

A G E N D A
JAMES CITY COUNTY PLANNING COMMISSION
NOVEMBER 7, 2005 - 7:00 p.m.

1. ROLL CALL
2. MINUTES
 - A. October 3, 2005 Regular Meeting 3
3. COMMITTEE AND COMMISSION REPORTS
 - A. Development Review Committee (DRC) Report 11
 - B. Other Committee Reports
4. PLANNING COMMISSION CONSIDERATION
 - A. 2006 Planning Commission Calendar 17
 - B. ZO-6-05 Initiating Resolution – Garden Supplies Definition 19
 - C. ZO-9-05 Initiating Resolution – Appeals from Board of Zoning Appeals 21
5. PUBLIC HEARINGS
 - A. ZO-6-05 Zoning Ordinance Amendment – Retails Sales/Gardening Supplies 23
 - B. Z-12-05 Toano Business Center 25
 - C. Z-14-05/MP-11-05 Burnt Ordinary MP Amendment 27
 - D. Z-15-05/MP-12-05 Stonehouse Planned Community MP Amendment 29
 - E. Z-13-04/MP-10-04/SUP-31-04 Monticello at Powhatan North 31
 - F. Z-16-05/MP-13-05 New Town Sec. 9 – Settler’s Market 33
 - G. Z-6-05/MP-4-05 Warhill Tract 35
 - H. Z-13-05 Village at Toano 51
 - I. Z-7-05/MP-5-05/HW-3-05 Jamestown Retreat 83
6. PLANNING DIRECTOR’S REPORT 167
7. ADJOURNMENT

REGULAR MEETING OF THE PLANNING COMMISSION OF THE COUNTY OF JAMES CITY, VIRGINIA, WAS HELD ON THE THIRD DAY OF OCTOBER, TWO-THOUSAND AND FIVE, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101-F MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

- | | | | |
|----|------------------|-------------------------------------------------|---------------|
| 1. | <u>ROLL CALL</u> | <u>ALSO PRESENT</u> | <u>ABSENT</u> |
| | Jack Fraley | Marvin Sowers, Planning Director | Wilford Kale |
| | Don Hunt | Adam Kinsman, Assistant County Attorney | |
| | Jim Kennedy | Matthew Arcieri, Senior Planner | |
| | Mary Jones | Ellen Cook, Senior Planner | |
| | George Billups | Joel Almquist, Planner | |
| | Shereen Hughes | Toya Ricks, Administrative Services Coordinator | |

2. MINUTES

A. SEPTEMBER 12, 2005 REGULAR MEETING

Mr. Fraley motioned to approve the minutes of the September 12, 2005 regular meeting.

Ms. Jones seconded the motion.

In a unanimous voice vote the minutes were approved as amended (6-0). (Kale Absent)

B. MAY 24, 2005 JOINT WORK SESSION WITH BOARD OF SUPERVISORS

Mr. Fraley motioned to approve the minutes of the May 24, 2005 joint work session.

Mr. Billups seconded the motion.

In a unanimous voice vote the minutes were approved as amended (6-0). (Kale Absent)

3. COMMITTEE AND COMMISSION REPORTS

A. DEVELOPMENT REVIEW COMMITTEE (DRC)

Mr. Fraley presented the report. The DRC considered six cases at its September 28th meeting. The Committee recommended preliminary approval, subject to agency comments for: Stonehouse - Fairmount Sections 1-4 subdivision plans including an exception for cul-de-sac length, contingent upon Environmental approval of the storm water facilities; Windmill Meadows subdivision plans contingent upon Board of Supervisors approval of street-width reductions; setback reductions along Richmond Road, Peninsula Street Northeast and Peninsula Street Northwest for the Williamsburg Wicker and Ratten Retail Center, contingent upon approval of the Rezoning; and setback modifications along Ironbound Road for a parking expansion at Ironbound Village. The DRC recommended renewal of preliminary approval for Michelle Point. Site and

subdivision plans for Colonial Heritage Phase 4 were deferred due to outstanding Environmental issues.

On September 22nd the DRC met for an expedited review of Green Mount DCB Storage Facility site plan and recommended preliminary approval, subject to agency comments.

Mr. Fraley said the voting for all the cases were unanimous.

Mr. Kennedy motioned to approve the DRC's report.

Ms. Jones seconded the motion.

In a unanimous voice vote the report was approved (6-0). (Kale Absent)

B. OTHER COMMITTEE REPORTS – None

4. PLANNING COMMISSION CONSIDERATION

A. S-91-04 MARYWOOD SUBDIVISION

Mr. Matthew Arcieri presented the staff report. He explained that the Board of Supervisors referred the case back to the Planning Commission to provide additional details on the reasons for denial and to identify modifications that would permit approval of the plan. Staff recommended the Commission refer the case to the Development Review Committee to address the Board's request.

Mr. Kennedy motioned to refer the case to the DRC.

Ms. Jones seconded the motion.

In a unanimous voice vote the case was referred to the DRC (6-0). (Kale Absent)

B. ZO-6-05 INITIATING RESOLUTION – ZONING ORDINANCE AMENDMENT
RETAIL SALES OF GARDENING SUPPLY ITEMS

Mr. Matthew Arcieri presented the report. He said a written request has been made to initiate consideration of a change to the A-1 Zoning Ordinance to permit the retail sales of garden supplies. Staff recommended adoption of the initiating resolution referring the matter to the Policy Committee for further study.

Mr. Billups clarified that Policy Committee members would receive notification of the meeting.

Mr. Arcieri agreed with Mr. Billups.

Mr. Kennedy motioned to adopt the resolution.

Mr. Fraley seconded the motion.

In a unanimous voice vote the matter was referred to the Policy Committee (6-0). (Kale Absent)

5. PUBLIC HEARINGS

- A. Z-6-05/MP-4-05 WARHILL TRACT
- B. Z-12-05 TOANO BUSINESS CENTER
- C. Z-13-05 VILLAGE AT TOANO
- D. Z-14-05/MP-11-05 BURNT ORDINARY MP AMENDMENT
- E. Z-7-05/MP-5-05 JAMESTOWN RETREAT

Mr. Hunt stated that the applicants for items 5-A through 5-E requested deferral of those cases until the November 7, 2005 Planning Commission meeting.

Mr. Hunt opened the public hearing.

Hearing no requests to speak Mr. Hunt continued the public hearings to the November 7th meeting.

F. Z-8-05 WILLIAMSBURG WICKER AND RATTAN

Ms. Ellen Cook presented the staff report. Mr. James Peters has submitted an application to rezone 1.13 acres of land from B-1, General Business District and A-1, General Agricultural District to B-1, General Business District, with proffers. The applicant proposes approximately 8,200 square feet of retail space and approximately 4,500 square feet of storage warehouse in addition to the existing single-family detached house. The applicant has presented elements that address compatibility with the surrounding area and the Comprehensive Plan standards for Community Character Corridors and Areas. Staff found the proposal generally consistent with the Low-Density Residential designation. On September 28th the DRC recommended approval of setback modifications contingent upon Planning Commission and Board of Supervisors approval of the rezoning. Staff recommended approval of the application and voluntary proffers.

Mr. Billups asked if the Zoning Administrator had any comments regarding the setback modification request.

Ms. Cook said the Zoning Administrator was aware of the request. She said the DRC acted upon the recommendation of Staff.

Mr. Billups asked if the Zoning Administrator expressed any reservations.

Ms. Cook answered no.

Ms. Hughes asked about a landscape buffer to screen the adjacent residential properties.

Ms. Cook said the applicant would address that issue and that the landscape plan would be reviewed at the site plan phase.

Mr. Kennedy indicated that a number of the adjacent dwellings housed small businesses.

Ms. Cook said it was a mix of residential houses and small businesses.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. He presented the cases giving background of the applicant's existing business located across the street from the parcel being considered. Mr. Geddy said the proposal offers significant enhancements to the existing zoning.

Mr. Kennedy asked if a drive-way would be constructed behind the building on Peninsula Street.

Mr. James Peters said the existing drive would be used.

Mr. Kennedy clarified that much of the traffic would come close to the existing building.

Mr. Geddy answered yes.

Mr. Kennedy asked if the existing building would remain open and utilize the parking across the street.

Mr. Geddy said yes.

Mr. Fraley stated that he felt the design was attractive. He asked why convenience stores were not proffered out.

Mr. Geddy stated that convenience stores would require a special use permit.

Hearing no other requests to speak Mr. Hunt closed the public hearing.

Mr. Kennedy motioned to approve the application. He stated that the current business is an asset to the Norge area.

Mr. Fraley seconded the motion. He also agreed with Mr. Kennedy.

Mr. Hunt said it would be an excellent addition to the community.

Ms. Jones agreed with Mr. Hunt's comments.

In a unanimous roll call vote the application and conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

G. MP-9-05/SUP-21-05 OLDE TOWNE TIMESHARES

Ms. Ellen Cook presented the staff report. Mr. Robert Anderson of McKinney and Company has applied to amend a previously approved special use permit. The previous SUP permitted a development of 365 timeshare units in a residential cluster. This amendment proposes the same number of timeshare units but makes some changes to the layout of the master plan requiring an SUP amendment. The major changes involved are as follows: the units are arranged in pods along a collector road rather than in a grid pattern, storm water management has changed from large centralized facilities to smaller, dispersed facilities, and the units have been grouped into four, six and eight unit buildings.

Mr. Hunt opened the public hearing.

Mr. Vernon M. Geddy, III represented the applicant. Mr. Geddy introduced the engineering firm. He made himself available for questions.

Mr. Billups asked if there were any downsides to exclusions of the wetlands and the curb and gutter.

Mr. Geddy stated that both changes offered environmental positives.

Hearing no other requests to speak Mr. Hunt closed the public hearing.

Mr. Kennedy motioned to approve the application.

In a unanimous roll call vote the application and conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

H. SUP-28-05 NEW DAWN ASSISTED LIVING

Mr. Joel Almquist presented the staff report. Mr. Brian May has applied for an amendment to a previously approved special use permit allowing the construction of an assisted living facility in the R-8 Rural Residential and LB-Limited Business Zoning Districts. The proposed building is approximately 8,000 square feet larger than the current SUP allows. Staff recommended approval of the application and attached conditions.

Mr. Fraley asked if the time frame referred to in condition number one (1) of the staff recommendations had been removed.

Mr. Almquist said it would be removed prior to the Board of Supervisor's consideration of the case. He also confirmed that there would be no time limit.

Ms. Jones asked if the applicant proposed to build into the hillside due to the sloping topography.

Mr. Almquist referred the question to the applicant.

Ms. Hughes asked if it was permissible to have a perimeter fence in the buffer.

Mr. Almquist answered yes.

Mr. Hunt opened the public hearings.

Mr. Brian May, Dewberry and Davis represented the applicant. He stated that the housing would be gradually stair-stepped upwards to blend in with the slope.

Ms. Jones asked how the drainage would be addressed.

Mr. May said the drainage would be either channeled or piped to the BMP onsite.

Ms. Hughes stated that there appeared to be a dry intermittent stream and wetlands running through the site.

Mr. May said the possible stream and wetlands areas were being confirmed at this time.

Ms. Jones confirmed that the height of 35' included the chimney.

Mr. May confirmed that the chimney was included in the measurement.

Hearing no other requests to speak, Mr. Hunt closed the public hearings.

Mr. Kennedy motioned to recommend approval of the application and conditions as amended.

Ms. Jones seconded the motion.

In a unanimous roll call vote the application and amended conditions were recommended for approval (6-0). AYE: Hunt, Jones, Fraley, Hughes, Kennedy, Billups (6). NAY: (0). (Kale Absent)

6. PLANNING DIRECTOR'S REPORT

Mr. Marvin Sowers presented the report. He stated that the Rural Lands Study would begin with a Committee meeting on Wednesday, October 5th.

Mr. Kennedy asked if the Rural Lands Committee formed several years ago had been disbanded.

Mr. Sowers said a new committee had been formed by the Board of Supervisors. He also said that the recommendations of the previous committee would be considered during this study.

Mr. Hunt asked Mr. Kennedy when the public meeting regarding the Bunting Property would be held.

Mr. Kennedy said it would be held on Monday evening at the Croaker library.

Mr. Billups asked if any precedent existed for the Planning Committee to refer the Marywood Subdivision to the DRC.

Mr. Sowers explained the process. He stated that this decision followed procedure.

7. ADJOURNMENT

There being no further business, the Planning Commission meeting was adjourned at 7:45 p.m.

Donald Hunt, Chairman

O. Marvin Sowers, Jr., Secretary

**JAMES CITY COUNTY
DEVELOPMENT REVIEW COMMITTEE REPORT**

FROM: 10/1/2005 THROUGH: 10/31/2005

I. SITE PLANS

A. PENDING PRELIMINARY APPROVAL

SP-067-04	Treyburn Drive Courtesy Review
SP-077-04	George Nice Adjacent Lot SP Amend.
SP-093-04	Powhatan Plantation Ph. 9
SP-107-04	Noah's Ark Vet Hospital Conference Room
SP-150-04	Abe's Mini Storage
SP-004-05	Longhill Grove Fence Amend.
SP-008-05	Williamsburg National Clubhouse Expansion
SP-009-05	Colonial Heritage Ph. 1, Sec. 4 SP Amend.
SP-021-05	Villages at Powhatan Ph. 5 SP Amend.
SP-047-05	D.J. Montague E.S. Trailer Amend.
SP-066-05	Warhill Sports Complex Basketball Facility
SP-071-05	Merrimac Center Parking Expansion
SP-076-05	Warhill Multiuse Trail
SP-079-05	Warhill Water Facility Improvements
SP-080-05	Stonehouse Water Facility Improvements
SP-089-05	Stonehouse- Rt. 600 Utilities
SP-093-05	The Pointe at Jamestown, Ph. 2 Amend.
SP-097-05	Stonehouse Presbyterian Church
SP-101-05	Fairmont Pump Station
SP-103-05	Colonial Heritage Ph. 4
SP-104-05	Powhatan Plantation Maintenance Building
SP-106-05	New Town Block 5 Dumpster Relocation
SP-107-05	Warhill - Eastern Pond Dam Renovations
SP-108-05	Settlement at Monticello (Hiden)
SP-111-05	TCS Materials- Office Renovation/Addition
SP-112-05	College Creek Water Main
SP-115-05	Farm Fresh Fuel Express
SP-121-05	Shops at Norge Crossing
SP-122-05	Titan Concrete
SP-125-05	New Town, Block 10 Parcel D (Foundation Square)
SP-126-05	Williamsburg Office Park Retaining Wall
SP-127-05	Candy Store Striping Plan
SP-129-05	New Town Retail Ph. 2 SP Amend.
SP-131-05	Ironbound Square Road Improvements Ph. 1
SP-132-05	4311 John Tyler Tower Co-location
SP-133-05	Prime Outlets Ph. 6
SP-134-05	Windsor Hall SP Amend.

Wednesday, November 02, 2005

Page 1 of 6

SP-135-05 Massie Material Storage SP Amend.
SP-136-05 Colonial Heritage Ph. 5 Sec. 1

B. PENDING FINAL APPROVAL

EXPIRE DATE

SP-063-03	Warhill Sports Complex, Parking Lot Expansion	7 /12/2006
SP-110-04	Christian Life Center Expansion Ph. 1	12/6 /2005
SP-125-04	GreenMount Industrial Park Road Ph. 2	12/2 /2005
SP-135-04	Williamsburg Landing Parking Addition	4 /11/2006
SP-136-04	Stonehouse - Fieldstone Glen Townhomes	2 /7 /2006
SP-141-04	Carolina Furniture Warehouse	4 /6 /2006
SP-003-05	Williamsburg National- Golf Maintenance Facility	2 /28/2006
SP-006-05	Stonehouse - The Fairways	6 /6 /2006
SP-017-05	Williamsburg Community Chapel Expansion	8 /1 /2006
SP-024-05	Norge Water System Improvements	4 /8 /2006
SP-026-05	Williamsburg Plantation, Sec. 10 Amend.	4 /14/2006
SP-031-05	7839 & 7845 Richmond Road Office/Retail	8 /23/2006
SP-035-05	Baylands Federal Credit Union	8 /1 /2006
SP-041-05	Warhill - Third High School	5 /13/2006
SP-042-05	STAT Services, Inc.	6 /6 /2006
SP-051-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2006
SP-053-05	New Town, Ph. 5, Sec. 4 Roadway	6 /14/2006
SP-060-05	Warhill - Community Sports Stadium Improvements	5 /27/2006
SP-062-05	Greenmount-DCB LLC Storage	10/3 /2006
SP-064-05	TGI Friday's	10/3 /2006
SP-070-05	St. Bede Church Dam Improvement Plan	7 /1 /2006
SP-073-05	Jeanne Reed's Office/Warehouse	6 /17/2006
SP-087-05	Archaearium at Historic Jamestowne Amend	8 /1 /2006
SP-094-05	Homestead Garden Center	10/13/2006
SP-100-05	Bay Aging	9 /12/2006
SP-102-05	LaGrange Pkwy and Rt 600 to Rt 606	9 /26/2006
SP-105-05	New Town, Block 10, Parcel C	10/21/2006
SP-116-05	Cookes Garden Center	10/5 /2006
SP-123-05	Michelle Point	10/3 /2006
SP-124-05	New Town, Block 10 Amend.	10/25/2006
SP-128-05	New Town Sec. 3 & 6 Roadways Ph. 4	11/2 /2006
SP-130-05	4451 Longhill Road Tower	10/20/2006

C. FINAL APPROVAL

DATE

SP-139-04	Colonial Heritage Ph. 3, Sec. 1	10/12/2005
SP-028-05	Oaktree Office & Airtight Self Storage Expansion	10/31/2005
SP-043-05	4881 Centerville Second Tower (SP Amend.)	10/12/2005
SP-061-05	Warhill - Centerville Road / Route 60 Improvements	10/24/2005
SP-088-05	New Town - Block 8 Ph. 1B Amend. #2	10/10/2005
SP-091-05	Truswood Property Soil Remediation	10/5 /2005
SP-095-05	New Town, Retail Ph. 3	10/20/2005

SP-099-05	Williamsburg Landing SP Amend.	10/5 /2005
SP-113-05	New Town Block 6 & 7 Parcel E (Dental Bldg)	10/17/2005
SP-119-05	Norge Neighborhood SP Amend. 2	10/10/2005
SP-120-05	Haynes Distrubution Center Landscape Amend.	10/11/2005

D. EXPIRED

EXPIRE DATE

II. SUBDIVISION PLANS

A. PENDING PRELIMINARY APPROVAL

S-104-98 Skiffes Creek Indus. Park, VA Trusses, Lots 1,2,4
S-013-99 JCSA Mission Bank ROW Acquisition
S-074-99 Longhill Station, Sec. 2B
S-110-99 George White & City of Newport News BLA
S-091-00 Greensprings West, Plat of Subdv Parcel A&B
S-086-02 The Vineyards, Ph. 3, Lots 1, 5-9, 52 BLA
S-062-03 Hicks Island - Hazelwood Subdivision
S-034-04 Warhill Tract BLE / Subdivision
S-048-04 Colonial Heritage Open Space Easement
S-066-04 Hickory Landing Ph. 1
S-067-04 Hickory Landing Ph. 2
S-091-04 Marywood Subdivision
S-112-04 Wellington Sec. 6 & 7
S-118-04 Jordan Family Subdivision
S-121-04 Wellington Public Use Site
S-012-05 Greensprings Trail ROW-Waltrip Property Conveyance
S-013-05 Greensprings Trail ROW-Ambler/Jamestown Prop. Conv
S-014-05 Greensprings Trail ROW-P L.L.L.C Prop. Conveyance
S-039-05 Hofmeyer Limited Partnership
S-042-05 Toano Business Centre, Lots 5-9
S-044-05 Colonial Heritage Road & Sewer Infrastructure
S-057-05 Croaker Road Subdivision
S-059-05 Peleg's Point, Sec. 6
S-065-05 Argo Subdivision
S-066-05 8739 Richmond Rd Subdivision
S-075-05 Racefield Woods Lots 5A-5E
S-076-05 Racefield Woods Lots 5E-5I
S-079-05 Colonial Heritage Ph. 4
S-081-05 New Town, Sec. 6, Parcel 2 BLE
S-082-05 Fernandez BLA
S-083-05 Curry Revocable Trust
S-085-05 Haven Landing Ph. 1
S-086-05 Haven Landing Ph. 2
S-090-05 Powhatan Secondary Ph. 7C
S-094-05 Warhill Tract Parcel 1
S-095-05 Landfall Village
S-096-05 ROW Conveyance- 6428 Centerville Road
S-097-05 ROW Conveyance- 6436 Centerville Road
S-098-05 ROW Conveyance- Warhill
S-100-05 Gosden & Teuton BLA
S-101-05 Bozarth - Mahone

S-103-05 106 Jackson St
 S-104-05 1121 Stewarts Rd.
 S-105-05 Stonehouse Land Bay 31
 S-106-05 Colonial Heritage Ph. 5 Sec. 1
 S-107-05 Wal Mart Dist. Center BLE
 S-108-05 3020 Ironbound Rd. BLE
 S-109-05 ROW Conveyance- Zion Baptist
 S-110-05 Zion Baptist BLE & BLA

B. PENDING FINAL APPROVAL

EXPIRE DATE

S-044-03	Fenwick Hills, Sec. 3	6 /25/2006
S-073-03	Colonial Heritage Ph. 2, Sec. 2	10/6 /2006
S-098-03	Stonehouse Glen, Sec. 1	4 /5 /2006
S-101-03	Ford's Colony - Sec. 35	2 /2 /2006
S-106-03	Colonial Heritage Ph. 2, Sec. 3	1 /12/2006
S-116-03	Stonehouse Glen, Sec. 2	4 /6 /2006
S-002-04	The Settlement at Monticello (Hiden)	3 /1 /2006
S-037-04	Michelle Point	10/3 /2006
S-059-04	Greensprings West Ph. 6	9 /13/2006
S-063-04	123 Welstead Street BLE	4 /25/2006
S-074-04	4571 Ware Creek Road (Nice Family Subdivision)	12/21/2005
S-075-04	Pocahontas Square	9 /16/2006
S-090-04	Minichiello Villa	10/21/2006
S-108-04	Marion Taylor Subdivision (2nd Application)	12/22/2005
S-111-04	Colonial Heritage Ph. 3, Sec. 1	2 /7 /2006
S-115-04	Brandon Woods Parkway ROW	9 /16/2006
S-002-05	The Pointe at Jamestown Sec. 2B	2 /18/2006
S-015-05	Colonial Heritage Ph. 3, Sec. 2	4 /27/2006
S-043-05	Colonial Heritage Ph. 3, Sec. 3	6 /6 /2006
S-047-05	Colonial Heritage Ph. 2, Sec. 1 Lots 14-73	6 /14/2006
S-052-05	2050 Bush Neck Subdivision	6 /14/2006
S-053-05	Kingsmill-Spencer's Grant	7 /11/2006
S-054-05	Williamsburg Landing/Waltrip BLA	7 /14/2006
S-062-05	New Town, Main St. Block 1, 2, & 3	8 /3 /2006
S-063-05	John Barry Davidson BLE	7 /6 /2006
S-064-05	Stonehouse Commerce Park, Sec. D, Parcels A & B	7 /21/2006
S-067-05	136 Magruder- Sadie Lee Taylor	8 /2 /2006
S-068-05	New Town - Block 10 Parcels B, C & D	7 /29/2006
S-071-05	Gordon Creek BLA	8 /2 /2006
S-074-05	James River Commerce Center Parcels 1A, 1B, 6, 9	8 /10/2006
S-078-05	Fairmont Subdivision Sec. 1- 4 (Stonehouse)	10/3 /2006
S-091-05	Windmill Meadows	10/3 /2006
S-092-05	8879 Barnes Road Subdivision	9 /29/2006

C. FINAL APPROVAL

		DATE
S-099-03	Wellington Sec. 5	10/27/2005
S-080-04	Williamsburg Winery Subdivision	10/9 /2005
S-003-05	Waterworks & S. Clement BLA	10/19/2005
S-045-05	Greensprings West Ph. 4B & 5	10/24/2005
S-048-05	Waltrip BLA	10/21/2005
S-055-05	Dandridge BLE	10/12/2005
S-060-05	Oaktree Office Park BLE	10/5 /2005
S-077-05	Scott's Pond Sec. 3C	10/17/2005
S-087-05	New Town, Block 9, Parcel B	10/26/2005
S-099-05	Ford's Colony Sec. 30, Lots 56-57 BLE	10/20/2005
S-102-05	Five Forks BLA & BLE	10/18/2005

D. EXPIRED

EXPIRE DATE

**DEVELOPMENT REVIEW COMMITTEE ACTIONS REPORT
MEETING OF NOVEMBER 2, 2005**

Case No. SP-103-05/S-79-05 Colonial Heritage Phase 4

Mr. Richard Smith of AES Consulting Engineers applied on behalf of U.S. Home Corp. for approval of 137 residential lots on 103.7 acres. The property is located at 6175 Centerville Road and can be further identified as parcel (1-11) on James City County tax map (31-1). DRC review is required because more than 50 lots are proposed.

DRC Action: The DRC unanimously recommended preliminary approval subject to agency comments.

Case No. C-77-03 New Town Shared Parking

Mr. Larry Salzman of New Town Associates submitted a conceptual plan detailing updates to shared and off-site parking for a DRC quarterly review. The sites under review are identified as sections 2 & 4, blocks 2, 3, 4, 5, 6, 7, 8 and 10 in New Town, further identified as parcel (1-50) on James City County tax map (38-4).

DRC Action: The DRC unanimously recommended approval of the October 2005 quarterly update for shared parking in New Town, Section 2&4, Blocks 2,3,4,5,6,7, 8 & 10 as well as continuation of quarterly parking update presentations to the DRC.

Case No. SP-122-05 Titan Concrete

Mr. Richard Smith of AES Consulting Engineers applied on behalf of Titan Virginia Ready-Mix for approval of two entrances on Massie Lane. The property is located at 7722 Richmond Road and can be further identified as parcel (1-1) on James City County tax map (13-3). In accordance with Section 24-147(a)(1)(b) of the Zoning Ordinance, DRC review is required when two entrances are proposed on the same road.

DRC Action: The DRC unanimously recommended preliminary approval subject to agency comments.

Case No. SP-125-05 New Town Block 10, Parcel D (Foundation Square)

Mr. Robert Cosby of AES Consulting Engineers applied on behalf of Bush Construction for 25,682 square feet of retail and 54 residential units encompassing 77,046 square feet. The property is located at 4315 New Town Avenue and can be further identified as parcel (24-10) on James City County tax map (38-2). DRC review is required because the applicant is proposing over 30,000 square feet of building area and more than 50 residential units.

DRC Action: The DRC unanimously recommended preliminary approval subject to agency comments.

Case No. SP-62-05 DCB Storage Landscaping Modifications

Ms. Rosanne Marr of LandMark Design Group applied on behalf of DCB, LLC for landscape modifications to the Greenmount Storage property. Specifically, the applicant proposes reductions to the right-of-way plantings, waiver of BMP location requirements, and side and rear landscape reductions. The property is located at 9297 Pocahontas Trail and can be further identified as parcel (1-10A) on James

City County tax map (60-1). DRC review is required because the applicant is appealing the Planning Agents decision on several landscape modification requests.

DRC Action: The DRC deferred the case upon the applicant's request.

