

Overview

<i>Owners:</i>	York River Crossing Associates, LLC
<i>Location:</i>	Adjacent and to the south of the York River Crossing Shopping Center, along US Route 17 North
<i>Tax Map Parcel:</i>	51-78
<i>Total Acreage:</i>	10.65 +/-
<i>Existing Zoning:</i>	B-2, Village Mixed Use District
<i>Existing Use:</i>	Vacant
<i>Proposed Zoning:</i>	B-1, General Business District
<i>Purpose:</i>	During the Zoning Ordinance Updated public hearings, the owner requested, and the Board of Supervisors initiated, a rezoning of the property from B-2 to B-1. The owner requested the B-1 zoning to give greater flexibility in the type(s) of permitted businesses and to align the zoning of this property with the YRC Shopping Center immediately to the north.
<i>Proffers Submitted:</i>	No. County initiated.
<i>Surrounding Land Uses:</i>	North: Commercial South: Vacant and commercial East: Residential West: Commercial and vacant

General Description

The proposed County-sponsored rezoning is a proposed zoning reclassification of a 10.65 +/- acre parcel located adjacent to and just south of the York River Crossing Shopping Center along George Washington Memorial Highway (U.S. Route 17N). This parcel has been requested to be rezoned from the B-2 (Village Mixed Use) district to the B-1 (General Business) district.

This property was previously zoned B-3, Office Business; that zoning district was removed from the Zoning Ordinance in October of 2016 (Z-16-05), and most of the B-3 properties were rezoned to either B-1, General Business, B-2, Village Business, or SF-1, Single-family Residential at that time. This parcel, however, was requested to be rezoned to RMX, Residential Mixed Use, for the purpose of developing “a multifamily apartment community consisting of 24 to 30 townhouse style apartments and 78 to 96 garden apartments.” The Board of Supervisors approved this rezoning (Z-16-06) on June 7, 2016 finding that “the proposed RMX zoning (was) consistent with the Comprehensive Plan’s desire for village-scale mixed use development within the area designated in the Gloucester Point-Hayes Village Development Plan as mixed use village center” and that it would create “a pedestrian-friendly community neighborhood adjacent to a commercial core area of Hayes in keeping with Traditional Neighborhood Design (TND) principals as expressed in the County’s Comprehensive Plan and the Gloucester Point-Hayes Village Development Area Plan.”

During the recently-completely comprehensive rewrite of the Zoning Ordinance, it was decided to combine the uses in the Residential Mixed Use (RMX) district with the newly-proposed B-2 Village Mixed Use District. The RMX District, like the B-3 district, was removed from the ordinance as part of the Zoning Ordinance Update. In the Planning Commission’s deliberations, it was decided that the subject parcel, which was the only parcel in the county zoned RMX, should be rezoned to B-2, Village Mixed Use, as the B-2 district was the most similar to RMX, most closely aligned with the Comp Plan and Gloucester Point-Hayes Village Development Area Plan, and was consistent with the property’s history. The property owner was notified of the proposed change, and he sent a representative to request that the subject parcel (TM# 51-78) be zoned B-1, General Business, instead of B-2 to “be consistent” with the York River Crossing Shopping Center and allow a greater variety of commercial uses. After hearing and reviewing public comments, the Planning Commission unanimously (6-0, 1 absent) recommended approval of the updated Zoning Ordinance, as well as the rezoning of TM# 51-78 to B-2, Village Mixed Use.

