to allow for residential only structures as part of the Mixed Use development in the Commercial District. The Applicant is proposing 47 townhouse garage lots, six apartments, 3,600 square foot retail building, improvements to the existing 7,600 square foot restaurant, parking, and a centrally located park with amenities. The Applicant is proposing affordable housing density bonus and waivers/modifications with this site. Proffers have been submitted for parks infrastructure.

Site Location: The Application is for six parcels bounded by Norfolk Drive to the west, Bear Wallow Road to the north, and Broadview/West Lee Highway to the east. The three parcels proposed for the CPA and ZMA are undeveloped sites located on the corner of Norfolk and Bear Wallow (GPIN 6984-18-3915-000, 6984-18-2905-000, & 6984-18-2709-000). The proposed SUP area contains the previous parcels plus three additional properties (GPIN 6984-18-5649-000, 6984-18-3854-000, and 6984-18-6837-000) which includes the original site of the Cheswick Motel (394 Broadview Avenue) and the current existing restaurant, McMahon's/O'Brien's, at 380 Broadview Avenue, that is proposed to remain within the development.

Comprehensive Plan: All parcels are designated part of the Experience Broadview Character District, apart from the southwest parcel in the SUP area (GPIN 6984-18-2709-000). Future Land Use designates the western three parcels as Low-Density Residential, while the remaining parcels are noted as Re-Planned Commercial. The Application is to bring all three parcels under the Experience Broadview Character District with the underlying Re-Planned Commercial in the Future Land Use Map.

Zoning: GPINS 6984-18-3915-000, 6984-18-2905-000, and 6984-18-2709-000 are zoned R-15 Residential and are proposed to be rezoned Commercial to match the remaining three parcels (GPIN 6984-18-5649-000, 6984-18-3854-000, & 6984-18-6837-000) for all six to be considered for the SUP.

Special Use Permit (SUP)

In concurrent review, the applicant is requesting a SUP to allow a mixed-use development within the (C) Commercial zoning designation.

The applicant is additionally requesting waivers and modifications:

- Waive the 5-acre minimum lot size requirement to allow 4.81 acres (§9-25.1.A)
- Increase allowable residential density for mixed-use (§9-25.1)
- Allow front loaded townhouses
- Modify required setback for new residential buildings (§9-25.1.J)
- Modify required setback for new commercial building (§9-25.1.J)
- Modify required lot width for residential (§9-25.1.J)

- Waive landscape buffer requirements between single-family homes to townhouses and townhouses to commercial (§8-8.5)

Surrounding Land Uses:

The following table summarizes the area characteristics:

Direction	Land Use	Future Land Use Map Designation	Zoning
North	Bear Wallow Knolls / Circle K / Farm Credit of the Virginias	Commercial / Medium Density Residential	Residential Townhomes / Commercial
South	Arby's / Vacant Lots	Re-Planned Commercial / Low Density Residential	R-15 / Commercial
East	Piedmont Square Shopping Center / McDonald's	Public/Semi-Public Non-Intensive/Intensive / Re-Planned Commercial	Commercial
West	Single Family Dwellings / Town Pump Station	Low & Medium Density Residential	R-15 / PSP

Comprehensive Plan Future Land Use Analysis

Plan Warrenton 2040 labels these parcels in the Future Land Use Map as the Experience Broadview Character District, apart from the southwest parcel in the SUP area (GPIN 6984-18-2709-000). The Broadview District designation calls to, *"maintain and enhance the existing commercial corridor but add nodal development with mixed use residential anchors and improve transitions to adjacent single-family neighborhoods."*

Plan Warrenton 2040 introduces these definitive character districts designed to enhance the existing character of the specific region of Town. Ten guiding principles are general principles for all districts to create a cohesive transition across Warrenton. Specific to the Experience Broadview Character District, the Comprehensive Plan calls for, *"consolidation of properties, coupled with development guidelines that promote a consistent street frontage in form and setback along Broadview Avenue, with parking located behind the building frontage. Interior block connectivity involving multiple blocks will accommodate more efficient service and parking access, limit the number of curb cuts along Broadview Avenue, and improve the current traffic congestion issues. The vision includes a graceful development transition along the edges of adjoining neighborhoods that replaces the "back of house" functions with residential frontage that steps down in scale and comports with compatible residential land use is urgently required."*

Standard	Analysis
The Ten Guiding Principles for Character Districts (Plan Warrenton 2040)	
1. A discernible center.	The plans show a central park/open space to be utilized by the residents, existing restaurant, and public.

