

**A G E N D A**

**JAMES CITY COUNTY BOARD OF SUPERVISORS**

**County Government Center Board Room**

**August 9, 2005**

**7:00 P.M.**

Page

**A. ROLL CALL**

**B. MOMENT OF SILENCE**

**C. PLEDGE OF ALLEGIANCE** – Holden Lipscomb, a third-grade student this fall at Stonehouse Elementary School

**D. PUBLIC COMMENT**

**E. PRESENTATION**

1. Resolution of Appreciation - John Berkenkamp

**F. HIGHWAY MATTERS**

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*Supports County's Strategic Pathway 2.a - address the needs of the underserved and protect the vulnerable*

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**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**L. BOARD REQUESTS AND DIRECTIVES**

**M. CLOSED SESSION**

- 1. Consideration of Appointments of Individuals to County Boards and/or Commissions, Pursuant to Section 2.2-3711(A)(1) of the Code of Virginia
  - a. AFD Advisory Committee

**N. ADJOURNMENT**

**AT A WORK SESSION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JULY 2005, AT 4:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.**

**A. ROLL CALL**

Michael J. Brown, Chairman, Powhatan District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District  
Bruce C. Goodson, Roberts District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator  
Leo P. Rogers, County Attorney

**B. CLOSED SESSION**

Mr. Harrison made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the annual performance evaluation of the County Administrator.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

At 4:01 p.m. Mr. Brown convened the Board into Closed Session.

At 4:37 p.m. Mr. Brown reconvened the Board into Open Session.

**C. BOARD DISCUSSION**

1. School Cash Proffers

Mr. John T.P. Horne, Manager of Development Management, introduced Paul Tischler of TischlerBise and members of the Cash Proffer Steering Committee (“Committee”) in attendance.

Mr. Tischler stated that TischlerBise was retained by the County to facilitate meetings of the Cash Proffer Steering Committee and to prepare the Steering Committee Report; and provided a brief overview of the membership of the Committee.

Mr. Tischler provided an overview of the County cash proffer methodology and calculations for the maximum cash proffer amounts and policy recommendations.

The Board, Mr. Tischler, and staff discussed the pupil generation rates for housing built in the last five years; Virginia Code guidance regarding proffers and their uses; and discussed gross cost per dwelling units, credits, and proffer maximum levels.

Mr. Tischler provided an overview of the policy recommendations including the in-kind contributions, collection and expenditure zone, timing of implementation, review and adjustments, escalator clause, and affordable housing considerations.

The Board, staff, and Mr. Tischler discussed the policy and the recommendation regarding the consideration for affordable housing.

The Board discussed consideration of the policy recommendations as presented, potential adjustments to the proposed policy recommendations, and if there are alternatives to generate revenue.

Mr. Brown requested a straw vote on moving forward with the development of a school cash proffer policy as presented by the Committee.

The Board discussed the proposed vote and recommended a straw vote on whether the Board wants to support and move forward with a cash proffer policy.

Mr. Harrison made a motion not to move forward with the cash proffer policy.

On a roll call vote, the vote was: AYE: Harrison, Goodson (2). NAY: McGlennon, Bradshaw, Brown (3)

Mr. Brown stated that the Board has voted in support of the methodology as proposed in pages A2—A7 of the report and directed staff to develop a complete policy based on pages A2—A4 of the report; and requested staff to bring that policy back to the Board for consideration of adoption.

Mr. Wanner stated that a draft policy would not be available until after August and staff members stated that they would review the workload and advise the Board on when a draft policy will be ready for consideration.

**D. BREAK**

At 6:16 p.m. the Board took a dinner break until 7 p.m.

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Sanford B. Wanner  
Secretary to the Board

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 26TH DAY OF JULY 2005, AT 7:00 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

**A. ROLL CALL**

Michael J. Brown, Chairman, Powhatan District  
Jay T. Harrison, Sr., Vice Chairman, Berkeley District  
Bruce C. Goodson, Roberts District  
John J. McGlennon, Jamestown District  
M. Anderson Bradshaw, Stonehouse District

Sanford B. Wanner, County Administrator  
Michael Drewry, Assistant County Attorney

**B. MOMENT OF SILENCE**

Mr. Brown requested the Board and citizens observe a moment of silence.

**C. PLEDGE OF ALLEGIANCE**

McKenna Knowles, who will be a sixth-grade student at the James Blair Middle School, led the Board and citizens in the Pledge of Allegiance.

**D. PRESENTATIONS**

1. Resolution of Appreciation – Dr. Carol S. Beers

Mr. Brown presented Dr. Carol S. Beers with a Resolution of Appreciation in recognition of her 22 years of dedicated service to the citizens of James City County and for her commitment and pursuit of excellence in the education of the County's youth during that time.

Dr. Beers thanked the Board and Mr. Wanner for the recognition and thanked the citizens for supporting the School Division.

2. Planning Commission Annual Report

Mr. Jack Fraley, Vice Chairman of the Planning Commission, made a few brief comments in memory of Joseph McCleary, sent sympathy to the family of Donald Hunt, Chairman of the Planning Commission, in the passing of Mr. Hunt's father, and provided an overview of the Annual Report of the Planning Commission.

Mr. Fraley stated concern about the high rate of turnover in the Development Management Division, and requested adequate staffing levels and retention be addressed by the County, including the compensation of staff.

Mr. Fraley highlighted several high-profile planning projects including the review of the site plan review process, and commented on the rate and quality of development in the County as viewed by the Planning Commission. Mr. Fraley stated that the Commission is concerned about the quality of by-right development in the County that seem to view the standards for by-right development to be the maximum requirements; and requested that the existing by-right standards be reviewed and methods developed to update those standards.

Mr. Fraley recommended that a Sub Area Study be performed for Anderson's Corner and the Toano area.

Mr. McGlennon thanked the Planning Commission for addressing increased public interest in studies and for its forethought to encourage consideration of issues now in anticipation of the 2007 Comprehensive Plan update.

Mr. Brown thanked Mr. Fraley for the informative report and presentation.

Mr. Brown recognized Mary Jones, Planning Commission member, in the audience.

## **E. HIGHWAY MATTERS**

Mr. Jim Brewer, Virginia Department of Transportation (VDOT) Residency, stated that the Route 199 Segment II, from the South Henry Street Intersection to Brookwood Drive, is well underway; that the main line should be completed in the next few weeks; that in a month pavement striping will be completed; and that in August there will be another lane shift of traffic into the new eastbound lanes of Route 199 in preparation for resurfacing and repaving the west-bound lanes.

Mr. Brewer stated that shoulder work is also underway along Segment I of Route 199, from Route 60 to the Colonial Parkway overpass, in preparation for resurfacing and repaving.

Mr. Brewer stated that the approaches to the Route 199/Monticello Avenue overpass are in the contract pipeline to be repaved and resurfaced to eliminate the dips before the bridge.

Mr. Brewer stated that the traffic signal lights installation at the intersection of Longhill Road and the entrance to the Regency Apartments is underway and work is scheduled to be completed in 45 days.

Mr. Brewer stated that the pothole on Olde Towne Road (Route 658) has been patched.

Mr. Brewer stated that the maintenance contract for Interstate work is in place and Williamsburg Residency crews can now be pulled into primary and secondary road work within the County.

Mr. Brewer stated that the traffic engineers have been provided several suggestions to consider when they perform the signal study at the Route 199/Mounts Bay Road intersection.

Mr. Bradshaw thanked VDOT for the work on Richmond Road and requested VDOT continue to make progress on the road improvements on Croaker Road, Ware Creek, and Sycamore Landing Road.

Mr. McGlennon requested the weeds along Brookwood Drive be trimmed back.

Mr. McGlennon inquired about the status of the speed studies requested by the Board.

Mr. Brewer stated that several studies have just arrived and he is reviewing them.

Mr. Brown inquired if VDOT has access to street sweeper.

Mr. Brewer stated that the Williamsburg Residency office does have access to a street sweeper.

## **F. PUBLIC COMMENT**

1. Mr. Walt Rybak, 9808 Turning Leaf Drive, stated that a letter and a list of members of the neighborhood representatives for the Stonehouse development was sent to the Board; provided an overview of the letter including the residents' concern about private streets in development; requested that the Board not approve the request for private streets in the Stonehouse Development or at least defer until all concerns are addressed; stated that existing residents do not want private streets in the subdivision; and cited several concerns the existing residents have about the proposal.

2. Mr. Jeff Miller, 3008 Hartwood Crossing, stated concern that the proposed condominiums are not indicated on the site plan to be so close to adjacent existing structures as is now being reported; inquired why the project is being permitted to be constructed so close to existing structures; and why is the developer's proposal not being held to the same standards that the other Stonehouse development proposals were held to.

3. Mr. Mike Inman, 420 53<sup>rd</sup> Street, Virginia Beach, attorney representing the applicant, Futura LLC, who has requested the waiver for private streets in the Fairways and Clubhouse Point condominiums in the Stonehouse development, stated that the Board deferred action on this item in June because residents wanted input from the developer on the proposal and residents stated that the developer has been non-responsive to their requests for information.

Mr. Inman stated that the developer shared plans and renderings of the Fairways and Clubhouse Point with the Stonehouse residents on June 6; that the residents had submitted a letter to the County that indicated the residents like the looks of the project; requested that the Board approve the request for private streets in the Fairways and Clubhouse Point condominiums; and stated that the concerns of the residents are unfounded in this situation.

4. Ms. Angela Miller, 3008 Hartwood Crossing, stated concern about the potential conflict of interest involving Mr. Inman representing Futura LLC because Mr. Inman was hired by Stonehouse subdivision residents for research against the developer and now Mr. Inman is representing the developer against the residents.

Ms. Miller stated that the private streets in the Stonehouse development is a concern to residents and the developer has not provided a rendering of the roads that would answer questions residents have about the public safety issue of the private streets.

5. Mr. Ed Oyer, 139 Indian Circle, stated that Newport News turned down a proposal to put a Wal-Mart on major road; commented that Monticello Avenue should be considered an existing or classified as a future traffic problem zone; commented on a recent Wall Street Journal article regarding taxes and expenditure limits; and stated that traffic on Route 60 East was backed up to due to traffic again.

6. Ms. Shereen Hughes, 103 Holly Road, stated support for the DRC changes and recent stand on Marywood site proposal, and requested the Board and staff tackle by-right development issues now and do not wait until the 2007 Comprehensive Plan Review Update to address the issues.

Ms. Hughes requested the Board support Development Management and provide adequate staffing and incentive for longevity of staff to help the citizens.

7. Mr. Darrell Hooker, 158 Wellington Circle, stated concern that staff is enforcing sign regulations non-uniformly for businesses and requested justification for such actions.

**G. CONSENT CALENDAR**

Mr. Harrison made a motion to adopt the items on the Consent Calendar.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

1. Minutes

- a. June 28, 2005, Regular Meeting
- b. July 12, 2005, Regular Meeting

2. Department of Criminal Justice Services – Grant Award – \$27,500

**RESOLUTION**

**DEPARTMENT OF CRIMINAL JUSTICE SERVICES - GRANT AWARD - \$27,500**

WHEREAS, the Virginia Department of Criminal Justice Services (DCJS) has approved a grant to the James City County Police Department for the amount of \$27,500, with a State share of \$20,625 for the enhancement of the Department’s current Records Management System (RMS); and

WHEREAS, the grant requires a cash local match of \$6,875, which is available in the County’s Special Projects/Grants Fund; and

WHEREAS, the grant will be administered by DCJS with a grant period of July 1, 2005, through June 30, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation:

Revenues:

DCJS - Criminal Justice Record Systems Improvement	\$20,625
County Special Projects/Grants Fund	<u>6,875</u>
Total	<u>\$27,500</u>

Expenditure:



DCJS - Criminal Justice Record Systems Improvement \$27,500

3. Award of Contract – Ambulance Purchase

**RESOLUTION**

**AWARD OF CONTRACT - AMBULANCE PURCHASE**

WHEREAS, funds are available in the Capital Improvements Program budget for purchase of a new ambulance for Fire Station 5; and

WHEREAS, cooperative purchasing action is authorized by Chapter 1, Section 5, of the James City County Purchasing Policy and the Virginia Public Procurement Act, and the City of Newport News issued a cooperative purchasing contract to Performance Specialty Vehicles, LLC, as a result of a competitive sealed Request for Proposal; and

WHEREAS, the Fire Department and Purchasing staff determined the contract specifications met the County's performance requirements for a medium-duty ambulance and negotiated a price of \$174,023 with Performance Specialty Vehicles, LLC, for a Freightliner M2/American LaFrance medium-duty ambulance unit.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the County Administrator to execute a contract between James City County and Performance Specialty Vehicles, LLC, in the amount of \$174,023.

4. Resolution of Appreciation – Dr. Carol S. Beers

**RESOLUTION OF APPRECIATION**

**DR. CAROL S. BEERS**

WHEREAS, Dr. Carol S. Beers is a dedicated professional who sought excellence in the education of the County's youth while she provided exemplary service for 22 years in the Williamsburg/James City County Public Schools; and

WHEREAS, Dr. Carol S. Beers has held a variety of positions during her career with the Williamsburg/James City County Public Schools which include being the superintendent of schools, assistant superintendent of schools, an elementary school principal, the Gifted & Talented program supervisor, and has received Fulbright Awards for study in Japan and Germany; and

WHEREAS, in 1992(3) the Rawls Byrd Elementary School, while under Dr. Beers leadership as the principal, received the U. S. Department of Education's Blue Ribbon School award; and

WHEREAS, Dr. Beers has also served on the National Joint Council for Learning Disabilities, the National Commission for Diverse Learners, and the Manuscript and Policy Review Board for the International Reading Association.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby expresses its deep gratitude for her commitment and honors Dr. Carol S. Beers for her 22 years of dedicated service to the citizens of James City County.

## **H. BOARD CONSIDERATIONS**

### **1. Stonehouse Request for Private Streets (Deferred from June 14, 2005)**

Mr. Trey Davis, Senior Planner, stated that Mr. V. Marc Bennett of AES Consulting Engineers on behalf of his client, Futura LLC, has submitted a request for approval of private streets for two projects in the Stonehouse Master Planned Community that is zoned PUD, Planned Unit Development. The two projects under review are the Fairways, a 16-unit condominium project and Clubhouse Point, an 18-unit condominium project; both of which are by-right developments and only subject to administrative review.

Mr. Davis stated that Michael Inman of Inman and Strickler, PLC, representatives of the Futura Group, has submitted a letter regarding the responsibility for maintenance of the private streets within the condominium association and submitted a draft copy of the documents for the Fairways.

Staff continues to encourage the developer to work with residents on issues related to the architecture of the proposed units and any other concerns

Staff noted that it is difficult to develop multifamily units without allowing for private streets due to the limitations imposed by VDOT-mandated street widths and turning radii, and stated that staff has found the private streets to be an appropriate use in the development of multifamily units within Stonehouse and other master-planned communities.

Staff recommended approval of the request for private streets in the two Stonehouse projects.

Mr. Harrison inquired if the private road will be a through street or only an access street to the condominiums.

Mr. Davis stated that it does not connect to other streets.

Mr. Goodson inquired if VDOT would permit the street to be a public road.

Mr. Davis stated that VDOT standards are higher and therefore the street would not meet standards for a public road.

Mr. Bradshaw inquired if the street width is adequate to handle emergency vehicles.

Mr. Davis indicated the streets will meet requirements for emergency service.

The Board and staff discussed the standards of private streets, by-right development reviews, and requested guidance from Mr. Rogers on the proposed private streets.

Mr. Rogers stated that private streets are not permitted by-right and if the Board denies the request,

the developer will be required to meet VDOT standards for public roads; and stated that the County has a Private Street Construction Standards which are administered by the County Engineer and the Zoning Ordinance requires that construction of private streets be guaranteed in a form approved by the Environmental Division and County Attorney prior to issuance of any certificate of occupancy for the projects.

