

03.2.2023

# Memo

**To**  
Robert Hodges

**From**  
Shiree Monterio

**CC**  
June Monterio; Kedrick  
Whitmore

**Re**  
Response to Comments  
Received on 1.11.2023

**Project**  
Brays Fork - Tappahannock,  
VA – Lot 36 43 – Essex Point  
at Mt Clement

**Enclosed:**

- Comment Response Memo
- Revised Narrative
- a) Land Development Application & Zoning Form
- b) Revised Waivers and Special Exception
- c) YMCA Letter of Support and Expression of Interest
- d) Revised PSP Set
- e) Revised Water and Sewer Analysis
- f) Revised Parking Analysis Memo
- g) Off-Street Loading Analysis Memo
- h) TIA Support Memo
- i) Traffic Impact Analysis Study
- j) Street Design and Maintenance Analysis
- k) Architectural Guidelines
- l) Architectural Plan Set – North Side
- m) Architectural Plan Set – South Side
- n) Landscape Architecture Plan Set
- o) Phase 1 Environmental Report
- p) Economic Impact Study
- q) Property Tax Projection
- r) Proposed Language for Housing Revitalization Legislation
- s) Proposed Construction Schedule

**7 AND M DEVELOPMENT, LLC**

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**Section 35.111 – Standards and Procedures:**

1. Per section 36.111.(a).(1).c and 36.111.a.1.(2) provide the owners written consent and an ownership disclosure statement. The Preliminary Site Plan (PSP) indicates the owner as 7&M Development, LLC. The Commissioner of Revenue Records indicates the owner as June C. Monterio.

The landowner is June C Monterio and Applicant/Developer is 7 and M Development, LLC. The site plan has been updated to reflect the landowner and applicant in the Revised Preliminary Site Plan Set.

2. Per section 36.111.(b).(1).a.3 narrative is missing the price range of the units.

Narrative Section III has been updated to reflect on the price range of the units.

**Section 36.179 – Preliminary Site Plan Specifications and Contents:**

1. Per section 36.179 (8) the first page of the PSP indicates buildings A4 and A5. The buildings are not reflected on layout or grading pages. The narrative does not include a description for building A5.

Building A5 has been removed from the development. Building A4 has been reflected on the Revised Preliminary Site Plan Set Resubmittal.

2. Per section 36.179 (10) provide additional details on the amount of wooded areas that will remain after clearing.

See Sheet No. C1.1 in Revised Preliminary Site Plan Set Resubmittal to reflect wooded area to be removed and to remain.

3. Per section 36.179 (13) floor area is not included. Additionally, the multi-family building is missing the size of the dwelling units.

Narrative Section IV.c has been updated to reflect the size of the dwelling units. Floor plans included in Architectural plan set for north and south side. These plans are at schematic level.

4. Per section 36.179 (18) the PSP does not include a traffic circulation plan.

See Sheet No. C2.1 in Revised Preliminary Site Plan Set Resubmittal.

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5. Per section 36.179 (19) the PSP does not reflect off street loading spaces as required section 36.465 of the County zoning ordinance. Additionally, the off-street loading spaces are not reflected in the parking analysis.

The enclosed Circulation Plan (Sheet C2.1) reflects the loading area. In addition, Applicant has enclosed an Off-Street Loading Analysis to reflect compliance or waiver request with ZO Section 36.465.

6. Per section 36.179 (21) signage not included in the PSP. The narrative is vague – could not determine if the size included the base/pedestal or something different.

Landscape Plan Sheet L401 reflects the exterior site signage. Architectural Sheets AB-26 and AB-27 reflect the exterior commercial building signage.

7. Per section 36.179 (29) a plan or report indicating the estimated costs of all off-site improvements is not included. The sentence in section VIII of the narrative is not sufficient.

Narrative Section IX has been updated to reflect the estimated costs of all off-site improvements. See Sheet No. C2.1 in Revised Preliminary Site Plan Set Resubmittal to reflect the right turn lane into both entrances and Sheet No. C2.0 to reflect the tap in for water, lowering existing water line and sanitary sewer connection.

8. Per section 36.179 (31) the information provided is too general or missing. For example, I did not see an impact statement regarding the impact on the County refuse system.

Narrative Section XI.d has been updated to reflect.

**Narrative Comments:**

1. Section III – the request to allow for ‘all permitted, nonresidential uses’ IAW Section 36.111 is too vague and provides too much latitude – need to clarify anticipated uses. Is the intent for uses to be limited to those permitted in the B-1 Zoning district?

Narrative Section III.b has been updated to clarify the nonresidential uses.

Need clarity on designation of senior units as age restricted or something different (section X of the narrative indicates the units will generate no students).