Standard	Analysis
<i>2. Connected sidewalks with a clear pedestrian path, street trees, and lighting.</i>	Applicant has proposed continuous sidewalks throughout the development. A conceptual landscape plan has been provided showing 21,600 SF of 20 year canopy.
<i>3. Buildings that are placed close to the street to create a sense of place.</i>	Townhouses on Norfolk Drive front the street (13 units). Townhouses along Bear Wallow Road are front loaded towards the center of the development becoming rear facing to Bear Wallow (15 units). The Applicant is requesting waiver modifications to meet this design goal.
<i>4. Parking placed behind buildings and away from street frontages.</i>	Townhouse parking is being provided at the rear for 32 units, while 15 units are front loaded to allow the fronts to face the center park of the development.
<i>5. Complete streets create a balance between cars, pedestrians, and bicyclists.</i>	The plan shows a multi-use trail through the development to the open space with a bike rack at the end of the trail.
<i>6. Compact street blocks encourage walking.</i>	Townhouses are arranged in 8 separate clusters with 22' wide streets arranged in a semi-grid pattern.
<i>7. A park, trail, or activity center is within a half mile walking radius.</i>	The farthest townhome is within 300 feet of the open space.
<i>8. A variety of dwelling types accommodates a wide range of family sizes and income levels and commercial activity.</i>	The proposal includes a majority townhomes with six apartments above the existing restaurant. A new housing type is being introduced with 16' wide townhouses to address Attainable housing goals.
<i>9. Neighborhood identity connects district wayfinding and identification with a larger marketing effort to bring private investment to the neighborhood.</i>	Signage has not been provided. Elevations have been included with potential townhome designs and rehabilitation of the existing restaurant area.
<i>10. The neighborhood edge provides the means of transition from the Character District to adjoining properties.</i>	The submitted plans show retention of an existing interparcel connection with the adjoining property on the south side of the proposal area and has been designed to "step down" to the existing residential by placing the townhouses on the Norfolk Drive side of the proposal.
Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)	
<i>Whether the rezoning request, if granted, would further the public interest, and whether it conforms with the goals, objectives, and policies of the Comprehensive Plan.</i>	The proposal aims to promote the live/work concept in cooperation with the existing commercial parcels. The proposed rezoned parcels fall within the boundaries of the Experience

Standard	Analysis
	Broadview Character District which calls specifically for mixed-use.
<i>Whether the rezoning is consistent with the town's Future Land Use Plan, as identified in the Comprehensive Plan, and established character of the area and land use patterns.</i>	The Future Land Use Map designates the three parcels along Bear Wallow Road and Norfolk Drive as Low-Density Residential (2.5 dwelling units per net acre) and the three parcels fronting on Broadview Avenue as Re-Planned Commercial. All parcels but one fall under the Experience Broadview Character District that calls for a nodal mixed use in this location. The Applicant is currently requesting an amendment to the Future Land Use Map to Re-Planned Commercial to follow the SUP requirements created by a Zoning Text Amendment for Mixed Use that was passed after the Comprehensive Plan as a means to implement the goals.
<i>Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes, including housing and business, as determined by population and economic studies.</i>	The Statement of Justification addresses the need for affordable housing and the rise of housing costs and lack of housing inventory.
<i>The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of the Town.</i>	The Statement of Justification notes that the townhomes will provide attainable housing through the reduced size. Six affordable dwelling units are proposed.
Criteria for Consideration of Special Use Permits (Zoning Ordinance)	
<i>Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.</i>	A Comprehensive Plan amendment is requested to change the Future Land Use designation on the rear portion of the project area. The proposed rezoned parcels fall within the boundaries of the Experience Broadview Character District and the layout seeks to meet the Ten Design Principles.
<i>The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.</i>	Landscape buffers are required between single-family detached and townhouses and between residential and commercial uses. Landscaping is proposed, but a modification of buffers is requested in the SUP Plan in order to meet Plan Warrenton design goals of buildings being closer to the street.

Staff Findings

These properties were envisioned by the community to serve as an “end node”, or bookmark to the Experience Broadview Character District. The Applicant worked through several redevelopment options

over a series of years, keeping staff apprised throughout the Comprehensive Plan update. The current design represents the best balance the Applicant could achieve between the site constraints and desired Plan Warrenton 2040 goals. The Applicant worked diligently to adjust to meet as many goals as possible.