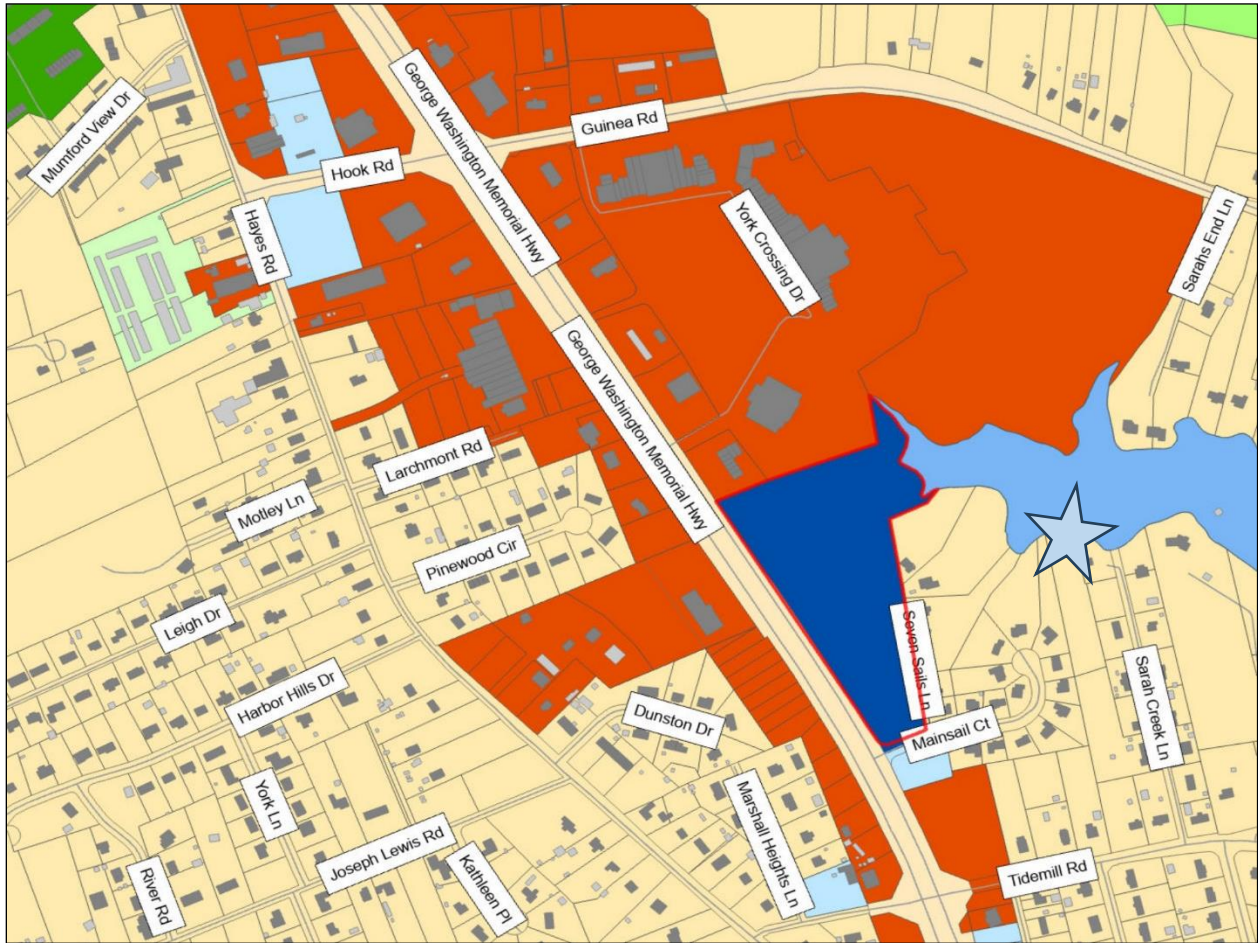
The Board of Supervisors (BOS) approved the updated Zoning Ordinance, as well as the rezoning of TM# 51-78 to B-2, at/after the September 3rd public hearing. The BOS also approved a motion, per the property owner’s request, to sponsor rezoning of TM# 51-78 from B-2 to B-1. Please see the attached memo from County Administration detailing that decision.

The maps on the following pages identify the property proposed to be rezoned. The first map shows the parcel proposed to be rezoned (outlined in red) superimposed with aerial imagery. The second map shows the parcel proposed to be rezoned (outlined in red) with the zoning districts included.

Proposed Rezoning with Aerial



Proposed Rezoning with Current Zoning



Legend:

- RMX: Blue/Purple
- B-1: Red
- B-2: Light Blue
- SF-1: Yellow

As previously mentioned, the parcel proposed for rezoning to B-1 (General Business) is currently zoned B-2 (Village Mixed Use) and was previously zoned B-3 (Office Business) before it was rezoned to Residential Mixed Use (RMX) in 2016.

The B-2 Zoning District intends “to provide for the orderly growth and development of selected retail sales, office, service, and public use establishments, as well as compatible and supportive residential uses, which are primarily oriented to central business concentrations, particularly in and around the county’s designated village areas (Gloucester Court House and Gloucester Point/Hayes).” B-2 is “designed to foster village scale commercial, higher density residential, and mixed-use developments in and around historic activity centers, and to encourage pedestrian activity and convenience through an interconnected network of streets, walkways and bikeways, with a mix of pedestrian-oriented uses, buildings, and streetscapes that create a sense of place and vitality, as called for in the Comprehensive Plan.”

The B-1 Zoning District intends “to provide for the orderly growth and development of areas for the conduct of general business to which the public requires direct and frequent access.”

Additionally, the property is within 150 feet of Route 17 and is, whether B-1 or B-2, subject to the requirements of the Highway Corridor Development District (HCDD). This district intends “to protect the public health, safety, and welfare by encouraging growth and economic development along the primary highway corridor”. This district aims to achieve this by (1) ensuring the continued viability of Gloucester's primary corridor as an economic development tool; (2) maintaining the transportation safety of the corridor by managing access and visibility; (3) ensuring the long-term transportation efficiency of the corridor; and (4) and enhancing the visual quality of the corridor.