Mr. Bradshaw made a motion to approve resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

## RESOLUTION

### STONEHOUSE REQUEST FOR PRIVATE STREETS

WHEREAS, Section 24-497(d) of the James City County Zoning Ordinance states that private streets may be permitted upon the approval of the Board of Supervisors in the PUD, Planned Unit Development District; and

WHEREAS, AES Consulting Engineers has requested approval of private streets for two developments in the Stonehouse Master Planned Community; and

WHEREAS, the developments are located at 9681 and 9720 Mill Pond Run and further identified as Parcel Nos. (1-12) and (1-16) on James City County Real Estate Tax Map No. (5-3); and

WHEREAS, private streets shall be constructed and certified in accordance with *Administrative Guidelines For Certification of Private Street Construction* prepared by the County Engineer and guaranteed in accordance with Section 24-497(d) of the James City County Zoning Ordinance; and

WHEREAS, the Owner of each development shall organize a neighborhood association to be responsible for maintenance of his/her private streets in accordance with Condition No. 1, Community Association of the Proffers, as amended.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve private streets in the above-referenced developments.

2. Award of Comprehensive Agreement Contract for Design and Construction of a Community Building at New Town

Ms. Stephanie Ahrendt, Purchasing Director, stated that the Design and Construction of a Community Building at New Town Request for Proposal was issued pursuant to Virginia's Public Private Education Facilities and Infrastructure Act of 2002. A panel of staff members reviewed the proposals, interviewed two firms, and selected Henderson, Inc., as the firm with the best proposal for the Community Building.

Staff recommended approval of the resolution awarding the contract to Henderson, Inc., in the amount of \$1,250,000.

Mr. Goodson made a motion to adopt the resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

## **RESOLUTION**

### **AWARD OF COMPREHENSIVE AGREEMENT CONTRACT FOR DESIGN AND CONSTRUCTION OF A COMMUNITY BUILDING AT NEW TOWN**

WHEREAS, a Public Private Education and Facilities and Infrastructure Act of 2002 (PPEA) request for proposals for Design and Construction of a Community Building at New Town was advertised; three interested firms submitted proposals; and

WHEREAS, staff reviewed all proposals, interviewed two firms, and selected Henderson, Inc., as the firm with the best proposal to provide the services associated with the project; and

WHEREAS, upon Board approval, staff is prepared to negotiate and execute a Comprehensive Agreement Contract with Henderson Inc., for design and construction of the Community Building.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes negotiation and award of a Comprehensive Agreement Contract for design and construction of a Community Building at New Town in an amount not to exceed \$1,250,000 to Henderson, Inc.

#### **I. PUBLIC COMMENT**

1. Mr. Ed Oyer, 139 Indian Circle, commented on a solicitation from the Williamsburg Area Realtors that offers no alternative solutions to the issue of cash proffers; commented on an article in the paper regarding public schools; and stated that the fiscal costs of maintenance and staffing schools was not addressed.

2. Mr. H. M. Rathkamp, 100 Elizabeth Page, stated that information provided to the public by the Williamsburg Area Realtors and the press is not accurate and stated that proffers are a benefit to the community by supplementing funds to pay for the development of schools.

#### **J. REPORTS OF THE COUNTY ADMINISTRATOR**

Mr. Wanner provided an update on the Cash Management Action Plan as follows:

1. We have acquired court orders from Judge Powell and Judge Fairbanks and in the future all checks remitted by those courts will be made out to the "Treasurer, James City County" and sent directly to the Treasurer's Office, and the Fire Department has established procedures to record, acknowledge, and transmit all donations sent directly to them;

2. We have identified cash collection points and the task of flow charting cash flows is in progress. Once completed, internal controls will be reviewed as well as process improvements for greater efficiencies; all points have been posted instructing

citizens to make their check payable to the “Treasurer of James City County;” and alternative payment options are an objective targeted for review later.

3. We have contacted all “supervisors” and they have responded to a survey requesting bank account information. No new account information was uncovered.
4. We have the group reviewing the current procedures for establishing Administrative Regulations. We are looking at this as a repository for financial policy easily accessed by departments to be used in the development of individual department procedures. The group may be developing a recommendation for Board consideration. The group is reviewing the current process for submitting expense reimbursements. It is anticipated that some process improvements will result from this review.
5. The group surveyed other jurisdictions and determined that those localities with internal auditor positions are traditional in nature and report to the County Administrator.

In addition to the tasks proposed above, we are also working with the Commonwealth Attorney, the State Police, and the County Treasurer to determine exactly how much of the public’s money has been stolen or misused by the County’s former Fire Chief. Staff is working to recover every single cent using the authority granted to the Treasurer, the Courts, and the County’s employee dishonesty coverage through VML. We have obtained details of all spending and all deposits involving the Flower Fund bank account and are examining each item individually.

Mr. Wanner recommended the Board go into Closed Session for the consideration of appointments of individuals to Boards/Commissions, for the consideration of the annual evaluation of the County Administrator, and for the consideration of the acquisition of a parcel/parcels of property for public use; following which the Board adjourns to 7 p.m. on August 9, 2005.

## **K. BOARD REQUESTS AND DIRECTIVES**

Mr. Bradshaw requested a Toano Area Community Character Corridor Study be conducted which will exclude the Anderson’s Corner area.

Mr. Harrison apologized to Mr. Hooker regarding his feeling of being treated unfairly by the County and stated that it is not the County’s standard to treat citizens or business owners in that manner.

Mr. Harrison directed staff to review a “temporary sign” ordinance for newly established businesses.

Mr. Harrison and Mr. Brown congratulated Mr. Wanner on the prompt and responsive update on the Cash Management Action Plan to track and ensure accountability for the flow of funds.

**L. CLOSED SESSION**

Mr. McGlennon made a motion to go into Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider the appointment of individuals to Boards and/or Commissions; pursuant to Section 2.2-3711 (A)(3) of the Code of Virginia to consider the acquisition of a parcel/parcels of property for public use; and pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia for the annual performance evaluation of the County Administrator.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

At 8:19 p.m. Mr. Brown convened the Board into Closed Session.

At 9:05 p.m. Mr. Brown convened the Board into Open Session.

Mr. McGlennon made a motion to adopt the Closed Session Resolution.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

**RESOLUTION**

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge: i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies; and, (ii) only such public business matters were heard, discussed, or considered by the Board as were identified in the motion, Section 2.2-3711(A)(1), to consider personnel matters, the appointment of individuals to County boards and/or commissions; Section 2.2-3711(A)(3), to consider the acquisition of parcel/parcels of property for public use; and Section 2.2-3711(A)(1) consideration of the annual evaluation of the County Administrator.

Mr. Harrison made a motion to reappoint Robert Cowling to a five-year term on the Board of Building Adjustments and Appeals, term to expire June 12, 2010; to reappoint Alan Bennett to a three-year term on the Clean County Commission, term to expire July 31, 2008; to appoint Lee Laska to an unexpired term on the Cable Communications Advisory Committee, term to expire April 30, 2009; to reappoint Michael McGinty to a three-year term on the Colonial Community Justice Board, term to expire on July 31, 2008; to reappoint Donna Garrett, Bernice Dorman, Betty Cutts, Alain Outlaw, and Edith Harris-Bernard to three-year terms on the Historical Commission, terms to expire on August 31, 2008; to appoint Dick Calver to a four-year term on the Thomas Nelson Community College Local College Board, term to expire on July 31, 2009;

and to appoint Kenneth Grieve and Karen Levy to three-year terms on the Water Conservation Committee, terms to expire on May 31, 2008.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

Mr. McGlennon made a motion to approve a salary increase of 4.5 percent and an increase of 7.5 percent contribution to deferred compensation after the application of the new base salary for the County Administrator, effective August 1, 2005.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

**M. ADJOURNMENT**

Mr. Goodson made a motion to adjourn.

On a roll call vote, the vote was: AYE: Harrison, Goodson, McGlennon, Bradshaw, Brown (5). NAY: (0).

At 9:06 p.m. Mr. Brown adjourned the Board to 7 p.m. on August 9, 2005.

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Sanford B. Wanner  
Secretary to the Board

**MEMORANDUM**

DATE: August 9, 2005  
TO: The Board of Supervisors  
FROM: Keith A. Taylor, Secretary, Economic Development Authority  
SUBJECT: Resolution of Appreciation – John Berkenkamp

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John Berkenkamp has announced his retirement effective June 2005 from the Economic Development Authority (EDA). Mr. Berkenkamp has served the EDA for eight continuous years.

To recognize Mr. Berkenkamp's contributions as a member of the EDA and the community, the EDA requests that the Board adopt the attached resolution of appreciation in Mr. Berkenkamp's honor.

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Keith A. Taylor

KAT/tlc  
Berkenkamp.mem

Attachment



**RESOLUTION**

**CERTIFICATE OF APPRECIATION -**

**JOHN BERKENKAMP**

WHEREAS, John Berkenkamp served as a member of the Economic Development Authority of James City County since September 1997, and retired from same effective June 2005; and

WHEREAS, John Berkenkamp served as Vice Chairman of the Industrial Development Authority of James City County from July 2000 to December 2001; and

WHEREAS, John Berkenkamp served on the County Comprehensive Plan Committee; and

WHEREAS, John Berkenkamp was instrumental in overseeing the development of the Fiscal Impact Model presently used by the Office of Economic Development and the Manager of Financial and Management Services to evaluate expanding and prospective James City County business and industry; and

WHEREAS, throughout this period of service John Berkenkamp gave freely of his time, his energy, and his knowledge for the betterment of his County, as an active member; and

WHEREAS, John Berkenkamp consistently demonstrated those essential qualities of leadership, diplomacy, perseverance and dedication while providing exceptional service to the citizens of James City County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby extends its sincere appreciation to John Berkenkamp and recognizes his distinguished service and dedication to the County and its citizenry.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

Berkenkamp2.res

MEMORANDUM

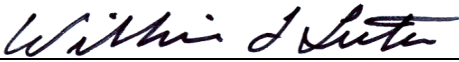
DATE: August 9, 2005  
TO: The Board of Supervisors  
FROM: William T. Luton, Deputy Fire Chief  
SUBJECT: Acceptance of Williamsburg Community Health Foundation Grant Award - \$250,000

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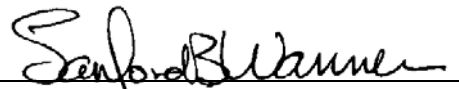
The Williamsburg Community Health Foundation has awarded James City County Fire Department a grant in the amount of \$250,000 for the purchase of an Advanced Life Support Ambulance and related medical equipment. There are no matching funds required of this grant.

The purchase of the Ambulance for Station 5 was approved by the Board of Supervisors at the July 26, 2005, meeting.

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
William T. Luton

CONCUR:

  
\_\_\_\_\_  
Sanford B. Wanner

WTL/gs  
WCHFgrant.mem

Attachment

**RESOLUTION**

**ACCEPTANCE OF WILLIAMSBURG COMMUNITY HEALTH FOUNDATION**

**GRANT AWARD**

WHEREAS, the Williamsburg Community Health Foundation has awarded a grant to the James City County Fire Department in the amount of \$250,000 for the purchase of an Advanced Life Support Ambulance and related medical equipment; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, the grant reporting period is July 1, 2005, through June 30, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the Williamsburg Community Health Foundation Grant Award.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

WCHFgrant.res

MEMORANDUM

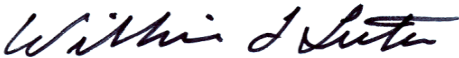
DATE: August 9, 2005  
TO: The Board of Supervisors  
FROM: William T. Luton, Deputy Fire Chief  
SUBJECT: Acceptance of a Rescue Squad Assistance Grant Award - \$60,984.50

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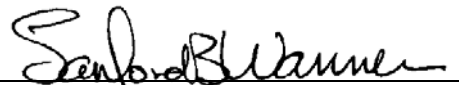
James City County was awarded a Rescue Squad Assistance Grant from the Virginia Department of Health, Office of Emergency Medical Services in the amount of \$121,969. This is a 50/50 matching fund grant. James City County matching funds in the amount of \$60,984.50 are available in the FY 2006 Capital Improvement Project Fund. The grant is to be used in support the purchase of a new ambulance for Fire Station 5.

Acceptance of the \$60,984.50 from the Office of Emergency Medical Services must be authorized by the Board of Supervisors.

Staff recommends approval of the attached resolution.

  
\_\_\_\_\_  
William T. Luton

CONCUR:

  
\_\_\_\_\_  
Sanford B. Wanner

WTL/gs  
rescuegrant.mem

Attachment

**RESOLUTION**

**ACCEPTANCE OF A RESCUE SQUAD ASSISTANCE GRANT AWARD**

WHEREAS, the Virginia Department of Health, Office of Emergency Medical Services (OEMS), Rescue Squad Assistance Fund (RSAF) has approved a grant to the James City County Fire Department in the amount of \$60,984.50 for the purchase of an ambulance; and

WHEREAS, the grant requires a cash local match of \$60,984.50, which is available in the FY 2006 Capital Improvement Project Fund; and

WHEREAS, the grant will be administered by OEMS, with a grant period of July 1, 2005, through June 30, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the acceptance of the RSAF grant.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

rescuegrant.res

MEMORANDUM

DATE: August 9, 2005  
TO: The Board of Supervisors  
FROM: William T. Luton, Acting Coordinator of Emergency Services  
SUBJECT: Adoption of the James City County Emergency Operations Plan 2005

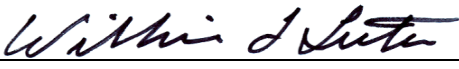
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Virginia and James City County are continuously threatened by emergency and disaster situations such as floods, ice storms, tornadoes, hurricanes, hazardous materials incidents, and hostile actions by unknown enemies.

Virginia Code (§ 44-146.19.E Code of Virginia as amended) requires that the Commonwealth, and each County and City within the Commonwealth, develop and maintain a current Emergency Operations Plan (EOP) which addresses their planned response to such extraordinary emergency situations. This plan for James City County is designed to meet this responsibility and to include the County in the mutually supportive statewide emergency management system.

This plan was developed and updated by the James City County Emergency Management Coordinator with assistance from the Commonwealth of Virginia Department of Emergency Management.

Staff recommends approval of the adoption of this Plan.

  
\_\_\_\_\_  
William T. Luton

WTL/tlc  
emergopln05.mem

Attachment

**RESOLUTION**

**JAMES CITY COUNTY EMERGENCY OPERATIONS PLAN**

WHEREAS, there exists many threats, including man-made disasters, natural disasters, and hostile actions by an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of James City; and

WHEREAS, the Board of Supervisors desires, and Commonwealth of Virginia statutes require, the adoption of appropriate planned protective measures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the James City County Emergency Operations Plan dated July 2005.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

emergopplan.res

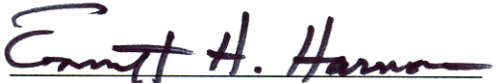
MEMORANDUM

DATE: August 9, 2005  
TO: The Board of Supervisors  
FROM: Emmett H. Harmon, Deputy Chief of Police  
SUBJECT: Appropriation of Funds - Department of Motor Vehicles – Grant Award - \$1,500

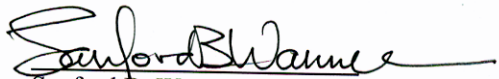
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The Virginia Department of Motor Vehicles has advised that James City County Police Department's Checkpoint Strikeforce application in the amount of \$1,500 has been approved. There are no matching funds required of this grant. The grant is to be used to pay overtime for officers conducting Driving Under the Influence (DUI) enforcement patrols and checkpoints.

Staff recommends adoption of the attached resolution to accept the grant.

  
Emmett H. Harmon

CONCUR:

  
Sanford B. Wanner

EHH/gb  
DMVaward.mem

Attachment



**RESOLUTION**

**APPROPRIATION OF FUNDS - DEPARTMENT OF MOTOR VEHICLES –**

**GRANT AWARD - \$1,500**

WHEREAS, the Virginia Department of Motor Vehicles (DMV) has approved a grant for the Police Department in the amount of \$1,500; and

WHEREAS, the grant requires no matching funds; and

WHEREAS, the grant will be administered by DMV, with a grant period of July 20, 2005, through September 30, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation:

Revenue:

DMV – Checkpoint Strikeforce	<u>\$1,500</u>
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Expenditure:

DMV – Checkpoint Strikeforce	<u>\$1,500</u>
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\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

DMVaward.res

MEMORANDUM

DATE: August 9, 2005  
TO: The Board of Supervisors  
FROM: Diana F. Hutchens, Director of Social Services  
SUBJECT: Allocation of Funds - Department of Social Services Allocation for Child Welfare Services - \$23,724

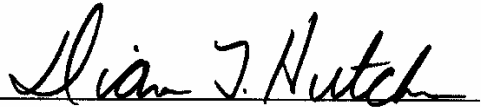
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The Virginia Department of Social Services (VDSS) has allocated \$24,557 to the James City County Division of Social Services. There is a 25 percent local match required for these funds. The State share is \$18,417 and the local share is \$6,140. Funds were provided to every locality in the State of Virginia in order to improve the delivery of Child Welfare Services, which includes Child Protective Services, Foster Care, and Adoption services. The formula for distribution of the funds was based on caseloads. These funds will be provided in future years and will be included in the annual allocation.