Zoning Analysis

The legislative intent of the Commercial District is, “to encourage the logical and timely development of land for a range of commercial and mixed-use purposes in accordance with the objectives, policies, and proposals of the Comprehensive Plan.” Through Commercial Zoning, a mixed-use development can be obtained through a Special Use Permit with further regulation from §9-25 of the Zoning Ordinance for the Mixed-Use Development Option.

The approval of the CPA and ZMA would allow for the three parcels currently zoned R-15 Residential and Low-Density Residential on the Future Land Use Map to align with the remaining three parcels that are currently zoned Commercial and Re-Planned Commercial on the Future Land Use Map. The Commercial designations will allow for all six parcels to fall within the SUP proposal for a mixed-use development.

Standard	Analysis
Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)	
<i>Whether the rezoning is justified by changed or changing conditions.</i>	Applicant states the compatibility of the proposal with the surrounding uses and community need to address attainable and affordable housing needs.
<i>Whether the rezoning, if granted, would create an isolated district unrelated to adjacent districts.</i>	The property within the ZMA request is adjacent to additional Commercially zoned property.
<i>Whether the rezoning will be compatible with properties and uses in the vicinity and not have an adverse impact on these properties or their values.</i>	The Zoning Ordinance requires a landscape buffer between single-family detached dwellings and townhouses. A modification of buffers is requested. In addition, the height of the townhouses is noted between 39’ to 45’. An illustration/diagram showing the proposed townhomes in context with the single-family detached dwellings on Norfolk Drive may be helpful.
<i>Whether there are adequate sites available elsewhere in the Town for the proposed use, or uses, in districts where such uses are already allowed.</i>	A mixed-use development option is available to all properties within the Commercial Zoning District. This site is appropriate for redevelopment as the former Cheswick Motel site.
Criteria for Consideration of Special Use Permits (Zoning Ordinance)	
<i>The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.</i>	The Statement of Justification notes there will be no noticeable increase in noise level. The redevelopment will generate noises common with residential uses. The proposed retail is located on Broadview Avenue.

Standard	Analysis
<i>The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.</i>	No signs are shown. Signs will need to meet the Zoning Ordinance at time of Site Plan.
<i>The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.</i>	A ZMA/SUP plans have been provided showing the general location of the existing and proposed structures. • The existing restaurant is 7,600 square feet, 1-2 stories tall, and contains apartments on the second floor. • The proposed retail building is 3,600 square feet, no elevation has been provided. 47 townhouses are proposed with illustrative elevations, but the height for the townhouses is stated to be a mean of 39' and not to exceed 45'.
<i>The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.</i>	The SUP Plan notes that a tree survey will be provided at the time of Site Plan submission. There are street trees located along the front of the property and landscaping proposed in the SUP Plan. A modification of buffer requirements is requested.
<i>The timing and phasing of the proposed development and the duration of the proposed use.</i>	Applicant states all site development will be completed in one phase; 4 months for site work completion and 18 months for townhouse build-out.
<i>Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.</i>	The Statement of Justification notes that the proposed use is accomplishing the intent of the Comprehensive Plan to provide new housing that transitions into existing neighborhoods and to improve existing commercial areas.
<i>Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of the Town of Warrenton.</i>	The apartments above the restaurant are considered legal non-conforming and will need to be brought up to building code. The existing restaurant is a permitted use in the Zoning Ordinance.
<i>The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the Town, if applicable.</i>	The application notes that the request for smaller townhouse units will allow for the development to provide more attainable housing. In addition, 6 units are to be affordable dwelling units (five townhouses and one apartment).
<i>The location, character, and size of any outdoor storage.</i>	No outdoor storage is proposed. One trash enclosure is shown on the plan.
<i>The proposed use of open space.</i>	Applicant has proposed a park central to the entire development as well as trails.