Most uses permitted by-right, Special Exception (SE), or Conditional Use Permit (CUP) in the B-1 Zoning District are also permitted in a similar fashion in the B-2 Zoning District. However, several of the more intensive commercial uses (drive-thru restaurants, convenience stores, indoor shooting ranges, etc.) are permitted by-right in the B-1 Zoning District but are not permitted (at all) in the B-2 Zoning District. Conversely, a number of uses, mostly residential, are permitted by-right in the B-2 Zoning District but are not allowed in the B-1 Zoning District. Copies of the District Regulations for the B-1 and B-2 Districts are included following this report.

The owner of TM# 51-78 has not provided staff with a conceptual plan or a narrative that explains which, if any, uses that are not permitted (either by-right, SE, or CUP) in B-2 are being considered (or will not be considered) for this property – which would normally be the impetus for a rezoning request. Historically, the Planning Commission and Board have been reluctant to recommend/approve a rezoning without knowledge of the proposed use. Below is a table comparing the number of uses permitted in each district:

Comparison of Uses in the B-1 and B-2 Zoning Districts					
		B-1 Zoning District			
		By-right in B-1	SE in B-1	CUP in B-1	Not permitted in B-1
B-2 Zoning District	By-right in B-2	40	1	-	5
	SE in B-2	2	-	-	3
	CUP in B-2	2	-	3	3
	Not permitted in B-2	13	2	6	N/A

Comprehensive Plan Guidance

The County’s Comprehensive Plan identifies the parcel proposed to be rezoned as being mostly within the “Village-scale Mixed-Use” (shown in red) and partially within the “Suburban High Density” (shown in yellow) designations on the following map. The B-2 zoning classification is consistent with both of the recommended future land uses in the Comprehensive Plan; the B-1 district would be better suited to areas designated “Highway Mixed Use.”

The County’s “Gloucester point/Hayes Village Development Area Plan” designates this parcel as (mostly) within the “Transitional Area” (shown in yellow on the 2nd map on page 8) which is meant “to divide the active and highly commercial Core Area from quieter residential areas, serve “as a bridge between the activity and high density of the core, and quieter, less dense residential areas” and is intended to be “primarily residential, but made up of more intensive residential uses such as apartments, condominiums, and town homes.” The Transitional Area also “include(s) a mix of commercial uses, but at a lower commercial density than in the Core Area” and would be “the ideal location for small shops, restaurants, or offices that primarily serve the residences around them.”

The portion of TM# 51-78 located along Route 17N is identified as a “Core” area. However, on balance, the current B-2 zoning more closely aligns with the recommendations of the Gloucester Point/Hayes Village plan than the proposed B-1 zoning.

(see maps on pages 7 and 8)