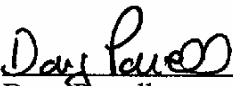
The funds were appropriated by the General Assembly as a direct result of a Federal review that indicated such funds were needed. The funds are related to the Program Improvement Plan that Virginia had to submit to the Federal government for approval. The local Program Improvement Plan and needs assessment developed by staff have indicated that the funds will be best used by hiring a Full-Time Permanent Social Worker to provide for Child Protective Services. This is the first time any such additional State funds have been provided to serve this population in more than 20 years. Each worker in the Child Protective Services Unit is managing caseloads that far exceed the caseload standards provided by the State.

The total cost of the salary and fringes for this position for 10 months beginning September 1, 2005, is estimated to be \$35,171. The additional \$10,614 that is needed is reimbursable from Title IV-E funding at a 50 percent reimbursement rate, \$5,307 Federal and \$5,307 local. The combined total local match would be \$11,446. The local funds needed for the total match are currently available in the approved Division of Social Services budget so no additional local funding is being requested. The combined State and Federal revenue is \$23,724.

Staff recommends that the resolution to appropriate these funds into the Social Services budget be adopted and the position be established.

  
Diana F. Hutchens

CONCUR:

  
Doug Powell

DFH/gs  
VDSSalloc.mem

Attachment

**RESOLUTION**

**ALLOCATION OF FUNDS - DEPARTMENT OF SOCIAL SERVICES ALLOCATION FOR**

**CHILD WELFARE SERVICES - \$23,724**

WHEREAS, the Virginia Department of Social Services (VDSS) has allocated \$23,724 to the James City County Division of Social Services for the delivery of Child Welfare Services; and

WHEREAS, the caseloads of Social Workers in the Child Protective Services Unit far exceed accepted standards; and

WHEREAS, the local match and additional Federal funding are already available in the approved Division of Social Services budget.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Division of Social Services budget:

Revenue:

VDSS-Child Protective Services Social Worker I	<u>\$23,724</u>
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Expenditure:

VDSS-Child Protective Services Social Worker I	<u>\$23,724</u>
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BE IT FURTHER RESOLVED that the Board of Supervisors of James City County does hereby create a full-time permanent Social Worker I position.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

MEMORANDUM

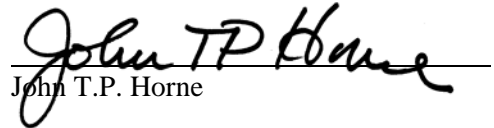
DATE: August 9, 2005  
TO: The Board of Supervisors  
FROM: John T.P. Horne, Development Manager  
SUBJECT: Budget Appropriation - Stonehouse Development Company, LLC and Centex Homes Funds  
- \$15,000

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In a effort to resolve drainage problems in the Orchard Hill section of the Stonehouse development, staff has been working with Centex Homes and Stonehouse Development Company. Centex Homes and Stonehouse Development Company are to reimburse the County for the drainage improvements to be done in Orchard Hill, with the contract being administered by the County.

Staff recommends appropriation of reimbursements to the Non-Departmental Water Quality Account.

Staff recommends adoption of the attached resolution.

  
John T.P. Horne

JTPH/gb  
CentexHomes.mem

Attachments

**RESOLUTION**

**BUDGET APPROPRIATION - STONEHOUSE DEVELOPMENT COMPANY, LLC**

**AND CENTEX HOMES FUNDS - \$15,000**

WHEREAS, the Board of Supervisors of James City County has been requested to approve the appropriation of funds from Stonehouse Development Company and Centex Homes to the Non-Departmental Water Quality Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes the following appropriation to the Non-Departmental Water Quality:

Revenue:

Miscellaneous Revenue	<u>\$15,000</u>
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Expenditure:

Non-Departmental Water Quality	<u>\$15,000</u>
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Michael J. Brown  
Chairman, Board of Supervisors

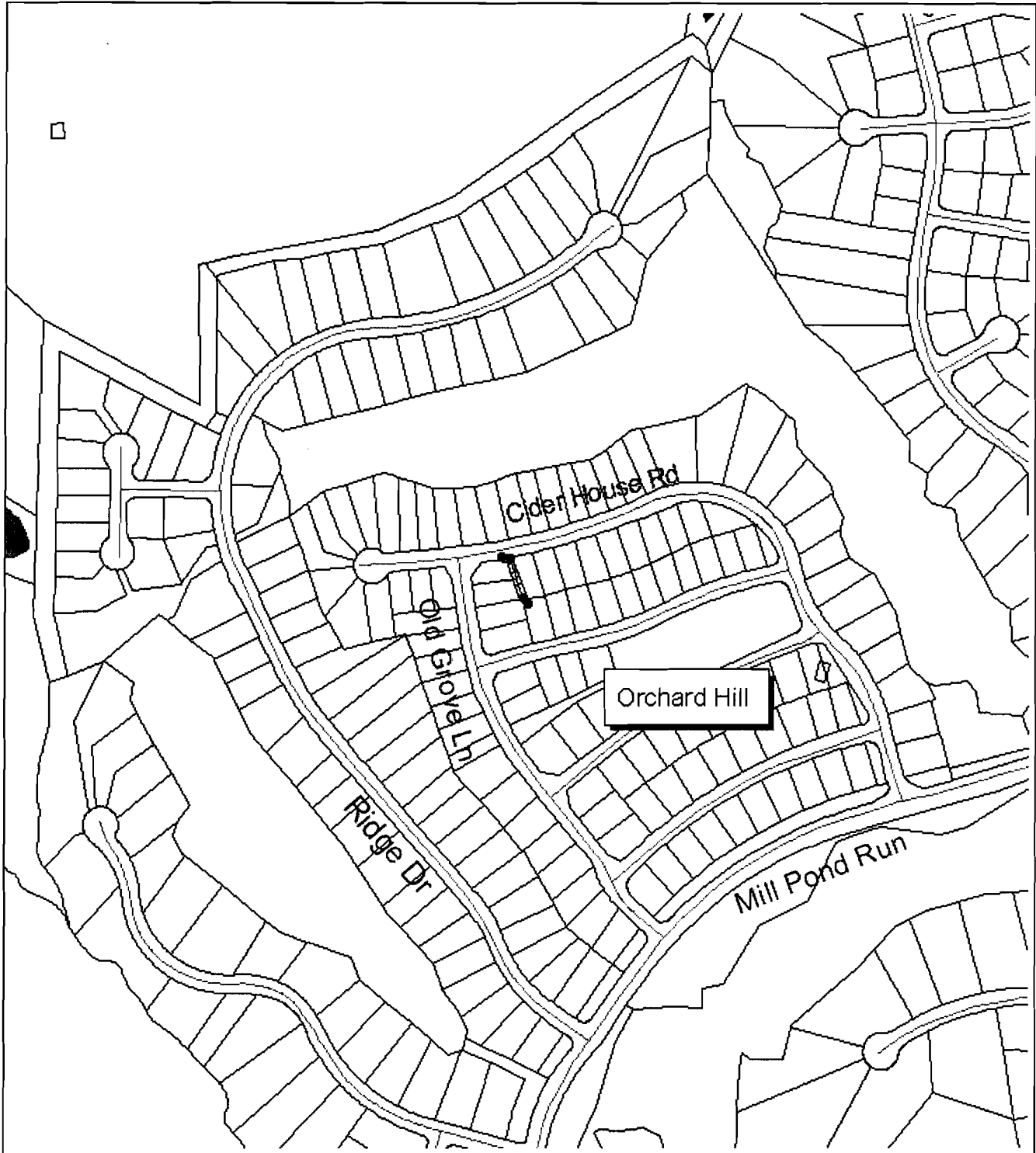
ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

CentexHomes.res



# STONEHOUSE - ORCHARD HILL



**REZONING 9-05/MASTER PLAN-6-05. Governor’s Grove at Five Forks  
Staff Report for the August 9, 2005, Board of Supervisors Public Hearing**

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*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.*

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**PUBLIC HEARINGS**

**Building F Board Room; County Government Complex**

Planning Commission: June 6, 2005, 7 p.m. (deferred)  
July 11, 2005, 7 p.m.  
Board of Supervisors: August 9, 2005, 7 p.m.

**SUMMARY FACTS**

Applicant: Mr. Eric Nielsen, National Housing Corporation  
Land Owner: Five Forks Virginia, Inc. and E. H. Saunders, Trustee  
Proposal: Construction of 132 condominium units and 25,000 square feet of office/commercial  
Location: 4310 and 4360 John Tyler Highway; 3181 and 3191 Ironbound Road  
Tax Map/Parcel Nos.: (46-2)(1-14), (46-2)(1-37), (47-1)(1-35), and (47-1)(1-36)  
Parcel Size: 23.26 acres  
Existing & Proposed Zoning: R-8, Rural Residential, and B-1, General Business, to MU, Mixed Use, with proffers  
Comprehensive Plan: Moderate Density Residential  
Primary Service Area: Inside

**STAFF RECOMMENDATION**

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the Primary Principles for Five Forks Area of James City County. Staff recommends approval of the rezoning and master plan applications and acceptance of the voluntary proffers.

Staff Contact: Matthew D. Arcieri Phone: 253-6685

**PLANNING COMMISSION RECOMMENDATION**

On July 11, 2005, the Planning Commission recommended approval by a vote of 5 to 0. The Planning Commission also approved the proposed buffer reductions. The Commission recommended the applicant amend their proffers to include a turf management plan, encourage shared stormwater management with the adjoining property and minimize curb and gutter in the parking areas.

### **Proposed Changes Made Since Planning Commission Meeting**

The applicant has submitted revised proffers which make the following changes:

**Ingram Road Access:** The proffers include a provision for the residential portion of the project to have vehicular access onto Ingram Road either as an exit only from the property or a full entrance/exit. The applicant could only construct such an access after receiving approval from VDOT and the Board of Supervisors.

**Staff Comments:** This proffer has been added at the suggestion of a Board member for consideration by the whole Board. The intent is to help alleviate impacts of the residential entrance on John Tyler Highway. Staff has not evaluated whether this additional access point is acceptable and would not negatively impact Ingram and Ironbound Roads. However, as the proffer language only permits this access after further evaluation by staff and approval of VDOT and the Board, staff finds the language acceptable. Note that the proffer does not require review by the Planning Commission. Staff also notes that, as written the decision to add access onto Ingram Road must be made prior to the issuance of preliminary site plan approval. This language creates a very narrow time frame in which the County must act, potentially lessening the chance of access onto Ingram Road being added.

**John Tyler Highway Access:** The proffers include a provision for the commercial portion of the project to have vehicular access onto John Tyler Highway as a right-in/right-out access. The applicant could only construct such an access after receiving approval from VDOT and the Board of Supervisors. In addition, the applicant would have to demonstrate that the entrance will alleviate an off-site congestion, delay, or safety problem at the proposed Ironbound Road entrance and the entrance will not increase congestion or delay on John Tyler Highway.

**Staff Comments:** This proffer has been added at the suggestion of a Board member for consideration by the whole Board. The intent is to help prevent vehicles exiting the commercial parcel from using the driveway at Clara Byrd Baker Elementary to turn around and make a left turn towards the Five Forks intersection. Staff has not evaluated whether this additional access point is acceptable and would not negatively impact John Tyler Highway, including the buffer and tree canopy. However, as the proffer language only permits this access after further evaluation by staff and approval of VDOT and the Board, staff finds the language acceptable. Note that the proffer does not require review by the Planning Commission.

**Curb and Gutter:** The proffers include language that, as part of the stormwater master plan, the applicant shall attempt to maximize the amount of impervious surface that drains onto pervious surfaces prior to draining into the BMP.

**Staff Comments:** This proffer has been added at the suggestion of the Planning Commission. Staff, including the Environmental Division, finds this language acceptable. Staff notes that the stormwater master plan will be reviewed and approved by the Environmental Division as part of development plan review, allowing staff the ability to confirm that curb-and-gutter construction has been appropriately minimized.

**Turf Management Plan:** The applicant has proffered a turf management plan to be reviewed and approved by the Environmental Division during development review.

**Staff Comments:** This proffer has been added at the suggestion of the Planning Commission. Staff, including the Environmental Division, finds this language acceptable. Note that this proffer mirrors the language approved as part of the Villas at Five Forks rezoning with the exception that the County has been granted approval authority over the plan.

**Shared Stormwater:** The applicant has proffered to explore the potential of shared stormwater management with the adjacent Villas at Five Forks development.

**Staff Comments:** This proffer has been added at the suggestion of the Planning Commission. Staff notes



that this language only states that the applicant shall explore shared stormwater management. While staff will attempt to address shared stormwater management as part of the development plan review and review of the Master Stormwater Management Plan, no commitment to shared stormwater management is being made nor can it be enforced by staff as written.

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

<b>Cash Proffer Summary (See staff report narrative and attached proffers for further details)</b>	
<b>Use</b>	<b>Amount</b>
Water (CIP contribution)	\$796 per lot
CIP projects (including schools)	\$1,000 per lot
Powhatan Creek Restoration	\$500 per lot
Road Contribution	\$24,162
<b>Total Amount (2005 dollars)</b>	<b>\$327,234</b>
<b>Total Per Lot (excluding road contribution)</b>	<b>\$2,296 per lot</b>

**PROJECT DESCRIPTION**

National Housing Corporation has submitted an application to rezone 23.26 acres located on John Tyler Highway from R-8, Rural Residential, and B-1, General Business, to MU, Mixed Use, with proffers. The property is bisected by John Tyler Highway into a northern portion of 14.93 acres and a southern portion of 8.33 acres.

If approved, the developer would construct a new multifamily housing complex on the northern portion. The development, to be known as Governor’s Grove, would consist of up to 132, one, two- and three-bedroom condominiums. These units would be a for-sale product, sold at market rates. On the southern portion the developer proposes preserving 5.33 acres as permanent open space. The remaining three acres would be reserved for 25,000 square feet of office/commercial, with access exclusively from Ironbound Road adjacent to the Zoom’s Convenience Store.

On December 14, 2004, the Board of Supervisors denied the applicant’s original proposal for rental apartments for this property. Below is a comparison of this proposal with the original proposal.

	<b>Original Proposal</b>	<b>Revised Proposal</b>
Residential Units/density	213 (9.2 dwelling units per acre)	132 (6.5 dwelling units per acre)
Unit Type/Pricing	Apartment/affordable	Condominium/market rate
Commercial Square Footage	30,000 square feet	25,000 square feet
Commercial Acreage/Acreage of Commercial Buffers	1.4 acres/0.6 acres	1.7 acres/1.3 acres
Open Space (southern portion)	6.33 acres	5.33 acres

## **PUBLIC IMPACTS**

### **Archaeology**

- ◆ **Proffers:** The County archaeological policy is proffered.

### **Environmental Impacts**

- ◆ **Watershed:** Powhatan Creek
- ◆ **Environmental Proffers:**
  - **Conservation Area:** The applicant will preserve 5.33 acres of the property as permanent open space. This constitutes the entire southern frontage of John Tyler Highway. This piece of property will remain undisturbed in a permanent natural state. While normally preservation would be accomplished through a conservation easement dedicated to the County, the applicant has stated, for tax purposes, they do not wish to provide an easement. The open space is protected by the master plan and proffers.
  - **Master Stormwater Management Plan:** In order to address the recommendations of the Powhatan Creek Watershed Management Plan, the applicant has proffered to develop and implement a master stormwater management plan for the property and included the use of low-impact design features as depicted on the master plan.
  - **Cash Contribution for Stream Restoration:** For each unit, a cash contribution of \$500 is proffered to be used for off-site stream restoration and stormwater management.
- ◆ **Staff Comment:** The Environmental Division notes that this project is located in the tidal main stem portion of the Powhatan Creek; therefore, the goals and priorities of the watershed master plan apply to this case. This project will be subject to special stormwater criteria. These issues will be addressed through the proffered Stormwater Master Plan and during development review.