Draft Planning Commission 2006 Schedule						
Meeting Dates	Reserve Dates	Application Deadlines	Ad to the Press	Display Dates	APO/Applicant Letters	Packets Delivered
Jan 9	Jan 11	Nov 28	Dec 15	Dec 21 & 28	Dec 22	Jan 4
Feb 6	Feb 8	Dec 29	Jan 12	Jan 18 & 25	Jan 23	Feb 1
Mar 6	Mar 8	Jan 23	Feb 9	Feb 15 & 22	Feb 17	Mar 1
Apr 3	Apr 5	Feb 21	Mar 9	Mar 15 & 22	Mar 20	Mar 29
May 8	May 10	Mar 27	Apr 13	Apr 19 & 26	Apr 24	May 3
Jun 5	Jun 7	Apr 24	May 11	May 17 & 24	May 22	May 31
Jul 10	Jul 12	May 30	Jun 15	Jun 21 & 28	Jun 26	Jul 5
Aug 7	Aug 9	Jun 26	Jul 13	Jul 19 & 26	Jul 24	Aug 2
Sep 11	Sep 13	Jul 31	Aug 17	Aug 23 & 30	Aug 28	Sep 6
Oct 2	Oct 4	Aug 21	Sep 7	Sep 13 & 20	Sep 18	Sep 27
Nov 6	Nov 8	Sep 25	Oct 12	Oct 18 & 25	Oct 23	Nov 1
Dec 4	Dec 6	Oct 23	Nov 9	Nov 15 & 22	Nov 20	Nov 29

Draft DRC 2006 Schedule

Meeting Dates	Application Deadlines	Packets Delivered
Jan 4	Nov 30	Dec 31
Feb 1	Dec 28	Jan 27
Mar 1	Jan 25	Feb 24
Mar 29	Feb 22	Mar 24
May 3	Mar 29	Apr 28
May 31	Apr 26	May 26
Jul 5	May 31	Jun 30
Aug 2	Jun 28	Jul 28
Sep 6	Aug 2	Sep 1
Sep 27	Aug 23	Sep 22
Nov 1	Sep 27	Oct 27
Nov 29	Oct 25	Nov 22

MEMORANDUM

DATE: October 31, 2005

TO: The Planning Commission

FROM: Joel Almquist, Planning

SUBJECT: Case No. ZO-6-05 Zoning Amendment: Retail Sales of Plant and Garden
Supplies – Initiating Resolution

Staff has received a request to define “plant and garden supply sales” for the purpose of amending the A-1, General Agriculture Zoning District to allow retail sales of plant and gardening supplies as a specially permitted use. Staff recommends the Planning Commission adopt the attached resolution to initiate the consideration of a definition for “plant and garden supply sales.”

Attachments:

1. Initiating Resolution

RESOLUTION

INITIATION OF CONSIDERATION OF DEFINITION OF “PLANT AND GARDEN SUPPLY SALES” FOR AN AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS, in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; and

WHEREAS, the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant consideration of amendments,

WHEREAS, the Policy Committee of the Planning Commission has recommended approval of the Zoning Ordinance Amendment to allow retail sales of plant and gardening supplies with the condition that “plant and garden supply sales” be defined in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County does hereby request staff to initiate review of Section 24-2 of the Zoning Ordinance for the consideration of defining “plant and garden supply sales” as relates to retail sales of plant and gardening supplies amendment to the *A-1, General Agriculture District*. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Donald C. Hunt
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

RESOLUTION

INITIATION OF CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE

WHEREAS, the Planning Commission of James City County, Virginia, is charged by Virginia Code §15.2-2286 to prepare and recommend to the Board of Supervisors various land development plans and ordinances, specifically including a zoning ordinance and necessary revisions thereto as seem to the Commission to be prudent; and

WHEREAS; in order to make the Zoning Ordinance more conducive to proper development, public review and comment of draft amendments is required, pursuant to Virginia Code §15.2-2286; and

WHEREAS; the Planning Commission is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of amendments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, does hereby request staff to initiate review of Section 24-666 of the Zoning Ordinance for the consideration of amendments required to bring this section into conformance with the Code of Virginia and a recent holding of the Virginia Supreme Court. The Planning Commission shall hold at least one public hearing on the consideration of amendments of said Ordinance and shall forward its recommendation thereon to the Board of Supervisors in accordance with law.

Donald C. Hunt
Chair, Planning Commission

ATTEST:

O. Marvin Sowers, Jr.
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 7th Day of November, 2005.

MEMORANDUM

DATE: October 31, 2005

TO: The Planning Commission

FROM: Joel Almquist, Planner

SUBJECT: Case No. ZO-6-05 Zoning Amendment: Retail Sales of Plant and Garden
Supply Sales

Staff is requesting that the case listed above be deferred until the December 7, 2005 meeting of the Planning Commission. On October 27, 2005 the Policy Committee met to consider a proposed amendment to allow retail sales of plant and garden supplies as a specially permitted use in the A-1 Zoning District. The Committee recommended approval with the condition that “plant and garden supply sales” be defined in the Zoning Ordinance. Staff is recommending that the case be deferred to allow for time to write the definition and to re-advertise the case to reflect the proposed changes.

Joel Almquist
Planner

**REZONING 12-05. Toano Business Center
Staff Report for the November 7, 2005, Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:

Building F Board Room; County Government Complex

August 1, 2005 (deferred) 7:00 p.m.

September 12, 2005 (deferred)

October 3, 2005 (deferred)

November 7, 2005

Board of Supervisors:

December 13, 2005 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy

Land Owner:

Toano Business Center, L.L.C.

Proposal:

3,575 SF Bank; 4,725 SF Convenience Store; Mini-Storage Facility; 34,630 SF Retail; 54,000 SF Office/Warehouse

Location:

9686 and 9690 Old Stage Road

Tax Map/Parcel Nos.:

(4-4)(1-34), (4-4)(1-4)

Parcel Size:

21.23 acres

Existing Zoning:

A-1, General Agricultural District

Proposed Zoning:

MU, Mixed Use, with Proffers

Comprehensive Plan:

Mixed Use and Low Density Residential

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested a one month deferral in order to allow more time to resolve outstanding issues. Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW
1177 JAMESTOWN ROAD
WILLIAMSBURG, VIRGINIA 23185
TELEPHONE: (757) 220-6500
FAX: (757) 229-5342

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN

ANDREW M. FRANCK
RICHARD H. RIZK

email: vgeddy@ghflaw.com

November 2, 2005

Ms. Ellen Cook
James City County Planning Dept.
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Re: Moss Creek Commerce Centre at Stonehouse//12-05

Dear Ellen:

I am writing to request that the Planning Commission defer consideration of this case until its December 2005 meeting.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.



Vernon M. Geddy, III

VMG/ch
Cc: Mr. Michael C. Brown

REZONING Z-14-05/MASTER PLAN MP 11-05, Burnt Ordinary Master Plan Amendment

Staff Report for November 7, 2005 Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:

Board of Supervisors:

Building F Board Room; County Government Complex

November 7, 2005, 7:00 PM

December 13, 2005, 7:00 PM (tentative)

SUMMARY FACTS

Applicant:

Mr. Vernon Geddy III, Geddy, Harris, Franck & Hickman, L.L.P

Land Owner:

Burnt Ordinary Associates, L.P., Beverly P. Kelly, Mary Mitchell

Proposal:

Construction of a mixed use village style commercial center

Location:

7858 Richmond Road, 7856 Richmond Road, 7866 Richmond Road, 7848 Richmond Road, and 3290 and 3336 Toano Drive, Toano, VA

Tax Map/Parcel:

(12-4)(2-11), (12-4)(1-26C), (12-4)(1-26E), (12-4)(2-20), (12-4)(1-14), (12-4)(1-15)

Parcel Size:

11 acres

Existing Zoning:

PUD(R)-Planned Unit Development (Residential) and M-1 Limited Business/Industrial District, with proffers

Comprehensive Plan:

Mixed Use

Primary Service Area:

Inside

STAFF RECOMMENDATION

The applicant has requested this case to be indefinitely deferred in order to resolve various issues associated with the case. Staff concurs with this request.

Staff Contact:

Jose Ribeiro, Planner

Phone: 253-6685

Attachments:

1. Deferral Letter

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN

ANDREW M. FRANCK
RICHARD H. RIZK

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

September 27, 2005

Jose-Ricardo Ribeiro
James City County Planning
Division
101-A Mounts Bay Road
Williamsburg, Virginia 23185



Re: Z-14-05/MP-11-05

Dear Jose:

I am writing on behalf of the applicant to request that the Planning Commission indefinitely defer consideration of this case to allow the applicant to work through business and other issues on this project.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

A handwritten signature in cursive script, appearing to read "Vernon".

Vernon M. Geddy, III

VMG/ch
Cc: Mr. Henry Stephens

REZONING 15-05/MASTER PLAN 12-05. Stonehouse Planned Community Amendment Staff Report for the November 7, 2005, Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Planning Commission:
Board of Supervisors:

Building F Board Room; County Government Complex

November 7, 2005 7:00 p.m.
December 13, 2005 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Mr. Greg Davis and Mr. Tim Trant, Kaufman & Canoles

Land Owner: Ken McDermott of Stonehouse Capital, LLC and Stonehouse Glen, LLC, Fieldstone Investment, LLC, Mount Laurel, LLC, Fairmont Investment, LLC, Six Hundred North, LLC, Tymar Capital, LLC and Commerce Park at Stonehouse, LLC.

Proposal: To amend the master plan and proffers for the Stonehouse Planned Community. Major changes include:

- Realigning Fieldstone Parkway and changing the zoning line between PUD-R and PUD-C.
- Changing land uses within previously approved land bays and shifting units between development areas and land bays.
- Incorporating the Stinette Tract (currently zoned A-1) into the Planned Unit Development (PUD-R).
- Revision of various proffers, particularly for Transportation.

There is no proposed increase to the total number of approved residential units within the Stonehouse Planned Community.

Location: The property is located at or in the vicinity of 9151, 9101, 9186, 9100, 9750, 9301, 9251, 9451, 9501, 9401, 9250, 9400, 9150, 9600, 9601, 9750, 9800, and 9801 Mount Zion Road, 9235 Fieldstone Parkway, 3820 Rochambeau Drive, 170 Sand Hill Road, 3600 and 3900 Mt. Laurel Road, 4100, 4130, 4170, and 4150 Ware Creek Road, 3612 LaGrange Parkway, 9760 Mill Pond Run and 10251, 9501, 9675, and 9551 Sycamore Landing Road

Tax Map/Parcel Nos.: Parcels (1-25), (1-27), (1-28) (1-29) on Tax Map (4-4), Parcel (1-10) on Tax Map (5-3), Parcels (1-1), (1-2) (1-3), (1-4) on Tax Map (6-3), Parcels (1-1), (1-2) on Tax Map (6-4), Parcels (1-20), (1-21), (1-29), (1-22) on Tax Map (7-4), Parcel (1-47) on Tax Map (12-1), Parcels (1-3), (1-2), (1-13), (1-5), (1-4), (1-6), (1-8), (1-7), (1-11), (1-9), (1-10), (1-12) on Tax Map (5-4), Parcels (1-8A), (1-19), (1-21), (1-22) on Tax Map (13-1), Parcels (1-2), (1-1) on Tax Map (6-1), Parcels (1-27), (1-28) on Tax Map (13-2), Parcel (1-26) on Tax Map (12-2), Parcel (1-1) on Tax Map (7-1)

Parcel Size: 4,684 acres

Existing Zoning: Planned Unit Development Residential & Commercial with Proffers, and
A-1, General Agricultural District (Stinette
Tract)
Proposed Zoning: Planned Unit Development Residential & Commercial with Proffers
Comprehensive Plan: Mixed Use and Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested a one month deferral in order to allow more time to resolve outstanding issues.
Staff concurs with the request.

Staff Contact: Ellen Cook

Phone: 253-6685

Ellen Cook

REZONING Z-13-04, Monticello at Powhatan North
Staff Report for November 7, 2005 Planning Commission Meeting

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission: November 7, 2005 7:00 pm
Board of Supervisors: December 13, 2005 (tentative) 7:00 pm

SUMMARY FACTS

Applicant: Timothy O. Trant, Kaufman and Canoles
Land Owner: Lawrence E. Beamer
Proposed Use: Construction of 91 condominium units
Location: 4450 Powhatan Parkway
Tax Map/Parcel (38-3) (1-01)
Parcel Size: 36.48 acres
Existing Zoning: R-8, Rural Residential
Proposed Zoning: R-2, General Residential w/Cluster Overlay
Comprehensive Plan: Low Density Residential
Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested deferral of this case until December 5, 2005 in order to resolve various issues associated with the case and proffers. Staff concurs with this request.

Staff Contact: Joel Almquist Phone: 253-6685

Joel Almquist

Attachments

1. Deferral Request Letter

KAUFMAN & CANOLES

— | A Professional Corporation | —

Attorneys and Counselors at Law

Timothy O. Trant, II
757 / 259-3823
totrant@kaufcan.com

757 / 259-3800
fax: 757 / 259-3838

Mailing Address:
P.O. Box 6000
Williamsburg, VA 23188

4801 Courthouse Street
Suite 300
Williamsburg, VA 23188

October 26, 2005

Via U.S. Mail & Email

Joel Almquist
Planner
James City County
101-A Mounts Bay Road
Williamsburg, VA 23185

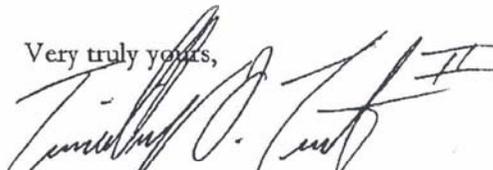
Re: *Powhatan Enterprises, Inc.*
Monticello at Powhatan North (Phase III)
James City County Case No's. Z-13-04, MP-10-04, & SUP-31-04
Our Matter No. 79791

Dear Joel:

The above-referenced case is scheduled to be presented to the James City County Planning Commission at its meeting on November 7, 2005. The applicant and its consultants are working diligently to respond to the various comments received from the James City County Department of Development Management ("Staff") and to bring the application to a final, presentable form. Given the detailed nature of Staff's comments, the applicant is not likely to have responded in time for Staff to present the application at the November 7, 2005 Planning Commission meeting. Accordingly, the applicant recognizes that Staff will not be prepared to make a complete staff report nor make a recommendation to the Planning Commission regarding the case at the November 7, 2005 meeting. Therefore, the applicant requests that any action on the case by the Planning Commission be deferred until the December 5, 2005 Planning Commission meeting.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Timothy O. Trant, II

Chesapeake

Hampton

Newport News

Norfolk

Richmond

Virginia Beach

**REZONING-16-05. New Town Section 9 – Settlers Market
Staff Report for the November 7, 2005 Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: November 7, 2005 7:00 p.m.
Board of Supervisors: December 13, 2005 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III on behalf of AIG Baker Development, LLC and Developer's Realty Corporation

Land Owner: WHS Land Holdings, LLC and New Town Associates, LLC

Proposal: To apply Design Guidelines and rezone 50.3 acres to MU, Mixed Use, with proffers. If approved, proposed construction includes approximately 385,000 to 400,000 square feet of development which includes approximately 50 to 118 residential units

Location: 5224, 5244 and 5246 Monticello Avenue

Tax Map/Parcel Nos.: (38-4) (1-3), (38-4) (1-2), (38-4) (1-52) and a portion of (38-4) (24-3)

Parcel Size: 50.3 acres

Existing Zoning: R-8 and M-1, Rural Residential and Limited Business / Industrial

Proposed Zoning: MU, Mixed Use

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

The applicant has requested that this case be deferred until the December 5, 2005 Planning Commission meeting to continue working on the Master Plan and Design Guidelines.

Staff Contact: Matthew J. Smolnik Phone: 253-6685

Matthew J. Smolnik

ATTACHMENTS:

1. Deferral letter from applicant

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.

ATTORNEYS AT LAW

1177 JAMESTOWN ROAD

WILLIAMSBURG, VIRGINIA 23185

TELEPHONE: (757) 220-6500

FAX: (757) 229-5342

VERNON M. GEDDY, JR.
STEPHEN D. HARRIS
SHELDON M. FRANCK
VERNON M. GEDDY, III
SUSANNA B. HICKMAN

ANDREW M. FRANCK
RICHARD H. RIZK

MAILING ADDRESS:
POST OFFICE BOX 379
WILLIAMSBURG, VIRGINIA 23187-0379

email: vgeddy@ghfhlaw.com

November 2, 2005

Mr. Matt Smolnik
James City County Planning Department
101-A Mounts Bay Road
Williamsburg, Virginia 23185

Settler's Market/New Town Section 9

Dear Matt:

I am writing on behalf of the applicants to request this case be deferred until the December 2005 Planning Commission meeting. Thanks for your help.

Very truly yours,

GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.



Vernon M. Geddy, III

VMG/ch
Cc: Mr. John Abernathy

**REZONING 6-05/MASTER PLAN 4-05. Warhill Tract
Staff Report for the November 7, 2005, Planning Commission Public Hearing**

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: November 7, 2005 7:00 p.m.
Board of Supervisors: December 13, 2005 7:00 p.m. (Tentative)

SUMMARY FACTS

Applicant/Landowner: James City County

Proposal: Williamsburg-James City County Third High School, Thomas Nelson Community College, and Future Commercial Development

Location: 6450 Centerville Road and 5700 Warhill Trail; Powhatan District

Tax Map/Parcel Nos.: (32-1)(1-12) and (32-1)(1-13)

Parcel Size: ± 165.92 acres

Existing Zoning: R-8, Rural Residential and PUD-C, Planned Unit Development – Commercial and M-1, Limited Business/Industrial, with proffers

Proposed Zoning: PUD-R, Planned Unit Development – Residential, PUD-C, Planned Unit Development – Commercial with amended and restated proffers and R-8, Rural Residential,

Comprehensive Plan: Mixed Use

Primary Service Area: Inside

STAFF RECOMMENDATION

Staff finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. Staff recommends that the Planning Commission recommend approval of the above referenced applications and acceptance of the voluntary amended proffers.

Staff Contact: Matthew Arcieri Phone: 253-6685

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

PROJECT DESCRIPTION

James City County has applied to rezone approximately 165.92± acres from R-8, Rural Residential and PUD-C, Planned Unit Development, Commercial and M-1, Limited Business/Industrial, with Proffers, to 155.94± acres of PUD-R, Planned Unit Development, Residential, 8.77± acres of PUD-C, Planned Unit Development, Commercial with amended and restated proffers and 1.21± acres of R-8, Rural Residential, for the development of the Williamsburg/James City County Third High School, Thomas Nelson Community College Williamsburg Campus, and future commercial development. The property to be zoned R-8 will be conveyed to the Zion Baptist Church. Infrastructure development of the Warhill Tract is being performed in accordance with the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA).

In July 1987, Virginia International Finance and Development, Inc. applied to rezone the Warhill Tract from A-2, Limited Agricultural, to R-4, Residential Planned Community; M-1, Limited Industrial; and B-1, General Business. The proposed development would have allowed 475 single-family dwelling units and 493 multifamily dwelling units on the portion of the site zoned R-4 (484 acres); 210,000 square feet of development on the M-1 portion of the site (94 acres); and 300,000 square feet of commercial development on the B-1 portion of the site (38 acres). Portions of the M-1 and B-1 property were subsequently rezoned to M-1 and PUD-C and a small handful of homes were developed on the R-4 property (59 approved lots in Mallard Hill). The Board of Supervisors authorized the purchase of the undeveloped portions of the Warhill Tract in 1996 and approved a master plan and special use permit for the Warhill Sports Complex in 1998. A baseball complex, soccer complex, concession stands, parking facilities, the indoor soccer complex (WISC), and entrance road (Warhill Trail) have been constructed at the Warhill Sports Complex since the original master plan received approval from the Board.

PUBLIC IMPACTS

Archaeology

The archaeological assessment of the Warhill Tract has been completed. Espey, Huston and Associates tested the Virginia Natural Gas Line easement in 1991; the Colonial Williamsburg Foundation surveyed the Route 199 corridor in 1987; and MAAR Associates tested a 10-acre site adjacent to Centerville Road in 1987. An archaeological survey was completed on the Third High School site earlier this year. The Department of Historic Resources reviewed this study and concluded that no further study was warranted of the 64-acre school site.

Environmental

Watershed: Powhatan Creek

Staff Comments: A significant amount of site development work has already been completed on the Warhill Tract this year under the direction of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA). The County Environmental Division is an active partner in this process ensuring compliance with County environmental regulations and the Powhatan Creek Watershed Management Plan. Stormwater management facilities for this site have received final site plan approval and are under construction.

Public Utilities

The Warhill Tract is located inside the Primary Service Area and public utilities are available to the site.

Staff Comments: A significant amount of site development work has already been completed on the Warhill Tract this year under the direction of the PPEA. JCSA is an active partner in this process. Water and sewer for this site have received final site plan approval and are under construction.

Transportation

2005 Traffic Counts: 10,364, Centerville Road (Route 614) from Route 60 to Route 678

2026 Volume Projected: 15,000, Centerville Road from Longhill Road to Route 60

Road Improvements: The following road improvements are currently under construction as part of the PPEA site improvements in order to minimize congestion and provide for adequate access for the proposed high school, community college, sports stadium, and future commercial development on the Warhill site:

1. Centerville Road will be widened to a 4-lane, median divided roadway from the Route 60 intersection to the proposed entrance road before transitioning back to a 2-lane roadway.
2. The existing entrance to the Williamsburg Outlet Mall on Centerville Road will be relocated approximately 700 feet to the south to align with the entrance road to the third high school. The existing outlet mall entrance will be converted to provide right-in/right-out access only.
3. The Centerville Road/Third High School entrance road intersection will be signalized and dual southbound left turn lanes and an exclusive northbound right turn lane will be provided.
4. The northbound Centerville Road approach to Route 60 will be reconstructed to accommodate a left, combination left-through, and a right turn movement, with approximately 300 feet of left turn storage capacity.
5. Dual left turn lanes on westbound Route 60 will be constructed and the left turn storage length will be increased to approximately 300 feet.

VDOT Comments: VDOT has reviewed the traffic impact analysis prepared by the Timmons Group in December 2004 and concurs with the findings. VDOT has been an active partner in the PPEA process and all road improvement listed above have received final site plan approval.

Staff Comments: It was anticipated that by 2007 the site will include the 1,450 student high school and 120,000 square feet of community college. By 2017, the community college is expected to expand by an additional 230,000 square feet to 350,000 square feet.

Land Use	Size	ADT	A.M. Peak Hour		Mid Day Peak		P.M. Peak Hour	
			Enter	Exit	Enter	Exit	Enter	Exit
High School	1,450 students	2,480	464	203	133	306	87	131
T.N.C.C (2007)	120,000 s.f.	2,203	156	38	n/a	n/a	121	91
T.N.C.C (2017)	350,000 s.f.	6,426	455	112	n/a	n/a	354	266

Capacity analyses were performed as part of the traffic impact study to determine the traffic impacts of the proposed site development on the surrounding roadways. Estimated level-of-service (LOS) were calculated for the AM, mid-day, and PM peak hour traffic levels.

	2004			2007			2017		
	AM	Mid	PM	AM	Mid	PM	AM	Mid	PM
Background									
Route 60/199 NB Ramps	B	B	B	B	B	B	C	C	C
Route 60/199 SB Ramps	A	A	A	A	A	A	A	A	B
Route 60/Centerville Rd.	B	C	C	B	B	C	B	C	D
Route 60/Lightfoot Rd.	C	D	D	C	D	C	D	D	D
Total Traffic									
Route 60/199 NB Ramps	-	-	-	B	B	B	B	B	B
Route 60/199 SB Ramps	-	-	-	A	A	A	A	A	B
Route 60/Centerville Rd.	-	-	-	B	B	C	C	C	C
Route 60/Lightfoot Rd.	-	-	-	B	B	C	E	E	E
H.S. Entrance Rd./Centerville Rd.	-	-	-	B	B	B	C	B	B

The traffic impact analysis also analyzed the 3,000 seat community sports stadium to be constructed at the Warhill Sports Complex adjacent to the WJCC/TNCC site. The traffic study concludes that although a stadium-generated event would create additional delay, the traffic improvements currently under

construction prevent a “gridlock” situation. Specialized traffic management techniques can be employed to mitigate congestion during large stadium events.

Staff notes that the traffic study shows level of service at the intersection of Route 60 and Lightfoot (located in York County) at a level-of-service “E” in 2017. The study recommends lengthening the east and westbound turn lanes and adding an additional approach lane on Lightfoot Road. These improvements are not part of the PPEA and are located in York County.

COMPREHENSIVE PLAN

Land Use Map Designation

The Warhill Tract is designated as Mixed Use on the 2003 Comprehensive Plan Land Use Map. Mixed Use areas are centers within the PSA where higher density development, redevelopment, and/or a broader spectrum of land uses are encouraged. Mixed Use areas located at or near interstate interchanges and the intersections of major thoroughfares are intended to maximize the economic development potential of these areas by providing areas primarily for more intensive commercial, office, and limited industrial purposes. Mixed Use areas such as Lightfoot are intended to provide flexibility in design and land uses in order to protect and enhance the character of the area.

Mixed Use areas require nearby police and fire protection, arterial road access, access to public utilities, large sites, environmental features such as soils and topography suitable for intense development, and proximity or easy access to large population centers. The timing and intensity of commercial development at a particular site are controlled by the maintenance of an acceptable level of service for roads and other public services, the availability and capacity of public utilities, and the resulting mix of uses in a particular area. Master Plans are encouraged for sites like the Warhill Tract to assist in the consideration of mixed use development proposals. The consideration of development proposals in mixed use areas should focus on the development potential of a given area compared to the area’s infrastructure and the relation of the proposal to the existing and proposed mix of land uses and their development impacts.

The Lightfoot Mixed Use area includes the undeveloped land adjacent to the Route 199 crossover of Richmond Road (Route 60 West) at the Warhill Tract. The principal suggested uses are a mixture of public uses and commercial, office, and limited industrial in support of the Williamsburg Community Hospital.

Other Considerations

- **Community Character**

Route 199, Richmond Road (Route 60 West), and Centerville Road are all listed as CCCs in the 2003 Comprehensive Plan. Community Character Corridors (CCCs) are roads that serve as entrance corridors and promote the rural, natural, or historic character of the County. These roads have a significant impact on how citizens and visitors perceive the character of an area and warrant a high level of protection. The predominant visual characteristic of these suburban CCCs should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape.

Staff Comments: An undisturbed 100-foot wide buffer along Centerville, Richmond Road and Rt. 199 has been proffered. This buffer will remain wooded and screen the development from the roadway and protect the site from traffic on Rt. 199.

The 2003 Comprehensive Plan revised the Lightfoot mixed use language to acknowledge that a majority of this site would be used for public uses. This proposal generally satisfies the intent of the plan by providing both public uses and an 8.77 acre economic development site. With a PUD-C zoning this site

can be developed for office, commercial or light industrial uses. Staff finds this proposal consistent with the Comprehensive Plan.

RECOMMENDATION

Staff finds the proposal consistent with the Comprehensive Plan and consistent with previous actions taken by the Board of Supervisors. Staff recommends that the Planning Commission recommend approval of the above referenced applications and acceptance of the voluntary amended proffers.

Matthew D. Arcieri

ATTACHMENTS:

1. Master Plan
2. Proffers

Z-6-05
mp-4-05

- NOTES**
- TAX MAP ID: (32-1)(1-13)&(32-1)(1-12)
 - THE SUBJECT SITE(S) ARE SITUATED IN SUBWATERSHED 208 AND CATCHMENTS 208-108-1, 208-107-1 AND 208-208-1 OF THE POWHATAN CREEK WATERSHED.
 - SPECIAL STORMWATER CRITERIA APPLIES TO THE SUBJECT SITE(S).
 - CURRENT ZONING: R-8 - 10.24 ACRES
M-1 - 82.88 ACRES
PUD-C - 82.80 ACRES
 - PROPOSED ZONING: PUD-R - 155.84 ACRES
PUD-C - 8.77 ACRES
R-8 - 1.21 ACRES
 - OPEN SPACE: TOTAL SITE - 165.82 ACRES
DEVELOPED AREA - 86.0 ACRES (33%)
OPEN SPACE - 110.82 ACRES (67%)
 - MAXIMUM STRUCTURE HEIGHT: 60 FEET
 - STADIUM ACCESS ROAD SHALL UTILIZE APPROPRIATE TRAFFIC CONTROL MEASURES TO PREVENT CUT-THROUGH TRAFFIC BETWEEN CENTERVILLE AND LONGHILL ROAD.
 - REFERENCE SUP-17-03/MP-5-05 FOR MASTER PLAN AND CONDITIONS FOR THE WARHILL SPORTS COMPLEX.

TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

SEPTEMBER 22, 2005

GRAPHIC SCALE
1 inch = 200 ft.