Standard	Analysis
<i>The location of any major floodplain and steep slopes.</i>	Southwestern corner of parcel 6984-18-3854-000 is located within the 500-year floodplain as defined on FEMA map number 51061C0306C.
<i>The location and use of any existing non-conforming uses and structures.</i>	Existing restaurant contains legal non-conforming apartments on the second floor of the building that will be brought up to code.
<i>The location and type of any fuel and fuel storage.</i>	None proposed or known to be on site.
<i>The location and use of any anticipated accessory uses and structures.</i>	No additional accessory uses/structures proposed. Any accessory structures proposed for the townhouse units, like decks, should be noted in the application if modifications from setbacks are to be requested.
<i>The area of each proposed use.</i>	The proposed site area is proposed at 4.81 acres. The townhouses are proposed at 2.97 acres, and the restaurant, retail, and apartments are proposed at 1.84 acres.
<i>The location and screening of parking and loading spaces and/or areas.</i>	While the SUP Plan shows proposed landscaping, additional landscaping may be required. Calculations will need to be provided at time of Site Plan submission that verify the will meet minimum landscaping requirements for parking areas. One loading space is required at time of Site Plan submission for the retail use.
<i>The location and nature of any proposed security features and provisions.</i>	None noted.
<i>Any anticipated odors which may be generated by the uses on site.</i>	None identified by the Applicant.
<i>Refuse and service areas.</i>	One refuse enclosure is shown on the application. It is unknown if this refuse enclosure is to handle all refuse produced by all uses on the site. All refuse storage areas must be screened. Applicant states the HOA will employ private refuse collection.
<i>Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any significant topographic or physical, natural, scenic, archaeological or historic feature.</i>	No significant topographic, physical, historic or other features have been identified on this site. The Applicant is proposing to preserve the existing restaurant structure.
<i>The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality. The location of any major floodplain and steep slopes.</i>	No sensitive lands are noted on site.

Standard	Analysis
<i>The glare or light that may be generated by the proposed use in relation to uses in the immediate area.</i>	The Statement of Justification notes that any lighting will meet the Zoning Ordinance at time of Site Plan.

Staff Findings

The Applicant is requesting several modifications and waivers to the Zoning Ordinance. Since the Zoning Ordinance has not been completely updated yet, many of the requests are needed in order to meet the goals of the Plan Warrenton 2040 goals.

The Applicant is requesting waivers and modifications:

- Waive the 5-acre minimum lot size requirement to allow 4.81 acres (§9-25.1.A)

Staff finds this request is appropriate as the parcels were identified in the Comprehensive Plan as a node to support a mixed use redevelopment.

- Increase allowable residential density for mixed-use (§9-25.1)

Staff finds this request is appropriate to allow for a mix of housing types, a new attainable housing type, and affordable housing to be introduced to meet multiple goals of the Comprehensive Plan.

- Allow front loaded townhouses

Staff finds this request appropriate due to the unique nature of the property and desire to create a central gathering space, as is called for in the Comprehensive Plan's Design Principles.

- Modify required setback for new residential buildings (§9-25.1.J)

Staff finds this request appropriate to address the Comprehensive Plan's goals of building placement as part of mixed use development.

- Modify required setback for new commercial building (§9-25.1.J)

Staff finds this request appropriate to address the Comprehensive Plan's goals of building placement as part of mixed use development.

- Modify required lot width for residential (§9-25.1.J)

Staff finds this request appropriate to address the Comprehensive Plan's goals of building placement as part of mixed use development.

- Waive landscape buffer requirements between single-family homes to townhouses and townhouses to commercial (§8-8.5)

Staff finds this request appropriate to address the Comprehensive Plan's goals of building placement as part of mixed use development.

Transportation and Circulation Analysis

The Experience Broadview Character District notes new developments, “create key nodes along Broadview Avenue to create an internal connectivity between parcels and to minimize curb cuts along Broadview Avenue through the designation of interior streets that provide access to service and parking.” The Transportation and Circulation section of the Comprehensive Plan sets out policies and objectives that work to further this goal.

Plan 2040 additionally calls for the consolidation of entrances off Broadview to improve safety, circulation, and congestion along the corridor. The section includes recommendations addressing improvements for pedestrian use, new street connections, parking and sidewalks, trails, cost sharing, traffic calming techniques, safety, and signage. This is further encouraged with the first goal stating, “Improve Multimodal Capacity and Safety that Encourages trips by walking, bicycling, and transit.”

<u>Standard</u>	<u>Analysis</u>
Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)	
<i>Whether the impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning provides sufficient measures to mitigate such impacts.</i>	The Statement of Justification states that the proposed 47 townhouses would result in 360 additional vehicle trips per day. In addition, the proposed retail was estimated at 136 additional trips daily.
Criteria for Consideration of Special Use Permits (Zoning Ordinance)	
<i>The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety, efficient traffic movement and access in case of fire or catastrophe.</i>	No changes are proposed to traffic circulation. The Applicant intends to utilize two existing curb cuts. The provided traffic estimates include 360 trips per day for 47 townhouses and 6 apartments and 136 trips daily for the new retail building.
<i>Whether the proposed use will facilitate orderly and safe road development and transportation.</i>	Pedestrian crosswalks and paths proposed throughout development. Bicycle traffic is not specifically noted in the application.