### **Public Utilities**

- ◆ **Primary Service Area (PSA):** The site is inside the PSA and served by public water and sewer.
- ◆ **Public Utility Proffers:**
  - **Cash Contribution:** For each unit, a cash contribution of \$796 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.
- ◆ **JCSA Comment:** The JCSA has reviewed the proposal and concurs with the proffers and master plan as proposed.

### **Fiscal Impacts**

The applicant has provided a fiscal impact statement which is included as an attachment to this report. In summary, at build out, this project is expected to have an annual positive fiscal impact of \$24,400.

- ◆ **Proffers:**
  - **Cash Contribution:** For each unit a cash contribution of \$1,000 for County CIP projects, including schools, is proffered.
- ◆ **Staff Comment:** The Department of Financial and Management Services concludes that annual revenues from the residential units would appear to cover projected annual expenses. Adding the modest projected fiscal benefit of the commercial/office the annual impact is projected to be positive or, at a minimum, break even.

### **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 (9/30/2005)	Projected Students Generated	Enrollment + Projected Students
Clara Byrd Baker Elementary	804	691	772	12	784
James Blair Middle	625	621	583	6	589
Jamestown High	1,250	1,250	1,451	8	1,459

- ◆ **Staff Comments:** The applicant has not proffered that 20 percent of the units will contain only one bedroom and therefore staff has adjusted the above calculations from those listed in the applicant's community impact statement.

Although program capacity is exceeded at the elementary school, the adequate public schools facility test is based on design capacity. In addition, as part of the FY 06 budget, the Board of Supervisors approved construction of an eighth elementary school. Therefore, the proposal passes the adequate public school test at the elementary school.

The proposal passes 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.

#### **Impacts to the John Tyler Highway Community Character Corridor**

Overall this project proposes to preserve a significant portion of the Community Character Corridor through preservation of the southern portion of the site as permanent open space and through a 150-foot buffer along the northern portion of the site. Early on in the rezoning, staff identified preservation of the John Tyler Highway tree canopy as a primary concern for any development of this property. Staff has evaluated the impacts of the proposed turn lanes on the tree canopy. The right-turn taper (reduced from a full-turn lane in the original proposal) will be constructed on already cleared right-of-way and should not impact the adjacent tree canopy on the north side of John Tyler Highway. The left-turn lane has been reduced from a 400-foot turn lane and taper to a 300-foot turn lane and taper and is designed to impact the tree canopy on the south side of John Tyler in order to avoid exposing the power lines along the north side of John Tyler. Staff believes that the loss of trees along the southern property is acceptable as all of the adjoining site will not be developed and the proposal prevents the visual exposure of the power lines. The revised proposal also includes new proffer language that requires a buffer plan be submitted as part of the development plan for review and approval by the Planning Director. The plan will include supplemental landscaping, which will mitigate the impact of tree clearing for the turn lanes, the proposed stormwater facility and where the buffer is thin due to the existing motel that will be demolished during site redevelopment.

#### **Traffic**

According to the applicant's traffic study, the residential portion of this property with access onto John Tyler Highway will generate approximately 887 trips per day with 67 a.m. peak-hour vehicle trips and approximately 82 p.m. peak-hour vehicle trips. The commercial portion with access onto Ironbound Road will generate approximately 275 trips per day with 39 a.m. peak-hour vehicle trips and approximately 37 p.m. peak hour vehicle trips.

- ◆ **2005 Traffic Counts:** Ironbound Road: 8,219 vehicles per day; John Tyler Highway: 10,336 vehicles per day.

- ◆ **2026 Volume Projected:** John Tyler Highway shows 12,000 vehicles per day on a two-lane road and is listed in the “watch” category in the 2003 Comprehensive Plan as the capacity for such roads is 13,000 vehicles. This portion of Ironbound Road is not listed in the 2003 Comprehensive Plan although the portion north of the intersection with John Tyler Highway is listed on the “watch” category.
- ◆ **Road Improvements:** The residential component of the property will require the construction of a 150-foot right-turn taper and a 150-foot left-turn lane with a 150-foot left-turn taper. No improvements are required for the commercial property’s entrance on Ironbound Road; however, the commercial entrance will be limited to a right-in right-out only.
- ◆ **Traffic Proffers:**
  - Private Driveways: Roads internal to the project shall remain as private driveways - not VDOT streets. The applicant’s proffers provide for an initial deposit of \$13,200 into the property owners association reserve fund.
  - Road Improvements: The proffers provide for the road improvements listed above and for only one entrance on John Tyler Highway and Ironbound Road.
  - Cash Contribution to the Five Forks Intersection Improvements: The applicant has proffered a pro-rata share of the costs of the intersection improvements (\$24,162) as recommended in the Primary Principles for the Five Forks Area adopted by the Board of Supervisors on September 28, 2004.
  - Limits on Commercial Development: The applicant has proffered out three uses: fast food restaurants, gas stations, and convenience stores. If a commercial use is proposed with higher traffic rates than what was shown in the applicant’s traffic study, the applicant has proffered an updated traffic study for review and approval by the County and proffered to provide an additional cash contribution towards the John Tyler Highway/Ironbound Road intersection improvements. If the additional traffic exceeds the traffic caps adopted as part of the Primary Principles for Five Forks, the use would not be approved.
- ◆ **VDOT Comment:** VDOT concurs with the recommendations of the applicant’s traffic study including recommended entrance improvements to the residential portion of the development.

### **COMPREHENSIVE PLAN**

The James City County Comprehensive Plan Land Use Map designates this property for Moderate Density Residential development. 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 require that these developments 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. These 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.

- ◆ **Staff Comment:** The proposal is consistent with the Land Use policies of the Comprehensive Plan.

### **PRIMARY PRINCIPLES FOR FIVE FORKS**

On September 28, 2004, the Board of Supervisors adopted the Primary Principles for the Five Forks Area of James City County. The Principles set forth specific recommendations for the Five Forks Area. This proposal addresses the following principles as follows:

- ◆ Pedestrian Improvements: The proposal provides sidewalk connections on the northern property along John Tyler Highway to existing commercial property and to Ingram Road in conformance with the Five Forks sidewalk inventory. The proposal also proffers a 35-foot easement through the southern property. The Greenway Master Plan calls for the construction of a multiuse trail in this easement eventually

connecting Jamestown High School to Five Forks. The proposal proffers a 35-foot easement through the western buffer of the northern property. This easement provides the final trail segment for the County to construct the Powhatan Creek nature trail connecting Monticello Avenue with John Tyler Highway.

- ◆ **New Trip Thresholds:** Trip generation thresholds presented in the Five Forks Area Study indicate the maximum number of vehicle trips that should be allowed within the Five Forks Area during either the a.m. or p.m. peak hours - with or without geometric improvements. The introduction of 106 new trips during the a.m. peak results in the use of approximately 30 percent of the new trip threshold without geometric improvements and approximately 21 percent with geometric improvements. The introduction of 119 new trips during the p.m. peak results in the use of approximately 24 percent of the new trip threshold without geometric improvements and approximately 18 percent with geometric improvements. Currently three other proposals have been reviewed or approved in the Five Forks Area (Oaktree Expansion, Ingram Road Office Building, Villas at Five Forks). When combined with the Governor's Grove proposal 34.8 percent of the intersection capacity (without improvements) has been used.
- ◆ **Environmental:** The proposal sets aside 5.33 acres of the southern property as permanent open space. A 10-foot construction setback from all open space and buffers is proffered. The applicant has proffered a stormwater master plan to implement the recommendations of the Powhatan Creek Watershed Management Plan and included the use of low-impact design features on the master plan.
- ◆ **Land Use:** The proposal proffers architectural review by the Planning Director in accordance with the architectural guidelines contained in the principles and contains a height limit for all structures of 45 feet. Staff is concerned that the three 12-unit buildings, as depicted on the master plan, are not consistent with the Primary Principles recommendation for buildings to be of similar mass with existing structures in Five Forks, such as the historic schoolhouse. However, staff recognizes that the units proposed are, both in mass and general architecture, more in accordance with the principles than the previous proposal. The project's overall residential density is 6.5 dwelling units per acres in accordance with the recommended maximum density for areas designated moderate-density residential. The proposal protects the John Tyler Highway community character corridor through preservation of the property on the south side and the provision of a 150-foot buffer on the north property.

Staff finds that this proposal is generally consistent with the Primary Principles for Five Forks.

### **SETBACK WAIVER**

The applicant has requested modification to the perimeter setback requirements for the commercial parcel. Mixed Use districts require a 50-foot perimeter setback from all adjacent properties. Setbacks shall be left in an undisturbed state and/or planted with additional or new landscape trees, shrubs, and other vegetative cover.

It is possible to get a modification granted by the Planning Commission during the rezoning process if one or more of the criteria are met:

1. The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
2. The proposed setback substantially preserves, enhances, integrates, and complements existing trees and topography; and
3. The proposed setback is due to unusual size, topography, shape, or location of the property or other unusual conditions, excluding proprietary interests of the developer.

The applicant's requests for setback modifications are summarized below:

1. Reduce the buffer adjacent to the Zoom's Convenience Store from 50 feet to 25 feet; and
2. Reduce the buffer adjacent to the open space parcel from 50 feet to 25 feet.

The reduced buffers will still substantially preserve existing vegetation on the site. In addition, the applicant has proffered architectural and landscape review by the Planning Director of any structures built on the site. As part of their review, the Planning Commission has approved the waivers as proposed.

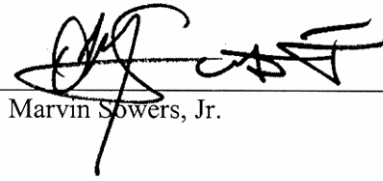
## CONCLUSIONS

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the Primary Principles for Five Forks Area of James City County. Staff also finds that the proposed open space will provide significant protection to the John Tyler Highway Community Character Corridor. Staff recommends approval of the rezoning and master plan applications and acceptance of the voluntary proffers. On July 11, 2005, the Planning Commission recommended approval by a vote of 5 to 0.

---

Matthew D. Arcieri

CONCUR:



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O. Marvin Sowers, Jr.

MDA/gs  
z-9-05\_MP-6-05.doc

## ATTACHMENTS:

1. Planning Commission Minutes
2. Location Map
3. Master Plan (under separate cover) Community Impact Statement
4. Proffers
5. Primary Principles for the Five Forks Area of James City County
6. Resolution

**APPROVED MINUTES OF THE JULY 11, 2005 MEETING  
OF THE PLANNING COMMISSION**

Z-9-05/MP-6-05      Governor's Grove

Mr. Matthew Arcieri presented the staff report. Mr. Eric Nielsen, National Housing has submitted an application to rezone 23.23 acres located on John Tyler Highway from R-8 and B-1, to Mixed Use, with proffers. The property is bisected by John Tyler Highway into a northern portion of 14.93 acres and southern portion of 8.33 acres. If approved, the developer would construct 132 market rate condominiums on the northern portion to be known as Governor's Grove. On the southern portion the developer proposes preserving 5.33 acres as a permanent open space. The remaining three acres would be reserved for 25,000 square feet of office/commercial with access exclusively from Ironbound Road adjacent the Zooms Convenience Store.

The applicant has also requested modification to the perimeter setback for the commercial parcel. The proposal would reduce the buffer adjacent to the Zooms Convenience Store and open space from 50 to 25 feet. Staff believes the reduced buffers will still substantially preserve existing vegetation on the site. In addition, the applicant has proffered architectural and landscape review by the Planning Director of any structures built on the site.

With the submitted proffers, staff finds the proposal will not negatively impact surrounding property. Staff also finds the proposal generally consistent with surrounding land uses, the Comprehensive Plan and the Primary Principles for Five Forks Area of James City County. Staff recommends the Planning Commission recommend approval of the rezoning and master plan applications and acceptance of the voluntary proffers. Staff also recommends the Commission approve the buffer modifications to the commercial parcel.

Ms. Ingrid Blanton asked staff to elaborate on the low impact design features for this project.

Mr. Arcieri stated that details of the low impact design features have not been spelled out specifically for this case. However, the features are generally addressed during the development plan review. The Storm Water Master Plan, as proffered, would give the Environmental Division significant leverage in working with the applicant to develop what those low impact design measures would be.

Mr. Kale asked if there had been any discussion about specific plans for the commercial parcel beside Zooms.

Mr. Arcieri stated that there were not, however, the proffers limit the parcel to an office use and in order to go to a more intense use a new traffic study would be required.

Mr. Kale asked since there were no plans for the parcel then, why would staff recommend a reduction in the buffers.

Mr. Arcieri stated that a reduction in the buffer adjacent to the open space does not have any impact on adjacent property owners and the buffer along Zooms will not impact the vegetation on that site. Due to the narrowness of the lot, the applicant felt they needed a little more space for the development.

The Board and staff discussed the issues concerning the buffer reduction requests and the appearance of the development.

Mr. Fraley asked if curbs and gutters were a requirement in the Mixed Use District.

Mr. Arcieri stated that it was not a requirement.

Mr. Fraley requested staff to encourage the developer to consider the elimination of curbs and gutters and to establish a Turf Management Plan between the Planning Commission and Board of Supervisors meetings.

Mr. Kennedy asked if irrigation systems would be allowed in this development.

Mr. Arcieri stated yes, however, the proffers state that the water must be drawn from surface ponds and not from a JCSA well.

Mr. Kennedy stated concerns about these arrangements being eliminated in the future like some other developments in the past.

Ms. Blanton stated that the Board had received some feedback from the Friends of Powhatan Creek Watershed concerning the encroachments into the 150' buffer such as pedestrian trails, entry ways, turning lanes etc. and asked if those concerns had been addressed in the way this buffer will be managed.

Mr. Arcieri discussed the applicant's plan for pedestrian trails, two areas of enhanced landscaping and a proffer for any disturbed area.

Ms. Blanton stated concerns of the tree line being thin.

Mr. Arcieri stated that staff has worked extensively to make sure that any turn lane improvements do not impact the first tree line and expose the power lines.

Ms. Jones asked why there was not a conservation easement on the open space across the street.

Mr. Arcieri deferred the question to the applicant



Mr. Fraley opened the public hearing.

Mr. Vernon Geddy, representing the applicant, gave a presentation outlining the application and asked the Planning Commission to recommend approval of this application. He also stated that this project is consistent with surrounding zoning and development, housing, land use, and community character elements of the Comprehensive Plan and believes it is the best plan for the property and the County.

Mr. Kale discussed with Mr. Geddy how adjacent properties affect other adjacent properties whether they are an infill or a continuation.

Ms. Jones asked about the conservation easement.

Mr. Geddy replied that there was a concern from their tax advisers that if it were proffered it might adversely impact their ability to get a charitable tax deduction.

Mr. Fraley and Mr. Geddy discussed the elimination of curb and gutters in order to capture more of the storm water runoff through infiltration and the suggestion of a Turf Management Plan.

Ms. Blanton encouraged the applicant to consider coordinating the Storm Water Management Plan with the neighboring Villas project.

Mr. Fraley asked about potential traffic patterns around the proposed commercial area.

Mr. Geddy stated that with the location of the turn lanes approaching the intersection, VDOT has made it very clear that it would be a right in and a right out.

Mr. Gerald Johnson, 4513 Wimbledon Way, President of the Historic Route 5 Association stated the following concerns: (1) traffic studies and when those studies were done; (2) traffic congestion in this area has increased; (3) potential traffic backups with additional cars in this area; (4) concern about a pull off lane instead of a right turn lane; (5) concern about conservation areas being renovated and restored; (6) a lack of information regarding the latest proposal to this revised plan.