Aerial Imagery Copyright 2002 Commonwealth of Virginia

MASTERPLAN FOR TNCC HISTORIC TRIANGLE CAMPUS & JAMES CITY COUNTY HIGH SCHOOL

JAMES CITY COUNTY, VIRGINIA
PPEA CONCEPT PLAN

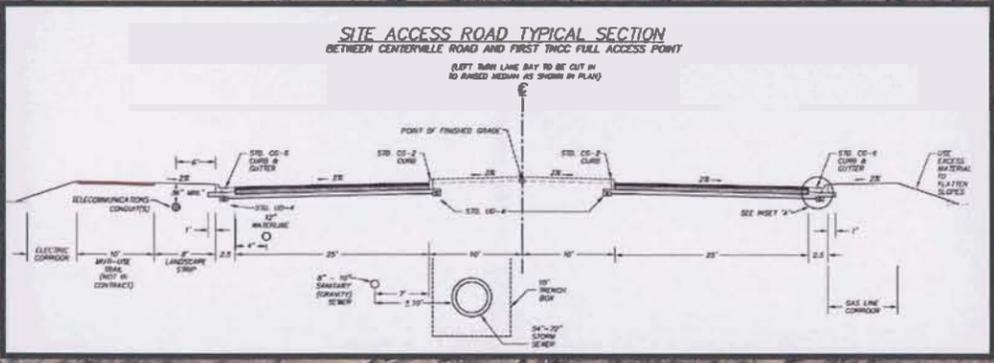
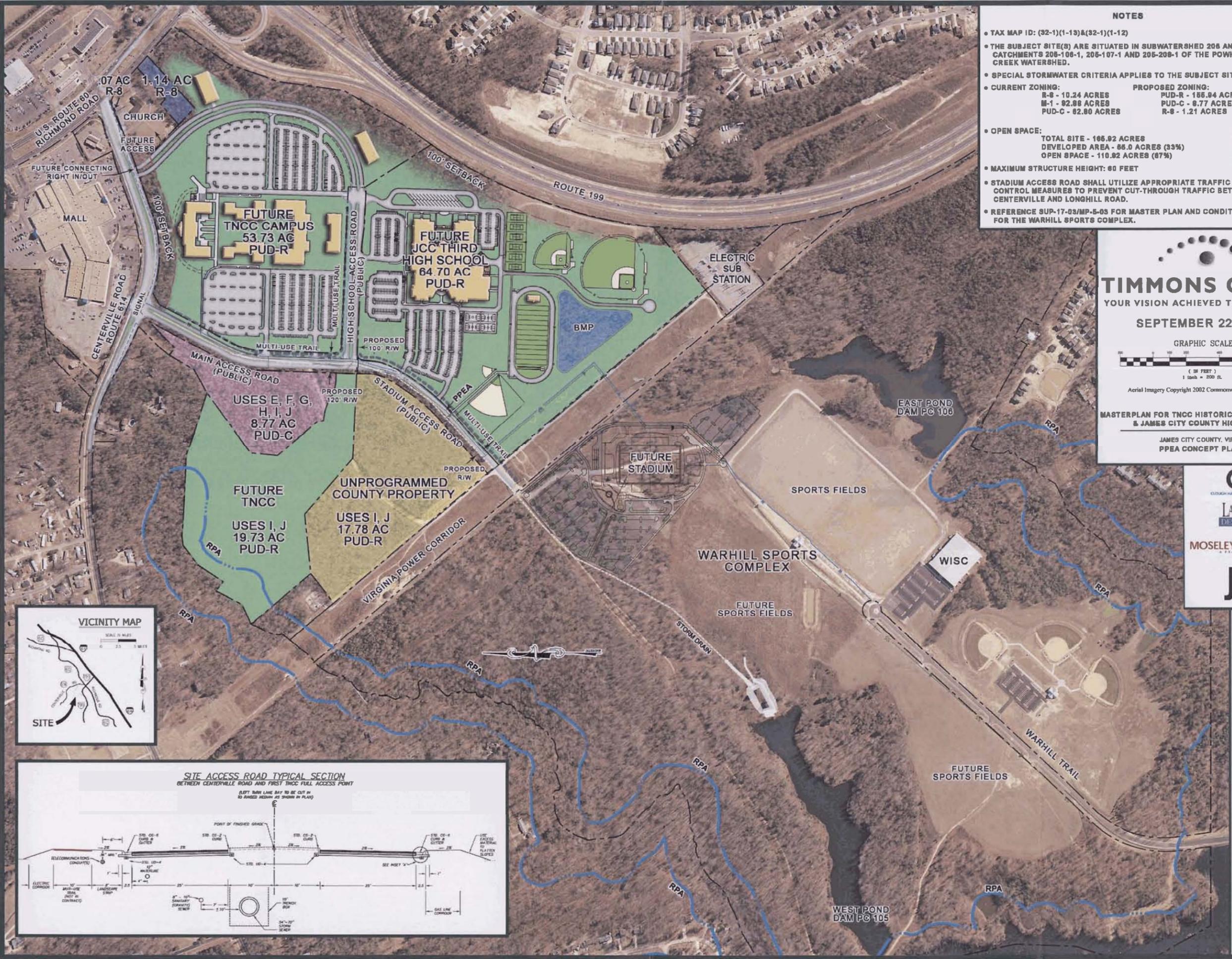
CIA
CLOUGH HARRISON & ASSOCIATES LLP

LANDMARK
DESIGN GROUP

MOSELEYARCHITECTS
A PROFESSIONAL CORPORATION

JJR

- LEGEND**
- W - PROPOSED WATERLINE
 - SS - PROPOSED GRAVITY SEWER
 - S - PROPOSED STORM SEWER
 - [Symbol] - PROPOSED ROADWAY CONSTRUCTION
 - [Symbol] - COUNTY ECONOMIC DEVELOPMENT SITE
 - [Symbol] - MULTI-USE TRAIL (10' MIN)



WARHILL PROFFERS

THESE PROFFERS are made as of this ____ day of _____ 2005, by the County of James City, a political subdivision of the Commonwealth of Virginia (together with its successors and assigns, the "Owner").

RECITALS

WHEREAS, Owner is the owner of certain real property (the "Property") in James City County, Virginia more particularly described on Exhibit A attached hereto and made a part hereof.

WHEREAS The Property is now zoned PUD-C and M-1, with proffers. The existing proffers are set forth in an Agreement dated October 18, 1996 and are recorded in James City County Deed Book 820 at page 168 (the "Existing Proffers").

WHEREAS Owner has applied for a rezoning of the Property now zoned R-8 and B-1 and M-1, with proffers, to PUD-R, Planned Unit Development - Residential, PUD-C, Planned Unit Development - Commercial, with proffers, and R-8 Rural Residential to obtain the greater flexibility in developing and locating uses within the Property provided under the PUD provisions of the James City County Code (the "County Code") and to terminate the Existing Proffers applicable to the Property and to replace the Existing Proffers as they apply to the Property with new proffers. In accordance with Section 24-484 of the County Code, Owner has submitted a master plan entitled "Master Plan For TNCC Historical Triangle Campus and James City County High School" prepared by Timmons Group and dated September 22, 2005 (the "Master Plan").

WHEREAS Owner desires to continue to offer to the County certain conditions on the development of the Property not generally applicable to land zoned PUD-R and PUD-C.

NOW, THEREFORE, for and in consideration of the approval of the requested amendment; Master plan and rezoning, and pursuant to section 15.2-2298 of the Code of Virginia, 1950, as amended, and section 24-16 of the County Code, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Amended and Restated Proffers shall be null and void and the Existing Proffers shall remain in full force and effect.

PROFFERS

1. **Master Plan.** The Property shall be developed generally as shown on the Master Plan, with only changes thereto that the Director of Planning determines do not change the basic concept or character of the development.

2. **Perimeter Buffer.** There shall be a one-hundred-foot (100') perimeter buffer generally as shown on the Master Plan. The buffer shall be exclusive of any structures and shall be undisturbed, except for the entrance as shown generally on the Master Plan, the trails, sidewalks and bike lanes, and patio areas as shown generally on the Master Plan, and with the approval of the Director of Planning, for lighting, entrance features, fencing and signs. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants may be removed from the buffer area with the approval of the Director of Planning. To the extent reasonably feasible, utility crossings shall be generally perpendicular through the Open Space and Owner shall endeavor to design utility systems that do not intrude into the Open Space. With the prior approval of the Director of Planning, utilities may intrude into or cross the Open Space.

3. **Lighting.** Any new exterior site lighting shall be limited to fixtures which are horizontally mounted on light poles not to exceed 30 feet in height and/or other structures and shall be recessed fixtures with no bulb, lens, or globe extending below the casing. The casing shall be opaque and shall completely surround the entire light fixture and light source in such a manner that all light will be directed downward and the light source is not visible from the side. No glare, defined as 0.1 footcandle or higher shall extend outside the property lines.

4. **Height Limitation.** No building shall exceed sixty feet (60') in height as measured from grade.

5. **Signage** All new signage shall be in accordance with Article II, Division 3 of the James City County Zoning Ordinance; however signage for property designated for use by TNCC shall conform to the following:

Freestanding Signs

Freestanding signs shall only be permitted on properties having street frontage and shall be in compliance with the following regulations:

(a) Sign location and setbacks. One freestanding sign shall be permitted on each street frontage. Such signs may only be placed on the property within required yards and setbacks and shall be located at least five feet from any property line.

(b) Sign area. Such signs shall not exceed 32 square feet per face.

(c) Sign height. Such signs shall not exceed an overall height of 15 feet above natural grade.

(d) Sign lighting. Internally illuminated signs shall be prohibited. Signs may be externally illuminated by ground-mounted horizontal light bars/strips or ground-mounted spotlights in such a way that bulbs, lenses, or globes shall not be visible from the right-of-way. The ground-mounted lights shall be concealed by landscaping.

Building Face Signs

Building face signs shall be in compliance with the following regulations:

(a) Sign location and area. The building face sign(s) shall be placed on the front facade of the building, except in cases outlined below in subsections (d) and (g). The area devoted to such signs shall not exceed one square foot of sign area for each linear foot of the buildings or unit's front facade or 60 square feet, whichever is smaller. The front facade of the building shall be considered the side that has the main public entrance.

(b) Sign mounting. Such signs shall be mounted flat against the building on the side measured above. Signs, including mounting apparatus shall extend no more than 18 inches from the building face.

(c) Sign lighting: Internally illuminated signs shall be prohibited.

(d) Additional signs for buildings facing onto public rights-of-way or parking lots. When the same building faces onto a public right-of-way or parking lot on the rear or side of the building, an additional sign may be erected at the public entrance on that side. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

(e) An owner may elect to relocate the building face sign, which would typically be placed above the buildings main public entrance, on the side of the building that faces the public road right-of-way or parking lot. This provision would only apply if the side of the building facing the public road right-of-way or parking lot has no public entrance. This provision would not allow for additional building face signs beyond the maximum number permitted; it only provides the applicant an option on which side of the building to place the building face sign. The area devoted to such sign(s) shall not exceed one square foot of sign area for each linear foot of the buildings side upon which the sign is placed or 60 square feet, whichever is smaller. Such sign must be mounted flat against the building.

Special Regulations for Certain Signs

(a) Logos, trademarks, murals, etc. Any logo, trademark, mural, copyright or recognizable symbol pertaining to the use or business contained within the building painted on any face of the building shall be treated as a building face sign.

(b) Flags as signs. Flags used as signs shall be allowed, provided that the same are installed in a permanent fashion, are maintained in good repair and will not constitute a hazard to vehicular or pedestrian traffic.

(c) Signs on entrance marquees or canopies. Signs on entrance marquees or canopies shall be allowed, provided that the total area of such signs if constructed alone or in

combination with other building signs does not exceed the maximum allowable dimensions and square footage.

(d) Signs on corner lots. Signs on corner lots shall not be closer than 50 feet to the corner of the lot. In cases where the applicant can demonstrate that the location of a sign does not obstruct adequate site distance and good visibility is maintained for all motorists and pedestrians traveling the intersection, Director of Planning may permit setbacks of less than 50 feet.

(e) Directional signs. Directional signs may be allowed in compliance with the following regulations:

- (1) Directional signs shall show only the name and/or logo, mileage and direction; and
- (2) Do not exceed ten square feet in size.

Exemptions

The following signs are exempted from the provisions of these proffers and may be erected or constructed in accordance with the structural and safety requirements of the building code:

(a) Official traffic signs, historical markers, provisional warning signs or sign structures when erected or required to be erected by a governmental agency and temporary signs indicating danger;

(b) Traffic signs authorized by the Virginia Department of Transportation to be placed on a street right-of-way;

(c) Temporary non-illuminated signs, not more than six square feet in area, advertising commercial real estate for sale or lease and located on the premises, provided such signs conform to the following regulations:

- (1) One sign is permitted for each street frontage per parcel.
- (2) The maximum height of the sign shall not exceed eight feet.
- (3) The sign shall be erected in such a manner that it does not obstruct views of existing signs and/or create a safety hazard.

(d) Non-illuminated signs warning trespassers or announcing property as posted, not to exceed two square feet per sign in residential, commercial and industrial areas, and four square feet per sign in agricultural areas;

(e) Sign on a truck, bus or other vehicle, while in use in a normal course of business. This section should not be interpreted to permit parking for display purposes of a vehicle (to which signs are attached) in designated customer or employee parking at the place of business;

(f) Signs which are not visible from a public road or abutting property line;

- (g) Signs not to exceed six square feet in area, which state the name or number of a building, to be located on the rear or sides of a building on a parcel containing four or more buildings;
- (h) Signs placed upon the exterior of a structure indicating the location of restrooms, bathhouses, entrances or exits;
- (i) Signs not to exceed six square feet in area indicating the entrance or exit from a parking lot, potable water supply, sewage station for recreational vehicles or other notices related to public health or safety. Such signs shall be adjacent to the facility;
- (j) One special notice placard, not to exceed four square feet in size, attached to a building or to a freestanding sign indicating credit cards which are accepted on the premises; group affiliations of which the business is a member or clubs or groups which utilize, recommend, inspect or approve the business for use by its members;
- (k) Signs conveying political, ideological, religious, social or governmental messages unrelated to businesses, services or manufacturing activities or the goods connected therewith; provided such signs shall not exceed 32 square feet in size; and provided, that any such signs related to or connected with political campaigns shall not be maintained for longer than 90 days and shall be removed within ten days after the election to which they pertain;
- (l) Signs or banners of not more than 32 square feet advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization;
- (m) Special decorative displays used for holidays, public demonstrations or promotion for nonpartisan civic purposes; and
- (n) Special decorative displays used for purposes of advertising the opening of a new store, business or profession.

Prohibited Signs

The following signs are specifically prohibited:

- (a) Off-premise signs or off-premise billboards;
- (b) Flashing, animated and rotating signs or appurtenances to signs which are non-stationary;
- (c) Displays of intermittent lights resembling or seeming to resemble the flashing lights customarily associated with danger, such as are customarily used by police, fire or ambulance vehicles or for navigation or traffic-control purposes;

(d) Signs so located and so illuminated as to provide a background of colored lights blending with traffic signal lights that might reasonably confuse a motorist when viewed from a normal approach position of a vehicle at a distance of up to 300 feet;

(e) Signs which are not an integral part of the building design but fastened to and supported by or on the roof of a building or projecting over or above the roof line or parapet wall of a building;

(f) Signs placed or located to conflict with the vision clearance or other requirements of applicable VDOT regulations;

(g) Signs attached to trees, utility poles or other unapproved supporting structure;

(h) Signs which are portable or otherwise designed to be relocated or are constructed on a chassis or carriage with permanent or removable wheels;

(i) Signs attached, painted on, or affixed to vehicles used primarily for display and/or advertising purposes parked in designated customer or employee parking at the place of business; and

(j) Pennants, banners, flags and other displays used for marketing or advertising.

WITNESS the following signatures, thereunto duly authorized:

THE COUNTY OF JAMES CITY, VIRGINIA

By: _____

Title: _____

Approved as to form:

County Attorney

COMMONWEALTH OF VIRGINIA,
COUNTY OF JAMES CITY, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2005, by _____ on behalf of the County of James City, a political subdivision of the Commonwealth of Virginia.

Notary Public

My commission expires: _____

REZONING Z-13-05, Village at Toano
Staff Report for September 12, 2005 Planning Commission Meeting

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Center

Planning Commission: October 3, 2005 (deferred) 7:00 p.m.
November 7, 2005
Board of Supervisors: December 13, 2005 (tentative) 7:00 p.m.

SUMMARY FACTS

Applicant: Vernon Geddy III, Geddy, Harris, Franck & Hickman, L.L.P.
Land Owner: Jessica D. Burden, Rose Bunting, Elsie Ferguson, and Jack Ferguson
Proposed Use: Construction of 91 town home units
Location: 3126 Forge Road
Tax Map/Parcel: (12-3) (1-10)
Parcel size: 20.74 acres
Existing Zoning: A-1, General Agricultural
Proposed Zoning: R-5, Multi-family Residential, with proffers
Comprehensive Plan: Moderate Density Residential and Low Density Residential
Primary Service Area: Yes

STAFF RECOMMENDATION

At the time of this staff report, comments from VDOT had not been received. Based on this, staff recommends deferral of this case, until all agency comments have been received.

Staff Contact: Jason Purse Phone: 253-6685

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water (CIP contribution)	\$796 per lot
Sewer (CIP contribution)	\$628 per lot
CIP projects (including schools)	\$1,000 per lot
Parks and Recreation (for courts and fields)	\$89 per lot
Total Amount (2005 dollars)	\$228,683
Total Per Lot	\$2,513

PROJECT DESCRIPTION

Mr. Vernon Geddy III. has submitted an application on behalf of WRM Enterprises to rezone approximately 20.74 acres of land at 3126 Forge Road from A-1, General Agricultural, to R-5, Multi-Family Residential, with proffers, for the development of 91 town homes under condominium ownership. The project proposes a density of 4.4 du/acre. Approximately two-thirds of the homes are planned to be duplex units, with the balance triplex units.

Proffers

- Master Plan for the 91 unit proposal
- Owner’s Association documents for condominium development
- Water Conservation standards to be approved by the JCSA
- Cash Contributions for Community Impacts
- Buffers along the eastern and western boundaries of the site of 35’ with enhanced landscaping. Buffers along the Forge Road frontage in accordance with proffered design guidelines.
- Streetscape Guidelines in accordance with County streetscape policy.
- Recreation amenities including a paved walking/fitness trail, playground, and park in the front of the development.
- Archeology proffers for a Phase I study and Phase II study if warranted.
- Traffic Improvements of a right turn radius and traffic signal at the interchange of Richmond Road and Forge Road if warranted. Crosswalks and sidewalks along Forge Road and Richmond Road if deemed acceptable by VDOT.
- Sidewalks throughout the development.
- Architectural Review and design guidelines submitted for approval to the Director of Planning.

Staff Comment: The proffers are discussed in the relevant sections of this report.

PUBLIC IMPACTS

Archaeology

Proffers:

- The County archaeological policy is proffered.

Staff Comments: A preliminary Phase I cultural resource assessment of the total 20 acres has been completed and will be forwarded to the Virginia Department of Historic Resources (DHR) when the full assessment summary is finished. The archeology firm studying the property, the James River Institute for Archeology, recommends a Phase II archeological investigation for a 150 feet by 200 feet portion of the site, but anticipates that it will not be eligible for the National Register of Historic Places.

Regarding architectural resources, an intensive Phase II examination of the existing house at 3126 Forge Road was completed. Based on the study, the firm found that because much of the original design was changed through the years it is highly unlikely that the house could gain nomination to the National Register for its architectural merit. This structure will be demolished as part of this development.

Environmental

Watershed: Diascund Creek (majority) and Ware Creek (front right corner)

Proffers:

- **Turf Management Plan:** The applicant has proffered a Turf Management Program to be implemented in the proposed development. The HOA will be authorized to develop, implement and enforce the program, which will apply to common areas under HOA control and may be enforced by either the County or the HOA.

Staff Comments: The Environmental Division has reviewed the proposal and concurs with the proffers and master plan as proposed.

Fiscal

The applicant has provided a fiscal impact statement which was reviewed by the Department of Financial Management Services. In summary, at buildout the Department of Financial and Management Services concludes that there will be a modest annual positive impact on the County operating budget of \$58,877 total (or \$647 per unit).

Proffers:

- A cash contribution of \$1,000 per unit will be made to the County to mitigate the impacts from physical development. This money can be used as a part of the County's capital improvement plan.

Staff Comments: The Department of Financial and Management Services has reviewed the project's fiscal impact statement and concludes there will be a positive impact on the County operating budget, but discounts the fiscal benefits projected during the two-year construction period.

Public Utilities

The site is inside the PSA and served by public water and sewer.

Proffers:

- **Cash Contribution:** For each unit, a cash contribution of \$1,424 is proffered.
- **Water Conservation:** Water conservation measures will be developed and submitted to the JCSA for review and approval prior to any site plan approval.

Staff Comments: The JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed.

Schools

Per the Adequate Public School Facilities Test policy adopted by the Board of Supervisors, all special use permits or rezoning applications should pass the test for adequate public school facilities. With respect to this test, the following information is offered by the applicant:

School	Design Capacity	Program Capacity	Current Enrollment	Projected Students Generated	Enrollment + Projected Students
Stonehouse Elementary	588	516	505	7	512
Toano Middle School	775	782	888	4	892
Lafayette High School	1,250	1,296	1,535	4	1,539

The student generation rate for townhouses is 0.16 students per unit. This number used by the applicant is generated by the Department of Financial and Management Services in consultation with WJCC Public Schools based on historical attendance data gathered from other townhouse complexes in James City County.

Staff Comments: The adequate public schools facility test is based on design capacity. The proposal passes the adequate public school test at the elementary school but fails for the middle school.

Although the capacity of Lafayette High School is clearly exceeded, the Adequate Public School Facilities Test states that if physical improvements have been programmed through the County CIP then the application will be deemed to have passed the test. On November 2, 2004 voters approved the third high school referendum and the new high school is scheduled to open in September 2007; therefore staff believes that this proposal passes for the high school.

Parks and Recreation

Proffers:

- This project proposes a paved fitness and walking trail around the entire development, as well as a playground of .11 acres and a park at the front of the development of .51 acres. The exact locations of the facilities and the equipment provided are subject to the approval of the Development Review Committee.
- A contribution of \$86.00 for each dwelling unit shall be made to the County in lieu of the provision of courts and playing fields.

Staff Comments: Staff finds that the project is consistent with the Parks and Recreation Master Plan and is comfortable with the proffered recreation amenities.

Transportation

The applicant’s traffic study determined there would be 52 AM peak hour and 60 PM peak hour trips generated by this project; altogether there would be 642 total weekday daily trips in and out of the community. The study calculated current traffic volumes for Richmond Road at 10,147 vehicles per day and 2,984 vehicles per day for Forge Road. The existing level of service conditions at these two intersections are ‘A’ for both north and southbound Richmond Road and ‘B’ for eastbound Forge Road.

2005 Traffic Counts (for Richmond Road): Route 30 to Forge Road: 9,966 trips generated.

Forge Road to Croaker Road: 15,211 trips generated.

2026 Volume Projected: Route 30 to Croaker Road: 24,000 trips generated.

Road Improvements: The applicant has proffered to put in a right turn radius at the entrance of the property along Forge Road, as well as a traffic signal at the Richmond Road/Forge Road interchange if warranted by VDOT. In addition, as a part of the Master Plan there are crosswalks and sidewalks leading to and crossing Forge and Richmond Road at their intersections that will also be provided if deemed acceptable by VDOT.

Proffers:

- A right turn radius from westbound Forge Road into the project site shall be installed or bonded prior to the issuance of building permits.
- If approved by VDOT there shall be installed or bonded a traffic signal at the intersection of Forge Road and Richmond Road prior to the issuance of 75 building permits, or earlier if warranted. If the signal is not warranted by one year of buildout, the developer is released of any obligations.

VDOT Comments: VDOT comments are forthcoming; they had not been received at the time of this report.

COMPREHENSIVE PLAN

Land Use Map Designation

The site is shown on the 2003 Comprehensive Plan Land Use Map with two different designations. The rear of the property (approximately four acres) is designated low-density residential, while the balance of the site (approximately 16 acres), including the frontage on Forge Road, is designated moderate-density residential.

Low-density residential developments are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwelling units in the proposed development, and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential community with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community. The Zoning Ordinance will specify the benefits which may be the basis for a permit to go beyond one unit per acre. The location criteria for low density residential require that these developments be located within the PSA where utilities are available. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

Moderate density areas are residential developments or land suitable for such developments with a minimum density of four dwelling units per acre, up to a maximum of twelve dwelling units per acre, depending on the character and density of surrounding development, physical attributes of the property, buffers, and the degree to which the development is consistent with the Comprehensive Plan. The location criteria for moderate density residential developments require that these projects be located within the PSA where utilities are available. Optimum sites are near the intersections of collector streets, have natural characteristics such as terrain and soil suitable for compact residential development, and provide sufficient buffering so that the higher density development is compatible with nearby development and the natural and wooded character of the County. Moderate density residential areas may serve as transitional uses, primarily to neighborhood commercial, general commercial or mixed-use areas. The timing and density of development for a Moderate Density Residential site may be conditioned on the provision of least cost housing or the provision of open space. Suggested land uses include townhouses, apartments, attached cluster housing, and recreation areas.

Other Conditions

- This project fronts on Forge Road, which is a Community Character Corridor.
- This project is also located in the Toano Community Character Area. This project site and the character area are at the edge of the Toano “Village”. Some of the main features of this area, as described in the Comprehensive Plan, are: architecture, scale, materials, spacing, and color of buildings should complement the historic character of the area; existing specimen trees and shrubs should be preserved to the extent possible; new landscaping should be of a type, size, and

scale to complement and enhance the building and site design. Native plant and tree species are encouraged; pedestrian and bicycle access and circulation should be promoted through the provision of sidewalks and crosswalks; mixed use development which provides residential, commercial, and office uses in close proximity is encouraged.

- Development Standards as described in the Comprehensive Plan Residential Land Use Standards include and suggest that: housing densities must be compatible with local environment and capacities of public services; provide usable open space and protect the County's natural wooded character and resources; designing residential developments that foster a sense of place and community and avoids suburban sprawl, using compact design patterns that rely on higher density and strong pedestrian and transit linkages; encourage garages to be located at the rear or side of dwellings; encourage adequate off-street parking area for multi-family residential developments; and locate residential uses immediately adjacent to non-residential uses, major roads, railroads, etc, only where the conflicts between such uses can be adequately addressed while recognizing impacts from these with adequate screening or buffering; in mixed-use areas, single and multi-family units are encouraged to be integrated with non-residential uses to promote a synergy of uses.

Staff Comments: While a portion of the property is designated low-density residential the majority of the property is designated for moderate-density residential development. The low-density section of the property is near the back of the property, and will mostly consist of a stormwater management facility and existing trees. The few units that are located in this portion of the site are subject to additional setbacks from adjacent property. Overall, the dwelling units per acre are at the very bottom of the possible range for moderate-density residential development at 4.4 du/acre. Even with the split designation of this parcel, staff finds that, because of the low number of units proposed relative to the Comprehensive Plan designation, this project is compatible with the Comprehensive Plan Land Use designation.

The front of the property is located along Forge Road, and because this is a Community Character Corridor, there is a 150 foot required setback off of the road. This project plans to leave some existing trees and put in a park, leaving the closest structure 200 feet from Forge Road. On the west side of the property (along Forge Road) there will be increased landscaping, including existing trees, to help buffer this development from the rural lands that extend west on Forge Road. The Toano "Village" has a portion of its western most boundaries within this parcel, so the additional landscaping will help transition from the "village" feel to the rural character of Forge Road.

For the Community Character Area, this project provides a more moderate-density development to coexist with existing and future development of the Toano Village. Staff feels that it is important for this project to be integrated with the rest of the development in this area. An important part of this Character Area is interconnectivity between different uses. While there should be some ability to distinguish between this area and the rural lands, the developments inside the Toano Community Character Area should have a seamless feel. New structures should not be out of scale or be placed in internally oriented developments that just happen to sit inside the Village, but, rather, in developments that might not be able to be differentiated between adjacent existing residential and commercial structures. Since future development of adjacent properties is unknown, sidewalks and crosswalks to these properties are provided to help foster this synchronization and continuity of uses in Toano. The developer has also proffered design guidelines and principles that will help promote architectural design and community integration to fit with existing and future structures. Proffered streetscapes and buffers will over time help off-set the project's scale and visual impacts.

Staff feels that because of the proffered design guidelines, buffers and landscaping, and conditional (upon VDOT approval) crosswalks on Forge and Richmond Road, this project is generally compatible with the current Community Character Corridor and Area design standards. While Forge Road does have a rural character to it that is not present in this development, this project site is a part of the "Village" area of

Toano and landscaping proffers will eventually transition this section of Forge to the more rural farm lands that follow it.

Staff feels that this project meets the development standards set forth in the Comprehensive Plan. The James City County Service Authority projected water flow for this site well in excess of what this development is proposing to need. In terms of environmental impacts the stormwater management facility in the rear of the property was designed much larger than the anticipated need for the site, and will most likely be able to be used for irrigation of lawns and plants. The development will be maintaining many of the existing trees on-site, particularly on the west and north sides of the property where buffering is the most important. Many of the garages in the development are located in the rear of houses and the remainder are located under porches so they are not the dominant visual feature of the front of the house. The project has proffered walking trails for the community and sidewalks along the development as well as connecting to the adjacent properties along Richmond Road. The railroad track off of the rear of the property will not negatively impact the community as most of the rear of the property is going to be wooded (and taken up by the stormwater management facility).