Staff Findings

The Applicant is proposing to use the existing access points to the property and is proffering to have no road connection to Norfolk Drive in order to appease the existing neighborhood. The Public Works Department requested a right out only lane on to Bear Wallow Road to help mitigate the loss of access on Norfolk Drive. The internal streets are to be private. The streets designed at 22' in width with emergency service access provided to the townhouses located on Bear Wallow on a 20' paver from the parking lot. In addition, the Applicant addressed the potential for future interparcel access points by providing streets to be located in front of the townhouses (Street B) and existing restaurant to the adjacent properties. The Applicant's Proffer Justification Narrative states legislation pertaining to residential proffers includes

public transportation facility improvements for construction of improvements. Yet under III-D of the report no methodology was examined. The Town Capital Improvement Plan includes a roundabout adjacent to this site to improve safety and circulation on Bear Wallow Road and Broadview Avenue. The Applicant stated during Planning Commission that because the roundabout is in an outyear beyond FY28 of the Capital Improvement Program that the Proffer Justification Narrative did not review it. The Town is currently working on a Smart Scale Broadview Avenue Safety Improvement Project that will go to bid in Fall of 2023. In addition, the Town has applied for Smart Scale applications for roundabouts at Broadview and US 17 N and Broadview and Winchester Street, two locations in the vicinity of this project. The Town previously applied for VDOT funding for the proposed roundabout at Broadview and Bear Wallow but was unsuccessful in the grant award.

Community Facilities and Services Analysis

Public community facilities in the Town are provided by the Town, Fauquier County, and other public groups for the benefit of all residents. The availability and quality of these facilities, that include, schools, libraries, hospitals, parks, police and fire and rescue services, are evaluated when people are considering moving into the Town or nearby area. The provision of these facilities adds to the desirability of living in the Town. The Comprehensive Plan's primary community facilities and services goals for the Town of Warrenton are:

1. *Foster high-quality, equitable, and accessible community facilities that meet the Town's service requirements and support a high quality of life for the community.*
2. *Make responsible and strategic community facility investments that support the Town's vision for a live/work community, sustaining its fiscal well-being and economic resiliency.*
3. *Promote sustainability in all Town-owned facilities.*
4. *Reinforce the role of County community facilities into the Town fabric.*
5. *Promote livability through properly located Town services, schools, libraries, courts, and County administrative functions.*
6. *Support the connection of residential dwellings to public water and sewer.*
7. *Provide a high quality of life to capture economic benefits through diverse businesses, employers, and residences.*

Public services are essential to the community structure and quality of life, as well as to long-term economic vitality. They support existing and planned developments and contribute to the health, safety, education and general welfare of Warrenton residents.

<u>Standard</u>	<u>Analysis</u>
Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)	
<i>Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.</i>	The project is required to meet all building and safety codes. The Applicant has provided additional pavers within the development to allow for emergency vehicles to maneuver the site.

<u>Standard</u>	<u>Analysis</u>
Criteria for Consideration of Zoning Map Amendments (<i>Zoning Ordinance</i>)	
<i>Whether utility, sewer and water, transportation, school, recreation, stormwater management and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.</i>	The Applicant has stated stormwater management, lighting, signage, and erosion and sediment control will all be provided at site plan development. Proffers are included to address parks and recreation.
Criteria for Consideration of Special Use Permits (<i>Zoning Ordinance</i>)	
<i>Whether the proposed Special Use Permit will be served adequately by essential public facilities, services and utilities.</i>	There is an existing sanitary sewer system that may require rehabilitation at time of development. Water and sewer demand with reach approximately 24,470 gallons per day with 15,000 gpd associated with residential and 9,470 gpd associated with commercial, per the Applicant's Statement of Justification.
<i>The location of any existing and/or proposed adequate on and off-site infrastructure.</i>	The existing restaurant is proposed to be improved with outdoor seating. The existing apartments are to be improved to meet building code.