Ms. Judy Fuss, 3509 Hunter's Ridge, representing the Powhatan Crossing HOA stated that while Powhatan Crossing is not contiguous to this parcel, the development as proposed will negatively affect the residences in many ways. While this proposal reduces the per acre density, there is little that elevates prior concerns of traffic and additional school age children on already strained resources. The program capacity of Clara Byrd Baker and Jamestown High School and the total design capacity for all three schools that serves this area are already exceeded. The staff says that the project meets the adequate school facilities test, however, this test is based on designed instead of program capacity and does not reflect building use. There are concerns that vehicle trips from the development will strain the Ironbound/Route 5 intersection. VDOT's requirement that all

traffic exit southbound on Ironbound Road shifts this problem from this parcel's driveway to nearby areas such as the school, shopping center and the Villas neighborhood. After comments made tonight, they remain concerned about the 150' buffer on the north side of Route 5, the existing vegetation is of poor quality and many elements are proposed to be inside the buffer reducing its effectiveness. National Housing has made little effort to assess the special character of this area or to communicate with its residents. The overall project is not consistent with the spirit of Five Forks Principles or the character of the surrounding community.

Melissa Gagne, 4716 Bristol Circle, expressed concerns about the height of buildings not being consistent with the Five Forks Area. Ms. Gagne also noted that the housing is all market priced and there is not a proffer stating that 20% will be one bedroom. It is not mixed for a variety of people. There is concern about community care and workforce housing.

Mr. David Fuss, 3008 Chelsford Way, of Friends of Powhatan Creek stated that volunteers have met the developer on three different occasions concerning this project. The Friends of Powhatan Creek do not feel that this project fully meets the high standards for the Five Forks Area. The following are the observations and concerns the group had: (1) project within the Powhatan Creek watershed; (2) prefers that the project be developed under the existing allowable density; (3) encourage the use of a conservation easement on the south parcel; (4) site has never had as much impervious cover as what is proposed on the plan; (5) high impervious cover as proposed for the north parcel leads to deterioration of water quality; (6) the width of the buffer from Powhatan Creek (needs to be fully vegetative); (7) the intrusions within the 150' buffer along Route 5; (8) no areas on the Master Plan shown to be dry swales; (9) need more details on the environmental features; (10) appreciates the \$500 per unit proffer for offsite stream stabilization or storm water management but it should be never construed as a substitute for controlling storm water on site; (11) concerns about the absence of the Nutrient Management Plan; (12) encourages joint storm water management with the adjacent Villas at Five Forks; (13) Water Conservation Plan is commendable. Native drought tolerant planting should be used to reduce water consumption. The Friends of Powhatan Creek recommends denial until some of these concerns are worked out.

Seeing no other speakers, Mr. Fraley closed the public hearing.

Mr. Fraley asked for discussion from the Commission.

Ms. Blanton commented that as a whole, the project is a good idea. As the project moves forward and to the DRC, the environmental concerns will be explored further. Ms. Blanton further stated that she encourages one-bedroom units to be included to provide affordable housing for our workforce.

Mr. Kennedy stated he would echo much of what Ms. Blanton stated. The project as a whole addressed many of the concerns of the past project. The project is a positive

step forward. He also stated he would encourage the developer to include some one-bedroom units.

Mr. Kale stated that this is a far superior project to the one before. This project is complimentary to the Five Forks Study which encouraged housing in a situation where people could walk to the area. He stated he would also like to see less density but sees the economic reality of trying to put a project together. Mr. Kale urged the developer to solidify the open space property so that it could be a real asset and also to include the one-bedroom units.

Ms. Jones stated she agreed with the others and that the density is fine. This project complies with the Comprehensive Plan and the Five Forks Principles, and she likes the mixed cost housing. She encouraged the applicant to include a percentage of one bedroom units. Ms. Jones also stated that she appreciated the attention to the environmental issues. She concluded by stating that this was an overall good project and liked the open space but was concerned about the potential traffic coming in and out of the commercial area.

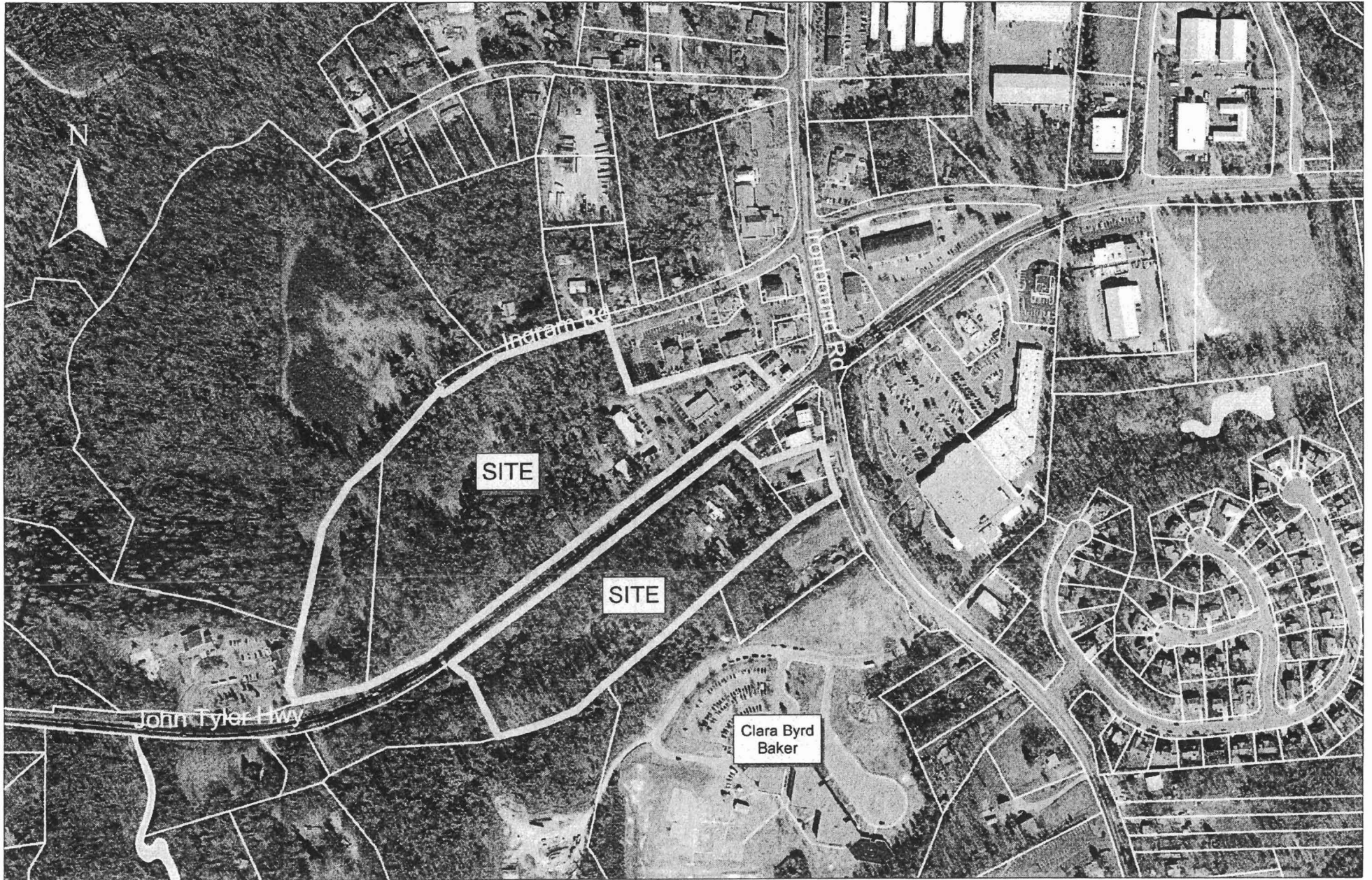
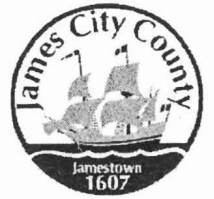
Mr. Fraley stated he would like to echo all the other comments and encourages staff to work with the applicant on the environmental issues so we get a project that we can be absolutely proud of. Lastly he stated that this area is an eyesore and is proud to support this plan.

Mr. Kennedy motioned approval.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to support the application: AYE: (5) Jones, Fraley, Blanton, Kennedy, Kale; NAY: (0) Absent: (2) Hunt, Billups

# Z-9-05/MP-6-05 Governor's Grove at Five Forks



# Community Impact Study

For the

## Master Plan

Prepared For

# The Governor's Grove at Five Forks

**National Housing Corporation**

448 Viking Drive, Suite 245  
Virginia Beach, VA 23452

April 18, 2005

(Revised June 22, 2005)

AES Project Number 9263

Prepared by:



5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
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## **I. INTRODUCTION**

National Housing Corporation is proposing to rezone approximately 23.26 acres in James City County from R-8 and B-1 zoning to Mixed Use, MU zoning. Previously, National Housing Corporation submitted a rezoning Z-7-03 and master plan MP-8-03 for 275 affordable apartment dwelling units. National Housing Corporation is submitting a new Rezoning and Master Plan application that is significantly different than the previous application noted above. The new Rezoning and Master Plan for Governor's Grove will propose a different unit type, offer ownership rather than leasing, incorporate half the amount of units-per-acre than the previous package, and initiate more environmentally sensitive measures in this design.

The property is located on and bisected by John Tyler Highway (Route 5) just west of the Five Forks intersection at Ironbound Road. The property contains approximately 14.93 acres zoned R-8 and B-1 on the north side of Route 5 and approximately 8.33 acres zoned R-8 and B-1 on the south side of Route 5. Approximately 1.60 acres will remain B-1 along with the present commercial uses thereon.

The site currently houses 10 mobile home trailers, 10 sheds, several outbuildings, a motel, a campground office building, and an asphalt road network to serve the present uses. National Housing Corporation is proposing to redevelop and replace this aging facility by building 132 single-family attached homes on the northern portion of the property while retaining approximately 5,670 square feet of existing commercial and retail establishments that are currently in place. The southern portion of the property is proposed to redevelop the 3 acres comprising the mobile home trailer park as support commercial office/retail or light industrial. The remaining 5.33 acres will be left as natural open space.

The purpose of this report is to summarize and organize the planning efforts of the project team into a cohesive package for Staff review, which addresses the pertinent planning issues and the requirements of the Mixed Use zoning district.

National Housing Corporation has a long history of creating attractive housing communities and presently has developed over 6,000 homes throughout the United States with more than 2,500 of those units located in the Commonwealth of Virginia.

National Housing Corporation enjoys a long-standing history of housing construction in The Commonwealth and National Housing communities were some of the first constructed in partnership with the Virginia Housing Development Authority after its inception. Due to their sound construction, amenities, and the quality of life provided to its residents, these communities have typically stood at the forefront of the VHDA partnerships portfolio. Traditionally, National Housing Corporation's communities have become home to a wide range of residents, including young professionals, teachers, policemen, firemen, military personnel, service industry and staff level government employees who might otherwise be precluded by their income levels from residing in market rate equivalent, quality homes. With this experience in housing, National Housing Corporation is poised to provide a more upscale multi-family development to create a village concept in conformance with the adopted Five Forks Principals and James City County Comprehensive Plan. More information about National Housing Corporation and their existing properties is included in this booklet under the National Housing tab.



## II. THE PROJECT TEAM

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

- Developer - National Housing Corporation
- Civil Engineering - AES Consulting Engineers
- Environmental - ECS Engineering Consulting Services, Ltd
- Traffic - DRW Consultants, Inc.
- Legal - Geddy, Harris, Franck, and Hickman
- Archaeological - ECS Engineering Consulting Services, Ltd.
- Fiscal - The Wessex Group, Ltd.
- Land Planning - AES Consulting Engineers

Key components of this Community Impact Study are:

### Analysis of Impacts to Public Facilities and Services

- Traffic Impact Study
- Fiscal Impact Study

### **III. PROJECT DESCRIPTION**

National Housing Corporation is proposing to build 132 single-family attached homes on the northern portion of the property and leave the existing commercial and retail establishments in place. The southern portion of the property includes 5.33 acres of open space and approximately 3.0 acres of support commercial.

A site analysis revealed the following results:

Total acreage:	24.86 acres
Area remaining B-1:	1.60 acres
Wetland and stream areas:	0.65 acres
Areas of 25% or greater slope:	0.80 acres
Total area of non-developable acreage:	1.45 acres

The non-developable 1.45 acreage is approximately 6% of the total parcel acreage, well below the 35% threshold allowing for the density to be based on the total acreage per 24-523 of the zoning ordinance. See the Environmental Inventory drawing identifying areas of non-developable and net developable acres.

The proposed development is as follows:

The development of the northern portion of this development:

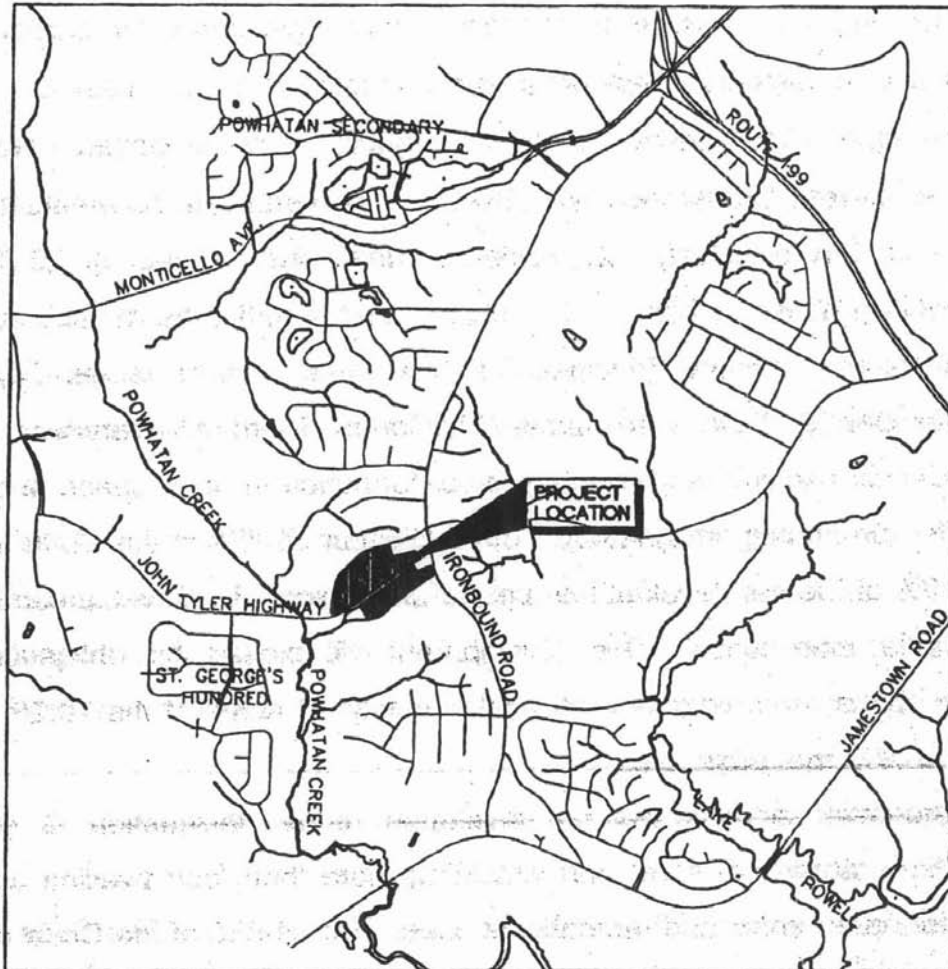
- 1) The existing commercial use consisting of approximately 5,670 square feet of existing commercial space will remain on approximately 1.60 acres, and this area will remain B-1. Approximately 0.65 acres of B-1 will be rezoned MU and the existing 10,770 square feet of motel/lodging and campground office building will be removed.
- 2) 132 single-family attached units, recreational facilities and a storm water facility will be built on approximately 14.93 developable acres (Use Designation D and J).

The development of the southern portion of this project:

- 3) Commercial use consisting of approximately 25,000 square feet commercial space (Use Designations E, F or G) on approximately 3 acres, and;
- 4) 5.33 Acres will remain as open space and a storm water facility (Use Designation J).