HEIGHT LIMITATION WAIVER

The applicant has also requested a Height Limitation Waiver from the Board of Supervisors. On property zoned R-5, structures may be constructed up to 35 feet as a matter of right; however, structures in excess of 35 feet may be constructed only if specifically approved by the Board. The applicant has specifically requested that a Height Limitation Waiver be granted to allow for the construction of structures up to 40 feet tall.

Section 24-314(j) of the James City County Zoning Ordinance states that structures in excess of 35 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors and upon finding that:

1.) Such structure will not obstruct light from adjacent property;

Staff Comment: Given the proposed building setbacks and given that this development will consist of multiple buildings (instead of one large and tall single building), staff finds that light would not be obstructed from adjacent property.

2.) Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

Staff Comment: There are no immediately adjacent aboveground historic attractions or other areas of significant historic interest. Staff believes the ability to enjoy surrounding historic attractions and developments will not be impaired, over time due to the proffered buffers.

3.) Such structure will not impair property values in the area;

Staff Comment: According to Real Estate Assessments, there is no indication that the construction of townhomes on this site will have a detrimental effect on surrounding residential properties.

4.) Such structure is adequately designed and served from the standpoint of safety and that the County fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property;

Staff Comment: The project, if approved, will be subject to full County review processes. Staff feels confident this review process will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from the James City/Bruton Volunteer Fire Department with backup from the other James City County fire stations and the York County Fire Department.

5.) Such structure will not be contrary to the public health, safety, and general welfare

Staff Comment: Based on the current proposal, information submitted by the applicant and the proffers, staff believes the development will not adversely affect the public health, safety, or general welfare.

RECOMMENDATION

At the time of this staff report, comments from VDOT had not been received. Based on this, staff recommends deferral of this case, until all agency comments have been received.

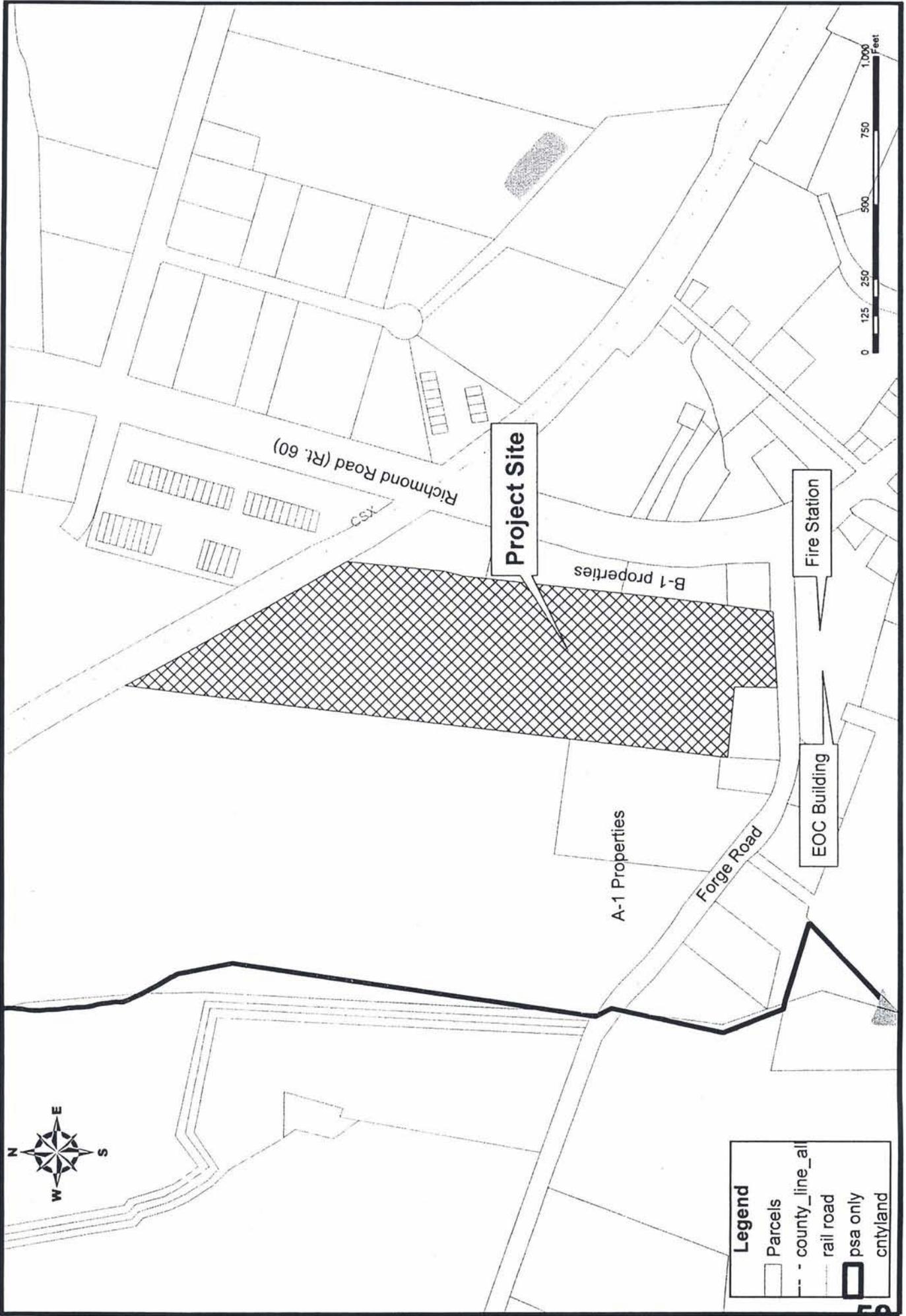
Jason Purse

ATTACHMENTS:

1. Location Map
2. Master Plan (under Separate cover)
3. Community Impact Statement (under separate cover)
5. Citizen Comments
6. Proffers



Z-13-05, Village at Toano



Legend	
	Parcels
	county_line_all
	rail road
	psa only
	cnty/land

Jason Purse

From: Krapf, Rich [RKrapf@CWF.org]
Sent: Tuesday, October 11, 2005 8:12 AM
To: Jason Purse
Cc: PkrapfLNSCAPR@cs.com; Andy Bradshaw; Anne; Barbara; Betsy; Fred; Linda
Subject: Village at Toano

Jason –

I'm passing along my written comments in response to last night's presentation. These are just my personal opinions; not those of the FORT Board. I can say, however, that I did not speak to anyone in the audience last night who was in favor of this development. My thoughts:

- This project is totally inconsistent with the goal of developing a rural village in Toano and serving as an entrance point to Forge Rd – a community character corridor and possibly the most scenic road in the County.
 - I think a Forge Road entrance is absolutely inappropriate, based on this (see comments below about traffic) and should be a deal breaker on any development proposal for this parcel. If a Richmond Rd entrance cannot be acquired, it should not go forward.
- The lack of green space detracted from any aesthetics Tom Tingle tried to incorporate into the architecture and gave the appearance of a housing development in the middle of a parking lot. My wife commented that it looked like “an upscale Burnt Ordinary”.
- 91 units is far too many, taking land away from a possible community pavilion/picnic area in the center, yards around the houses, landscaped roadways and sidewalks, etc.
 - The buffers they proposed were inadequate, especially if the parcels fronting Richmond Rd are developed.
 - The one acre community garden at the entrance actually detracts from the view as one turns from Richmond Rd. onto Forge Rd. because the large architectural massing of the housing units will be easily seen. Again, Forge Road should not be the entrance.
- The lack of any community or recreational facilities in this development just reinforces the fact that the 182 + residents will be driving 91-182 vehicles in and out of this project continually.
 - This situation may be aggravated with the recent purchase of the lot on the corner of Forge and Richmond Roads by the Volunteer Fire Department. This parcel is zoned B-1 and whatever revenue producing business goes into that location will have an impact on traffic.

- The mass of the buildings in this development ranged from approximately 70' wide for a duplex to 110' wide for a triplex. This scale is inappropriate. The architect's rendering showing an aerial view of the development only reinforced the fact that the buildings are much too large and are surrounded by concrete and asphalt.
 - There were 8 or 9 parking islands scattered throughout the development, some with a 10 car capacity, adding to the parking lot feel.

- For any type of development to go into this 20 acre property, I feel it should have extensive berming and screening and consist mostly of single family units on at least one acre parcels. Green space should be the dominant element. *Small* cluster development may be a consideration if placed between the railroad tracks and Forge Rd.

I agree that landowners who either had the foresight to purchase property before the recent boom or those who decide to cash in should be able to profit from that sale. My point of departure is when land has to be rezoned or require a SUP in order to realize that profit...in those cases the neighbors who remain and oftentimes the entire community suffers. I think such is the case with this rezoning request.

Rich Krapf

Rich Krapf

4060 South Riverside Drive
Lanexa, VA 23089-9414
(757) 566-8023
rbasley@widomaker.com



TO: James City County Board of Supervisors

SUBJECT: COMP PLAN update

With the approval of the Villages at Whitehall, and now the Village at Toano going before the Planning Commission next month and the proposed Burnt Ordinary update, I believe James City County cannot wait until the next COMP PLAN update, two or three years from now, to correct several short comings to the current plan. Therefore I recommend the Board direct the Planning Staff to immediately look into an update to the COMP PLAN along the following lines:

- a. It is desired that all large subdivision of 50 to 100 units, if feasible, have two entrances.
- b. All subdivisions over 50 units shall have a "Boulevard Type" entrance, such as Berkley's Green.
- c. If on-street parking is not going to be permitted, the developer must provide 2-1/2 to 3 parking spaces per unit - plus off-site parking for RV-type vehicles for 5 to 10% of the units--plus off-site parking for Boat Trailers for 10 to 20% of the units.

The above changes are recommended in the interest of Public Safety and are based on my personal experience of 30 years ago developing large subdivisions up in Fairfax County. At that time, subdivisions were only required by law to have just over 2 parking spaces per unit and no other oversize parking. The local police were forever responding to civil disturbances over parking.

In the case of the Village at Toano, I personally question if there is adequate room for the Fire Department's Ladder Truck, to maneuver into position to fight a fire adequately even though Chief Luton believes, based on the information currently available to him, that the Ladder Truck has access. I acknowledge this problem will be rectified during the site plan review process, but it is not fair to the developer to wait so late in the process to find out changes are required in the plans.

The problem of boat trailers traveling Forge Road, is larger than most people realize. Hardly a day goes by that I do not observe at least one boat trailer, traversing Forge Road, 360 days a year. Currently, there are 14 RV-type vehicles actually parked in Chickahominy Haven. The only alternative I can envisage for the developer to avoid the problem of RVs and trailers is—an enforceable covenant Outlawing them,

and no more than 2 cars per household allowed!

Will the Village at Toano and Burnt Ordinary intermediate school students be bussed, or required to walk to the intermediate school? My last question is—when is the School Board going to start seriously planning for the 4th high school?

Ray Basley

Copy to:

James City County Planning Commission
Chief Emmett Harmon
Chief William Luton
Dr. Gary Mathews
Jim Brewer, Resident Administrator, VDOT
Vernon Geddy

Albert M. Beck D. V.M.
8251 Wrenfield Dr.
Williamsburg, VA 23188



James City County Supervisors and Planning Department
P. O. Box 8784
Williamsburg, Virginia 23187

October 17, 2005

Dear Supervisors and Planners:

The accompanying letter was published in The Virginia Gazette October 15, 2005. I am sending copies for each supervisor and the Planning Department in the hope that reasonable minds will prevail and deny this project. In addition to the distractions described, 182 people and their vehicles will fit onto 27 acres as sardines in a can.

Sincerely yours,

A handwritten signature in cursive script that reads "Albert M. Beck".

Albert M. Beck

Albert M. Beck D. V.M.

8251 Wrenfield Dr.
Williamsburg, VA 23188

Editor, Virginia Gazette
Ironbound Road
Williamsburg, Virginia

Villages At Toano

Although A- 1 agricultural zoning limits one home per three acres, the Master Plan somehow permits higher density usage. This accounts for the developer's attractive rendition of ninety one two and three unit townhouses on twenty seven acres. Each townhouse will have either two or three bedrooms and one and one half garage bays. The developer using the county's formula predicts 15 children added to the schools. This number is probably highly unrealistic. The higher end prices of \$350,000.00 proposed for homes will tend to attract young professional couples with children rather than the "empty nesters" anticipated. Situated far from downtown Williamsburg, New Town and William and Mary, families will have two cars. Not only will school enrollment increase above predictions, but traffic at the Forge Road Route 60 intersection will be a nightmare. Because the James City County Volunteer Fire Dep't. and Volunteer Rescue Squad are across Forge Road, traffic signals of the kind that can be controlled by drivers of emergency vehicles will be necessary. No provision was made for signals because the developer's traffic study indicated little effect on traffic at the corner. Furthermore, according to Attorney Geddy, the county gets no proffers for this kind of development.

Conversation with Supervisor Andy Bradshaw after the meeting was revealing. I learned that a moratorium on rezoning is illegal, that the supervisors would not "informally" deny rezoning, that growth is necessary, that there is a sufficient water supply although not for forty years hence and that the county's formula for predicting the student impact of proposed developments is accurate, the recent growth in student population being the result of already planned growth. If I have misstated Mr. Bradshaw I welcome his corrections.

Villages At Toano is a bad proposal! It places a minimum of 182 people and as many as or more than 182 automobiles on 27 acres in an historically crop and animal oriented agricultural area adjacent to a community with historic buildings of different architectural style. It is directly across the road from the busiest fire and ambulance squads in the county and immediately adjacent to a busy intersection. A short distance west of the proposed entrance / exit of the Village, Forge Road curves sharply presenting a degree of restricted visibility for drivers.

Another person entered my conversation with Supervisor Bradshaw and asked him to name one development that had been denied. Mr. Bradshaw could not name one. With luck, maybe Villages At Toano will be the first to be denied.

A handwritten signature in black ink that reads "Albert M. Beck". The signature is written in a cursive style with a large, looping initial 'A' and a long, sweeping underline.

Albert M. Beck
Stonehouse District
James City County



PROFFERS

THESE PROFFERS are made this ____ day of September, 2005 by **JESSICA D. BURDEN, ELSIE FERGUSON, JACK A. FERGUSON** and **ROSE F. BUNTING**, together with their respective successors in title and assigns, (the "Owners").

RECITALS

A. Owners are the Owners of a tract or parcel of land with an address of 3126 Forge Road and as Tax Parcel 1230100010 containing approximately 20.881 acres, being more particularly described on Schedule A hereto, (the "Property").

B. Approximately three fourths of the Property is designated moderate density residential and the balance of the Property is designated low density residential on the County's Comprehensive Plan Land Use Map. The Property is now zoned A-1. Owners have applied to rezone the Property from A-1 to R-5, with proffers.

C. Owners have submitted to the County a Master Plan entitled "Village at Toano" prepared by LandMark Design Group dated July 28, 2005 (the "Master Plan").

D. Owners desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5.

NOW, THEREFORE, for and in consideration of the approval of

the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owners agree that they shall meet and comply with all of the following conditions and developing of Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Master Plan. The Property shall be developed generally in accordance with the Master Plan, with only minor changes thereto that the development review committee determines do not change the basic concept or character of the development. There shall be a maximum of 91 dwelling units on the Property. All dwelling units on the Property shall be developed as a condominium project pursuant to the Virginia Condominium Act.

2. Owners Association. There shall be organized a condominium owner's association as required by the Virginia Condominium Act (the "Association") in accordance with Virginia law in which all condominium unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual

maintenance budget, which shall include a reserve for maintenance of private streets, stormwater management BMPs, recreation areas, sidewalks, and all other common areas (including open spaces) under the jurisdiction of each Association, and shall require that the Association (i) assess all members for the maintenance of all properties owned or maintained by the Association and (ii) file liens on members' properties for non-payment of such assessments. ~~The Owner~~ shall make a deposit of \$1,900 to the maintenance reserve. ~~The County~~ shall be provided evidence of the deposit of such amount at the time of final site plan approval by the County for development. The Governing Documents shall grant each Association the power to file liens on members' properties for the cost of remedying violations of, otherwise enforcing, the Governing Documents.

3. Water Conservation. (a) The Association shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority and subsequently for enforcing these standards. ~~The standards~~ shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service

Authority prior to final subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan and shall not use JCSA water for irrigation purposes. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

(c) The Association shall be responsible for developing and implementing a turf management plan ("Turf Management Plan") for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff into Ware Creek and Diascund Creek and their tributaries from the Property. The Turf Management Plan shall include measures necessary to manage yearly nutrient application rates to turf. The Turf Management Plan shall be prepared by a landscape architect licensed to practice in Virginia and submitted for review to the County Environmental Division for conformity with this proffer. The Nutrient Management Plan shall include terms permitting enforcement by either the Association or the County. The Turf

Management Plan shall be approved by the Environmental Division prior to final subdivision or site plan approval.

4. Cash Contributions for Community Impacts. (a) A

contribution of \$796.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(b) A contribution of \$628.00 for each dwelling unit on the Property shall be made to the JCSA in order to mitigate ~~and~~ impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for any project related to improvements to the JCSA sewer system in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property.

(c) A contribution of \$1,000.00 for each dwelling unit on the Property shall be made to the County in order to mitigate ~~and~~ impacts on the County from the physical development and operation of the Property. The County may use these funds for

any project in the County's capital improvement plan, the need for which is generated in whole or in part by the physical development and operation of the Property, including, without limitation, for emergency services, off-site sidewalk and road improvements, library uses, and public use sites.

(d) The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat or site plan approval for such unit.

(e) The per unit contribution(s) paid in each year pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers, (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event, shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) through (c) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution

shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. Buffers. (a) Along the Property's eastern boundary, landscaping shall be provided within the 35' buffer to enhance the look of a forested edge in accordance with a landscaping plan approved by the Director of Planning as being generally consistent with the landscaping standards set forth in the design guidelines proffered by Section 11. The buffer shall be planted or the planting bonded prior to the County being obligated to issue building permits for more than 23 units on the Property.

(b) Along the Property's western boundary, landscaping shall be planted within the 35' buffer as set forth herein to provide a visual buffer between the Property and the properties to the west and from Forge Road through a reforestation plan. This plan may include some berming and shall include a seeding and planting plan as recommended by the State of Virginia's

Department of Forestry and approved by the Director of Planning as being generally consistent with the landscaping standards set forth in the design guidelines proffered by Section 11. The planting mix shall include at least two types of evergreen trees and a variety of deciduous trees including Oak, Maple and Gum as well as native understory trees including Redbud and Dogwood. The buffer shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units on the Property.

(c) Along the Property's southern boundary along Forge Road, landscaping shall be provided within the buffer in accordance with a landscaping plan approved by the Director of Planning as being generally consistent with the landscaping standards set forth in the design guidelines proffered by Section 11. The buffer shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for any dwelling units on the Property.

(d) With the prior approval of the Development Review Committee, trails and sidewalks may be located in the buffer. Dead, diseased and dying trees or shrubbery, invasive or poisonous plants, windfalls and deadfalls may be removed from the buffer area.

6. Streetscape Guidelines. The Owner shall provide and install streetscape improvements in accordance with the

applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on site and development plans for the Property and submitted to the Director of Planning for approval during the development plan approval process.

7. Recreation. (a) Prior to the County being obligated to issue building permits for more than 46 units on the Property, Owner shall provide the recreation facilities shown on the Master Plan, including the playground, trails and park, generally in the location shown on the Master Plan. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

(b) A contribution of \$86.00 for each dwelling unit on the Property shall be made to the County in lieu of the provision of courts and playing fields. The contributions described above shall be payable for each dwelling unit on the Property at the time of final subdivision plat or site plan approval for such unit. This per unit amount shall be adjusted annually in accordance with Section 4(e).

8. Archaeology. A Phase I Archaeological Study for the entire Property shall be submitted to the Director of Planning for review and approval prior to land disturbance. A treatment plan shall be submitted and approved by the Director of Planning

for all sites in the Phase I study that are recommended for a Phase II evaluation and/or identified as eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase III study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study areas. All Phase I, Phase II, and Phase III studies shall meet the Virginia Department of Historic Resources' *Guidelines for Preparing Archaeological Resource Management Reports* and the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation*, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's *Professional Qualification Standards*. All approved treatment plans shall be incorporated into the plan of

development for the Property and the clearing, grading or construction activities thereon.

9. Traffic Improvements. (a) There shall be installed or bonded in form acceptable to the County Attorney prior to issuance of any building permits on the Property a right turn radius from westbound Forge Road into the entrance to the Property.

(b) If approved by the Virginia Department of Transportation ("VDOT"), there shall be installed or bonded in form acceptable to the County Attorney prior to the earlier of (i) issuance of building permits for more than 75 units on the Property or (ii) upon a determination by VDOT that the traffic signal is warranted under VDOT signal warrants a traffic signal meeting VDOT requirements at the intersection of Forge Road and Route 60. If VDOT signal warrants have not been met and VDOT has not approved installation of the traffic signal by the first anniversary of the issuance of the 91st certificate of occupancy for a dwelling unit on the Property, all obligations of Owner with respect to installation of and/or payment of the costs of the traffic signal shall terminate and all bonds for the signal posted by Owner shall be released.

10. Sidewalks. There shall be sidewalks five feet in width installed within the Property generally as shown on the Master Plan. In addition, there shall be sidewalks and

pedestrian crosswalks installed off-site in the locations shown on the Master Plan. Such sidewalks and pedestrian crosswalks shall be installed or bonded in a form acceptable to the County Attorney prior to issuance of building permits for more than 25 units on the Property

11. Architectural Review. Prior to the County being obligated to grant final development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the design guidelines, architectural elevations and landscape guidelines and renderings submitted herewith in the Community Impact Statement prepared by Guernsey Tingle Architects and LandMark Design Group. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Decisions of the Director of Planning may be appealed to the Development Review Committee, whose decision shall be final. Final plans and completed buildings shall be consistent with the approved conceptual plans.

WITNESS the following signatures.

[balance of page intentionally left blank]

JESSICA D. BURDEN

Elsie Ferguson
ELSIE FERGUSON

Jack A. Ferguson
JACK A. FERGUSON

ROSE F. BUNTING

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____

NOTARY PUBLIC

My commission expires: _____

STATE OF Virginia
CITY/COUNTY OF Williamsburg, to-wit:

The foregoing instrument was acknowledged this 12
day of September, 2005, by Elsie Ferguson

Barbara J. Claus
NOTARY PUBLIC

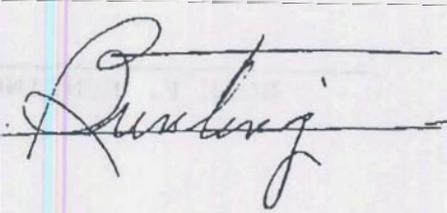
My commission expires: 1/31/07

STATE OF Virginia

JESSICA D. BURDEN

ELSIE FERGUSON

JACK A. FERGUSON



ROSE F. BUNTING

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____

NOTARY PUBLIC

My commission expires: _____

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____

NOTARY PUBLIC

CITY/COUNTY OF Williamsburg to-wit:

The foregoing instrument was acknowledged this
day of September, 2005, by Jack A. Ferguson



Barbara J. Claus
NOTARY PUBLIC

My Commission expires: 1/31/07

STATE OF _____
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this
day of _____ 2005, by _____

NOTARY PUBLIC

My commission expires: _____

REZONING-07-05. Jamestown Retreat
MASTER PLAN-05-05. Jamestown Retreat
HEIGHT WAIVER-03-05. Jamestown Retreat
Staff Report for the November 7, 2005, Planning Commission Public Hearing

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS

Building F Board Room; County Government Complex

Planning Commission: November 7, 2005 7:00 p.m.
Board of Supervisors: December 13, 2005 7:00 p.m. (tentative)

SUMMARY FACTS

Applicant: Mr. Vernon Geddy, III on behalf of Michael C. Brown Ltd

Land Owner: Edward T. and Mamie Nixon, and Hazel Richardson

Proposal: The applicant has proposed to rezone three parcels of land to R-5, Multi-Family Residential and to construct four 3-story buildings and two 2-story buildings containing a total of 66 age restricted condominium units at a density of 4.4 dwelling units per acre.

Location: 1676 & 1678 Jamestown Road and 180 Red Oak Landing

Tax Map/Parcel Nos.: (47-3) (1-36), (47-3) (1-37) and (47-3) (1-39)

Parcel Size: 16.5 acres

Existing Zoning: LB, and R-2, Limited Business and General Residential

Proposed Zoning: R-5, Multi-Family Residential

Comprehensive Plan: Low Density Residential

Primary Service Area: Inside

STAFF RECOMMENDATION

With the submitted Master Plan and proffers, staff believes that this proposal will negatively impact the surrounding properties. Staff finds the proposal inconsistent with the Comprehensive Plan Land Use Map designation. The proposed development will have a density of 4.4 units per acres on land designated by the Comprehensive Plan for one to four units per acre. Staff is concerned that this proposal may set a precedent for other undeveloped parcels along Jamestown Road to be developed at densities greater than what is recommended by the Comprehensive Plan. In addition, the Master Plan indicates a 100 foot buffer along Jamestown Road while the Comprehensive Plan suggests 150 feet as the minimum buffer along a Community Character Corridor. The Comprehensive Plan also discourages residential or commercial development beyond what is currently planned that adds significant traffic along the Jamestown Road corridor. Based on this information, staff recommends that the Planning Commission recommend denial of this application to the James City County Board of Supervisors.

Proffers: Are signed and submitted in accordance with the James City County Proffer Policy.

Cash Proffer Summary (See staff report narrative and attached proffers for further details)	
Use	Amount
Water	\$796.00 per lot
Total Amount (2005 dollars)	\$52,536.00

PROJECT DESCRIPTION

Mr. Vernon Geddy, III has applied on behalf of Mr. Michael C. Brown Ltd. to rezone approximately 16.5 acres located at 1676 & 1678 Jamestown Road and 180 Red Oak Landing from LB, Limited Business, and R-2, General Residential to R-5, Multifamily Residential with proffers. If approved, the developer will redevelop the property with four 3-story buildings and two 2-story buildings containing a total of 66 age restricted condominium units for sale, with fourteen three car garages and recreation amenities that will be managed by a community association. There are three properties being consolidated for the proposed rezoning. The two parcels nearest Jamestown Road are currently zoned LB, Limited Business and on these parcels there are currently several occupied mobile homes, a vacant retail store, and a frame house (circa 1933) with several outbuildings. The parcel furthest from Jamestown Road is currently zoned R-2, General Residential and is currently undeveloped. If approved the developer would remove all structures from the property and construct the above mentioned multi-family dwelling units.

In the Community Impact Statement there is a brief comparative analysis between the current plans and the Cluster Overlay standards to illustrate how the applicant believes the density of 4.4 units per acre has been earned. The applicant is proposing to rezone to R-5, Multifamily Residential without the Cluster Overlay, so the comparison to the Cluster Overlay District is for informational purposes only. However, it should be noted that the applicant has selectively highlighted only the sections of the Cluster Overlay district that enhance the proposed development, but does not mention the requirements for the right-of-way buffer, which is not met by this development. Additionally, this section in the Community Impact Statement evaluates the proposed development per the Moderate density residential standards in Section 24-259 (b), which states “Residential cluster developments of four units per acre but less than nine units per acre may be permitted in areas designated moderate density residential on the comprehensive plan land use map...” The standards established by this section of the Zoning Ordinance are not intended for areas designated low density residential on the comprehensive plan land use map and should not be used for analysis.

PUBLIC IMPACTS

Archaeology

The County archeological policy is proffered.

Environmental

Watershed: Powhatan Creek

Proffers:

- The applicant has proffered a Turf Management Program to be implemented in the proposed development. The Homeowners Association (HOA) will be authorized to develop, implement, and enforce the program, which will apply to both private lawns and common areas under HOA control and may be enforced by either the County or the HOA.
- Development of a master stormwater management plan is proffered with the use of low-impact

design techniques utilized where applicable, in accordance with the Powhatan Creek Watershed Management (PCWM) Plan.

