

Staff Report- Z-18-03- Gateway To Werowocomoco (Timberneck)
Planning Commission Public Hearing July 12, 2018

Overview

<i>Owner and Applicant:</i>	The Conservation Fund
<i>Location:</i>	At the end of Borden Road (SR 635)
<i>Tax Map and Parcel #'s:</i>	Tax Map Parcel 45-59
<i>Acreage:</i>	644.45 +/-
<i>Existing Zoning:</i>	SC-1, Suburban Countryside (conditional)
<i>Existing Use:</i>	Cleared, agricultural and undeveloped land with some improvements
<i>Requested Zoning:</i>	SC-1, Suburban Countryside (conditional)
<i>Purpose:</i>	Develop a state park
<i>Proffers Submitted:</i>	Yes
<i>Surrounding Land Uses:</i>	East: Timberneck Creek, residential and wooded West: Cedarbush Creek, residential and wooded South: Catlett Islands and the York River North: Residential and wooded

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General Project Description

The applicant is proposing to rezone the Timberneck Farm property to amend the Proffer Statement in order to allow for the site to be developed as a state park. Although the application is not requesting to reclassify the zoning district for this property, the Proffer Statement will need to be amended for a park to be a permissible land use. The current Proffer Statement, which accompanied Rezoning Application Z-17-02, was approved on November 8, 2017. This application rezoned the property from the PUD-1 (Planned Unit Development) district to the SC-1 (Suburban Countryside) district with the aim of reducing the design criteria and improvements required for development on the property, but not changing the general nature of development. As a result, the property was approved to develop 49 single-family residential lots in accordance with a Master Plan. Although parks are permitted by-right in all zoning districts, the current proffer limits the manner of development for this particular property. Consequently, development of a state park or any other development inconsistent with the current proffers, is not permissible under the current conditional zoning, requiring an amendment to the proffers to allow for this use.

The applicant has submitted a Master Plan and Site Narrative, which further elaborates on the style and nature of the proposed use. The property currently contains numerous facilities and improvements, which occurred following the property's prior rezoning to the PUD-1 district (but before the rezoning to the SC-1 district). These features include a gatehouse, parking area, farmhouse with historic cemeteries, property manager's house, boat slips, roadway, bike path, and dry hydrants. The owner intends on preserving and maintaining these improvements for the benefit of future site users. In addition, a private residence exists on a separate parcel in the northwest corner of the property. This residence is accessed through the site, which will continue upon development. Furthermore, an agricultural operation currently exists in the center of the site, which is planned to continue as an accessory use to the park.

The site is to be further developed in two phases based upon the timing and amount of funding available. Phase 1 improvements include a campground containing 30 sites, picnic pavilions, both motorized and nonmotorized boat launch sites, an open air educational/interpretive pavilion, and the appropriate sanitary facilities for these uses. Phase 2 will contain additional improvements, including cabins, a visitor center, hiking trails, additional site parking facilities, staff housing, and a maintenance facility and yard. In addition, areas of the site will be reforested or planted with pollinator meadow grass for recreational use, which is planned to occur as part of the Phase 2 improvements.

The General Assembly has funded the Phase 1 improvements as part of the 2019 Fiscal Year Budget. Upon completion of these improvements, ownership of the property will be transferred from the current owner, The Conservation Fund, to the future owner, the Virginia Department of Conservation and Recreation (DCR), who will retain ownership and maintenance responsibilities in perpetuity. Phase 2 improvements are proposed to be funded through the budgetary process for future fiscal years and will occur as funding