Staff Findings

The Applicant provided a Proffer Justification Narrative that states stormwater management will be provided underground, the overhead utilities may be relocated, and the proposal will hook up to public water and sewer. The Public Utilities Department will require a pre and post closed circuit TV inspection and has warned of potential required upgrades to lines on the site to be paid for by the Applicant. Staff finds the proposal may be served under the Town's public facilities with the proffer offset for parks, the public water and sewer, and by meeting future Site Plan requirements.

Economic Resources Analysis

As noted in the Comprehensive Plan, the Experience Broadview Character District is intended to remain the commercial corridor of Warrenton. Mixed-use is specifically noted to be located at key locations along the throughfare. A goal within the Economic and Fiscal Resilience section states the district should create synergy and investment strategies through redevelopment parcel consolidation, interparcel connections, and, again, mixed-use at key nodes.

The Town of Warrenton seeks to strengthen its economic base through business development and tourism promotion. The goals of the Economic Resources section of the Comprehensive Plan are to:

1. *Create a robust strategy for housing and employment, become more proactive in business retention and recruitment, and locate major employers within the Town's Character Districts.*
2. *Promote the Town as an integral part of the regional economy that is manageable, maintains a small-town character, and reduces the percentage of Town residents out commuting for work.*
3. *Promote the Town's Character Districts as the focal point for revitalization to allow for mixed-use and multi-family development at an appropriate scale compatible with the Town's character and existing*

neighborhoods. Transform aging commercial corridors to vibrant mixed-use neighborhoods.

<u>Standard</u>	<u>Analysis</u>
Criteria for Consideration of Zoning Map Amendments (Zoning Ordinance)	
<i>Whether a reasonable and viable economic use of the subject property exists under the current zoning;</i>	The three properties located along Norfolk Drive are permitted to have single-family dwellings by-right in the R-15 District. However, this type of development is not what was envisioned in the Comprehensive Plan which calls for a mix of housing types in the Character Districts.
<i>Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base;</i>	The Statement of Justification states the proposed development will generate over \$3,207,457 in tax revenue over the next 30 years. It goes on to state that jobs will be created during construction generating over \$10,000,000 in annual expenditures and indirectly resulting in jobs totaling \$2,285,028 in annual expenditures. A full Economic Impact Analysis was submitted by the Applicant at the Planning Commission Public Hearing and was not reviewed by the Commission.
Criteria for Consideration of Special Use Permits (Zoning Ordinance)	
<i>Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.</i>	See above.
<i>The number of employees.</i>	None noted.
<i>The proposed days/hours of operation.</i>	Hours of operation for the restaurant and proposed retail use are not specified in the Statement of Justification.

Staff Findings

Generally, the proposal will generate an additional tax base for the Town as the majority of the site is currently vacant. The Applicant submitted an Economic Impact Analysis on October 18, 2022 that projects, in today's dollars, \$5,888 in real property taxes at build out, average annual labor income per full time employee of \$27,173, average annual labor income per full time temporary construction employee of \$61,109, and Town gross annual reviews at full build out of \$81,938. The report states the development would provide a 30 year cumulative revenue of \$3,163,342.

Proffers for ZMA

The Applicant has submitted a Proffer Statement for the rezoning request that states the property will be

developed in substantial conformance with the plans, limiting the residential to 47 townhomes and 6 apartments. The commercial is proffered to the existing 7,600 square feet and 3,600 new square feet with uses permitted under the Commercial Zoning District. No structure is to exceed 45' in height. Landscaping shall be indigenous. No road connection to Norfolk Drive and a right turn lane on Bear Wallow is included. The Applicant has proffered \$335.43 for each single-family attached and \$253.09 for each multi-family unit upon issuance of occupancy permits to offset parks serving the residents. ZMA Master Development Plans need to be updated to match the new ownership, which in turn will require the proffers to be updated to match the new dates.

Draft Conditions of Approval for SUP

The Applicant provided suggested draft Conditions of Approval that address private refuse, access, water and sewer connections, affordable dwelling units, and waiver and modifications. Staff is worked with the Applicant to propose the Planning Commission examine Conditions of Approval that match the Town Code for delivery times under the Noise section, a condition addressing the pre-and post closed TV circuit inspection, the heights of the buildings fronting Norfolk Drive, items related to building materials and/or elevations, and the need to update the plans to match the new ownership. The updated Conditions of Approval dated October 18, 2022 were recommended for approval to the Town Council by the Planning Commission.