- The applicant has proffered to remove the existing underground storage tanks on the property in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

Environmental Staff Comments: Initially, the Environmental Division had significant comment on the project and did not support approval of the rezoning based on their initial comments dated September 22, 2005. Significant issues were mainly related to discrepancies found within the Community Impact Statement, demonstration of commitment to goals and priorities of the approved Powhatan Creek Watershed Management Plan and inconsistencies with the preliminary environmental inventory as initially presented for the concept plan. Since that time, the applicant and plan preparer have coordinated with Environmental Division staff to attempt to address, resolve and provide clarification on many of the major outstanding issues. Proposed revisions as indicated in the current Community Impact Statement (dated October 27, 2005), the revised proffers and revised master plan/concept drawings collectively have resulted in the Environmental Division having no further comment on the rezoning application in its current format. The project will need to demonstrate compliance with the County's 10-point system for stormwater compliance (through use of a master stormwater plan in advance or concurrently with submittal of the plan of development for the project), show proper evidence of wetland permits through the Virginia DEQ and US Army Corp of Engineers, submit a Water Quality Impact Assessment (WQIA) and exception request for any disturbance to RPA or RPA buffer and also submit a request for an exception to disturb steep slopes prior to issuance of any land-disturbing permits for the project.

Fiscal

The developer anticipates that the 66 condominiums will be built over a two year period and fully occupied in year 3. The applicant states that once fully developed and occupied, the development will incur costs for County services of approximately \$115,100 per year. The total annual County revenues at buildout will be approximately \$232,300 leading to an annual net positive fiscal impact at buildout of approximately \$117,200.

Proffers:

- A cash contribution of \$796.00 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.

Staff Comments: Financial and Management Services has reviewed the Fiscal Impact Statement and agrees with the results.

Housing

Proffers:

- The applicant has proffered that all dwelling units on the property will be age restricted to persons fifty-five years of age and older.

Staff Comments: The applicant has indicated that the initial selling price for the condominium units will range from \$235,000 to \$285,000 and affordable housing has not been proffered with the proposal. No provisions are offered to mitigate the impacts of the occupants of the mobile homes on the site.

Public Utilities

Proffers:

- A cash contribution of \$796.00 for each dwelling unit on the property shall be made to the James City Service Authority in order to mitigate impacts on the County from the physical development and operation of the property.
- Appropriate water conservation measures will be developed and submitted to the JCSA for review

and approval prior to any site plan approval.

Staff Comments: This site is served by public water and sewer.

Parks and Recreation

Proffers:

- The applicant has proffered to provide a recreational area shown on the Master Plan along with other recreational facilities on the property that meet the standards in the County’s Recreational Master Plan. In lieu of such recreational facilities, the applicant has proffered to make cash contributions to the County in an amount determined pursuant to the County’s Recreational Master Plan. All cash contributions for this proffer shall be used by the County for recreational capital improvements.

Transportation

A traffic impact study was not required because the proposed project would not generate more than 100 peak hour trips. However a trip comparison was prepared for Michael C. Brown Ltd. by DRW Consultants. According to the trip generation rates, the proposed condominiums will generate approximately 5 AM peak hour vehicle trips, approximately 7 PM peak hour vehicle trips and approximately 230 daily trips. Projected peak hour and daily vehicle trips for by right developments are provided as an attachment and may be used for traffic comparisons for this property. The proposed use would create less daily traffic than several by-right developments for this property.

2005 Traffic Counts: Approximately 9,297 vehicles per day in this area of Jamestown Road.

2026 Volume Projected: 10,000 vehicles per day on a two lane road.

Road Improvements: A left-turn lane and right-turn taper will likely be required on Route 31 based on existing volumes and anticipated site trip generation.

Proffers:

- There will be one entrance into the property to and from Jamestown Road with a westbound 200 foot left turn lane with a 200 foot taper and 600 foot transition and an eastbound 200 foot right turn taper on Jamestown Road. The turn lanes will be constructed in accordance with VDOT standards and shall be completed prior to the issuance of the first certificate of occupancy.

VDOT Comments: VDOT agreed on the technical merits of the study and the general conclusions after reviewing the Master Plan and the traffic impact analysis. Turn lane warrant analyses will be required during the initial site plan review to verify the appropriate turn lane treatments that are justified for access to the proposed site. Through a preliminary field inspection, it was determined that the widening of Route 31 for a left-turn lane and appropriate transitions will result in only minor earthwork, little to no clearing, and the possible relocation of the existing sidewalk.

Staff Comments: Jamestown Road currently has sufficient capacity to accommodate the development west of Neck O’Land Road, with volumes ranging from 7,072 to 10,100 vehicles per day. However the section east of Neck O’Land Road is in the “watch” category due to projected volumes above the road’s capacity. The Comprehensive Plan states that, “Residential or commercial developments that add significant traffic along this corridor beyond that currently planned is strongly discouraged” in recognition that more intensive development will negatively impact all of Jamestown Road.

COMPREHENSIVE PLAN

Land Use Map Designation

The James City County Comprehensive Plan Land Use Map designates these properties for Low Density Residential development. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments.

Other Considerations

Community Character: The Comprehensive Plan designates Jamestown Road as a Community Character Corridor, which are roads that promote the rural, natural or historic character of the County. The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of the area and feels these roads warrant a high level of protection. This section of Jamestown Road is considered a Suburban Community Character Corridor. The objective of this type of Community Character Corridor is to ensure that the County retains a unique character and does not become simply another example of standard development. The predominant visual character of the Suburban Community Character Corridor should be the built environment and natural landscaping, with parking and other auto-related areas clearly a secondary component of the streetscape. Development in suburban Community Character Corridors should not replicate standardized designs commonly found in other communities, but rather reflect nearby historic structures, a sensitivity to the history of the County in general and an emphasis on innovative design solutions. The scale and placement of buildings in relation to each other, the street and parking areas should be compatible. In these areas the Community Character Corridor designation suggests enhanced landscaping, preservation of specimen trees and shrubs, berming and other desirable design elements which complement and enhance the visual quality of the corridor.

Staff Comments: According to the 2003 Comprehensive Plan, low density areas are residential developments or land suitable for such developments with gross densities up to one dwelling unit per acre depending on the character and density of surrounding development, physical attributes of the property, buffers, the number of dwellings in the proposed development and the degree to which the development is consistent with the Comprehensive Plan. In order to encourage higher quality design, a residential development with gross density greater than one unit per acre and up to four units per acre may be considered only if it offers particular public benefits to the community....The Zoning Ordinance will specify the benefits which may be the basis for a permit to go beyond one unit per acre. Depending on the extent of the benefits, developments up to four units per acre will be considered for a special use permit. The R-1, Limited Residential, R-2, General Residential and the Residential Cluster Development Overlay districts of the Zoning Ordinance specially permit developments with densities greater than one dwelling unit per acre. They are also the only zoning districts that specifically mention the benefits that must be provided in order to achieve densities up to four units per acre. Among these benefits is the provision for a minimum right-of-way buffer of 150 feet along a Community Character Corridor.

Staff does not believe that the proposed master plan with an overall 4.4 dwelling units per acre offers sufficient public benefits to warrant a density substantially greater than one unit per acre. While the project will address some of the current appearance issues with the site (billboards, vacant structures, etc.) it does not provide any unusual environmental protection or significantly adhere to principles of open space design such as maintaining open fields, preserving scenic vistas or protecting historical resources and does not provide mixed cost or affordable housing, just some of the benefits referenced in the Comprehensive Plan to go beyond one unit per acre.

The Comprehensive Plan recommends ensuring development is compatible in scale with surrounding areas, including measures to mitigate the impacts of developments of different intensities. The proposed Master Plan indicates a 100 foot buffer along Jamestown Road, less than what is recommended by the Comprehensive Plan. Staff believes that the proposed development will not be sufficiently screened for some time and the guidelines pertaining to Community Character Corridors in the Comprehensive Plan have not been adequately achieved.

HEIGHT WAIVER

Section 24-314 (j) of the James City County Zoning Ordinance states that structures in excess of 35 feet in height may be erected only upon the granting of a height limitation waiver by the Board of Supervisors

and upon finding that:

1. Such structure will not obstruct light from adjacent property;

Staff comment: Given the distance to the property line, staff finds that the proposed residential units will not obstruct light from adjacent properties.

2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments;

Staff comment: There are no immediate nearby historic sites or structures. To reduce impact on Jamestown Road, an entry way to historic Jamestown, the 3-story structures would be located behind 2-story structures along Jamestown Road.

3. Such structure will not impair property values in the surrounding area;

Staff comment: According to Real Estate Assessments, there is no prior indication that the construction of the residential units on this site will have a detrimental effect on surrounding properties.

4. Such structure is adequately designed and served from the standpoint of safety and that the County fire chief finds the fire safety equipment installed is adequately designed and that the structure is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property; and

Staff comment: The project is subject to full County review processes. Staff feels confident this will ensure the structure is adequately designed from a safety standpoint. Basic fire and rescue services will be provided from Fire Station #3 with back up from the other James City County fire stations.

5. Such structure will not be contrary to the public health, safety and general welfare.

Staff comment: Based on the current proposal and information submitted by the applicant staff believes the development will not adversely effect the public health, safety or general welfare.

With the submitted material, staff believes that the height of the proposed structures will not negatively affect the surrounding property and recommends approval of the height waiver application should the rezoning application be approved.

RECOMMENDATION

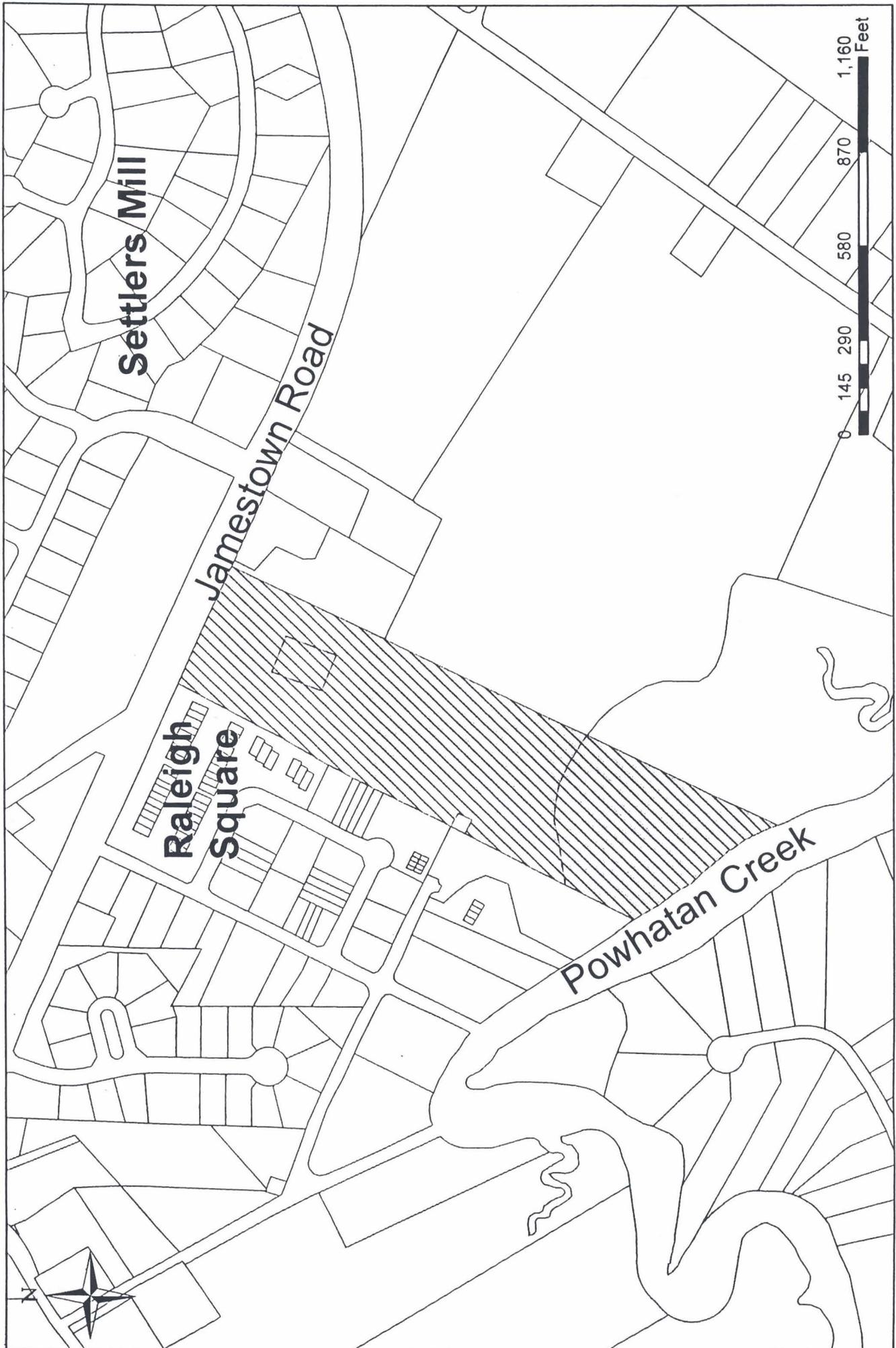
With the submitted Master Plan and proffers, staff believes that this proposal will negatively impact the surrounding properties. Staff finds the proposal inconsistent with the Comprehensive Plan Land Use Map designation. The proposed development will have a density of 4.4 units per acres on land designated by the Comprehensive Plan for one to four units per acre. Staff is concerned that this proposal may set a precedent for other undeveloped parcels along Jamestown Road to be developed at densities greater than what is recommended by the Comprehensive Plan. In addition, the Master Plan indicates a 100 foot buffer along Jamestown Road while the Comprehensive Plan suggests 150 feet as the minimum buffer along a Community Character Corridor. The Comprehensive Plan also discourages residential or commercial development beyond what is currently planned that adds significant traffic along the Jamestown Road corridor. Based on this information, staff recommends that the Planning Commission recommend denial of this application to the James City County Board of Supervisors.

ATTACHMENTS:

1. Location map
2. Master Plan (provided under separate cover by the applicant)
3. Community Impact Study
4. National Wetlands Inventory Map of the Nixon Tract
5. Fiscal Impact Study
6. Addendum to Fiscal Impact Study
7. Trip Generation Comparison from DRW Consultants
8. Building Elevations
9. Conceptual Landscape Plan
10. Conceptual Utility Plan
11. Proffers
12. Letter from Settlers Mill Homeowners Association (May 3, 2005)
13. Letter from Sue Welch from Raleigh Square Townhouses
14. Letter from John and Kathleen Hornung
15. Postcard from Joel and Marilyn Kirschbaum
16. Letter from Raleigh Square Homeowners Association
17. Letter from Kensett and Michael Teller of TK Arts, Inc. and TK Oriental Antiques, Inc.
18. Letter from Lakewood Homeowners Association
19. Letter from The Friends of Powhatan Creek Watershed
20. Letter from Reed Weir
21. Letter from Settlers Mill Homeowners Association (November 1, 2005)

HW-03-05 / MP-05-05 / HW-03-05

Jamestown Retreat



Community Impact Statement

For the

Master Plan

Prepared For

Michael C. Brown Ltd.

Jamestown Retreat

Michael C. Brown Ltd.

P.O. Box 188
Toano, VA 23168-0188

February 22, 2005

Revised: October 27, 2005

AES Project Number: 9462-00

Prepared by:



5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
(757) 253-0040
Fax (757) 220-8994



TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	THE PROJECT TEAM	2
III.	PROJECT DESCRIPTION.....	3
	A. Planning Considerations.....	5
IV.	ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES.....	7
	A. Public Water Facilities (Includes Preliminary Water Model Analysis).....	7
	B. Public Sewer Facilities	7
	C. Public Schools	7
	D. Fire Protection and Emergency Services.....	8
	E. Solid Waste.....	8
	F. Utility Service Providers	8
V.	ANALYSIS OF ENVIRONMENTAL IMPACTS.....	9
	A. Preliminary Wetland Determination	9
	B. Resource Protection Areas.....	9
	C. Powhatan Creek Watershed	9
	D. Soils and Vegetation	11
VI.	ANALYSIS OF STORMWATER MANAGEMENT/BMP.....	13
VII.	ANALYSIS OF IMPACTS TO TRAFFIC.....	15
	(See separate Traffic information from DRW)	
VIII.	ANALYSIS OF FISCAL IMPACTS	15
	(See separate Fiscal Impact Study from Wessex)	
IX.	CONCLUSION.....	15
	LIST OF TABLES	
	Table 1 Projected Wastewater Flows	7
	LIST OF EXHIBITS	
	Exhibit 1 Vicinity Map	4
	APPENDIX	16
	I. Bay Environmental, Inc. – Perennial Stream Determination	
	II. Wessex Group Williamsburg – Fiscal Impact Study	
	III. DRW Consultants, LLC - Traffic Memorandum	
	IV. DRW Consultants, LLC – Trip Generation Comparison	
	V. Conceptual Utility Plan	

I. INTRODUCTION

Michael C. Brown, Ltd is proposing to rezone approximately 16.5 acres in James City County from LB & R-2 zoning to R-5 zoning. The property is located on Jamestown Road just west of Ironbound Road. The current Comprehensive Plan designates this area as Low Density Residential. The TK Oriental and Battery Store area was identified during the Comprehensive Plan update as having zoning and Comprehensive Plan inconsistencies. A careful reading of this section of the Comprehensive Plan underscores concerns with maintaining the primarily residential character of the area and controlling the levels of traffic that unrestricted commercial development would generate. The Comprehensive Plan elected to show the Low Density designation as **best vehicle to "steer future uses towards the most appropriate land uses."** This rezoning application and Comprehensive Plan change request seeks to accomplish the same goals as the Comprehensive Plan Update – those of maintaining the predominantly residential character of the area and limiting commercial development and its accompanying traffic concerns while at the same time proposing a Moderate Density designation that suits its location and provides a transition between Raleigh Square and TK Oriental Arts and the church on the south-side of Jamestown Road. The proposed project will eliminate all commercial uses on the site, replacing them with high quality architecture and age-restricted condominiums at a density of 4.4 units per acre. The developer is making this project age restricted to in part, respond to existing market conditions and to reduce any concerns with additional residential development overburdening James City County schools.

This property is within the area covered by the Powhatan Creek Watershed Management Plan adopted in February 2002 by the Board of Supervisors. The developer proposes to meet and/or exceed the goals and objectives of the PCWM Plan through a combination of stormwater management measures and the employment of creative, low impact design measures to further treat and clean runoff from the site.

There are three properties being consolidated for this development. The site currently has several trailer homes, is anchored by a battery retail store, a frame house (circa 1933), and outbuildings. There are also existing underground fuel tanks that will require removal and remediation. Jamestown Retreat is proposing to remove all existing structures and redevelop this property with four, three story buildings and two, two story buildings for a total of 66 condominium units. The remainder of this report will summarize and organize the planning efforts of the project team into a cohesive package for Staff review addressing all pertinent planning issues, the requirements of the R-5 zoning district, and elements of the Powhatan Creek Management Plan that pertain to this site.

THE PROJECT TEAM

The organizations that participated in the preparation of the information provided in this impact study are as follows:

- Developer - Michael C. Brown, Ltd.
- Civil Engineering - AES Consulting Engineers
- Environmental - Bay Environmental, Inc.
- Traffic - DRW Consultants
- Fiscal - The Wessex Group, Ltd.
- Land Planning/LA - AES Consulting Engineers
- Legal - Geddy, Harris, Franck and Hickman

Key components of this Community Impact Study are:

- Analysis of Impacts to Public Facilities and Services
- Traffic Impacts
- Fiscal Impact Study
- Wetlands and perennial streams study

III. PROJECT DESCRIPTION

Jamestown Retreat is proposing to develop a residential community of up to 66 condominium units. The on-site structures will include six multi-family residential buildings, fourteen, three car garages and open space managed by a community association.

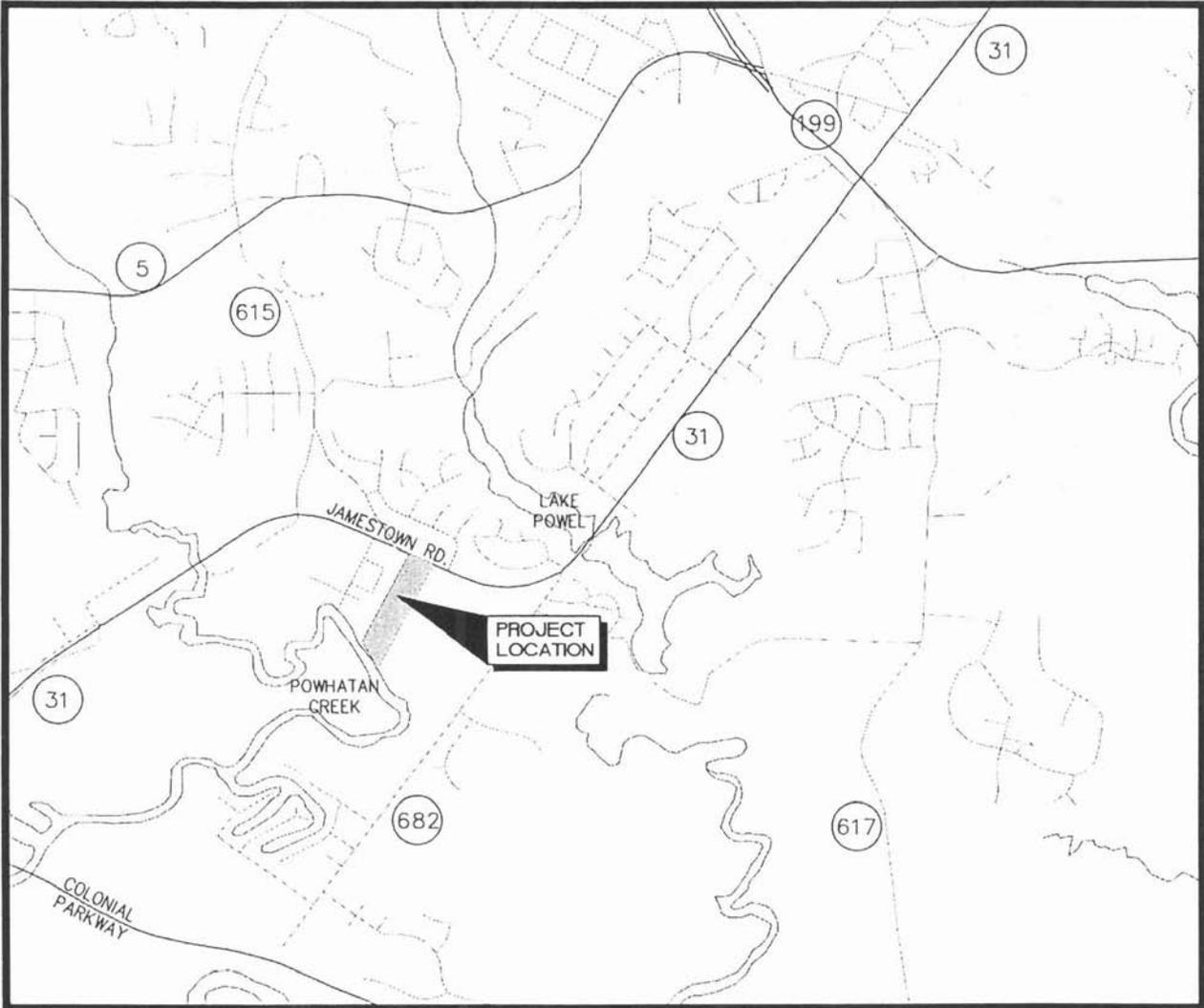
The site is comprised of the following elements:

Wetland:	7.0 acres (1.7 ac outside the 100 year flood)
100 year flood and stream areas:	5.3 acres (included within wetland total)
Areas of 25% or greater slope:	0.4 acres
Subtotal of non-developable acreage:	7.4 acres
Developable lands	9.1 acres
Total acreage:	16.5 acres

The non-developable 7.4 acres is approximately 44.8% of the total parcel acreage. The density has been calculated based on the developable area plus 35% of the total acreage per 24-312 of the zoning ordinance. See the Environmental Inventory drawing identifying areas of non-developable and net developable acreages.

The project location is shown on the following exhibit:

Exhibit 1



(Not to Scale)

A. Planning Considerations

A review of the Comprehensive Plan of James City County shows this area designated as "Low Density Residential" and directly adjacent to "Moderate Density Residential." Under Low Density Residential, minimum densities of one dwelling unit per acre and up to four dwelling units per acre are allowed. The Jamestown Retreat proposes a density of 4.4 units per acre and the R-5 zoning designation was deemed the best vehicle for the use proposed. The Jamestown Retreat exceeds the ceiling of 4 units per acre recommended by the low density classification however, the proposed use, density and design has similar characteristics to and compliments surrounding land uses. The R-5 zoning promotes "a harmonious and orderly relationship between multifamily residential uses (Raleigh Square to the west) and lower density or nonresidential uses" (TK Arts to the east), (Section 24-304 of the James City County Zoning Ordinance). The front six acres of Raleigh Square adjacent to the Retreat has a density of 8.2 dwelling units per acre and contains 47 attached units and 2 single family detached units.

While this proposal has been designed per R-5 zoning standards, a brief comparative analysis between the current plans and the Cluster Overlay standards illustrates how the density of 4.4 units per acre has been earned. If the plans were being evaluated per the Low Density standards outlined in Section 24-549 (a) paragraphs (1)- (4), a density of four units per acre could be earned by providing 40% of the net developable acres as open space as well as the following: implementation of the Streetscape Guidelines Policy, implementation of the county's Archeological Policy, provision of sidewalks on one side of internal streets, provision of recreation facilities as recommended in the county's Comprehensive Recreation Master Plan, implementation of the county's Natural Resources Policy, provision of sidewalks on both sides of internal streets, the use of curb and gutter construction on all internal streets, superior layout and quality design per paragraphs (4)b and c.

This development contains open space within developable areas totaling 5.8 acres or 64% of the net developable acres and also provides the following:

- Streetscape plantings per the Streetscape Guidelines Policy
- Conformance with the James City County Archaeological Policy (proffered).
- Sidewalks on both sides of all internal streets and drive aisles, including the entrance road.
- Recreation facilities as recommended in James City County's Comprehensive Parks and Recreation Master Recreation Plan (proffered).
- Curb and Gutter construction.

- Conformance with the James City County Natural Resource Policy (proffered).

Clearly, this application earns more than the base density of 1 unit per acre under the Low Density designation and more than the base of 4 units per acre when evaluated per the Moderate density residential standards defined in Section 24-549 paragraph (b). Although the plan is not designed to R-5 residential cluster overlay standards, it exceeds the overlay net developable open space standards by 2.6 acres.

IV. ANALYSIS OF IMPACTS TO PUBLIC FACILITIES AND SERVICES

The subject property for rezoning is located within the Primary Service Area of James City County. Parcels and subsequent land development activities within the Primary Service Area are required to connect to public water and sanitary sewer service provided by the James City Service Authority (JCSA).

A. Public Water Facilities

The subject property will be served with public water by the existing JCSA water distribution system in the area. A 12-inch water main exists along Jamestown Road and an 8-inch water line service is available to the site along the western boundary. JCSA has different scenarios for connecting the proposed water line in this development to the adjacent properties. This development will work with the JCSA in those efforts. It should also be noted; that the new Desalination facility will be online in the Spring of 2005 prior to the construction of this residential community.

A preliminary water model will be completed and submitted prior to or with the final site plan. The model will examine volume and pressures throughout the immediate water system area. The water model will likely account for all multifamily residential buildings having a sprinkler fire suppression system meeting NFP-13R.

B. Public Sewer Facilities

A 16-inch force main currently runs down Jamestown Road. There is also an existing 8-inch line servicing the site from the adjoining western property. The subject property will be served by extensions of this sewer into the site. The sanitary sewer extension will be through a gravity sewer connection to the existing Powhatan Creek Collector which flows into existing Lift Station 4-8. Based on preliminary discussions with JCSA staff the current capacity of Lift Station 4-8 will be able to handle the proposed development of Jamestown Retreat.

Table 1

Development	Units	(GPD/Unit)	Flow (GPD)	(hrs)	(GPM)	Peak Flow
RESIDENTIAL						
Multi-family condo	66	250	16,500	24	11.5	28.6

Table 1 above shows the proposed flows that will be generated by this new development. The flows from this development will not have an adverse impact on the existing system.

C. Public Schools

Jamestown Retreat will be age-restricted and will not add school aged children to James City County public schools.

D. Fire Protection and Emergency Services

There are currently five fire stations providing fire protection and Emergency Medical Services (EMS) services to James City County. The closest fire station to the subject site is station number 3 located at 5077 John Tyler Avenue, east of this project. From this station, an estimated response time would be less than four minutes.