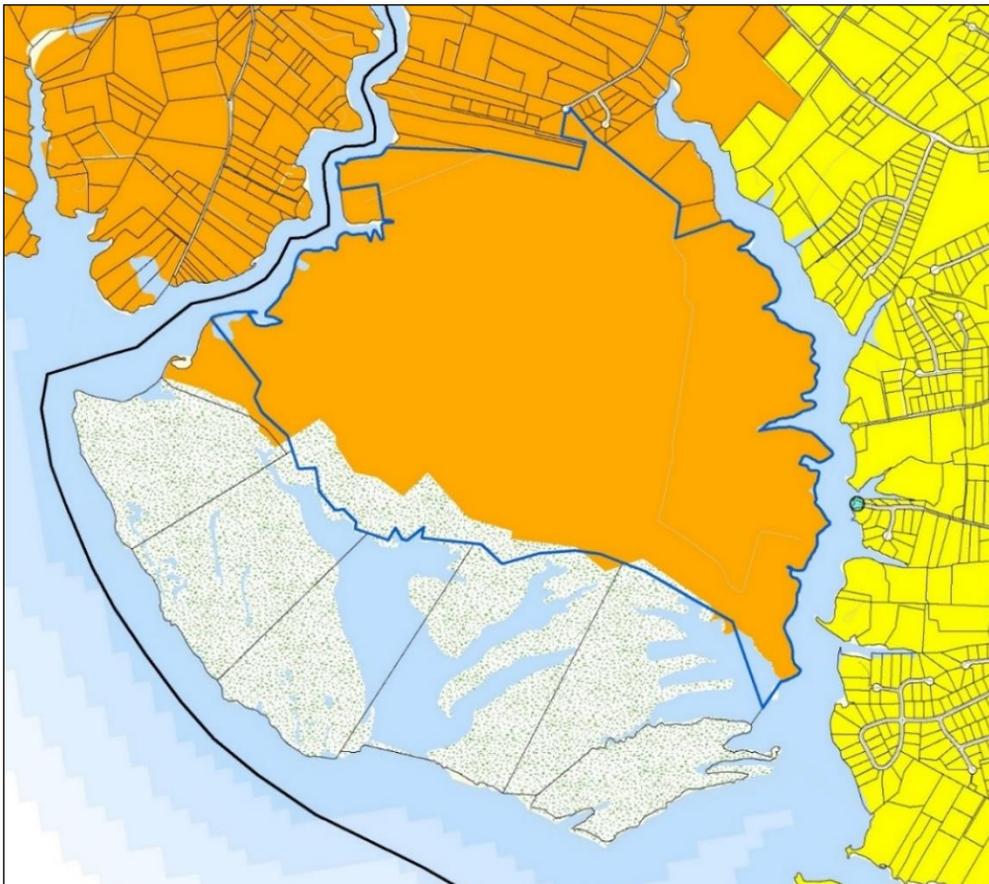
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is appropriated by the General Assembly. Once the property is owned by the state, the County will no longer have any regulatory authority over future development on the site.

The applicant has also submitted an Amended Proffer Statement to accompany the application. This Amended Proffer Statement contains one proffer, which reiterates that the property will be developed, operated, and maintained as a public park and requires general conformance with the aforementioned Master Plan. Without such a proffer, there would be no assurances of the future use of the site for a park and any use permitted in the SC-1 district would be allowed on the site provided it met all land use requirements.

Comprehensive Plan Designation

The Comprehensive Plan identifies this site as Suburban Countryside within the Development District along with a portion of the property adjacent to the Catlett Islands being designated as Conservation. The Suburban Countryside designation serves as a transitional district between rural land and more developed areas. Land within this designation should contain extensive open space that preserves ecological and cultural sites and the continuance of existing agricultural activities is encouraged. The Conservation designation should contain natural resource-based uses, such as outdoor recreation, where site characteristics permit.



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The proposed rezoning will permit a state park to be developed on the property. The positioning of this site and the use proposed allow it to act as a transition between the more rural Suburban Countryside (SC-1) district to the north and west and the denser Single Family (SF-1) district to the east. Furthermore, this will also act as a buffer between these two residential districts and the Catlett Islands to the south, which are zoned as Conservation (C-1) and contain conservation easements.

The application also supports these Comprehensive Plan goals by proposing minimal development and retaining extensive open space throughout property along with the applicant's intent to preserve the wetland areas and historical cemeteries on the site. In addition, the rezoning proposes a natural resource-based use (a state park), which is reinforced through the proposed proffer, and the existing agricultural use on the property is intended to continue.

The Timberneck Farmhouse is listed on the National Register of Historic Places and, prior to the first rezoning for a Planned Unit Development, was locally designated as an historic district. As part of the original rezoning, the applicant proffered to market the house and associated lot to a historic preservationist for a least two years and, after that point, they would not have any obligation to keep it on the property. The applicant demonstrated compliance with this proffer through submission of advertisements and marketing materials and an open house to realtors showing them the property. Under the current zoning, the house is no longer protected by local historic designation. The Department of Conservation and Recreation (DCR) intends to keep and restore the historic house to the best of their ability. Preservation and maintenance of historic structures within their natural environment is one of the objectives listed in the Comprehensive Plan as is objective to promote historic resources as a source of community pride, enhancement, and tourism. Rezoning the property to allow for the development of a state park provides an opportunity to share the history of the property, historic structures, and cemeteries with the community and tourists.