The project location is shown on the following exhibit:

Exhibit 1



### **A. Planning Considerations**

A review of the Comprehensive Plan of James City County shows this area designated as "Moderate Density Residential." Under this classification, a minimum density of four dwelling units per acre up to twelve dwelling units per acre is allowed. The Mixed Use, MU Zoning will achieve the goals of the comprehensive plan which states for the Five Forks area: that limited commercial developments continue at the intersection with moderate density residential encouraged as a secondary use. The

Mixed Use zoning promotes "a multi-use planned community which may include residential, commercial, industrial (with a predominant focus on light industrial,) office and other nonresidential uses. Mixed Use zoning provides flexibility, unity and diversity in land planning and permits densities and intensities of development in excess of those normally permitted in customary residential and commercial zoning districts (Section 24-514 of the James City County Zoning Ordinance). The proposed Master Plan conforms to the current Comprehensive Plan's recommendation for Medium Density Residential. With this proposal, 132 residential units are planned for 23.26 acres, yielding 6.5 dwelling units per acre. This density also is within the density outlined in the Resolution for the "Primary Principles for Five Forks Area of James City County approved September 28, 2004 by the James City County Board of Supervisors.

An additional planning consideration is conformance to open space and density requirements for the zoning designation. Under Section 24-524 of the Code of James City County, 10% of the net developable area of any Mixed Use Development shall be retained in usable open space. This development will exceed this obligation with a minimum open space area estimated at approximately 15 acres of the 20.26 acres of the parcel, or 60 % of the gross area.

The residential sections will be developed under designation D (Attached structures of three stories or more and containing more than four dwelling units) and designation J for open space and recreational uses. Per 24-523 of the Code of James City County, designation D allows up to 18 dwelling units per acre. The JCC Comprehensive Plan for Moderate Density Residential allows up to 12 units per acre. The density of these parcels is based on the net developable area with the provision of 10 % open space. Areas of wetlands and slopes greater than 25% are not counted towards meeting the 10% open space requirement. The 132 single-family attached units will yield a gross density of 6.5 dwelling units per total acre. This density is below the thresholds of maximum density, outlined in Section 24-523 of the Code of James City County.

#### **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 drinking water by the existing JCSA water distribution system in the general area. A 12-inch water main presently exists along John Tyler Highway, (Route 5) and will be the primary potable water source connection for this proposed development. The property may be irrigated but the irrigation system will recycle water from the proposed on-site wet pond with a well as a back-up system in times of drought. It should be noted that adjacent to the property, and currently under construction is the new JCSA Desalination and well facility that will be online prior to the construction of this residential community.

A preliminary water model will be completed prior to final plans. The model will examine volume and pressures throughout the immediate water system area. The water model will account for all multi-family residential buildings having sprinkler fire suppression system meeting NFP-13R.

##### **B. Public Sewer Facilities**

The subject property will be served by extensions to the public sewer system of JCSA. The sanitary sewer extension will be gravity sewer connection to the existing Powhatan Creek Collector that flows into existing Lift Station 1-1. Presently a good portion of the flow to this lift station will be redirected with the alterations to Lift Station 1-2. Lift Station 1-2 currently lifts wastewater to the trunk line that will serve Governor's

Grove. The construction of lift station 1-2 is underway and near completion. These renovations will allow the lift station to adequately provide sewer service for the entire "sewershed," by re-directing the sewage flows from the lift station towards a nearly complete Hampton Roads Sanitation District 30-inch force main paralleling John Tyler Highway. This wastewater flow would then no longer go to lift station 1-1 or the existing sanitary trunk line that serves Governor's Grove.

Table 1

Development	Units	(GPD/Unit)	Flow (GPD)	(hrs)	(GPM)	Peak Flow
RESIDENTIAL						
Single-family attached	132	250	33,000	24	22.9	57.3
NON-RESIDENTIAL						
Commercial office/retail	25,000 SF	0.2	5,000	12	7	17
Active Recreation	2	300	600	12	0.8	2
subtotal		-	5,600		8	19
Total GPD			38,600		31	77

Table 1 above shows the proposed flows that will be generated by this new development. The flows from this development will not have an impact on the existing system, as they will come on line after the rerouting of lift station 1-2.

### C. Public Schools

Governor's Grove is located within the Clara Byrd Baker Elementary School, James Blair Middle School, and Jamestown High School districts. Under the proposed Master Plan, a total of 132 single-family attached residential uses are proposed with approximately 20% one bedroom, approximately 20% of the units will be three bedrooms and the remaining units will be two bedrooms. Approximately 20% or 26 units will be one bedroom and not have school age children. Table 2 below shows the projected students generated from the proposed development. The normal projection would be .2 students per attached dwelling unit or 26 school age children, but due to the 26 one bedroom units the .2 multiplier is applied to 106 residential units. Table 3 shows the current school capacities and enrollments for the 2004 – 2005 school year.

Table 2

student generation	residences	2&3 BedRoom	generator	total students
attached housing units	132	106	0.20	21

**Table 3**

Existing Public School Facility	Design Capacity	Program Capacity	2004- 2005 Enrollment	capacity	% of student breakdown	Additional students
Clara Byrd Baker	804	691	772	32	47.00%	10
James Blair Middle School	625	621	583	42	24.00%	5
Jamestown High School	1250	1250	1451	-201	29.00%	6
subtotal	2679	2562	2806	-127	100.00%	21

As the chart in Table 3 shows, there is design capacity for this development at Clara Byrd Baker Elementary School but not for program capacity. Five Temporary trailers have been installed to meet current program capacity. On April 5, the Williamsburg-James City County Public School Board was presented with 4 plans of boundary adjustment to the districts for Clara Byrd Baker and Rawls Byrd elementary schools. The board approved scenario 3 that adjusts the boundaries between the two schools. This change will improve the current overcrowding at Baker elementary school by moving 65 children from Baker to Byrd elementary school for the fall of 2005. The 2007 annual budget also includes building an 8<sup>th</sup> elementary school in the near future to meet the growing elementary school population.

There is design and program capacity at James Blair Middle School.

Table 3 also shows that presently Jamestown High School is currently over design and program capacity. On May 13, 2003 the James City County Board of Supervisors voted to purchase land for a third high school to solve current enrollment capacity issues and prepare for future growth in the county. A school bond referendum was passed in the November 2004 election to fund the new high school. The new High School facility is scheduled to open August 2007 and will solve the current overcrowding of Lafayette and Jamestown High Schools and create adequate design and program capacity.

**D. Fire Protection and Emergency Services**

As a single-family attached housing community, demand for fire protection and emergency service to this one location may be higher than normal. 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

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 would be station number 5 at 3201 Monticello Avenue. Although more distant than the John Tyler station, response time to the site is satisfactory if an emergency event occurs requiring additional fire and life safety support. Taken collectively, these two fire stations, and the emergency medical staff available at these stations, will provide more than adequate response in emergencies.

There are fiscal impacts associated with the performance of the additional services needed for this proposed development. Fiscal impact information for fire protection and emergency services can be found in the fiscal impact report prepared by The Wessex Group, Ltd.

#### **E. Solid Waste**

The proposed development on the subject property will generate significant quantities of solid wastes that will require collection and disposal to promote a safe and healthy environment. Private contractors will be hired either by the individual homeowner or the HOA management to handle the collection of solid waste. Both household trash and recyclable material will be removed from this site to the nearest 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.



## **V. ANALYSIS OF ENVIRONMENTAL IMPACTS**

### **A. Preliminary Wetland Determination**

Investigations were conducted by Engineering Consulting Services, Inc. (ECS) in the summer of 2003 for the entire Governor's Grove property. The technical criteria outlined in the 1987 Corps of Engineers Wetland Delineation Manual were applied in order to map wetland resources that would fall under the jurisdiction of Section 404 of the Clean Water Act. The wetlands have been reviewed and approved by the COE and a Jurisdictional Determination letter dated July 7, 2003 is attached in the appendix. The extent of wetland features is shown on the Environmental Inventory plan for this development.

Based on the investigation by ECS and field surveying by AES approximately 0.65 acres of wetlands are present on the Governor's Grove property, associated with several drainage-ways of Powhatan Creek. USGS mapping does not show the existing swales that are incorporated into these wetlands as either perennial or intermittent.

In the Illustrative Plan for the proposed development, some disturbance of the wetland environment is shown. A small portion of the parking on the northern residential section will impact a very narrow wetland area. In addition there may be some temporary disturbances associated with gravity sewer connections and the grading associated with constructing the stormwater/best management ponds.

The request letter to the U.S. Army Corps of Engineers for Jurisdictional Determination is in the Appendix along with a copy of the Field Approval Jurisdictional Determination.

## **B. Resource Protection Areas**

ECS's analysis of on-site resources included a review of the wetland features and adjacent creek systems to determine the extent of RPA features subject to jurisdiction under the Chesapeake Bay Preservation Act. The USGS mapping does not show the existing drainage swales as either perennial or intermittent, the existing on-site wetlands are not adjacent to the non-tidal mainstem Creek and as such should not be considered RPA features.

## **C. Powhatan Creek Watershed**

In a report prepared for James City County by the Center for Watershed Protection "*Powhatan Creek Watershed Management Plan*", 'Draft' dated November 2001, 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. The Governor's Grove is located along the upper limit of the Tidal Mainstem of Powhatan Creek. The recommendations for the area of the Governor's Grove are:

### 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 in the form of a buffer up to 300 feet on new development to protect important marsh transition zones is important to wildlife and marsh bird species as a refuge during high tide.
- Increased forest buffer on the Paleochannel wetlands on the south side of the 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 the Governor's Grove will be supporting the recommendations to maintain the quality of Powhatan Creek through the following:

1. The development will incorporate stormwater management facility(s) / best management practice design(s) to honor James City County's stormwater management goals, maintain high stream quality and address the fecal coliform issue.
2. The development will provide 50', 75' and 150' buffers areas at the perimeter of the development, encompassing existing wetlands and preserving the majority of the wetland areas associated with the Powhatan Creek. The majority of the buffers will be left natural.
3. The development on the south side is to remain undisturbed closest to the limits of the RPA of Powhatan Creek to maintain the quality of the RPA.
4. LID measures will be incorporated to serve 40% of the developed site.

To make a quantitative comparison of how the land development by the proposed Master Plan supports the goals of the *Powhatan Creek Watershed*

*Management Plan*, the existing site was reviewed under the guidance of this plan with the following results quantified:

- The site contains very little wetlands. Only 0.65 acres of wetlands were verified by the COE on this site. The proposed disturbance will require an Activity 1, Category 1 permit through the Virginia Department of Environmental Quality. Any wetland area disturbed will either be mitigated on-site or contribution made to recreate wetlands off-site.
- The development will provide approximately 15 acres of open space (60% of the site) as natural areas (greenbelt buffers, peripheral setbacks and transitional screening, parking islands and other open space). These areas provide added benefit by limiting opportunities for impervious cover on this site and in the tidal mainstem of the Powhatan Creek.

In summary this is not a vacant property but the redevelopment of an aging commercial campground, mobile home park and motel. Rezoning the site to MU and providing additional buffers along the perimeter is an opportunity for improvement over the existing development. The new mixed-use development is similar to cluster development and helps this development meet the overall goals of the Powhatan Creek Watershed Study.

#### **D. Archaeology**

In July of 2003, ECS conducted research and a walkover in lieu of a Phase I archaeological survey of the Governor's Grove property along both sides of John Tyler Highway. That walkover and research by ECS found no identifiable archaeological sites or locations. Additionally, a search of the database of the Department of Historic Resources of the Commonwealth of Virginia was performed by ECS. That database and mapping does not show any records of historic sites on the Governor's Grove property. A copy of the correspondence between ECS and the Virginia Department of Historic Resources can be found in Appendix II.

## E. 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 Governor's Grove property boundary. The Governor's Grove property is predominantly situated on well-drained soils of Emporia, Craven, and Slagle. The hydrologic classifications of these soil types are within group C. The mapping can be seen on the attached Environmental Inventory Drawing. Also the northern portion of the property has been investigated and a Preliminary Subsurface Exploration and Geotechnical Engineering Analysis by ECS Ltd are included in this booklet.

### Vegetation

The site is located in the Coastal Plain Floristic Province as described in *The Natural Geography of Plants* (Gleason and Cronquist 1964). The typical forest of this province contains extensive stands of pines with over two-dozen other hardwood species intermixed. James City County color aerial photography and a site visit determined that the site is 85% forested with mixed hardwoods and evergreen trees.

Vegetation communities on this property may be classified into three general categories as follows: 1) upland hardwoods; 2) secondary growth or scrub/shrub complexes; and 3) wetlands (see wetlands report by ECS Ltd). Of the forested regions on the Site, the predominant community type consists of hardwood stands intermixed with mature Loblolly pines. The forested uplands are situated on nearly level to steep slopes, and are characterized by a well-developed, layered structure, with most canopy specimens ranging from 50-70 feet in height. Typical canopy species include beech (*Fagus grandifolia*), oak (*Quercus* spp.), hickory (*Carya* spp.), tulip tree (*Liriodendron tulipifera*), sweet gum (*Liquidambar styraciflua*), red maple (*Acer rubrum*), and loblolly pine (*Pinus taeda*). Understory species include American holly (*Ilex opaca*), wax myrtle (*myrica*), hardwood saplings, and huckleberry (*Gaylussacia* spp.).

## **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 Amendment of the subject.

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. In evaluating preliminary stormwater management solutions of the proposed development on the subject site, the unique site characteristics are considered. Preliminary site observations and mapping identify unique site characteristics considered in stormwater management planning:

Small areas of non-tidal wetlands of Powhatan Creek exist in three existing swales.

- The majority of the site drains to the tidal main stem of Powhatan Creek.

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. Additional points can be earned by the use of Low Impact Development measures. These LID measures are designed to return the drainage area to pre-development conditions not only in peak discharge, but in volume and time of concentration. As a result these measures are treated the same as open space in the BMP point system. The total point value for the site is obtained by taking the fraction of the site served by a structural BMP or open space/LID

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, stormwater management and improvement in stormwater quality may be achieved with the construction of several SWM / BMP facilities located on adequate acreage and appropriate conditions to handle the watershed. When combined with the quality benefits provided by the naturally occurring non-tidal wetlands on the proposed development of the Governor's Grove under the Amended Master Plan will have minimal impacts to the surrounding environment.

Specifically, two SWM / BMP are envisioned for Governor's Grove. The southern section of Governor's Groves will contain a SWM / BMP facility in the area labeled section 3 that fronts on Ironbound Road. The facility will be on the lower portion of section 3 but will still be away from the wetlands and RPA buffer areas located on section 2, which is the 5.3 acre parcel that will be left undisturbed. For the purposes of the BMP point calculations, the 5.3 acre parcel is excluded from the overall site area. The northern section will be served by a separate SWM / BMP facility in the location indicated on the Illustrative Plan. Both of these facilities will treat not only the impervious area of the site, but also some off-site areas that are currently untreated. To address the added focus of fecal coliform removal stressed in the Powhatan Creek Watershed Management Plan, design considerations will employ a combination of the fecal bacteria removal methodologies outlined in table 5 of the Powhatan Creek Stormwater Master Plan. Low Impact Development measures will be employed on the northern section to aid in this effort. To achieve the remaining points required by the Environmental Division, Open Space Conservation Easements will be placed over portions of the buffers in sections 1 and 3 of the Master Plan.

This conceptual solution to stormwater management and water quality minimizes the impacts of the proposed development on the surrounding environment to an acceptable stormwater management and water quality compliance. In addition water quality treatment will be provided per the special stormwater criteria for stream protection with an emphasis on removal of nutrients and bacteria. As a part of this impact study, a preliminary BMP point analysis has been prepared for the Governor's Grove, and is presented in Appendix III.

## **VII. ANALYSIS OF IMPACTS TO TRAFFIC**

A Traffic Study has been prepared by DRW, Inc. A copy of the findings from this traffic study is found separately in this booklet at the Traffic Impact tab. This study utilizes ITE land use code 220 for rental apartments. The traffic consultant chose this land use code to reflect the highest possible impact. This development may not go rental and be for sale attached residential units which is ITE land use code 230. ITE code 230 has lower traffic generation numbers than ITE code 220. The developer will be contributing to the geometric improvements outlined in the adopted Five Forks Principals. These geometric improvements in conjunction with the right turn in, right turn out only entrance to the commercial property will offset some of the traffic impacts outlined in the TIA.