The next closest fire station to the subject site is station number 5 at 3201 Monticello Avenue. Although more distant than the John Tyler station, response time to the site is still within appropriate limits if an emergency event occurs requiring additional fire and life safety support. These two fire stations, and the emergency medical staff available at these stations, will provide a more than adequate response to potential emergencies.

E. Solid Waste

The proposed development on the subject property will generate solid wastes that will require collection and disposal to promote a safe and healthy environment. Reputable, private contractors, hired by the community management or homeowners' association, will handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to a solid waste transfer station.

F. Utility Service Providers

Virginia Natural Gas, Dominion Virginia Power, Cox Communications, and Verizon Communications provide, respectively, natural gas, electricity, cable TV service, and telephone service to this area. The current policy of these utility service providers is to extend service to the development at no cost to the developer when positive revenue is identified plus with new land development these utility service providers are required to place all new utility service underground.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Preliminary Wetland Determination

Investigations were conducted by Bay Environmental, Inc. in the fall of 2004 for the entire property. The North Carolina stream evaluation method was applied in order to map perennial streams and the site was examined to determine wetland areas that would fall under the jurisdiction of Section 404 of the Clean Water Act. The extent of wetland features are shown on the Environmental Inventory plan for this development.

Based on the investigation by Bay Environmental, Inc. approximately 7.0 acres of wetlands are present on the property, associated directly with a drainage-way of the Powhatan Creek that runs through the site. There may be some temporary disturbances associated with gravity sewer connections and the grading associated with constructing the storm water/best management ponds and potential permanent impacts associated with the placement of two buildings and a small parking area at the northwest corner of the site at the uppermost part of Reach 1 B as described in the Perennial Stream Determination. Surveyed verification of wetlands and topography will confirm the extent or lack of these impacts and the appropriate state and federal permitting will be acquired as necessary prior to obtaining James City County land disturbing permits. Following a meeting with James City County staff, the plans were further revised to minimize the impacts of several buildings on a wetland stem and associated steep slopes along the western edge of the property.

B. Resource Protection Areas

A Resource Protection Area (RPA) currently exists on the property. The RPA and Wetland limits have been determined by Bay Environmental, Inc. in their Perennial Stream Determination analysis, which is included in this report. A stormwater management facility is the only planned facility adjacent to the RPA. The proffered Master Stormwater Management Plan will seek to minimize encroachment into the RPA by this proposed facility. As currently planned only a required outfall would encroach into the RPA buffer.

C. Powhatan Creek Watershed

In a report prepared for James City County by the Center for Watershed Protection "*Powhatan Creek Watershed Management Plan*", dated November 2001, and adopted by the Board of Supervisors in February 2002, it was noted that rapid development has occurred within the Powhatan Creek watershed, posing a threat to natural habitats and the water quality benefits of this tributary. In 2001, the Center for Watershed Protection made recommendations for various sub-watersheds of Powhatan Creek to maintain the quality of this stream habitat. This site is located along the Tidal Mainstem of Powhatan Creek. The recommendations for this watershed are as follows:

Watershed Education

- Fecal coliform problem and source education—septics, pets, natural sources.
- The importance of natural buffers for wetlands and other aquatic resources.

Aquatic Buffers

Establishment of a program to assist landowners in the creation of buffer zones
Preservation of a larger existing natural buffer to protect important marsh transition zones

- Increased forest buffer on the Paleochannel wetlands on the south side of Mainland Farm.

Better Site Design

- Cluster type development to allow for the preservation of the marsh buffers.

Stormwater Management

- Stormwater management with an added focus on fecal coliform removal.

The development of this site supports the recommendations to maintain the quality of Powhatan Creek through the following:

1. Low Impact Development (LID) will be utilized within the developed areas of the project. Use of LID will process/manage stormwater runoff quality and will foster groundwater infiltration to maintain Powhatan Creek base flows. LID features including landscaped bio-retention basins, grass swales and where practicable, the reduction of curb and gutter will be included in the Stormwater Management Plans for the Retreat.
2. The development will also incorporate standard stormwater management facility(s) / best management practice design(s) to meet James City County's stormwater management goals, maintain high stream quality and address the fecal coliform issue. Along with A Master Stormwater Management Plan, a Turf Management Plan is also proffered.
3. The development will avoid impacting existing wetlands except for project utility connections, JCSA utility interconnections, and limited potential impacts associated with construction along Reach 1B as described in the Perennial Stream Determination prepared by Bay Environmental, Inc. These activities should not permanently alter the wetland areas associated with the Powhatan Creek downstream of the 100' buffer. An ample area remains at the rear of the site for a stormwater management facility outside of the RPA buffer with a required outfall being the only encroachment. If any encroachment required for the construction of this facility requires a Chesapeake Bay waiver or exception through the Chesapeake Bay Board Process, such waiver will be identified and pursued as part of the proffered Stormwater management Plan.

4. The Powhatan Creek Watershed Management Plan stresses the possibility of the presence of rare, threatened and endangered species along the tidal mainstem. In recognition of this fact, a proffer is provided which shall require that a study be conducted to verify the presence or not of rare, threatened or endangered species on site even if no state or federal permitting process is triggered which would require such a study.
5. Clustering allows a wide range of densities with the provision of larger areas of open space. In the case of the Retreat, condominium units are contained within buildings and do not occupy private lots thereby increasing the plan's ability to preserve open space. This results in the increased preservation of the mainstem contiguous forest without further reducing the number of units currently proposed by the developer.
6. The development will provide approximately 14.1 acres of open space including 6.6 acres located in developable areas (73% of the developable area). These developable areas include perimeter buffers, setbacks, streetscape areas, recreation and other open space. Much of this open space is located adjacent to the 100' RPA buffer, providing additional protection to this important feature. According to section 24-552(a), moderate density developments are required to provide 35% open space within net developable areas. Within this development, 3.2 acres would be required per that Section. The Retreat will provide approximately 5.8 acres (64%) of developable open space or 2.6 acres of additional open space. 0.8 acres of additional open space is located within the site's perimeter buffers, but is not included in the 5.8 acres per paragraph (a) regarding the amount of perimeter buffer used to satisfy the open space requirement.
7. Although not specifically referenced in the recommendations of the Powhatan Creek Watershed Study this proposed development will provide for the removal of the existing underground fuel tanks located on-site which will significantly improve this particular sites' contribution to a cleaner watershed.

The characteristics of this design, outlined above, illustrate how the Retreat at Jamestown shall meet the overall goals of the Powhatan Creek Watershed Study.

D. Soils and Vegetation

Soils

The *Soil Survey of James City and York Counties and the City of Williamsburg, Virginia* (USDA 1985) maps several soil types within the property boundary. This property is predominantly situated on well-drained soils of Emporia, Levy, Craven-Uchee, Johnston, and Slagle. The hydrologic classifications of these soil types are

within group C. The mapping can be seen on the attached Environmental Inventory Drawing.

Vegetation and Perennial Stream Determination (See Appendix I).

VI. ANALYSIS OF STORMWATER MANAGEMENT/BMP

A brief needs-analysis for stormwater management, meeting the general criteria of the Commonwealth of Virginia and James City County's stormwater requirements, was completed as a component of the planning for the proposed Master Plan of the subject property.

The goal of the stormwater management plan is to adhere to local and state stormwater requirements using Best Management Practices (BMP's) that provide the maximum coverage while minimizing environmental impacts. This proposed development will also be subject to James City County's Special Stormwater Criteria (SSC). In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the unique site characteristics are identified through site observations and mapping and considered in the design of the stormwater management system:

- Non-tidal wetlands of Powhatan Creek watershed exist in one onsite swale
- Stormwater management for this site seeks to manage the quality and quantity of the stormwater runoff. In James City County, the Environmental division requires a 3-step, 10-point Best Management Practice (BMP) method to demonstrate compliance with the County's Chesapeake Bay Preservation Ordinance (CBPO). The methodology allocates open space credit for land that is not developed and provides credit for all segments of the site that drain and are controlled by an adequately sized structural BMP. BMP credits can also be accumulated for providing stormwater quality improvement for off-site development and parcels within the watershed of the proposed stormwater management / best management practice facility (SWM / BMP). Structural BMP's are assigned from 4 to 10 points depending on particular design and storage volume. Highly efficient wet ponds, infiltration basins, and marsh BMPs receive 9 or 10 points of credit. The total point value for the site is obtained by taking the fraction of the site served by a structural BMP or open space credit and multiplying it by its assigned point value and then summing the values. A total of ten points for the site is necessary to demonstrate satisfactory compliance.

In preliminary analysis of the subject property, stormwater management and improvement in stormwater quality may be achieved with the construction of a SWM / BMP facility located on adequate acreage and appropriate conditions to handle the watershed. When combined with the quality benefits provided by the naturally occurring tidal and non-tidal wetlands, the proposed development will have minimal impacts to the surrounding environment.

Specifically, one SWM / BMP is envisioned for Jamestown Retreat. The southern section of Jamestown Retreat will contain a SWM / BMP facility as shown on the Master Plan. To address the added focus of fecal coliform removal stressed in the Powhatan Creek Watershed Management Plan, infiltration and/or bioretention of

stormwater runoff shall be implemented as a minimum to meet the county's special stormwater criteria, and as feasible other design criteria as outlined in the Powhatan Creek Watershed Stormwater master plan shall be considered. The SWM / BMP facilities proposed for the Jamestown Retreat and proffered LID components will incorporate these concepts. To achieve the remaining points required by the Environmental Division, Open Space Conservation Easements will be placed over undeveloped areas of the parcel including those adjacent to Powhatan Creek and the associated Resource Protection Area (RPA) Buffer. To further address water quality a Turf Management Plan has also been proffered.

This conceptual solution to stormwater management and water quality minimizes the impacts of the proposed development on the environment and the proffered stormwater management Plan will assure compliance with state and local requirements for stormwater management and water quality.

VII. ANALYSIS OF IMPACTS TO TRAFFIC

A Traffic Study was not warranted however, turn lane warrants may result in a left turn lane and a right turn taper or radius. These items are illustrated on the Master Plan. Warrants for turn lanes will be addressed at the site plan stage. A Trip Generation Comparison has been prepared by DRW Consultants, LLC (please see attached Appendix).

VIII. ANALYSIS OF FISCAL IMPACTS

A Fiscal Impact Study has been prepared by the Wessex Group. A revised copy of the findings in consideration of an age restricted status has been provided and an addendum addressing the impact of a reduction in the total number of units is provided with this submittal.

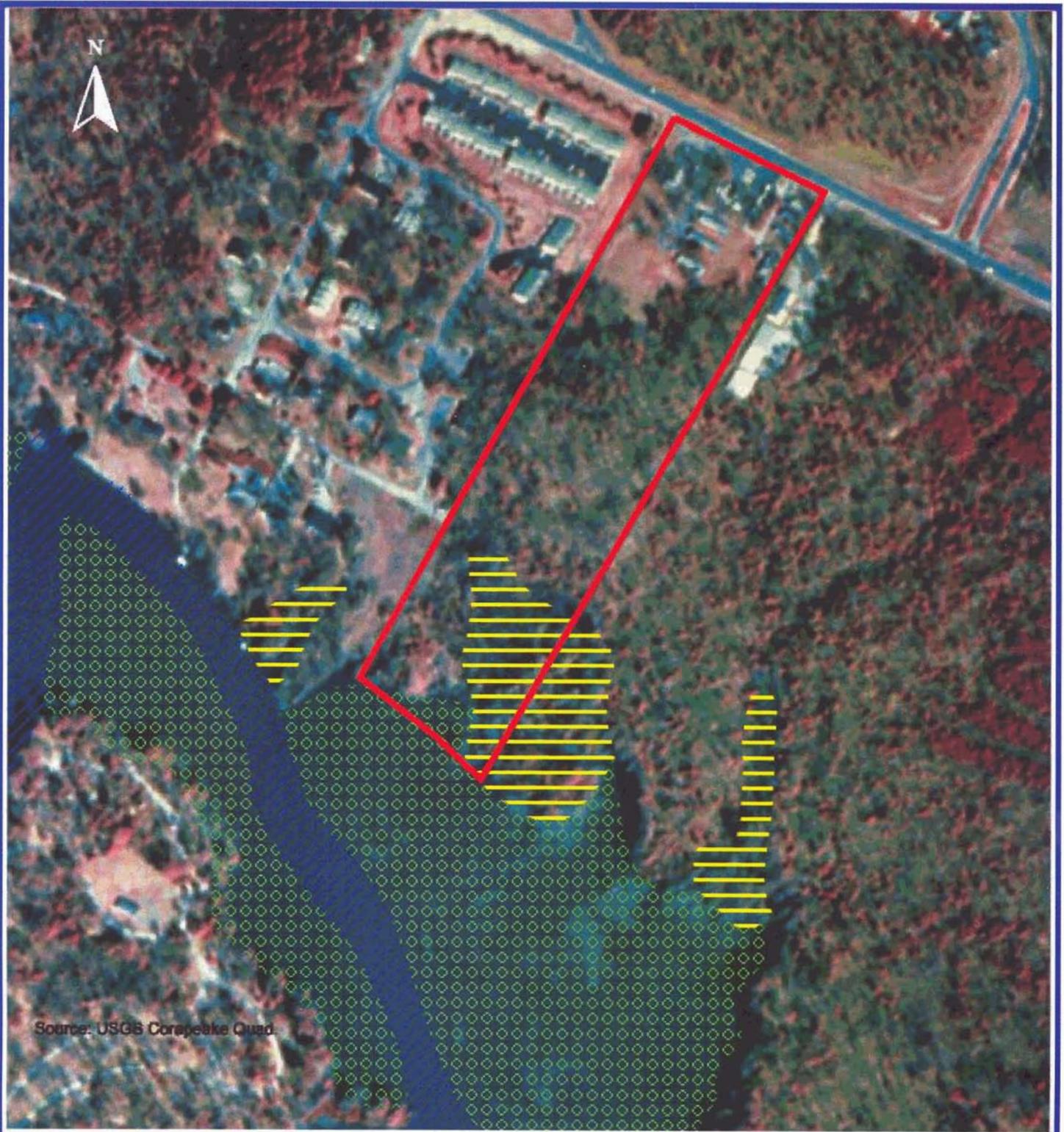
IX. CONCLUSION

In summary, this proposed development is the consolidation of three parcels. The properties are in decline. Rezoning and redeveloping the site to R-5 will lead to a clean-up of the site while providing extensive buffers and green areas. The redevelopment of this site will eliminate a major eyesore along Jamestown Road that serves as an entrance corridor for those visitors entering James City County from the Scotland Ferry. This corridor will also be utilized by many visitors during the 2007 celebration for the Jamestown Settlement. This Community Impact study concludes the following:

- Adequate public facilities (water and sewer, fire), and utility services (gas, electric cable TV, telephone), are available for development.
- An R-5 development is proposed with this rezoning, which is similar in land use to the adjacent Moderate Density Residential property at Raleigh Square.
- Storm water runoff from this site will be addressed through a proffered Master Stormwater Management Plan.
- A proper balance is achieved with this rezoning to support the goals of the *Powhatan Creek Watershed Management Plan*, insure orderly development, and Preserve the primarily residential character of the area per the Comprehensive Plan of *James City County*.
- The property will serve as a transition between an existing moderate density community and an existing commercial retail establishment.
- Rezoning the site to R-5 represents a significant opportunity for improvement to existing site conditions and represents the highest and best use for this property.

APPENDICES

- Bay Environmental, Inc. – Wetland and Perennial Stream Determination
- Wessex Group Williamsburg – Fiscal Impact Study
- DRW Consultants, LLC - Traffic Memorandum
- DRW Consultants, LLC - Trip Generation Comparison
- Conceptual Utility Plan



Scale: 1" = 300'
 Bay #: 04-XXX-01
 Date: 5/11/05
 Drawn By: BSE

National Wetlands Inventory Map
 Nixon Tract
 James City County, Virginia



-  Approximate Site Boundary
-  NWI Wetlands
-  PEM1R
-  PFO1R
-  R1UBV





Scale: 1" = 300'
 Bay #: 04-XXX-01
 Date: 5/11/05
 Drawn By: BSE

National Wetlands Inventory Map
 Nixon Tract
 James City County, Virginia

-  Approximate Site Boundary
-  NWI Wetlands
-  PFO1R
-  R1UBV





**Jamestown Retreat
An Age-Restricted Condominium Development**

**Fiscal Impact in James City County, Virginia
August 2005**

Prepared for:

AES Consulting Engineers

Prepared by:

The Wessex Group, Ltd.
**479 McLaws Circle, Suite 1
Williamsburg, Virginia 23185
Telephone: (757) 253-5606
Facsimile: (757) 253-2565
E-mail: wessexgroup@wessexgroup.com
Web site: www.wessexgroup.com**

**Jamestown Retreat
An Age-Restricted Condominium Development
Fiscal Impact in James City County, Virginia**

EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **AES Consulting Engineers**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of building a community called Jamestown Retreat. This development would consist of 16.5 acres located in James City County on Jamestown Road. Development plans include 84 age-restricted residential condominium units, comprised of 21 two-bedroom units, 42 three-bedroom units and 21 four-bedroom units. All residential units will be for sale. Also included are approximately \$50,000 of community amenities, such as walking and biking trails and a swimming pool.

Development Schedule and Construction Investment: The developer anticipates that the 84 condominiums in Jamestown Retreat will be built over a two year period and fully occupied in Year 3. The cumulative residential population is estimated at 143 persons. Total construction investment is estimated at almost \$16.0 million. Square footage and construction costs for the units are as follows:

- 21 two-bedroom units averaging 1,200 square feet, construction cost \$152,300 per unit
- 42 three-bedroom units averaging 1,500 square feet, construction cost \$188,300 per unit
- 21 four-bedroom units averaging 1,800 square feet, construction cost \$224,300 per unit.

County Revenues, Expenditures and Net Fiscal Impact: Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. At buildout, the Jamestown Retreat will provide an estimated \$316,000 annually in new revenues for the county. In turn, the services that the county will provide to this community include police protection and fire protection. Once fully developed and occupied, the Jamestown Retreat will incur costs for county services of approximately \$146,000 per year. At buildout, the net fiscal impact is estimated at more than \$169,000 annually, as shown in Table A below. All dollar figures contained in this report are expressed in 2005 dollars. No attribution for economic inflation has been made.

**Table A
Jamestown Retreat - Net Fiscal Impact**

	<u>Year 1</u>	<u>Year 2</u>	<u>Buildout</u>
Total Annual County Revenues	\$177,300	\$346,500	\$315,600
Total Annual County Expenditures	\$13,400	\$86,800	\$146,400
Annual Net Fiscal Impact (Revenues Less Expenditures)	\$163,900	\$259,700	\$169,200
Cumulative Net Present Value (Years 1 – Buildout)			\$537,800

**Jamestown Retreat
An Age-Restricted Condominium Development**

Fiscal Impact in James City County, Virginia

TABLE OF CONTENTS

EXECUTIVE SUMMARY	I
INTRODUCTION TO THE STUDY	1
DEVELOPMENT PLANS AND CONSTRUCTION INVESTMENT	1
EMPLOYMENT AND PAYROLL	3
LOCAL GOVERNMENT REVENUES	3
LOCAL GOVERNMENT EXPENDITURES	6
NET FISCAL IMPACT	7

Jamestown Retreat
An Age-Restricted Condominium Development
Fiscal Impact in James City County, Virginia

As part of a rezoning application submitted to James City County by **AES Consulting Engineers**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of the development planned for a 16.5-acre site in James City County, Virginia on Jamestown Road. For the purpose of this report, the site will be referred to as the "Jamestown Retreat."

Introduction to the Study

The purpose of this report is to describe estimates of the **fiscal** revenues and expenditures that the housing development will generate for the local government of James City County. Fiscal impacts are those that directly affect a municipality's budget. Any new development that attracts new county residents generates the need for public services, such as emergency medical services, police, and fire protection. In turn, the development generates additional tax revenue for the county. The major portion of the county's revenues from residential development is derived from real estate taxes and local household spending. All dollar figures contained in this report are expressed in 2005 dollars.

The plans and estimates included in this report cover the development and sales schedules, construction investment, the employment directly associated with the construction of this development, and the local spending of new residents in the development. Employment estimates are used to calculate the marginal cost of government services and no attribution is made as to the residence location of any employees. The **fiscal** impacts that flow from the development efforts and new residents are the new revenues that James City County will collect and the new expenditures that James City County will incur to provide government services to the Jamestown Retreat.

Development Plans and Construction Investment

The proposed development plans and construction costs for Jamestown Retreat include the following:

- 21 two-bedroom condominium units averaging 1,200 square feet, construction cost \$152,300 per unit
- 42 three-bedroom condominium units averaging 1,500 square feet, construction cost \$188,300 per unit
- 21 four-bedroom condominium units averaging 1,800 square feet, construction cost \$224,300 per unit
- Community amenities totaling \$50,000, including walking and biking trails and a swimming pool.

On-site improvements will include infrastructure (internal roads, sewer lines, water lines, etc.) along with the condominium units. Off-site improvements totaling \$125,000 will be provided by the

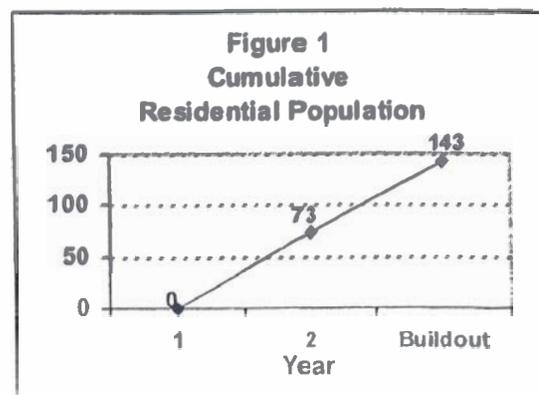
developer, including \$50,000 for a corridor enhancement fund and \$75,000 for turn lanes. Development is assumed to begin in Year 1 with buildout and full occupancy by Year 3. The developer estimates that the construction of residential units will total about \$16.0 million. The development schedule and costs are shown in Table 1.

Table 1
Development Schedule and Construction Investment

Residential Development	Year 1	Year 2	Buildout
Two-bedroom condominium units	11	10	0
Three-bedroom condominium units	21	21	0
Four-bedroom condominium units	11	10	0
Total Annual Units Developed	43	41	0
Cumulative Residential Units	43	84	84
Unit Occupancy Schedule			
Annual Units Occupied	0	43	41
Cumulative Units Occupied	0	43	84
Incremental Residential Population	0	73	70
Cumulative Residential Population	0	73	143
Construction Investment (\$ Millions)			
Residential	\$8.3	\$7.7	\$0
Total Annual Construction Investment (\$ Millions)	8.3	7.7	0
Cumulative Construction Investment (\$ Millions)	\$8.3	\$16.0	\$16.0
Construction Materials & Supplies			
Annual Total (\$ Millions)	\$4.1	\$3.9	\$0
Annual Purchases in James City County (\$ Thousands)	414	386	\$0
Construction Payroll (\$ Millions)	\$3.3	\$3.1	\$0

Area contractors indicate that construction materials account for approximately 50% of all construction costs. The annual cost of materials for this project will average about \$4.0 million per year during development. It is estimated that 10% of construction materials will be purchased in James City County, resulting in average sales of almost \$400,000 a year for county businesses during the development phase. An annual average of \$3.2 million will be spent on construction payroll.

Incremental Population: To estimate the population of the Jamestown Retreat, an average household size of 1.7 persons has been assumed (source: TWG's research of age-restricted developments throughout Virginia). This method of estimation indicates that the population of the proposed development would reach 143 persons at 100% occupancy at buildout (Figure 1).



Employment and Payroll

The number of incremental FTE employees is included in this fiscal impact analysis because it is one basis of local government expenditure estimates attributed to the new construction activity. Assuming that payroll is 40% of construction costs and that construction workers earn an average of \$38,592 per year (based on wage data obtained from the Virginia Employment Commission), the construction efforts should provide jobs for an average of 128 workers per year, as indicated in Table 2 below.

Table 2
Employment Schedule

Construction Employment	Year 1	Year 2	Buildout
Full Time Employees	45	40	0
Part Time Employees	90	80	0
Total Employees	135	120	0
Construction FTE Employment	90	80	0

On a Full Time Equivalent (FTE) basis, the construction employment averages approximately 85 annual positions. FTE employment is based on the assumption that 50% of all workers are full time and that part time employees work half time.

Local Government Revenues

Residential developments in James City County generate several types of revenues, including real estate tax, personal property tax, and retail sales tax. Figure 2 illustrates the annual revenue streams that the county can expect from this development, including the ongoing annual revenue at buildout. The annual line-item estimates are contained in Table 3 below and assumptions associated with the various components of the revenue stream follow.

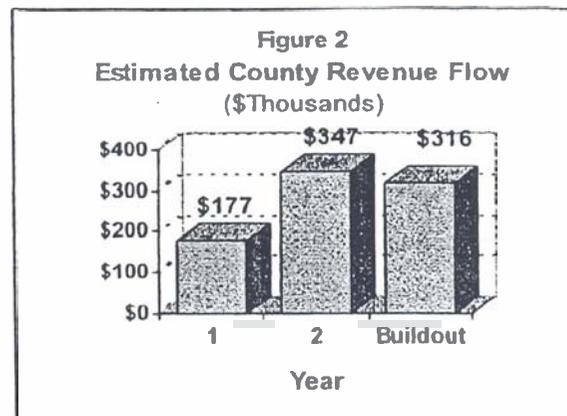


Table 3
Local Government Revenues

Revenue Component	Year 1	Year 2	Buildout
Real Property Taxes	\$98,200	\$193,800	\$193,800
Personal Property Taxes	200	19,500	37,900
Proffers	34,228	32,636	0
Meals Tax	0	2,400	4,800
Retail Sales Tax	0	8,000	15,700
Business & Professional License Tax	13,200	14,000	3,100
Building Permits, Water & Sewer, etc.	27,800	24,600	0
Recordation	2,000	37,600	35,900
Miscellaneous Revenues	1,700	14,000	24,400
Total Annual Revenues	\$177,300	\$346,500	\$315,600

- **Real Property Taxes:** James City County's 2005-2006 Adopted Budget indicates that the current real estate tax rate is \$0.845 per hundred dollars of assessed value, and no change in this rate is assumed for this analysis. The assessed value of the property is assumed to be the market value of the residential units, although this revenue estimate has been adjusted to exclude the real estate tax the county currently receives for this site. The market values provided by the developer are as follows:

- Two-bedroom - \$235,000
- Three-bedroom - \$270,000
- Four-bedroom - 285,000.

TWG's research indicates it is appropriate to add 2% real appreciation to these units. At buildout, real property taxes are estimated to reach almost \$194,000 and stay at that level.

- **Personal Property Tax:** James City County collects about \$449 per household in personal property taxes, including car tax relief from the state. This amount has been used to estimate the personal property tax revenue generated by Jamestown Retreat and applied to all residential units. Also, the developer estimates \$20,000 in business personal property, which consists of business equipment, etc. The County assesses this property at 25% of the capitalized costs and is taxed at \$4.00 per \$100. Once built out and fully occupied, the development is expected to generate about \$38,000 per year in personal property taxes.
- **Proffers:** The developer is offering a cash proffer of \$796 for water per residential unit, totaling of \$66,864 (\$796 x 84 units).
- **Meals Tax:** James City County levies a four-cent tax on restaurant food and beverages. The county anticipates that approximately 30% of its meals tax revenues will be generated by local residents rather than by tourists. Therefore, of the \$4.4 million in meals taxes budgeted for the 2005 fiscal year, \$1.3 million is expected to come from local residents dining out in restaurants located in the county, a per household average of \$56.84. By buildout, the 84 households in Jamestown Retreat would generate nearly \$5,000 of meals tax revenues each year.
- **Retail Sales Tax:** Typically, approximately one third of a household's income is spent on local retail sales (Bureau of Business Research). The household income of Jamestown Retreat residents is assumed to be the median household income in the county (reported to be \$62,168 by the U.S. Census Bureau). The county will realize 1% of retail sales, which is returned by the State of Virginia. By buildout, the residents should generate almost \$16,000 annually in retail sales tax revenue.
- **Business License Tax:** The estimated business license tax is based on value of construction on the site and the retail sales that the residents of this development will generate. The county's tax rate for retailers is \$0.20 per \$100. Contractors doing business in James City County pay a rate of \$0.16 per \$100 of the total construction investment. The incremental revenue from this tax will fluctuate each year during construction and will range from approximately \$13,000 to \$14,000. At buildout when generated only by retail sales tax from the new households, it is estimated to level off at more than \$3,000 per year.
- **Building Permits:** Building permit fees are estimated at \$600 per condominium unit. This line item also includes rezoning fees paid by the developer in the first year only of \$2,025. In total, the County can expect \$52,400 throughout construction.