Transportation Impact

In their Site Narrative, the applicant stated that the transportation impact is expected to be similar to those seen at other nearby state parks. They have estimated up to 15,000 vehicles per year with 10 to 15 vehicles on low days and 150 to 200 vehicles on peak weekends and holidays. The project's engineer has certified that the proposed project does not meet any of the state's thresholds which would require a Traffic Impact Analysis be prepared and submitted for this project.

During the Public Hearing for Rezoning Application Z-17-02, which reclassified the property to the SC-1 (Suburban Countryside) district and established the current Proffer Statement, multiple individuals expressed concerns about the ability of Borden Road (SR 635) to handle the traffic impact of the 49 residential lots. Following the property's original rezoning (to the PUD-1 district in 2009), an overlay was installed on Borden Road to address the impacts associated with the heavy equipment used for construction of the

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existing on-site infrastructure. Since Rezoning Application Z-17-02 was not proposing to increase the site's density, no additional measures were required as part of that rezoning and VDOT did not express concerns regarding Borden Road's conditions.

A 49-lot residential subdivision is expected to produce roughly 490 trips per day, with the majority of these trips concentrated during the morning and afternoon rush hours. Conversely, a state park is anticipated to have up to 400 trips per day (2 trips per car, inbound and outbound), which would be more evenly distributed throughout the day than as results from a subdivision. Therefore, not only is development of a state park expected to produce fewer trips, the peak hour trips are also anticipated to be less than a residential subdivision.

Since a Traffic Impact Analysis is not required for this rezoning based on the anticipated traffic impacts, there is no estimate of the off-site impacts generated by this project, specifically those to Borden Road (SR 635), Providence Road (SR 636), and Route 17 as well as the intersection of Borden Road and Providence Road along with Providence Road and Route 17. As with any new park within the County, improvements to roadways and/or intersections to mitigate impacts from existing or increased traffic associated with development will be the responsibility of the County, coordinated by VDOT and, in this case, DCR, as funding becomes available. Because of the site's use as a park, additional funding sources through recreational access programs will be available. Improvements to the intersection of Providence Road (SR 636) and Route 17 have been explored by County and VDOT staff for inclusion in the Secondary Six Year Plan (SSYP), but have not been pursued at this time due to limited right-of-way available. However, future improvements at this intersection to address existing conditions, including a right turn lane from Providence Road onto Route 17, may occur if adjacent business property is developed and right-of-way improvements are constructed in conjunction with funding through the SSYP.

Fiscal Impacts

The current Proffer Statement permits the land to be used for residential purposes and, therefore, the property is assessed for 49 residential lots. If developed with the proposed proffer restriction limiting the property's use to a park, the property will be assessed as open space, which is anticipated to have a total assessed value lower than that of the current residential assessment. While the property is owned by a non-profit or private entity, the County will continue to receive property tax revenues based upon the open space assessment and associated taxed value. However, once the property is transferred to the state, the property will be exempt from all local taxes and the County will no longer receive property tax revenues from this land.

Although the fiscal impact specifically to the County has not been determined, the Virginia Department of Conservation and Recreation along with the Gloucester County Park, Recreation, and Tourism Department have both stated that economic benefits are anticipated. According to the Virginia State Parks Economic Impact Report (2017), both

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day users as well as overnight users of parks provide substantial revenues to nearby establishments. In addition, construction activities will result in employee spending within the County. Furthermore, user fees assist in covering the costs of operating and maintaining the parks. As a result, the County can expect indirect revenues through local taxes on businesses receiving this additional customer spending. Also, since the property will initially be owned by a non-profit and eventually by the state, the County will not be responsible for the costs of operating or maintaining the park.

The park will also employ multiple staff during its operations, including rangers, law enforcement, and seasonal staff, with some of the employees living on the site. Although the manner in which staffing will occur is not specified, local employment could happen. Furthermore, those living on the site will provide additional revenue to local businesses and, indirectly, to the County.

Environmental Impact

As shown on the Master Plan, additional land disturbance beyond that which has already occurred will be necessary to install the improvements proposed for the park. This land disturbance is proposed both outside of and within the Resource Protection Area (RPA). Site features proposed within the RPA include the boat launches and hiking trails.

The approved Proffer Statement allows up to 49 units with any associated residential improvements, including accessory structures. Although the property currently contains a dock with boat slips, these were intended to serve any lots adjacent to the Catlett Islands that do not have direct access to the water. Therefore, all residential lots adjacent to Cedarbush Creek and Timberneck Creek (up to 15 lots for each creek) would have the ability to construct individual docks along these creeks in accordance with the Virginia Marine Resources Commission's requirements. If developed as a state park, all improvements would be built in accordance with the Master Plan, which proposes individual boat launches for motorized and nonmotorized craft in addition to the existing dock, a reduction in the total potential docks along the creeks than that possible under a residential subdivision.