## **VIII. ANALYSIS OF FISCAL IMPACTS**

A Fiscal Impact Study was prepared by The Wessex Group with a rezoning and master plan submission Z-7-03/MP-8-03 for the National Housing Corporation. National Housing Corporation is submitting a new Rezoning and Master Plan application that is significantly different than the previous application noted above. A letter outlining the reduced fiscal impact is found separately at the Fiscal Impact tab.



## **IX. CONCLUSION**

In summary, this proposed development is not first-time construction on a vacant property but rather the redevelopment of an aging commercial campground, mobile-home park and motel sites that have current, existing debris and environmental concerns. Rezoning and redeveloping the site to MU will lead to a clean-up of existing issues while providing new/additional buffers, green areas and add quality housing to the local inventory. This Community Impact study concludes the following:

- Adequate public facilities (water and sewer, fire), and utility service provider services (gas, electric cable TV, telephone), are available for development.
- A Mixed Use development is proposed with this rezoning, which complements the intended land use designated on the current Comprehensive Plan for this area.
- Stormwater runoff from this site can be controlled and enhanced at acceptable levels.
- A proper balance is achieved with this Rezoning to support the goals of the *Powhatan Creek Watershed Management Plan* and maintain the orderly development and enhancement of the Five Forks area.





# Traffic Analysis For Governor's Grove

**JAMES CITY COUNTY, VIRGINIA**

**For:**  
**National Housing Corporation**

**By:**  
**DRW Consultants, LLC**  
**Midlothian, VA**

**March 18, 2005**

## INTRODUCTION

National Housing Corporation proposes to develop a residential area and a small commercial property in the Five Forks area of James City County. The name for the overall development is Governor's Grove. The Governor's Grove site location in the Williamsburg region is shown on Exhibit 1.

The locations of the two different areas of Governor's Grove are shown on Exhibit 2. All of the areas are located west of Ironbound Road (Rt. 615). 132 apartments are proposed for the residential area located on the north side of Rt. 5, which will have access to a single driveway on Rt. 5. The residential area is currently occupied by the Five Forks campground and motel. A small commercial parcel with access on Ironbound Road south of Rt. 5 is planned for office use with a single driveway on Ironbound Road.

This traffic study has been prepared to determine the turn lane needs for Governor's Grove access and traffic levels of service. This traffic study is an update of two previous studies dated August 14, 2003 and August 29, 2004. The current Governor's Grove development plan had fewer residential units, and the commercial driveway on Ironbound Road is planned to be right turn in/right turn out only based on previous comments from VDOT. This traffic study has been updated to address the current proposed land uses and access.

## EXISTING PEAK HOUR TRAFFIC

For this traffic study, turning movement traffic counts were conducted at the intersection of Rt. 5 and Ironbound Road. The counts were conducted from 7 to 9 AM on Wednesday, July 30, 2003 and from 4 to 6 PM on Tuesday, July 29, 2003. The tabulated count results are shown on Appendix Exhibits A1 and A2. Exhibit 3 shows AM and PM existing peak hour traffic at the intersection with existing approach lane configurations. Exhibit 3 also shows proposed access to the two components of Governor's Grove.

Existing peak hour level of service (LOS) calculations using Highway Capacity Software (HCS) are shown on Appendix Exhibits E1 and E2 for the AM and PM peak hours,

respectively. There is an existing LOS C overall for the signalized intersection of Rt. 5/Ironbound Road in the AM and PM peak hours.

## 2008 PEAK HOUR BACKGROUND TRAFFIC

Exhibit 4 shows daily traffic counts on Rt. 5 published by James City County and the resulting trend forecast to 2008 using linear regression analysis. Governor's Grove is anticipated to be built out within 5 years.

Stations 41 and 42 on Rt. 5 as shown on Exhibit 4 have differing results: Station 41 shows a continuous declining trend since 1999, whereas Station 42 shows a slight rate of decline. For purposes of this traffic study, a 1.10 growth factor is used, which reflects a 2% per year growth rate.

Exhibit 5 shows 2008 peak hour background traffic with a 1.10 growth factor. 2008 background traffic peak hour LOS calculations with the existing lane configuration are shown on Appendix Exhibits F3 and F4 for the AM and PM peak hours, respectively. There is LOS C overall for the intersection for 2008 AM and PM peak hour background traffic.

## GOVERNOR'S GROVE TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT

Exhibit 6 shows trip generation values for the two components of the Governor's Grove using Trip Generation, 7<sup>th</sup> Edition (TG7). For trip distribution of residential uses, a 35% west/65% east trip distribution is used. The 65% east distribution is split based on the percentage of turning movements at the Rt. 5/Ironbound Road intersection (see Appendix Exhibit B for the percentage calculations). For commercial office use, all traffic is assigned to right turn in/right turn out based on background traffic.

Table 1 on Exhibit 6 shows trip generation and distribution for the residential area, and trip assignments are shown on Appendix Exhibit C1. For the office use, trip generation and distribution are shown in Table 2 on Exhibit 6, and trip assignments are shown on Appendix

Exhibit C2. Exhibit 7 shows AM and PM peak hour site trip assignment for all of Governor's Grove.

## TOTAL 2008 PEAK HOUR TRAFFIC

Exhibit 8 shows total 2008 AM and PM peak hour traffic (sum of Exhibit 5 background traffic and Exhibit 7 site traffic).

2008 total traffic peak hour LOS calculations with the existing lane configuration are shown on Appendix Exhibits E5 and E6 for the AM and PM peak hours, respectively, for the Rt. 5/Ironbound Road intersection. There is LOS C overall for the intersection for 2008 AM and PM peak hour total traffic.

At the Governor's Grove access on Rt. 5, LOS calculations are shown on Appendix Exhibits F1 and F2. There is LOS C for the southbound approach in the AM peak hour and PM peak hours for this unsignalized intersection. There is LOS A for eastbound left turns on Rt. 5 during both the AM and PM peak hours.

At the Governor's Grove residential driveway on Rt. 5, a left turn lane is warranted in the eastbound direction (see Appendix Exhibits G1 for left turn lane warrant graph). A right turn taper is warranted on westbound Rt. 5 (see Appendix Exhibit G2 for right turn lane warrant graph).

At the Governor's Grove commercial access on Ironbound Road, LOS calculations are shown on Appendix Exhibits F3 and F4. The eastbound approach has LOS A in the AM peak hour and LOS B in the PM peak hour.

At the Governor's Grove commercial driveway on Ironbound Road, no right turn lane or taper is warranted. See Appendix Exhibit G4 for right turn lane warrant graph.

## SUMMARY AND CONCLUSIONS

The following table compares the overall LOS at the Rt. 5/Ironbound Road intersection for the different conditions presented in this study:

**TABLE ONE  
SIGNALIZED INTERSECTION LOS AT  
RT. 5/IRONBOUND ROAD**

CONDITION	AM PEAK HOUR LOS									
	Overall	EB Left	EB T/R	WB Left	WB Thru	WB Right	NB Left	NB T/R	SB Left	SB T/R
2003 Existing (w/o Site)	C- 25.1	C- 31.4	C- 23.2	C- 28.7	B- 18.8	B- 17.7	C- 32.4	C- 29.0	C- 33.4	C- 25.7
2008 Background (w/o Site)	C- 26.6	C- 31.8	C- 25.3	C- 28.7	B- 19.1	B- 17.9	C- 32.8	C- 31.7	C- 34.2	C- 27.0
Total 2008 (with Site)	C- 27.7	C- 32.8	C- 29.0	C- 29.1	B- 19.2	B- 17.9	C- 32.8	C- 31.7	C- 34.2	C- 27.7
CONDITION	PM PEAK HOUR LOS									
	Overall	EB Left	EB T/R	WB Left	WB Thru	WB Right	NB Left	NB T/R	SB Left	SB T/R
2003 Existing (w/o Site)	C- 28.5	D- 42.0	C- 29.8	C- 33.8	C- 26.5	C- 22.8	C- 32.7	C- 24.1	C- 36.5	C- 26.6
2008 Background (w/o Site)	C- 31.6	D- 47.5	C- 33.9	D- 35.2	C- 28.4	C- 23.2	C- 34.0	C- 26.9	D- 39.8	C- 31.0
Total 2008- Lead/Lag (with Site)	C- 33.0	D- 51.0	D- 36.5	D- 35.6	C- 30.1	C- 23.2	D- 35.0	C- 26.9	D- 39.8	C- 32.9

Notes: Numeric values in seconds delay, with increasing value for decreasing LOS.

There is overall LOS C at the Rt. 5/Ironbound Road intersection for all conditions presented in this report.

The residential access on Rt. 5 will require an eastbound left turn lane and a westbound right turn lane. The commercial access on Ironbound Road will not require any additional turn lane improvements.

The following tables present LOS results for the two Governor's Grove accesses:

**TABLE TWO**  
**UNSIGNALIZED INTERSECTION LOS AT**  
**RT. 5/GOVERNOR'S GROVE RESIDENTIAL ACCESS**

CONDITION	AM PEAK HOUR LOS		PM PEAK HOUR LOS	
	Eastbound Left	Southbound Left/Right	Eastbound Left	Southbound Left/Right
Total 2008 (with Site)	A - 8.2	C - 18.6	A - 8.8	C - 20.4

Notes: Numeric values in seconds delay, with increasing value for decreasing LOS.

**TABLE THREE**  
**UNSIGNALIZED INTERSECTION LOS AT**  
**IRONBOUND ROAD/GOVERNOR'S GROVE COMMERCIAL ACCESS**

CONDITION	AM PEAK HOUR LOS		PM PEAK HOUR LOS	
	Eastbound Right		Eastbound Right	
Total 2008 (with Site)	A - 9.9		B - 12.4	

Notes: Numeric values in seconds delay, with increasing value for decreasing LOS.

**All movements at the Governor's Grove accesses have LOS C or better.**



## Governor's Grove in Williamsburg

### Fiscal Impact in James City County, Virginia

#### EXECUTIVE SUMMARY

As part of a rezoning application submitted to James City County by **National Housing Corporation**, this report from *The Wessex Group, Ltd.* (TWG) presents estimates of the fiscal impact of developing Governor's Grove, a townhouse community proposed for a 25-acre site in the Five Forks area of the county. The units are planned to be sold at market value, and the specific development plans include the following:

- 26 one bedroom townhouse units (\$150,000 market value)
- 80 two bedroom townhouse units (\$210,000 market value)
- 26 three bedroom townhouse units (\$250,000 market value)
- Amenities for the residential development that include a clubhouse, swimming pool, picnic area and playgrounds
- Approximately 25,000 square feet of commercial development.

**Development Schedule and Construction Investment:** The developer anticipates that the 132 housing units, amenities and commercial development in Governor's Grove will be built over a five-year period with buildout in Year 6. The incremental residential population is estimated at 272 persons, including 21 public school children. A 25,000 square foot commercial parcel adjacent to Governor's Grove also is part of the development plans. Total construction investment is estimated at approximately \$30.5 million including \$100,000 in off-site improvements and \$150,000 in amenities for the residential community.

**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, Governor's Grove will provide an estimated \$485,000 annually in net new revenues for the county. In turn, the services that the county will provide to this community include police protection, fire protection and public education for the school children living in the development. Once fully developed and occupied, Governor's Grove is expected to incur costs for county services of approximately \$460,000 per year. The net fiscal impact to the county for this development is estimated to be about \$24,000 at buildout. The net present value of the cash flows from Year 1 to Year 6 equals a positive \$390,800 assuming a 5% discount rate. Cash inflows and outflows during development and at buildout are shown in Table A. All dollar figures contained in this report are expressed in 2005 dollars. No attribution for economic inflation has been made.

**Table A**  
**Governor's Grove - Net Fiscal Impact**

Cash Inflow and Outflow	Year 1	Year 2	Year 3	Year 4	Year 5	Buildout
Total Annual Revenues	\$81,600	\$183,400	\$266,100	\$413,600	\$470,300	\$484,500
Total Annual Expenditures	\$7,500	\$103,900	\$194,600	\$288,900	\$376,800	\$460,100
Net Fiscal Impact	\$74,100	\$79,500	\$71,500	\$115,300	\$93,500	\$24,400



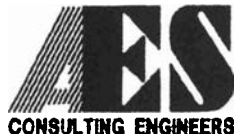
**Rezoning and Master Plan**  
for  
**Governor's Grove**  
**At Five Forks**  
for