- **Recordation:** James City County collects recording taxes on real estate transfers. These taxes include a deed recording tax of \$0.33 per \$100 of the selling price and a deed of trust recording tax of \$0.33 per \$100 of the selling price or of the face value of the mortgage, whichever is greater. In the first year, the developer will pay recordation taxes on the purchase price of the land in the amount of almost \$2,000 for the 16.5 acres. The average market value of the residential units will be approximately \$263,000, collecting recordation taxes for the County as each home is sold. The County will realize about \$76,000 in recordation taxes from Years 1 to buildout for the development.
- **Miscellaneous Taxes and Revenues:** Other taxes and revenues collected by James City County include public service taxes, a variety of licenses, permits and fees, fines and forfeitures, revenues from the use of money and property, revenues from the Commonwealth and the Federal government, and charges for services. As can be seen, in the chart, the county's 2005 Adopted Budget shows that miscellaneous revenue sources (excluding revenue from the Commonwealth for public education and recording taxes) are expected to total almost \$11.2 million.

County Budget Line Items	Budget Amount
Public Service	\$1,400,000
Bank Franchise Tax	245,000
Telecommunications Taxes	1,227,725
Motor Vehicle Licenses	138,000
License Tax-Utilities	330,000
Dog Licenses	11,000
Cable TV Franchise Fee	622,035
Interest on Short-Term Investments	425,000
HB 599 Payments	1,379,722
ABC Profits	28,199
Wine Tax	29,558
Rolling Stock Tax	31,204
Shared Expenses (excluding Sales Tax for Education)	1,815,981
Categorical Aid	121,125
Revenue from the Federal Government	8,100
Charges for Current Services	3,279,007
Miscellaneous Revenue	83,100
TOTAL	\$11,174,756

The per capita amount of these miscellaneous revenues (assuming a population of 56,662) is \$190.05. For this analysis, 90% of the miscellaneous revenues have been attributed to county residents in this development at a per capita figure of \$171.05. The remaining 10% has been attributed to new employment on site. On a per employee basis, 10% of the listed revenues is \$19.00. This figure has been attributed to incremental employees generated by the construction. After buildout, the county should realize approximately \$24,000 annually in miscellaneous tax revenues.

Local Government Expenditures

The estimated county costs for providing public services to the Jamestown Retreat are shown in Figure 3. The data reflected in the figure can be seen in Table 4. By buildout, the development will generate estimated county expenditures of about \$146,000 each year.

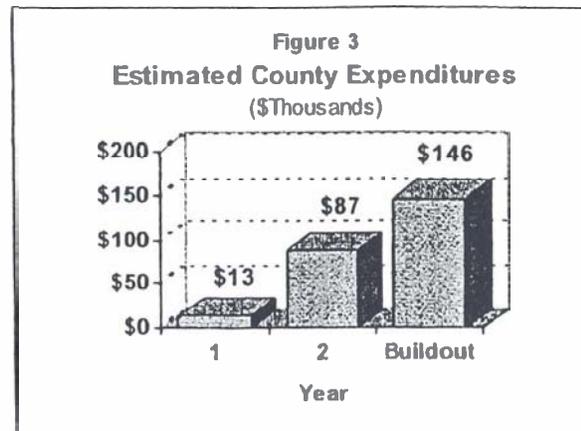


Table 4
 Local Government Expenditures

Expenditures	Year 1	Year 2	Buildout
General Government & Administration	\$300	\$9,400	\$17,800
Health & Welfare	0	4,900	9,500
Statutory, Unclassified	2,300	9,000	13,600
Recreation & Culture	700	11,800	21,800
Public Safety	7,500	30,600	46,800
Public Works	700	13,900	26,000
Capital Improvements (Non-School)	1,900	7,200	10,900
Capital Improvements-Schools	0	0	0
Education-Operating Costs	0	0	0
Total Annual Expenditures	\$13,400	\$86,800	\$146,400

To estimate the incremental expenditures that this development will generate for James City County's government, the current per capita costs, as reported in the county's budget, have been applied to the estimated population for the households in this scenario. Based on the county's 2005 population projection of 58,800, the per capita costs of government in the county's budget are as follows:

Expenditure Category	Per Capita Budget
General & Administrative	\$124.67
Health & Welfare	\$ 66.62
Statutory & Unclassified	\$ 95.29
Recreation & Culture	\$152.52
Capital Improvements (Non-school)	\$ 76.23
Public Safety	\$327.83
Public Works	\$182.08

The construction effort to build the Jamestown Retreat housing units and the supporting infrastructure will generate some incremental county expenditures. Dr. Robert W. Burchell's Employment Anticipation Method has been used on a per FTE employee basis. This is a method of marginal costing that is based on an extensive study of the increase in a locality's government costs generated by new, non-residential development. The Employment Anticipation Method predicts the change in municipal costs by using the coefficients developed in the study by Dr. Burchell, the per capita cost of government, and the number of incremental FTE employment positions.

The largest expenditures the County can expect at buildout will be for police and fire protection, which is estimated at \$47,000 annually.

Net Fiscal Impact

The net fiscal impact of a development on the local government is calculated simply by subtracting government expenditures from government revenues. The annual estimated net fiscal impacts during the development period and at buildout are illustrated in Figure 4. This data is shown in more detail in Table 5 below.

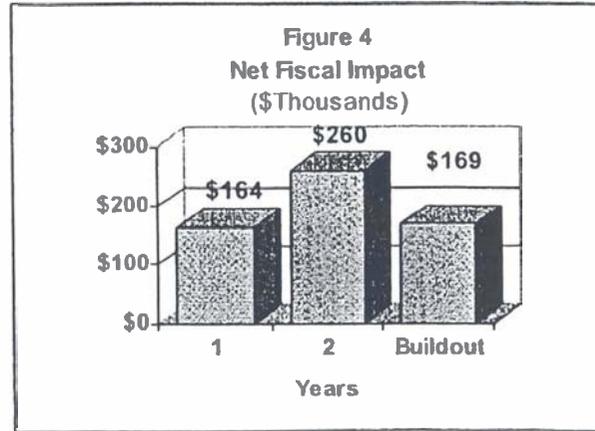


Table 5
Net Fiscal Impact

Cash Inflow and Outflow	Year 1	Year 2	Buildout
Total Annual Revenues	\$177,300	\$346,500	\$315,600
Total Annual Expenditures	\$13,400	\$86,800	\$146,400
Net Fiscal Impact	\$163,900	\$259,700	\$169,200
Cumulative Net Present Value (Years 1 – Buildout)			\$537,800

As indicated by the information above, the net fiscal impact of this development at buildout is estimated to be quite positive at more than \$169,000. The net present value from Year 1 to buildout is totals \$538,000 (discounted at 5%).

The Wessex Group, Ltd.

479 McLaws Circle, Suite 1

Williamsburg, VA 23185

Tel: 757-253-5606

Fax: 757-253-2565

E-mail: stephanie@wessexgroup.com

Web site: www.wessexgroup.com



Memo

To: Matt Smolnik, Planner

From: Stephanie Harper, *The Wessex Group, Ltd.*

CC: Michael Brown, Michael Brown, Ltd.; James Peters, AES Consulting Engineers

Date: October 24, 2005

Re: Jamestown Retreat: An Age-Restricted Condominium Development Revised Fiscal Impact Study October 2005

The purpose of this memorandum is to present the fiscal results of reducing the number of condominium units from 84 to 66 for the proposed age-restricted development referred to as **Jamestown Retreat**. The previous analysis for this development was conducted by *The Wessex Group* and submitted to the county in August of 2005 titled *Jamestown Retreat, An Age-Restricted Condominium Development, Fiscal Impact in James City County, Virginia*. All expenditure and revenue data presented in this memo are based on the James City County 2005-06 Adopted Budget.

As can be seen in Table 1 below, the development schedule includes the construction of 66 condominium units and community amenities. The development is assumed to be built over a two-year period with buildout occurring in year three. The cumulative residential population is estimated at 112 persons (a reduction of 31 residents). Total construction investment is estimated at more than \$12.6 million including \$50,000 in amenities such as a walking and biking trails and a swimming pool. In the August study, the cumulative construction investment was estimated at \$16.0 million.

Table 1
Development Schedule and Construction Investment

Residential Development	Year 1	Year 2	Buildout
Two bedroom units	10	6	0
Three bedroom units	20	13	0
Four bedroom units	10	7	0
Total Annual Units Developed	40	26	0
Cumulative Residential Units	40	66	66
Unit Occupancy Schedule			
Annual Units Occupied	0	40	26
Cumulative Units Occupied	0	40	66
Incremental Residential Population	0	68	44
Cumulative Residential Population	0	68	112
Construction Investment (\$Millions)			
Residential	\$7.7	\$4.9	\$0.0
Total Annual Construction Investment	\$7.7	\$4.9	\$0.0
Cumulative Construction Investment	\$7.7	\$12.6	\$12.6

Provided below in Table 2 are the estimated revenues, expenditures and net fiscal impact created by this development. In both this analysis and the previous, an estimated 1.7 persons per household has been assumed for this age-restricted community. The current real estate tax rate of \$0.785/\$100 of assessed value has been used to calculate the expected real estates taxes. By buildout, Jamestown Retreat is expected to create more than \$232,000 in new revenues for the county. In turn, the county can expect an estimated \$115,000 in new annual expenditures providing services to the residents. Once construction ends and all units are assumed occupied, it is estimated that this community will create a net fiscal impact to the county of approximately \$117,000 per year. In contrast, the net fiscal impact estimated in the previous study was estimated at \$169,000 at buildout and beyond.

Table 2
Net Fiscal Impact

Cash Inflow and Outflow	Year 1	Year 2	Buildout
Annual Revenues	\$157,300	\$262,300	\$232,300
Annual Expenditures	11,800	77,200	115,100
Net Fiscal Impact	\$145,500	\$185,100	\$117,200
Net Present Value			\$1,460,600

To illustrate the net fiscal benefit of this development, *The Wessex Group* has calculated the net present value (NPV) based only on the ongoing revenues and expenditures starting at buildout. Using this approach, the NPV of Jamestown Retreat carried over a twenty-year period is nearly \$1.5 million when discounted at 5%.

TRACT	LAND USE	LAND USE CODE	SQ.FT., OTHER UNITS	WEEKDAY TRIP GENERATION						DAILY
				AM PEAK HOUR			PM PEAK HOUR			
				Enter	Exit	Total	Enter	Exit	Total	

TABLE 1 - Retail Values

eq.-adj. st.	Shopping Center	820	1,275 sq. ft.	7	4	11	17	18	35	399
avg. rate-adj. st.	Shopping Center	820	1,275 sq. ft.	1	0	1	2	3	5	55
eq.-adj. st.	Spec. Retail Center	814	1,275 sq. ft.				11	14	25	92
avg. rate-adj. st.	Spec. Retail Center	814	1,275 sq. ft.				1	2	3	57
avg. rate-adj. st.	Conv. Market (24 hr.)	851	1,275 sq. ft.	43	42	85	34	33	67	941
eq.-adj. st.	Conv. Market (16 hr.)	852	1,275 sq. ft.	-145	-145	-290	-66	-69	-135	
avg. rate-adj. st.	Conv. Market (16 hr.)	852	1,275 sq. ft.	20	20	40	22	22	44	

TABLE 2 - Scenario 1 - No Convenience

eq.-adj. st.	Spec. Retail Center	814	1,275 sq. ft.				11	14	25	92
avg. rate-adj. st.	Single-Family	210	18 units	4	10	14	11	7	18	172
	BUILDING TOTAL:			4	10	14	22	21	43	264

TABLE 3 - Scenario 1 - Convenience

avg. rate-adj. st.	Conv. Market (24 hr.)	851	1,275 sq. ft.	43	42	85	34	33	67	941
avg. rate-adj. st.	Single-Family	210	18 units	4	10	14	11	7	18	172
	BUILDING TOTAL:			47	52	99	45	40	85	1113

TABLE 4 - Scenario 2 - No Convenience

eq.-adj. st.	Spec. Retail Center	814	9,999 sq. ft.				20	25	45	465
avg. rate-adj. st.	Single-Family	210	14 units	3	8	11	9	5	14	134
	BUILDING TOTAL:			3	8	11	29	30	59	599

TABLE 5 - Proposed Use

avg. rate-adj. st.	Sr. Adult Attached	252	66 units	2	3	5	4	3	7	230
--------------------	--------------------	-----	----------	---	---	---	---	---	---	-----

Trip generation rates from Trip Generation, 7th Edition (TG7) by the Institute of Transportation Engineers (ITE)

JAMESTOWN RETREAT PROPERTY
TRIP GENERATION COMPARISON
OCTOBER 29, 2005

DRW Consultants, LLC
804-794-7312

Exhibit 1



Entrance

FRONT ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



PERSPECTIVE VIEW

D125



No.	DATE	REVISION / COMMENT / NOTE	BY	CHK



5248 Olde Towne Road, Suite 1
 Williamsburg, Virginia 23185
 Ph: (757) 253-0040
 Fax: (757) 220-8994
 www.aesva.com

CONCEPTUAL LANDSCAPE PLAN
JAMESTOWN RETREAT
 NIXON PROPERTY
 for
MIKE BROWN
 JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

Designed AES	Drawn CRR
Scale 1"=60'	Date 9/21/05
Project No. 9462-00	
Drawing No. 1 OF 1	

S:\Jobs\9462\00-Jamestown Rd Condos\dwg\Planning\9462-00 - Utility Plan.dwg, 10/31/2005 11:33:16 AM, ksu

2-7-05
MP-5-05



No.	DATE	REVISION / COMMENT / NOTE	BY
1	10/31/05	REVISED PER CC COMMENTS	RSU



- LEGEND**
- PROPOSED SANITARY LINE
 - PROPOSED DOMESTIC WATER LINE
 - PROPOSED FIRE MAIN

5248 Old Towne Road, Suite 1
Williamsburg, Virginia 23186
(757) 253-0040
Fax (757) 220-8994



CONCEPTUAL UTILITY PLAN
NIXON PROPERTY
JAMESTOWN RETREAT

Designed TWD	Drawn GRR
Scale 1"=100'	Date 5/11/05
Project No. 9462-00	
Drawing No.	

THIS PLAN HAS NOT RECEIVED FINAL APPROVAL, AND IS NOT APPROVED FOR CONSTRUCTION.

PROFFERS

THESE PROFFERS are made this 16th day of August, 2005 by HAZEL RICHARDSON, EDWARD T. NIXON AND MAMIE NIXON (together with their successors and assigns, the "Owner") and MICHAEL C. BROWN, LTD., a Virginia corporation ("Buyer").

RECITALS

A. Owner is the owner of three contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 1676 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100036, the second with an address of 1678 Jamestown Road, Williamsburg, Virginia and being Tax Parcel 4730100037, and the third with an address of 180 Red Oak Landing Road, Williamsburg, Virginia and being Tax Parcel 4730100039, being more particularly described on Exhibit A attached hereto (together, the "Property"). A portion of the Property is now zoned L-B and a portion is now zoned R-2.

B. Buyer has contracted to purchase the Property conditioned upon the rezoning of the Property.

C. Owner and Buyer have applied to rezone the Property from L-B and R-2 to R-5, Multi-Family Residential District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan for Rezoning of Jamestown Retreat"

prepared by AES Consulting Engineers dated February 22, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned R-5.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITION

1. Master Plan. The Property shall be developed generally as shown on the Master Plan, with only minor changes thereto that the Development Review Committee determines do not change the basic concept or character of the development. There shall be no more than 66 residential dwelling units on the Property. All residential dwelling units on the Property shall be offered for sale by the developer thereof.

2. Owners Association. There shall be organized an owner's association (the "Association") in accordance with

Virginia law in which all unit owners in the Property, by virtue of their property ownership, shall be members. The articles of incorporation, bylaws and restrictive covenants (together, the "Governing Documents") creating and governing the Association shall be submitted to and reviewed by the County Attorney for consistency with this Proffer. The Governing Documents shall require that the Association adopt an annual maintenance budget, which shall include a reserve for maintenance of stormwater management BMPs, recreation areas, private roads and parking areas, shall require each initial purchaser of a unit to make a capital contribution to the Association for reserves in an amount equal to one-sixth of the annual general assessment applicable to the unit (but no less than \$100.00) and shall require that the association (i) assess all members for the maintenance of all properties owned or maintained by the association and (ii) file liens on members' properties for non-payment of such assessments. The Governing Documents shall grant the Association the power to file liens on members' properties for the cost of remedying violations of, or otherwise enforcing, the Governing Documents.

3. Water Conservation. (a) Water conservation standards shall be submitted to the James City Service Authority ("JCSA") as a part of the site plan or subdivision submittal for

development on the Property and Owner and/or the Association shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by JCSA prior to final subdivision or site plan approval.

(b) If the Owner desires to have outdoor watering it shall provide water for irrigation utilizing surface water collection from the surface water pond that is shown on the Master Plan and shall not use JCSA water for irrigation purposes. This requirement prohibiting the use of well water may be waived or modified by the General Manager of JCSA if the Owner demonstrates to the JCSA General Manager that there is insufficient water for irrigation in the surface water impoundments, and the Owner may apply for a waiver for a shallow (less than 100 feet) well to supplement the surface water impoundments.

4. Cash Contributions for Community Impacts. For each dwelling unit on the Property the one time cash contributions set forth in this Section 4 shall be made.

(a) A contribution of \$796.00 for each dwelling unit on the Property shall be made to the James City Service Authority ("JCSA") in order to mitigate impacts on the County from the physical development and operation of the Property. The JCSA may use these funds for development of alternative water sources or any project related to improvements to the JCSA water system, the need for which is generated by the physical development and operation of the Property.

(b) The contributions described above, unless otherwise specified, shall be payable for each dwelling unit on the Property at or prior to the final approval of the site plan or subdivision plat for such unit.

(c) The per unit contribution(s) paid pursuant to this Section shall be adjusted annually beginning January 1, 2006 to reflect any increase or decrease for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (CPI-U) All Items (1982-84 = 100) (the "CPI") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. In no event shall the per unit contribution be adjusted to a sum less than the amounts set forth in paragraphs (a) and (b) of this Section. The adjustment shall be made by multiplying the per unit contribution for the preceding year by a fraction, the numerator of which shall be

the CPI as of December 1 in the year preceding the calendar year most currently expired, and the denominator of which shall be the CPI as of December 1 in the preceding year. In the event a substantial change is made in the method of establishing the CPI, then the per unit contribution shall be adjusted based upon the figure that would have resulted had no change occurred in the manner of computing CPI. In the event that the CPI is not available, a reliable government or other independent publication evaluating information heretofore used in determining the CPI (approved in advance by the County Manager of Financial Management Services) shall be relied upon in establishing an inflationary factor for purposes of increasing the per unit contribution to approximate the rate of annual inflation in the County.

5. **Jamestown Road Buffer**. There shall be a minimum 100 foot buffer along the Jamestown Road frontage of the Property generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units. The entrance as shown generally on the Master Plan, landscaping and berms, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, utilities, lighting, entrance features and signs shall be permitted in the buffer. Dead, diseased and dying trees or shrubbery, and

invasive or poisonous plants may be removed from the buffer area. A combination of preservation of existing trees, enhanced landscaping (defined as 125% of ordinance requirements) and berms shall be provided within the 75' buffer in accordance with a landscaping plan approved by the Director of Planning which shall, when the landscaping has reached maturity, screen the adjacent units from the direct view of vehicles traveling on Jamestown Road. The perimeter buffers between the sides/back of buildings and the adjacent properties shall contain enhanced landscaping in accordance with a landscaping plan approved by the Director of Planning. The buffers shall be planted or the planting bonded prior to the County being obligated to issue certificates of occupancy for dwelling units located on the Property.

6. **Entrances/Turn Lanes**. There shall be one entrance into the Property to and from Jamestown Road as generally shown on the Master Plan. A westbound left turn lane with a taper and transition and an eastbound right turn taper on Jamestown Road shall be constructed at the entrance to the Property. The turn lanes proffered hereby shall be constructed in accordance with Virginia Department of Transportation ("VDOT") standards and shall be completed prior to the issuance of the first certificate of occupancy.

7. Recreation. Owner shall provide the recreational area shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 42 dwelling units on the Property. There shall be provided on the Property other recreational facilities, if necessary, such that the overall recreational facilities on the Property meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning or in lieu of such additional facilities Owner shall make cash contributions to the County in an amount determined pursuant to the County's Recreation Master Plan (with the amount of such cash contributions being determined by escalating the amounts set forth in the Recreation Master Plan from 1993 dollars to dollars for the year the contributions are made using the formula in Section 4(d)) or some combination thereof. All cash contributions proffered by this Proffer 7 shall be used by the County for recreation capital improvements. The exact locations of the facilities proffered hereby and the equipment to be provided at such facilities shall be subject to the approval of the Development Review Committee.

8. Private Drives. All entrance roads, interior roads, driveways, lanes or drive aisles connecting the parking areas on the Property shall be private and shall be constructed in

accordance with applicable County private street standards. Private roads shall be maintained by the Association. Owner shall deposit into a maintenance reserve fund to be managed by the Association an amount equal to one hundred and fifty percent (150%) of the amount of the maintenance fee that would be required for a public street of the same length as established by VDOT - Subdivision Street Requirements. The County shall be provided evidence of the deposit of such maintenance fee at the time of final site plan or subdivision plat approval by the County for the particular phase or section which includes the relevant private street.

9. **Environmental Protections.** (a) Owner shall submit to the County a master stormwater management plan as a part of the site plan submittal for the Property, including the stormwater management facility generally as shown on the Master Plan and low impact design measures where feasible and appropriate, in accordance with the Powhatan Creek Watershed Management Plan, for review and approval by the Environmental Division. The master stormwater management plan may be revised and/or updated during the development of the Property with the prior approval of the Environmental Division. The County shall not be obligated to approve any final development plans for development on the Property until the master stormwater

management plan has been approved. The approved master stormwater management plan, as revised and/or updated, shall be implemented in all development plans for the Property.

(b) The owner of the Property shall cause a survey to be conducted of the Property for rare, threatened and endangered species. The location of any rare, threatened and endangered species located on the Property shall be shown on all subdivision or other development plans of the Property. Before any land disturbing activity is allowed in the vicinity of any rare, threatened and endangered species identified, if any on the Property, a conservation plan shall be prepared by the owner of the Property in accordance with state and federal laws applicable to the Property at the time of development of the conservation plan and said conservation plan shall be submitted for information purposes to the Director of Planning.

10. Archaeology. A Phase I Archaeological Study for the Property shall be submitted to the Director of Planning for his review and approval prior to land disturbance. A treatment plan shall be submitted to, and approved by, the Director of Planning for all sites in the Phase I study that are recommended for a Phase II evaluation, and/or identified as being eligible for inclusion on the National Register of Historic Places. If a Phase II study is undertaken, such a study shall be approved by

the Director of Planning and a treatment plan for said sites shall be submitted to, and approved by, the Director of Planning for sites that are determined to be eligible for inclusion on the National Register of Historic Places and/or those sites that require a Phase III study. If in the Phase II study, a site is determined eligible for nomination to the National Register of Historic Places and said site is to be preserved in place, the treatment plan shall include nomination of the site to the National Register of Historic Places. If a Phase III study is undertaken for said sites, such studies shall be approved by the Director of Planning prior to land disturbance within the study area. All Phase I, Phase II and Phase III studies shall meet the Virginia Department of Historic Resources' Guidelines for Preparing Archaeological Resource Management Reports and the Secretary of the Interior's Standard and Guidelines for Archaeological Documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. All approved treatment plans shall be incorporated into the plan of development for the site and shall be adhered to during the clearing, grading and construction activities thereon.

11. Architectural Review. Prior to the County being obligated to grant final development plan approval for any of the buildings shown on any development plan for any portion of the Property, there shall be prepared and submitted to the Director of Planning for approval architectural and landscaping plans, including architectural elevations, for the Director of Planning to review and approve for general consistency with the architectural elevations dated June 20, 2005, made by James Pociluyko, AIA, submitted with the rezoning application. The Director of Planning shall review and either approve or provide written comments setting forth changes necessary to obtain approval within 30 days of the date of submission of the plans in question. Final plans and completed buildings shall be consistent with the approved conceptual plans.

12. Preservation of Specimen Trees. Owner shall submit a tree survey of the Property with the site plan for development of the Property and shall use its best efforts to preserve trees identified on the survey as specimen trees to be preserved.

13. Removal of Existing Structures. Within 90 days of the approval of the rezoning, Owner shall remove all existing structures from the Property, including billboards, trailers, houses and other buildings. Owner shall be entitled to reasonable extensions of the 90 day deadline from the Director

of Planning if any existing tenant on the Property fails and refuses to vacate the Property in a timely and orderly manner so long as Owner is diligently pursuing its remedies for such refusal.

14. **Streetscape Guidelines**. The Owner shall provide and install streetscape improvements in accordance with the applicable provisions of the County's Streetscape Guidelines policy. The streetscape improvements shall be shown on development plans for that portion of the Property and submitted to the Director of Planning for approval during the site plan approval process. Streetscape improvements shall be either (i) installed within six months of the issuance of a certificate of occupancy for any residential units in adjacent structures or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of a certificate of occupancy for any residential units in adjacent structures.

15. **Turf Management Plan**. The Association shall be responsible for developing and implementing a turf management plan ("Turf Management Plan") for the maintenance of lawns and landscaping on the Property in an effort to limit nutrient runoff into Powhatan Creek and its tributaries. The Turf Management Plan shall include measures necessary to manage yearly nutrient application rates to turf such that the

application of nitrogen does not exceed 75 pounds per year per acre. The Turf Management Plan shall be prepared by a landscape architect licensed to practice in Virginia and submitted for review to the County Environmental Division for conformity with this proffer. The Nutrient Management Plan shall include terms permitting enforcement by either the Owners Association or the County. The Turf Management Plan shall be approved by the Environmental Division prior to final subdivision or site plan approval.

9. Sidewalks. There shall be sidewalks five feet in width installed along one side of all streets within the Property generally as shown on the Master Plan. Owner shall either (i) install a sidewalk along the Jamestown Road frontage of the Property or (ii) in lieu thereof, make a payment to the County for sidewalk improvements included in the County's capital improvements plan in an amount acceptable to the Director of Planning based on the estimated costs of construction of the sidewalk.

10. Age Restriction. All dwelling units on the Property shall be age restricted to persons fifty-five (55) years of age or older ("Restricted Units") in accordance with the following parameters:

(i) It is the intent of the parties that Restricted Units shall be occupied by persons fifty-five (55) years of age or older and that no Restricted Units shall be occupied by a person under the age of eighteen (18). In some instances, persons under the age of fifty-five (55) but over the age of eighteen (18) shall be entitled to occupy Restricted Units, subject, at all times, to the laws and regulations governing age fifty-five (55) and over restricted housing as more particularly set forth and described in subparagraph (ii) below.

(ii) Each Restricted Unit within the Property shall be developed and operated in compliance with applicable federal and state laws and regulations regarding housing intended for occupancy by persons fifty five (55) years of age or older, including but not limited to: the Fair Housing Act, 42 U.S.C. §3601 et seq. and the exemption therefrom provided by 42 U.S.C. §3607(b)(2)(C) regarding discrimination based on familial status; the Housing for Older Persons Act of 1995, 46 U.S.C. §3601 et seq.; the Virginia Fair Housing Law Va. Code §36-96.1 et seq.; any regulations adopted pursuant to the foregoing; any judicial decisions arising thereunder; any exemptions and/or qualifications thereunder; and any amendments to the foregoing as now or may hereafter exist. Specific provisions of the age restriction described above and provisions for enforcement of

same shall be set forth in a declaration of restrictive covenants and property owners' association documents applicable to the Restricted Units.

11. Underground Storage Tanks. The existing underground storage tanks on the Property shall be removed in accordance with applicable laws, regulations and ordinances prior to the issuance of the first certificate of occupancy.

12. Curb and Gutter. Streets within the Property shall be constructed with curb and gutter provided, however, that this requirement may be waived or modified along those segments of street, including entrance roads, where structures are not planned.

WITNESS the following signature.

Edward T Nixon
Edward T. Nixon

Mamie Nixon
Mamie Nixon

Hazel Richardson

Michael C. Brown, Ltd.

By: _____
Title: _____

South Carolina
STATE OF ~~VIRGINIA~~ AT LARGE
CITY/COUNTY OF Bladen, to-wit:

The foregoing instrument was acknowledged this 18th
day of August, 2005, by PAT FREEMAN.