The applicant's Site Narrative states that stormwater from the additional development will be addressed through multiple Low-Impact Development (LID) techniques installed on the site, such as bioretention facilities, dry swales, and grass channels. The applicant intends to integrate the measures into the natural landscape to coincide with the park features. In addition, the applicant states that conservation easements may be established within areas specified for reforestation and pollinator meadows in order to comply with the stormwater requirements.

The applicant will need to satisfy the requirements of the Chesapeake Bay Preservation, Stormwater Management, and Erosion and Sediment Control Ordinances prior to Development Plan approval and land disturbance. Furthermore, while owned privately, land disturbance within the RPA will require review by the County's Environmental

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Programs Department, which may include review by the Chesapeake Bay Preservation and Erosion Commission and/or the Wetlands Board prior to installation.

Other Impacts

The Parks, Recreation, and Tourism Department has reviewed the application and stated that the proposed park will benefit many and is advantageous to the County. The application will assist the County in improving access to waterways through boat launches serving multiple types of craft that will help to reduce the demand on other boat launches throughout the County. Furthermore, the additional parkland will assist in meeting DCR's recommendation of 10 acres of open space per 1,000 residents. Although the property will not be owned by the County, the park will be available to residents and visitors and will support multiple goals for this department as well as those cited in the Comprehensive Plan and the Board's Strategic Plan for increased public access to the waterways.

The property will be served by private wells and drainfields meeting all regulatory requirements. According to their application, water will be provided through two separate well facilities, with one located at the western edge to serve the campground and associated bath house and the other in the southeast to serve the interpretive center, picnic shelters, and associated bathroom. The septic facilities will be provided through two separate drainfield systems. One drainfield will serve the campground's shared bathroom and RV Sanitary Dump Station (located at the campground site). The other drainfield will serve the picnic pavilion's shared bathroom near the interpretive learning center.

Since DCR will be employing multiple law enforcement staff who will reside on site, there is not expected to be a significant demand on the Sheriff, except for emergency situations where the rangers will require support from the Sheriff's office. Similarly, staff on the site are expected to have the capabilities to handle other emergencies that would require fire and/or medical assistance. Abingdon Volunteer Fire and Rescue may be called to provide support as needed by the park's staff, but this is expected to be infrequent, especially given the seasonal usage of the site.

Since this application is proposing a state park, there is no anticipated demand on the County's school system. However, the schools may be able to utilize and/or partner with the park for educational opportunities, which may provide benefits to the County by increasing the quality of the school system and education offered to students.

Staff Comments

Staff from all relevant County departments as well as VDOT has reviewed the rezoning application and no significant concerns have been raised. Since the property is currently owned by a private entity, rezoning approval to modify the Proffer Statement as proposed by the applicant is required for land use approval as a state park. However, once the property is transferred to the state, this land will be exempt from all land use and

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permitting requirements, including, but not limited to, Development Plans, Land Disturbance Permits, and Zoning Permits. However, improvements to the park following the transfer of ownership to the state will be required to undergo a Master Planning requirement in accordance with the state code, which is facilitated by DCR.

In addition, parks are permitted by-right in every zoning district within the County. However, since the approved Proffer Statement requires conformance with a Master Plan, which shows residential lots on the property, a park as proposed by the applicant is not currently permitted on this site. Therefore, this rezoning is intended to amend the Proffer Statement in order to modify the Master Plan and allow for a park to be developed as a permitted use.

Staff Recommendation

Staff recommends the Planning Commission forward application Z-17-02 to the Board of Supervisors with a recommendation of approval for the following reasons:

1. The application proposes a natural resource-based use consistent with the Comprehensive Plan's Future Land Use Plan.
2. The proposed state park expands local parks and water access to contribute towards the accepted standards for the community.
3. The proposed use promotes recreation and tourist activities incorporating local historic and natural resources.
4. The rezoning allows for the continuance of an active agricultural use and protects existing natural resources and cultural features.
5. Funding for all Phase 1 improvements, which will be installed by a non-profit group at no cost to the County, has been appropriated by the General Assembly and funding for Phase 2 improvements is anticipated in future fiscal years.
6. Ownership of the property is expected to be transferred to the Virginia Department of Conservation and Recreation, who will own and maintain the property in perpetuity at no cost to the County.

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Existing Zoning



Site Aerial