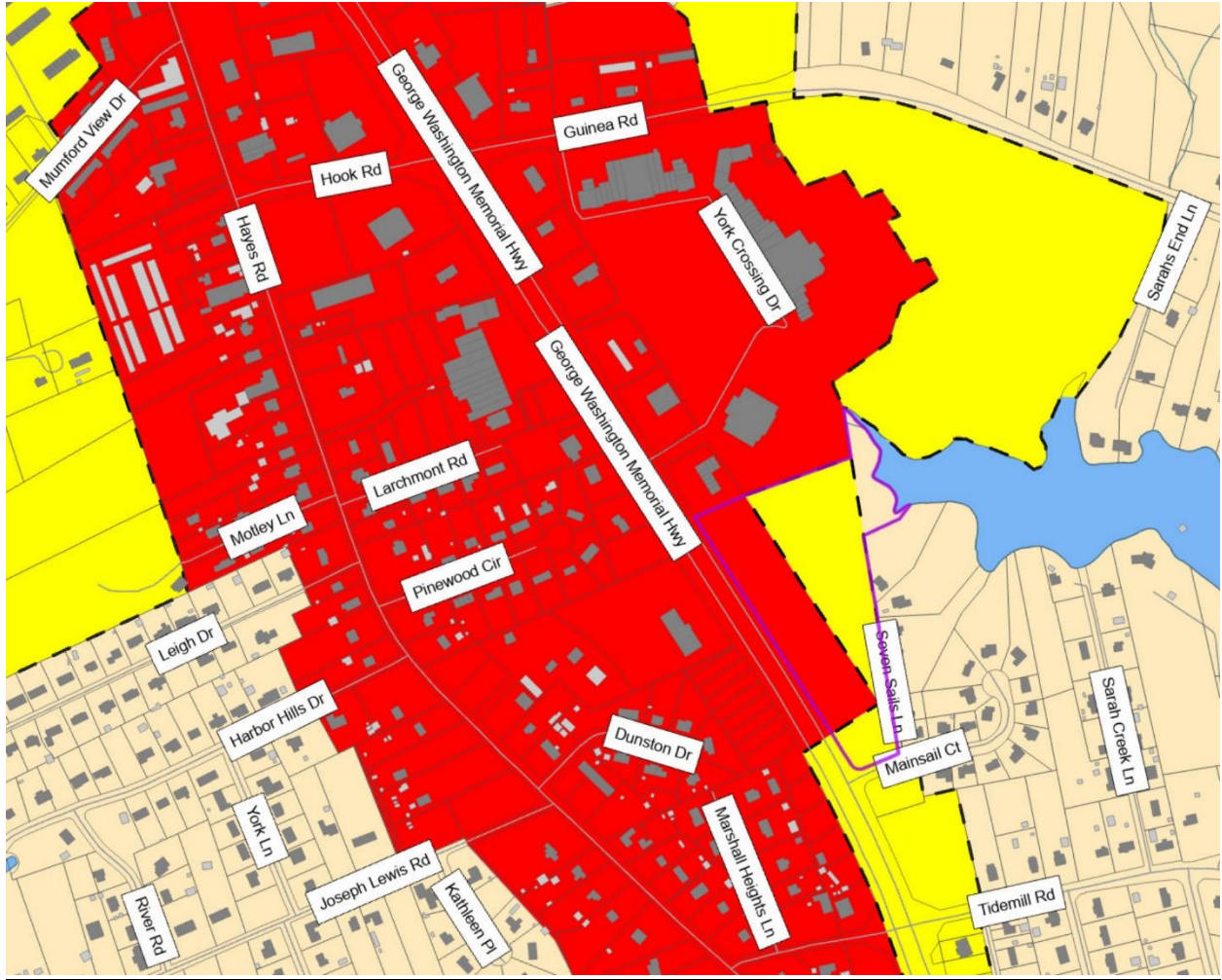
Comprehensive Plan Future Land Use Classifications



Legend:

Village-scale Mixed Use: Red
Suburban High Density: Yellow
(TM# 51-78 outlined in purple)

Gloucester Point/Hayes Village Development Area Plan



Legend:

Core Area: Red

Transitional Area: Yellow

(TM# 51-78 outlined in purple)

Transportation Impact

As noted above, no conceptual plans, narrative statements, or proposed uses were submitted to Planning & Zoning with this request/referral. It is not possible to estimate traffic impacts without the range of potential trip generation numbers.

Fiscal Impact

No fiscal impact analysis was submitted with this request/referral. However, since the proposed B-1 would allow for additional commercial uses on the parcel currently zoned B-2, this would be considered an “up-zoning” since it is increasing the potential to develop this parcel for more uses than are currently (or previously, in RMX) permitted. The County Assessor would evaluate the property’s value as it is developed.

The County will continue to receive Real Estate Tax revenues from this property. Any expansion, redevelopment, or change of use that increases the value of the property may increase the revenue to the County through tax programs such as Business Personal Property Tax, Prepared Food and Beverage Tax, and Business, Professional, and Occupational License (BPOL, sometimes referred to as a “Business License”).

Environmental Impact

There is minimal additional environmental impact, if any, anticipated from the proposed rezoning. The currently-approved site development plan expires July 1, 2025 and any new, expanded, or different development or use would require a site plan and would also have to comply with the county’s environmental regulations, including the Erosion and Sediment Control, Stormwater, and Chesapeake Bay Preservation Ordinances. Environmental impacts would be addressed through Environmental Programs’ review of the site plan for any such development.

Other Comments

When adopting the updated Zoning Ordinance, the Planning Commission considered the appropriate zoning district for this property – since RMX was being eliminated – and unanimously agreed that B-2 would be the correct district. That recommendation was conveyed to the Board, and the Ordinance was adopted with the PC’s recommendation. In the absence of any concrete plans to develop this property, staff sees no reason to change the current (B-2) zoning – as it should be assumed to be correct.

Staff Comments and Recommendation

If the Planning Commission proposes to change its initial recommendation, staff recommends the Planning Commission base its recommendation to the Board of Supervisors regarding the disposition of Z-24-03 on the following:

1. The future land use recommendation(s) contained within the Comprehensive Plan;
2. The future land use recommendations found in the Gloucester Point/Hayes Village Development Area Plan;
3. Additional information from the owner regarding the uses proposed; and
4. Public comments.