Narrative Section III.a.i has been updated to clarify senior age restriction.

Need specifics on the number of units that will be available across the income spectrum referenced in section III and X in the narrative.

Narrative Section III.a has been updated to reflect the income spectrum.

Section IV, III – missing description of structure A5 as indicated on page one of the PSP.

A5 has been removed from the narrative.

Building C – the multi-family independent living building – lacks sufficient feature and material details – it is the ‘key stone’ building of the PUD and lacks sufficient architectural detail.

See Elevation Sheets in Architectural plans for north and south side for building material details.

2. Section VI – the narrative seems at odds with the PSP that reflects 89.7% of the parcel will be cleared and prepared for construction. The signage proposed is too vague – can’t determine how much of the size is pedestal/base – difficult to tell if a variance is being requested per conditions per Article VII, Division 1 of the zoning code.

11.82 of the 13.186 acres of the site will be cleared and prepared for construction, which results in 89.7% of the property area. Reflected on the covers sheet of the PSP plans and updated C1.1 to reflect wooded area to be removed and to remain.

3. Section X, e & d – The application needs to include analysis regarding the impact to Social Services. Additionally, an economic impact study needs to be included with the application (not provided at a later date). The application needs to articulate the number of units that will be available across the income level spectrum.

Narrative Section XI has been updated to reflect the various impact areas. The Economic Impact Study has been included in the package. Narrative Section III.a has been updated to reflect the income spectrum.

4. Section XI - Better explanation required as to how a specific undeveloped parcel can be considered a revitalization area when considering overall conditions in Essex County.

Narrative Section XII has been updated to provide additional detail on revitalization.

5. Section XII – the schedule and sequence do not provide adequate detail to determine if conditions of Section 36.241.(3).b will be met.

Narrative Section XIII has been updated to clarify and a proposed schedule has been included in the package.

**Preliminary Site Plan (PSP):**

1. Page one of the PSP indicates buildings A4 and A5 in overall building data, the buildings are not reflected in layout and grading pages.

Building A5 has been removed from the development. Building A4 has been reflected on the Revised Preliminary Site Plan Set Resubmittal.

2. Open space and recreational spaces need to be highlighted to call out the locations of the 5.43 acres of open space and recreational areas including the “Main Street” and “Village Green” outdoor spaces, as well as to provide a plan/schematic for the design of the plazas, center green, and amphitheater.

Recreational areas A, B, C and D have been outlined on sheets L100 and L101 for a total of 1.39 acres. The list of uses for each area is shown on sheet L100. The open space represents the common areas site set aside for the common use of all the residents, see sheet C0.0 for total acreage.

3. Provide details on the lighting to be provided. Will this be decorative and have a consistency as mentioned in the narrative?

See light fixture concepts on sheet L400. Locations for lights are shown on sheets L100 – L201. Lighting for the project is provided by site lighting and building lighting to provide lighting for the use areas of the site. All site lighting will be dark sky friendly fixtures.

**Waiver Requests:**

1. Height Maximum, page 3 – missing height of building A5

Building A5 has been removed from the development.

2. Parking, pages 3 & 4 - the parking request waiver is based on vague logic and assumptions. Need designation of specific designation of building uses.

The Applicant now proposes to commit to a specific set of uses permitted within the B-1 zoning district. These uses generally conform to the Institute of Transportation Engineers definition of a “Shopping Center”. According to ITE, “a shopping center is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. A shopping center typically contains more than one retail merchandising facility. Office space, a movie theater, restaurants, a post office, banks, a health club, and recreational facilities are common tenants.” Based on the preceding, the use of the ITE rate for “shopping center” is appropriate for estimating the parking demands of the proposed integrated mix of commercial (non-residential) uses.

#### Interior Street Design:

1. Need additional information regarding location and types for pavers. Same information also needs to be reflected in the PSP.

See updated Landscape package sheets L101, L200, and L400 for Bluestone paver location and imagery.

2. Need to account for proposed traffic circulation per Section 36.179.4

See Sheet No. C2.1 in Revised Preliminary Site Plan Set Resubmittal.

#### Parking Reduction:

1. Generally, the vagueness in the definition of commercial space commitments make it difficult to determine if the analysis is accurate and complete. There is risk based on using a factor that is not reflective of what the actual use will be. Additionally, the narrative indicates a vibrant aging-in-place community whereas the parking study identifies a Congregate Care Facility. Additional clarification is requested.