Pat Freeman
NOTARY PUBLIC

My commission expires: January

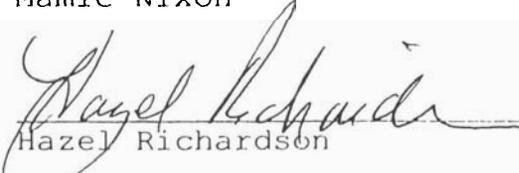
STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____

WITNESS the following signature.

Edward T. Nixon

Mamie Nixon


Hazel Richardson

Michael C. Brown, Ltd.

By: _____

Title: _____

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF WILLIAMSBURG, to-wit:

The foregoing instrument was acknowledged this 22ND
day of AUGUST, 2005, by MARGARETA SEYMOUR.


NOTARY PUBLIC

My commission expires: Feb. 29, 2008.

STATE OF VIRGINIA AT LARGE
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged this _____
day of _____, 2005, by _____



May 3, 2005

Settlers Mill Association
P.O. Box 1295
Williamsburg, VA 23185

Matthew J. Smolnik
Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187

Dear Mr. Smolnik,

On behalf of the residents (192 households) of Settler's Mill, the Board of Directors of the Settlers Mill Association is writing to express our opposition to the zoning change for Case No. 2-07-05/MP-05-05, Jamestown Retreat.

Mr. Tom Derrickson has applied to rezone these 16.5 acres from LB & R2 to R5. There are a number of reasons why Settlers Mill Association is opposed to this change.

First, the property is designated Low Density Residential on the 2003 Comprehensive Plan. This designation allows for up to one dwelling unit per acre. The proposed plan allows for 5.6 dwelling units per acre, which is inconsistent with the Comprehensive Plan.

Second, the proposed development is along Jamestown Road, which has been designated a Community Character Corridor. This section of Jamestown Road has been selected as the demonstration project for the community corridor enhancement program. Settlers Mill Association is pleased with the enhancement adjacent to our entrance, and supports similar efforts along Jamestown Road. The proposed development is inconsistent with efforts made toward corridor enhancement.

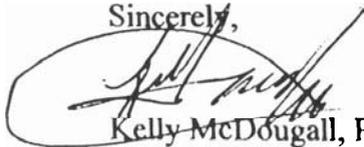
Additionally, the classification of rental units in the proposed development is inconsistent with the character of property ownership of adjacent properties.

The Settlers Mill Association is also concerned about the impact of the proposed development on traffic. Higher density dwellings along Jamestown Road create safety and congestion concerns.

In addition, the Settlers Mill Association is concerned about the environmental impact of the proposed development on the Powhatan Creek Watershed. It is in the interest of the community to maintain the maximum green space along this corridor.

The Settlers Mill Association requests that the Planning Commission consider our concerns before moving ahead with the proposed zoning change request for this development.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly McDougall", is written over a light blue rectangular background. The signature is cursive and somewhat stylized.

Kelly McDougall, President Settlers Mill Association

**Jamestown Retreat
Case Z-7-05/MP-5-05**



Comments and questions from Sue Welch, Raleigh Square Townhouses
(adjacent neighborhood to proposed neighborhood)

What is a "rental condo?" In all documents, these are called rentals. Are these all to be sold to investors?

Who is the target resident? Singles, families, or students? I predict, if these are rentals, that within 3-5 years there will be a number of students. The property will be advertised as "close to the College." I'm surprised at having 4 bedrooms. These will also attract students. I'm not against students – I've had students live with me. But, there will be more cars. In our units that have 3 young people, there are normally 5-6 cars associated with the unit, from frequent visitors, virtual "live-ins," etc. In a recent College "Flat Hat" advertisement, James Square Townhouses off of Jamestown Road were advertised as the "best off campus student housing." So, anything on Jamestown Road will be attractive to students who prefer to live off campus. William and Mary is under pressure from the state to accept more students, and I believe they will have to increase their student population gradually to at least 200 more students.

Density concerns:

The planning document says that the density will be less than Raleigh Square. That is not really true. Raleigh Square consists of 43 townhouses. One family lives in each unit, or [in some cases] 3 students or young professionals. Raleigh Square is legally a townhouse association, governed by the Property Owners Association Act, not the Condominium Act. Jamestown Retreat will have different families or rental groups on each of 3 floors, a much higher "actual" density.

This proposed development sounds more like a Governor's Square or the condos at 199 and Jamestown Road, which are primarily rentals on two to three levels. A lower density development would be more desirable on this amount of developable land, and a lower "actual" density was first proposed, to my knowledge.

It appears that the developer is using certain potential enhancements, such as recreational amenities or "design enhancements" to permit a higher actual density through bonuses. The actual density per acre will be higher than 5.6 units per acre. If you have 12 units in one building, that is not "actually" 5.6 units per acre. What does a phrase like "gross density" mean? I do understand that the county is pushing the cluster concept, to save open space. This plan does address that desire.

Jamestown Retreat comments, p. 2

The Grace Presbyterian Church, TK Oriental Arts, and Holly Ridge, as well as Settlers' Mill, have all enhanced the Jamestown Road corridor. I believe that some of the commercial centers, such as the office complex, 7-11, Cooke's Nursery, the Tandem Nursing Home, and Carrot Tree, have also been developed in such a way to maintain an interesting and attractive mix. That is what we all want.

Traffic concerns:

The traffic summary in the impact statement is unrealistic. I do predict 2.5 vehicles per unit, or more, with 2, 3 and 4 bedroom units. That is a minimum of 250 vehicles and probably up to 300 vehicles. What parking is planned? What realistic visitor parking is planned? I can tell you from experience at Raleigh Square, parking is one of our biggest problems. Students, even when only 3 non-related individuals are named on a lease, have constant friends, sleepovers, virtual live-ins. With families, there are normally two vehicles, because most women also work outside the home. Additionally, a number of families in our neighborhood have a third vehicle – a truck, used for business or recreation, or a young person over age 16. Our neighborhood was built in 1985/86, and each unit has 2 deeded parking spaces. We have only 4 visitor spaces!

It is difficult to turn left out of Raleigh Square now. It is difficult to turn left out of Settler's Mill now. It is also dangerous at times to turn left on to Raleigh Street from Jamestown Road. Individuals driving closer to 55 mph and on a cell phone don't realize until nearly too late that a vehicle has its breaks on and a left turn signal. An additional 210-300 vehicles won't help traffic. The prediction that only 32 vehicles will make turns on to Jamestown Road during morning rush hour is totally unrealistic. With 84 units, and a more realistic 2.5 cars per unit, I predict closer to 250 vehicles making turns on to Jamestown Road. At morning rush hour now, it's not uncommon to wait 10 minutes to turn left out of Raleigh Street.

Environmental concerns:

The Impact statement provides various measurements concerning the Watershed. I do know that right now there is ALWAYS water in the area behind our 6 Albemarle units. It is not "intermittent." I have lived at Raleigh Square since June 1985, and I'm an avid bird watcher, so I walk around a lot. The area designated as "Reach 1 B" has always been wet, even during dry years. I know that the environmental impact section relied on an examination by experts, but I question some of the information that relied so heavily on the North Carolina

Jamestown Retreat, comments, p. 3

measurement criteria to define “intermittent” versus “perennial” stream. All of us are very concerned about preserving the environment, the watershed, and Powhatan Creek. We have owls at the rear of the property, a family of foxes, and numerous other wildlife species. Why can't the County be more concerned about preserving some open spaces, creating more trails or pocket parks?

What kind of “pond” is the developer talking about? Who is going to “maintain” such a pond? La Fontaine condos, off of Route 5, do an excellent job of maintaining their drainage pond. It has a fountain to keep the water moving, and something is put in the water to keep the scum from forming. It is an asset. At Holly Ridge, a nearby residential neighborhood, the drainage pond is all dried up. Bamboo is growing fast. Most neighborhood associations don't know the true cost of maintaining these drainage ponds. Many neighborhoods apparently believe these ponds are maintained by the County, which is not the case.

Trash pickup:

I have not seen any architectural plans, and of course the proposed neighborhood will be managed by an association. Plans for trash pickup are not in place at this time. They should be an early consideration, however. Other rental neighborhoods behind Raleigh Square use trash dumpsters – they are unsightly; people just toss their garbage over the top of the dumpster and there is a big mess everywhere that attracts animals. At Raleigh Square, we have our trash picked up twice weekly from behind the units – this costs more, but we find it really helps keep our neighborhood more attractive. I'm sure that an association of renters won't want to pay the cost differential for trash pickup behind units. However, neither do I want to see a bunch of loose trash bags or dumpsters adjacent to our neighborhood. Even when dumpsters in such areas have a wooden fence around them, loose trash remains. A good example now is at the end of Albemarle Drive. And again, more students will always mean more trash! [speaking from experience]

Thank you for reviewing these questions and concerns. I hope they will be addressed by the Planning Commission and the Board of Supervisors. These comments are my own and do not necessarily reflect the opinion of the Raleigh Square Board of Directors.

Sue Welch
19 Bromley Dr.
229-0083

John and Kathleen Hornung
108 Wood Pond Circle
Williamsburg, Virginia 23185-3118



June 18, 2005

Mr. Matthew J. Smolnik
Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187

RE: Case No. Z-07-05 & MP-05-05; Jamestown Retreat.

Dear Mr. Smolnik:

We are writing to express our opposition to the proposed zoning change for the above case, Jamestown Retreat. We are concerned from a number of aspects: deviation from the 2003 Comprehensive Plan, traffic, road safety, wetlands protection, negative fiscal impact on the County government which our taxes fund, disregard of Jamestown Road as a Character Corridor, etc. The rezoning request from LB & R2 to R5 ignores the Comprehensive Plan. The Comprehensive plan was an intensive, thoughtful process that reflects the will of the citizens of James City County. To quote:

“ Hence, the James City County government considers that it has a mandate to control residential growth while preserving the County’s natural beauty, improving education, and maintaining public services and a healthy economy. The Comprehensive Plan is written with these goals and objectives in mind.”

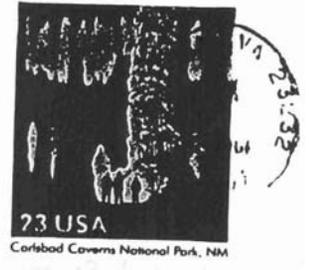
The change that a rental complex with effective density of 9.23 units/acre (when the actual buildable area is considered) will be devastating to one of the more important Character Corridors in James City County. Again to quote from the Comprehensive Plan:

“The County acknowledges that views along these roads can have a significant impact on how citizens and visitors perceive the character of an area and feels these roads warrant a high level of protection.”

Please consider our concerns and the high level of protection Jamestown Road deserves before moving ahead with this rezoning and development request.

Sincerely,

Joel & Marilyn Kirschbaum
133 Hearthside Ln
Williamsburg, VA 23185-3182



Matthew J. Smolnik
Development Management
687-A Mounts Bay Road
Williamsburg, VA 23187

23



Dear Mr. Smolnik

Regarding "James town Battery", either the
developers should buy 68 more acres or build
68 fewer apartments in this sensitive area.

Please oppose downgrading going along
James town Road.

Thank you for your help.

258-8529

Yours truly
Joel & Marilyn Kirschbaum

2 Bromley Drive
Williamsburg, VA 23185
June 27, 2005

Mr. Matthew J. Smolnik
Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187



Dear Mr. Smolnik:

On behalf of Raleigh Square Homeowners Association, I am writing to voice our objections to the plan for a Condominium development on Jamestown Road. The plan as presently designed does not buffer the wetland that extends beside Raleigh Square Homeowners. The said wetland is wet most of the year except during a very dry period. There is supposed to be a one hundred (100) yard buffer around the wetland and the purposed plan does not protect it.

The density is too high for the James City County development plan. It will be far higher than Raleigh Square if built as proposed. The higher density will result in an increase in the traffic on Jamestown Road. At times, people from the developments already along the road have difficulty getting onto it.

This property is presently zoned for a light business and should remain that way. The remaining land could be developed as townhouses, protecting the wetlands. The county should consider a waterside park for part of this area for the benefit of the people living along Jamestown Road.

Therefore, we strongly urge the plan for condominiums be turned down as being inappropriate for this area.

Sincerely yours,

Merle Kimball, President
Raleigh Square Homeowners Association



July 7, 2005

Mr. Mathew J. Smolnik
Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, Virginia 23187

Dear Mr. Smolnik,

As owners of the property adjacent to the proposed Jamestown Retreat (Case No.02-07-05/Mp-05-05) we would like to express our opposition to the zoning change to this property and to the project as it now proposed. Along with our neighbors in Raleigh Square and Settlers Mill we are very concerned about the following:

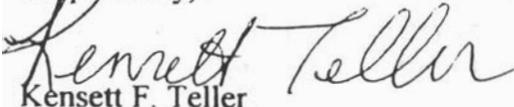
- 1.) **TRAFFIC:** (a) The number of residences in this proposed development would create an intense amount of traffic on our already burdened Jamestown Road. We are already experiencing traffic flow problems because of traffic from disembarking ferries, tourist buses and turning traffic trying to enter or exit Jamestown Rd. (b) This proposed development is located in a central area of Jamestown Road where if the traffic does not continue to flow, it could create lengthy back-ups over Lake Powell in one direction and Jamestown Settlement in the other direction. (c) In addition to the increase car traffic we could have as many as 3 school buses stopping twice a day to load and unload students. These 6 bus stops per day alone would have a MAJOR impact on traffic flow.
- 2.) **COST TO TAYPAYERS:** This project would NOT be income producing. This project will not relieve the county OR the taxpayers by adding revenue, instead it will actually COST the county and taxpayers an additional \$110,000.00 PER YEAR. Please note this information is provided by the developers own financial report from The Wessex Group, Ltd.
- 3.) **THE 2003 COMPHREHENSIVE PLAN:** This project is NOT in compliance with our recently written and current Comprehensive Plan. The Comprehensive Plan calls for ONE dwelling per acre, not a cluster development and certainly NOT A DENSE APARTMENT COMPLEX of 7 three story buildings with 16 garage buildings to house 48 cars. According to the Comprehensive Plan "greater than one unit per acre may be considered only if it offers particular public benefits to the community". After studying the project, please explain to us "the particular public benefits to the community" that this project offers?

These are all potentially major problems which would certainly cause us all discomfort and possibly very hazardous driving conditions. But, in addition to these concerns, which we share with our neighbors, there are two items that we feel more strongly about and could have even a greater impact on our community.

- 1.) ENVIRONMENTAL: (a) This project/development would have a environmental impact on the trees/greenspace, wild animals, and especially the wetlands. There are three natural streams that carry rain and storm drainage into Powhatan Creek. The disruption or closing of these natural drainage streams would corrupt the natural run-off. (b) Reach 1B could be a wetland area. The developers consultants have stated that it is "borderline" and not perennial. It is our understanding that James City County Environmental has not done their own report on the issue. We would request that they conduct their own research on Reach 1B and the entire property. (c) We are very concerned that the developer has not provided a maintenance agreement for the PROPOSED storm water management facilities. Also, if a storm water management facility is not used, how the project intends to handle storm run-off?
- 2.) The Comprehensive Plan provides for "a harmonious and orderly relationship between multifamily residential and lower density COMMERCIAL use". At our location we greatly value this provision in the Comprehensive Plan. We appreciate the quiet and non-congested atmosphere that this existing plan provides. The proposed plan would allow 85 dwellings to be crunched into an area where our Comprehensive Plan calls for 1 dwelling per acre. This means that instead of 9 dwellings in nine acres we would be squeezing an additional 76 units in the same 9 acre space. Certainly this congestion and high density of buildings, people, cars/buses would not be "harmonious" to anything except the developer's pocketbook.

We ask the county and Board of Supervisors to please deny the developers request for this project. We also ask that the county and Board of Supervisors adhere to the good judgment of the existing 2003 Comprehensive Plan when considering any future development for this property.

Respectfully,



Kensett F. Teller

President

TK Arts, Inc.

and



Michael C. Teller

President

TK Oriental Antiques, Inc

**122 Ware Road
Williamsburg, VA 23185**

July 28, 2005



Mr. Matthew J. Smolnik
Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23185

Dear Mr. Smolnik,

I write in my position as President of the Lakewood Homeowners Association on behalf of our residents to oppose the zoning change of property on Jamestown Road for construction of the proposed Jamestown Retreat (Case No. 02-07-05/Mp-05-05).

The following are reasons for opposing the rezoning:

1. Failure to comply with the 2003 Comprehensive Plan

Currently, the property is designated Low Density Residential in the 2003 Comprehensive Plan. This designation allows for up to one dwelling per acre. The project would require rezoning of the property from its current designation as Low Density Residential to R-5, a designation for Moderate Density Residential which would provide "a harmonious and orderly relationship between multifamily residential uses and multifamily residential uses" (Section 24-304 of the James City County Zoning Ordinance.). The tract has a total of 16.5 acres, of which only 9.1 acres are usable. Using this number, the density is much higher—9.23 units per acre—than 5.6 units as in the developer's proposal. The classification of rental units in the development is inconsistent with the character of property ownership of adjacent properties.

2. Increased traffic on Jamestown Road

Although Lakewood is farther away from the property proposed for rezoning than other communities or businesses, we would be affected as much or more than any other by an increase in traffic. We have at present a challenging and, at most times, a dangerous access to Jamestown Road, and the idea of increasing the volume of traffic which would use the road on a daily basis is unthinkable and, in my opinion, irresponsible. The developer is vague about the volume of traffic, which is calculated from the nature of the condominium units, but however it is figured, must increase traffic on Jamestown Road.

3. Environmental impact

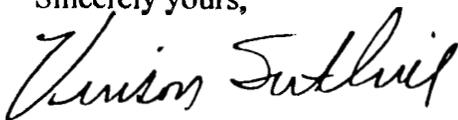
Of great concern also is the impact of the proposed development on the Powhatan Creek Watershed. The proposal does not proffer a maintenance agreement for the proposed storm water management or best management facilities. The project does not require the protection of the Chesapeake Bay Act. The Powhatan Creek residents feel that James City County should inspect the property and make their own decision, rather than rely on the developer's report.

4. Cost to James City County

According to the developer's own calculations, the "Annual Net Fiscal Impact" (or cost) to James City County will be \$110,000.

For these, and for reasons which doubtlessly have been addressed by other concerned parties, we oppose rezoning of the property and approval of the construction project.

Sincerely yours,



Vinson Sutlive, President
Lakewood Homeowners Association



P.O Box 5112
Williamsburg, VA 23188
September 19, 2005



Subject: Case # Z-07-0S/MP-OS-OS, Jamestown Retreat

Dear Chairman Hunt and Members of the Planning Commission:

The Friends of the Powhatan Creek Watershed (FOPCW) would like to take this opportunity to congratulate the Planning Commission for incorporating award-winning citizen input into the visions outlined within the 2003 Comprehensive Plan. The FOPCW strongly believe that rezoning applications stringently adhere to these policies.

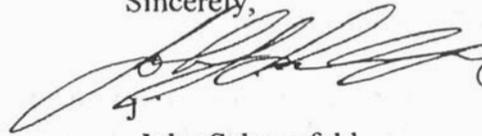
That said, the FOPCW respectfully request that the rezoning proposal, Case # z07-05/MP-05-05, Jamestown Retreat, be denied on the grounds that the project is grossly inconsistent with the current, accepted policies in the Comprehensive Plan which says: *There is to be full adherence to the County's Community Character Corridor Policy and Land Use Development Standards along the entire frontage of the Jamestown Road.* Specifically:

- . The Comprehensive Plan identifies this parcel as "Neighborhood Commercial/Limited Business" and "Low Density Residential" The applicant is requesting a rezoning to "Moderate Density Residential" with a substantial increase in density. Let's stick with the Plan.
- . The FOPCW believe that, based upon an alternative assessment of nondevelopable acreage, densities could actually be much greater than those reported by the applicant, perhaps as high as 8 or more units/acre;
- . The FOPCW have significant concerns regarding structure and BMP construction encroachment and protection of setbacks from steep slopes, Resource Protection Areas, wetlands, and perennial stream(s). These theoretical master plan representations have direct bearing upon site densities and are subject to change if the Darcel is rezoned;

- . The FOPCW strongly question the accuracy of the determination that the tributary that flows along the west edge of the property is intermittent. James City County has been in a minor drought condition (-2.5 Palmer scale) for the past 2-3 months. The tributary has had consistent flow through August and September, which is strongly indicative of perennality. It is obvious that the scoring methodology (only one site visit in November of 2004), or the application thereof, (James City County Perennial Stream Protocol) is/was insufficiently robust, in this instance, to adequately assess and protect this stream;
- . The FOPCW request an independent stream evaluation using more sensitive measures. The FOPCW fully expect that all perennial streams and wetlands will be protected with 100-foot buffers in accordance with the Powhatan Creek Watershed Management Plan and the Chesapeake Bay Act; and
- . Finally, the FOPCW will defer specific comments on myriad environmental issues associated with the master plan proposal until a more appropriate time, but close wondering why we (JCC, FOPCW, residents) should be content with a project that proposes implementation of the weakest protection standards. Folks probably deserve better.

Since 1999 the FOPCW have sought "win-win" solutions by working with developers to seek ways of designing the impacts out of a project in order for it to go forward. There are some projects which are so poorly conceived and so fatally flawed that the impacts simply cannot be designed away. Jamestown Retreat is one of those projects. Stopping this project and maintaining the current zoning of this parcel is the only reasonable option.

Sincerely,



John Schmerfeld
Vice President
128 Jordans Journey
Williamsburg, VA 23185
757/258-1956

Matthew J. Smolnik

From: Reed Weir [ReedW@pva.org]
Sent: Tuesday, September 27, 2005 2:47 PM
To: Matthew J. Smolnik
Subject: Jamestown Retreat



Dear Mr. Smolnik:

If you will please distribute this among the Commission members I would appreciate it greatly.

Thanks,

Reed Weir

Dear Members of the James City County Planning Commission:

As you know, I am one of the property owners with land adjacent to the piece under consideration for re-zoning to high density residential and known as Jamestown Retreat. I have owned this vacant lot for over ten years now, I have invested many thousands of dollars into environmental studies, core samples and methane testing. This is a buildable lot and I have been saving towards and planning for it's use as my retirement home for many years.

I had made preliminary inquisitions to county officials years ago and was told it would be highly questionable that my land would receive re-zoning to any sort of multi-family use if I were to pursue that course. I am flanked on all sides except one by properties owned, I think, by Jamestown Condominiums and which contain brick buildings housing eight separate units each. The one saving grace for my land is the one side that is up for the proposed re-zoning. I feel my land will lose significant value as a single-family lot, as well as losing it's unique secluded footprint. I will not want to spend my retirement years in a dwelling completely surrounded by condominiums. I oppose the granting of the re-zoning request for the above reasons.

There is one condition that would remove my visible objections. If I am able realize a potential gain financially through an increase in the value of my land by including it in the same re-zoning, I could replace it elsewhere with a similar piece at today's prices. I should note that I recently gave the county over a tenth of an acre to improve the roadway and drainage system. I feel it would be extremely inconsistent for the county to approve re-zoning on the one piece and not the other.

These are my thoughts and feelings Ladies and Gentlemen of the Commission. I ask that you act in a manner that will help to equally protect my rights by

denying the proposed rezoning or extending it to include my adjacent property as well.

Sincerely,

**C. Reed Weir
202-416-7687**

Settlers Mill Association

P.O. Box 1295

Williamsburg, VA 23187

www.settlersmill.com

November 1, 2005

Mr. Matt Smolnik
James City County Planning Department
101-A Mounts Bay
Williamsburg, Virginia 23187

Re: Jamestown Retreat



Dear Mr. Smolnik:

On behalf of the residents (192 households) of Settlers Mill, the Board of Directors of Settlers Mill Association is submitting this second letter expressing our opposition to the zoning change for the proposed Jamestown Retreat. This second letter reflects our review of the most recent submission of the developer, Michael Brown.

It is our position that, while this recent submission is moving closer to the Comprehensive Plan guidelines, the submission is still not in compliance with the Comprehensive Plan for James City County. Specifically, the density is higher than allowed; the setback from Jamestown Road is less than allowed; there remain to be issues with the height restrictions on four of the six buildings; and, very importantly, there are still potential environmental issues concerning drainage. We feel the proposed development remains inconsistent with the significant efforts being made to enhance this designated Character Corridor.

Our previously stated concerns about traffic and safety remain in light of the proposed density being higher than the Comprehensive Plan allows.

The Settlers Mill Association appreciates your consideration of our concerns before approving this zoning change.

Very truly yours,

Settlers Mill Association

PLANNING DIRECTOR'S REPORT
November 2005

This report summarizes the status of selected Planning Division activities during the last 30 days.

1. Rural Lands Study. The Rural Lands Committee began its bimonthly meetings in October. With guidance from the consultant, the eight-person citizen committee discussed various scenarios of residential development in the rural areas from a build-out of by-right conventional development to a cluster option. The committee will continue to refine these scenarios in anticipation of its first public workshop on November 17th at 6:30 p.m. at Toano Middle School. Additional committee meetings in November will be held November 2nd at 4:00 p.m. at the James City County Library and November 30th at 4:00 p.m. at the EOC.
 2. Historic Triangle Corridor Enhancement Committee. The Committee received a total of 10 enhancement grant applications from businesses and homeowners associations along Jamestown Road and is working with grant recipients to implement their improvements.
 3. Policy Committee. The Policy Committee met on Oct. 27, 2005 to determine a recommendation on the question of allowing retail plant and gardening supplies as a specially permitted use in the A-1 Zoning District. They agreed to recommend approval with the condition that "gardening supplies" be defined in the ordinance.
 4. Toano Subarea Study. The first Committee meeting was held on October 19. The first public workshop is Wed. November 2 at 6:30 (Toano Middle School). The next public workshop will be Wed. November 16th at the same time and place. We met with the consultant last Tuesday and walked around Toano. There are additional steering committee meetings to talk about the workshops and then final guidelines scheduled for November 10 at 2:00 and November 18th at 2:00 respectively. We hope to take those guidelines to the December Planning Commission and the January BOS meeting for adoption.
 5. Ordinance Amendment: Facilities for the Aged. On September 12 the Planning Commission recommended approval of an ordinance amendment to allow facilities for the residence and/or care of the aged with a special use permit in the R-8 Rural Residential District. The Board of Supervisors approved this amendment on October 11.
- New Town Cases. The New Town Design Review Board considered the following cases at its September 15 meeting:
- Subdivision Plats – Block 10, Parcels C,D & E; Block 9, Parcels A & B; Blocks 2 & 3 revised Main Street Parcels – unanimously approved
 - Block 2, 1st Advantage brick wall/planter unanimously approved
 - Urban Building Landscape Guidelines – unanimously approved as amended
 - William E. Wood – set a deadline of October 31, 2005 for repainting the building panels
 - 1st Advantage – owner will be notified in writing to resubmit non-conforming sign
 - Prudential McCardle – approved final sign package
 - Center Street Grill – approved sign package

- AIG Baker & DRC Section 9 Master Plan and Design guidelines – preliminary approval
 - DRC Main Street Retail Phase II, Block 3, revised building and conceptual site plan – unanimously approved building plan; conceptual approval of site plan
 - DRC proposed signage guidelines for Main Street Retail Shops in Blocks 2, 3, 6 & 7 – deferred
 - CD & A Buildings Block 8 Residential Condominium Building revised landscape plan and building materials – unanimously approved landscape plan; approved building materials pending review of brick panel
 - CD & A Office Condominiums, Discovery Business Park, Section 6 – approved subject to suggested changes
 - Take 5 Building in Discovery Business Park, Section 6 – conceptual approval subject to suggested changes
 - GCR & Atlantic Homes Blocks 5 & 8 affordable homes building materials – approved
 - Atlantic Homes Block 10 Residential Townhouses conceptual site plan – conceptual approval subject to suggested change
 - Foundation Square Mixed-Use Building Block 10, revised building elevation and conceptual site plan – approved building plans; suggested stair element change; requested review of a colored rendering along with building materials
 - Springman Medical Building Blocks 6 & 7 revised site plan and landscape plan – approved
 - New Town Phase IV Roads and Infrastructure, Discover Business Park, Sections 3 & 6 – conceptual approval
 - Schumann Medical Building building revisions, Block 3 Pecan Square – deferred
6. VAPA Conference. We are serving on the host committee for the Virginia Chapter/American Planning Association Conference which will be held in the spring in Portsmouth. Plans are being developed now which will include a bus tour which we expect to have a stop in our New Town. We will provide the Commission more details as they become available.

O. Marvin Sowers, Jr.