Please see response to the parking waiver request comment. The use of “shopping center” parking demand ratios is, by ITE’s definition of the land use, appropriate to

forecast the parking demands of the proposed integrated mix of commercial uses. Regarding the Congregate Care Facility, the attachment provided the incorrect reference from ITE's Parking Generation Manual. This attachment has been corrected to reflect "Senior Housing" which, according to ITE, "consists of attached independent living developments, including retirement communities, age-restricted housing, and active adult communities. This type of housing for active senior adults can take the form of bungalows, townhouses, and apartments. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired."

2. Page 4 references the old zoning code (mid-page – Article XVII...).

The reference has been corrected.

3. Page 6, table references 61 bedrooms, the narrative reflects 67. Adjust one or both documents and analysis accordingly.

The reference has been corrected.

4. Page 6, note 2 references 33 1 BR units, the narrative reflects 27. Adjust one or both documents and analysis accordingly.

The reference has been corrected.

5. Neither the analysis nor narrative indicates if specific spaces would be reserved for dwelling occupants. How would potential resident parking issues be adjudicated?

The Applicant intends to limit the use of on-site parking spaces to residents and visitors during the overnight hours. Enforcement measures will be considered during the course of the zoning and development processes.

#### **VDOT Study:**

1. Page i of the VDOT study reflects different information than the PSP or Narrative. Adjust one or both documents accordingly (168 units or 138 units, commercial SF).

TIA Cover Memo has been included with the package to explain the difference in study and proposed number of units. The TIA's evaluated mix of land uses is consistent with that scoped with VDOT and County staff. As stated on Page i, "The

preceding [land use program] represents a potential mix of uses that could develop on the property for the purposes of assessing a higher trip generating (“worse case”) scenario. The ultimate development mix will be dependent on market demands and may not build out at the intensity evaluated herein.”

2. Page 1 of the VDOT study reflects different information than the PSP or Narrative. Adjust one or both documents accordingly (168 units or 138 units, commercial SF).

See Comment #1 above.

3. Page B7 of the study indicates different building layouts and quantities than the PSP. Adjust one or both documents accordingly.

See Comment #1 above.

**Public Utility Study:**

1. Page 1 of the study indicates 139 units; the PSP indicates 138 units. Adjust one or both documents and analysis accordingly.

The reference has been corrected.

2. Table 1 on page indicates 48 apartment units; the PSP indicates 47 units. Adjust one or both documents and analysis accordingly.

The reference has been corrected.

3. Provide details on how the information in the table is calculated – the apartment units calculation does not seem to differentiate between one- and two-bedroom units.

Utility Analysis has been updated to reflect the difference between one bedroom and two bedrooms for the workforce housing. Multifamily senior housing was not adjusted because of the occupancy assumption based on the units being age restricted.

**Other Comments:**

1. During the PUD concept presentations at the October 2022 EDA meeting and the November 2022 Planning Commission meeting, information was provided that indicated some of the designated commercial space could be used for medical offices or schools. The parking analysis does not reflect these options.

The business uses that were described during the EDA and Planning Commission meeting were examples that we thought would provide benefit to the community. However, we do not have definitive tenants so we have clarified in Narrative Section III.b of the proposed uses. Also, we have received an Expression of Interest from one potential anchor tenant: YMCA of the Virginia Peninsulas. That letter has been enclosed in the package and outlined in Narrative Section III.b.i.

2. The Planning Commission requested an environmental study/ impact analysis. The information included in the Narrative in sections VI, VII and the PSP is not specific enough to inform the Board of Supervisors, Planning Commission, or public as to specific and general environmental impacts on a development of this size and amount of associated land disturbance.

Phase 1 Environmental Report has been included in the package.

3. 4-sided building elevations should be provided with details on proposed design and materials. Currently there are elements of human-scale in the design, but more detail would be helpful, including entrance articulation and sculptural or textural relief of facades.

See Architectural plans for the north and south side for building elevations.

There are several different building styles mentioned which makes it unclear on the overall architectural theme. Clarity is needed to ensure there is consistent architectural treatment, quality design and proposed materials (even the smaller scale duplex-style dwellings include the use of two roof materials).

See Architectural Guidelines and Narrative Section IV for clarity on architectural theme, treatment, quality design and proposed materials.

Townhouses are referenced as a housing type in the architectural section regarding Building A-2 under the graphic. Are there 2 story apartment units planned in this building?



The units in Building A-2 are 2 story apartment units.

Need more details of the "clock tower element".

See Architectural plans for clock tower details and see Narrative Section IV.c.v for narrative description.

4. Stucco is listed as a building material. How will the stucco be used?

See Architectural Sheet AB-21 and AB-22, the proposed building materials are reflected. On the Chimney on B2, stucco is an option being considered as the material depending on construction costs. The material considerations are either stucco panel or brick.