**National Housing Corporation**

448 Viking Drive, Suite 245  
Virginia Beach, Virginia 23452

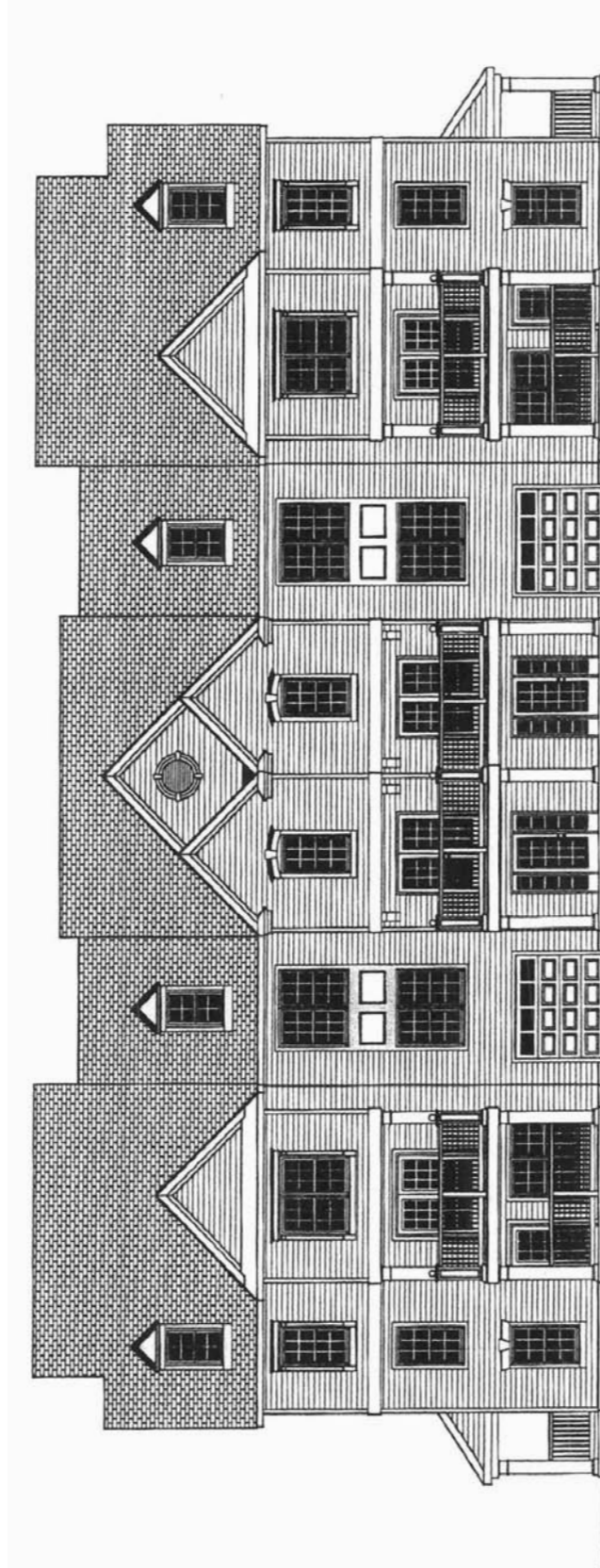
by



5248 Olde Towne Road, Suite 1  
Williamsburg, Virginia 23188  
Phone: 757-253-0040 • Fax: 757-220-8994

June 22, 2005

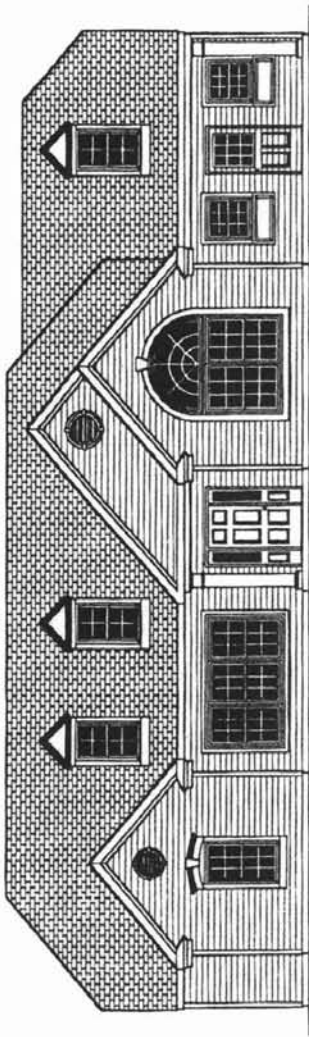
# **CONCEPT PRODUCT**



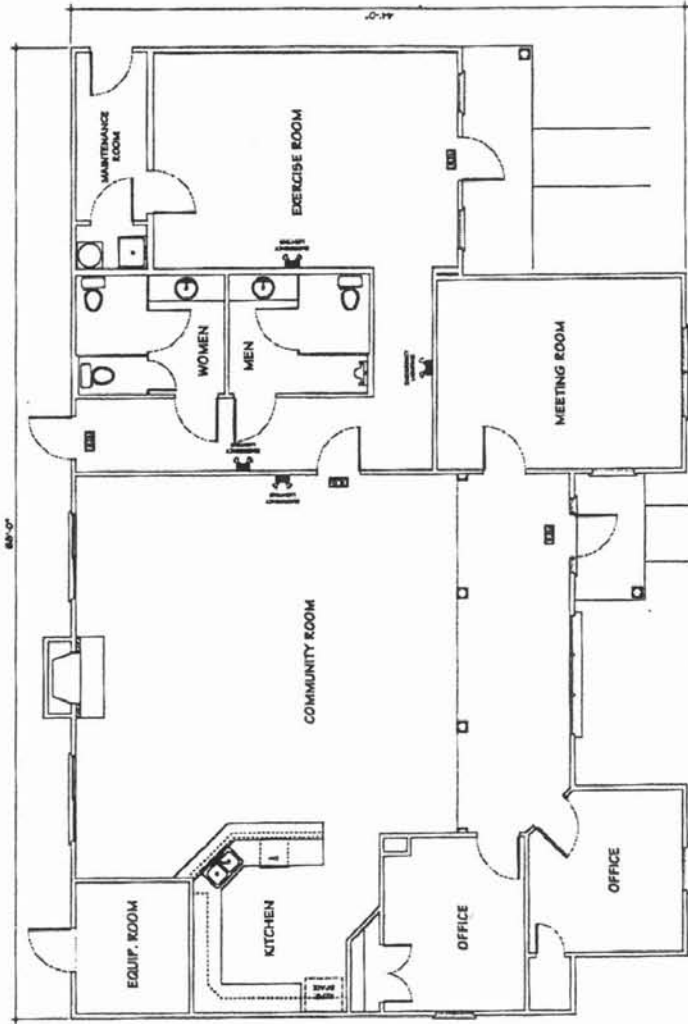
**WARNER and  
ASSOCIATES**  
ARCHITECTS

1401 Kempsville Road, Suite A  
Chesapeake, Virginia 23320  
Phone: (757) 312-9628 Fax: (757) 312-9991  
8 1/2" X 11" SHEET IS NOT TO SCALE

*Governor's Grove at Five Forks*  
For National Housing, LLC



FRONT ELEVATION SCALE: NOT TO SCALE



FLOOR PLAN SCALE: NOT TO SCALE

**Governor's Grove at Five Forks**  
 Clubhouse Conceptual Elevation and Floorplan  
 For National Housing, LLC

**WARNER and ASSOCIATES ARCHITECTS**

1401 Kempsville Road, Suite A  
 Chesapeake, Virginia 23320  
 Phone: (757) 312-9623 Facsimile: (757) 312-0991  
 8 1/2" X 11" SHEET IS NOT TO SCALE

## PROFFERS

THESE PROFFERS are made this 16th day of May, 2005 by FIVE FORKS, VIRGINIA, INC., a Virginia corporation, and KATHRYN S. DALY, Successor Trustee to E. H. Saunders under the E. H. Saunders Revocable Trust dated July 29, 1997 (together with their successors and assigns, the "Owner") and NATIONAL HOUSING, LLC, a Virginia limited liability company ("Buyer").

## RECITALS

A. Owner is the owner of four contiguous tracts or parcels of land located in James City County, Virginia, one with an address of 4360 John Tyler Highway, Williamsburg, Virginia and being Tax Parcel 4620100014, the second with an address of 4310 John Tyler Highway, Williamsburg, Virginia and being Tax Parcel 4620100037, the third with an address of 3191 Ironbound Road, Williamsburg, Virginia and being Tax Parcel 4710100035, and the fourth with an address of 3181 Ironbound Road, Williamsburg, Virginia and being Tax Parcel 4710100036, being more particularly described on Exhibit A attached hereto (together, the "Property"). A portion of the Property is now zoned B-1 and a portion is now zoned R-8. The Property is designated Moderate Density Residential and Low Density Residential on the County's Comprehensive Plan Land Use Map.

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 B-1 and R-8 to MU, Mixed Use District, with proffers.

D. Buyer has submitted to the County a master plan entitled "Master Plan for Rezoning of Governor's Grove for National Housing Corporation" prepared by AES Consulting Engineers dated March 21, 2005 and revised May 23, 2005 (the "Master Plan") for the Property in accordance with the County Zoning Ordinance.

E. Owner has submitted to the County a traffic impact analysis entitled "Traffic Analysis for Governor's Grove" prepared by DRW Consultants, Inc. dated March 18, 2005 (the "Traffic Study") for the Property.

F. On September 28, 2004, the Board of Supervisors of James City County adopted Primary Principles for the Five Forks Area of James City County (the "Primary Principles")

G. Owner and Buyer desire to offer to the County certain conditions on the development of the Property not generally applicable to land zoned MU.

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 132 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 or associations (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. Upon the request of the Director of Planning the Association shall provide evidence of such initial capital contributions. 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 for its review and approval 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.

(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 James City Service Authority ("JCSA") water for irrigation purposes.

**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) A contribution of \$1,000.00 for each dwelling unit on the Property shall be made to the County in order to mitigate 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 by the physical development and operation of the Property, including, without limitation, for emergency services equipment replacement and supply, school uses, off-site road improvements, library uses, and public use sites.

(c) A contribution of \$500.00 for each dwelling unit on the Property shall be made to the County in order to mitigate 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 by the physical development and operation of the Property, including, without limitation, off-site stream stabilization or other stormwater management projects in the Powhatan Creek watershed.

(d) 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.

(e) The per unit contribution(s) 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.

(f) A single lump sum contribution of \$24,162.00 shall be made to the County prior to the County being obligated to grant final development plan approval for any development on the Property in order to mitigate impacts on the County from the

physical development and operation of the Property. The County may use these funds for intersection improvements at the Route 5/Ironbound Road intersection or, if the County determines not to construct such improvements, for any project in the County's capital improvement plan, the need for which is generated by the physical development and operation of the Property.

5. **Route 5 Buffer.** There shall be a 150 foot buffer along the Route 5 frontage of the Property north of Route 5 generally as shown on the Master Plan. The buffer shall be exclusive of any lots or units and shall be undisturbed, except for the entrance, right turn taper and stormwater management facilities as shown generally on the Master Plan, the trails, sidewalks and bike lanes as shown generally on the Master Plan, and with the approval of the Development Review Committee, for utilities, lighting, entrance features 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 County Engineer. A buffer plan showing the location of the stormwater management facility, trails, picnic facilities and providing for supplemental landscaping in the buffer area adjacent to the stormwater management BMP pond shown on the Master Plan and in the southeast corner of the buffer generally as shown on the Master Plan shall be submitted as a part of the development plan

for Section 1 of the Property for review and approval by the Director of Planning. The supplemental landscaping shown on the approved plan shall be installed or its installation bonded prior to the issuance of any certificates of occupancy for dwelling units in Section 1.

**6. Entrances/Turn Lanes.** (a) There shall be one entrance into Section 1 of the Property to and from Route 5 and one entrance into Section 3 of the Property to and from Ironbound Road, all as generally shown on the Master Plan, except as specifically permitted by paragraph (b) of this Proffer 6. An eastbound left turn lane and a westbound right turn taper on Route 5 shall be constructed at the entrance to the Property from Route 5. 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. At the time of construction of the turn lanes proffered above, Owner shall install, to the extent not already existing, a three foot paved shoulder on the north side of Route 5. Owner shall reserve sufficient area for a future vehicular connection from Section 3 of the Property to the adjacent property to the north (Tax Parcel 4710100024). The entrance into Section 3 of the

Property shall be designed and constructed to accommodate a shoulder bike lane along Ironbound Road.

(b) The area in Section 1 shown on the Master Plan as "Emergency Access Only" shall be used only for emergency vehicle and pedestrian access to and from the Property and Ingram Road unless the Board of Supervisors of the County, with the approval of VDOT, prior to preliminary site plan approval requests that the emergency vehicle access be opened to normal vehicular traffic, either as an exit only from the Property or a full entrance/exit. Any such entrance shall be constructed in accordance with VDOT standards and the design thereof shall be approved by the Director of Planning.

(c) With the prior approval of VDOT and the Board of Supervisors of the County, Owner may install a right in/right out only access from the Property to Route 5 in Section 3 in the location as generally shown on the Master Plan. Such entrance shall only be approved upon a demonstration by the applicant that 1) the entrance will alleviate an offsite congestion, delay, or safety problem at the proposed Ironbound Road entrance and 2) the entrance will not increase congestion or delay on Route 5. Any such entrance shall be constructed in accordance with VDOT standards and the design thereof shall be approved by the Director of Planning.

7. **Sidewalk Connections.** There shall be a pedestrian walkway connection from the internal pedestrian walkway in Section 1 to the multi-use path adjacent to Route 5 generally as shown on the Master Plan. There shall be internal pedestrian walkways installed generally in the locations shown on the Master Plan, which may be installed in phases as residential units are constructed. Pedestrian walkways shall be installed concurrently with the construction of adjoining units.

8. **Recreation.** Owner shall provide the recreational facilities shown on the Master Plan before the County is obligated to grant certificates of occupancy for more than 30 dwelling units on the Property. The recreational facilities on the Property shall meet the standards set forth in the County's Recreation Master Plan as determined by the Director of Planning.

9. **Multi-Use Path/Easement.** (a) There shall be a paved multi-use path at least five feet in width installed on Section 1 of the Property generally as shown on the Master Plan. The path shall be located to avoid mature or specimen trees where reasonably feasible and the exact location of the trail shall be approved by the Director of Planning. The path shall be either (i) installed or (ii) bonded in form satisfactory to the County Attorney prior to the issuance of any certificates of occupancy.



(b) At or prior to the County being obligated to issue any building permits for residential dwelling units on the Property, Owner shall grant to the County free of charge an easement 35 feet in width over the area of Section 2 of the Property immediately adjacent to Route 5 permitting the County to construct and maintain a path in the easement area.

(c) At or prior to the County being obligated to issue any building permits for residential units on the Property, Owner shall grant to the County, free of charge, an easement 35 feet in width through the open space of Section 1 of the Property generally in the location shown on the Master Plan permitting the County to construct and maintain a trail in the easement area.

10. **Private Drives.** All entrance roads, interior roads, driveways, lanes or drive aisles connecting the parking areas on the Property to Route 5 or Ironbound Road shall be private.

11. **Environmental Protections.** (a) The Owner shall maintain and preserve as open space with terms consistent with these Proffers the area designated on the Master Plan as Open Space generally in the locations shown on the Master Plan. The exact boundaries of the Open Space shall be shown on subdivision plats and/or site plans of the Property. The Open Space shall remain undisturbed by Owner and in its natural state, except as

set forth below. Dead, diseased and dying trees or shrubbery and invasive or poisonous plants may be removed from the Open Space with the approval of the County Engineer. With the prior approval of the Environmental Division utilities may intrude into or cross the Open Space and clearing and construction activities necessary therefor may take place in the Open Space. Pedestrian paths, trails and bridges generally as shown on the Master Plan may intrude into or cross the Open Space and clearing and construction activities necessary therefor may take place in the Open Space. Stormwater BMPs may be located in the Open Space but shall not be located in nor impact the channel flow of perennial streams unless specifically approved by the Environmental Division and any stormwater BMP in Section 2 shall be located only in areas already cleared as of the date hereof. 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. The Open Space shall be exclusive of lots or dwelling units.

(b) 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 pond generally as shown on the Master Plan, dry swales and/or other low impact

design measures, methods and measures to reduce fecal bacteria, such as aeration and maintenance of appropriate water levels in the stormwater management pond and generally attempting where feasible and practical to maximize the amount of drainage from impervious surfaces draining to pervious surfaces prior to draining into the BMP pond, 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.

(c) There shall be a 10 foot construction setback adjacent to the Open Space on the Property. No building shall be permitted in this setback area. This setback shall be shown on all development plans for those areas of the Property.

(d) 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 total 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 Turf 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.

(e) Owner shall explore the potential of shared stormwater management with the owner of the adjoining parcels, County Parcel No.'s 4620100015 and 4620100011.

**12. 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.

**13. 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 guidelines from Article III, Section 5 of the Primary Principles and the architectural elevations submitted herewith entitled "Governor's Grove at Five Forks, Conceptual Elevations". 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.

**14. Updated Traffic Study.** If any use is proposed on Section 3 of the Property with a materially, as determined by the Director of Planning, higher trip generation based on ITE trip generation figures than the use used in the Traffic Study which results in an overall materially, as determined by the Director of Planning, higher trip generation from Section 3 of the Property, then Owner shall submit with the proposed site plan for the new use an updated traffic impact study to the

Director of Planning and VDOT based on the new proposed use for their review and approval to confirm that the new A.M. and P.M. peak hour new trips from the different use fall within the trip generation thresholds set forth in Article I, Section 5 of the Primary Principles. If the County does approve development plans for such a use, at the time of final plan approval Owner shall make an additional one time cash contribution to the County calculated pursuant to the formula set forth on Exhibit B attached hereto for the incremental trip generation from the new use over and above the trip generation from Section 3 assumed in the Traffic Study in order to mitigate 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 by the physical development and operation of the Property, including, without limitation, intersection improvements at the Route 5/Ironbound Road intersection. If the update to the Traffic Study indicates trip generation from Section 3 exceeds the trip generation thresholds set forth in Article I, Section 5 of the Primary Principles, the County shall not be obligated to approve development plans for such use.

**15. Height Limitation.** No building in Section 1 or Section 3 of the Property shall exceed 45 feet in height.

16. **Commercial Use Restrictions.** The following uses shall

not be permitted in Section 3 of the Property:

Convenience store  
Automobile service station  
Fast food restaurant

17. **Buffer/Open Space Landscaping.** Any areas of buffer or open space proffered hereby that are disturbed by adjacent construction activity on the Property shall be landscaped in accordance with the County's landscape ordinance requirements, subject to any restrictions in applicable easements.



WITNESS the following signatures.

Five Forks, Virginia, Inc.

By: Kathryn Daly  
Title:

Kathryn Daly  
Kathryn S. Daly, Successor  
Trustee

National Housing, LLC

By: \_\_\_\_\_  
Title:

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

The foregoing instrument was acknowledged this 16th  
day of May, 2005, by Kathryn Daly, as  
of Five Forks, Virginia, Inc. on behalf of the corporation.

Vern M DeBby, Jr  
NOTARY PUBLIC

My commission expires: 12/31/08.

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

The foregoing instrument was acknowledged this 16th  
day of May, 2005, by Kathryn S. Daly, Successor  
Trustee to E. H. Saunders under the E. H. Saunders Revocable  
Trust dated July 29, 1997.

Vernon M. Geddy III

NOTARY PUBLIC

My commission expires: 12/31/08.

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

The foregoing instrument was acknowledged this \_\_\_\_\_  
day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as  
of National Housing, LLC on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_.

Prepared by:  
Vernon M. Geddy, III, Esquire  
Geddy, Harris, Franck & Hickman, LLP  
1177 Jamestown Road  
Williamsburg, VA 23185  
(757) 220-6500

Exhibit A  
Property Description

Parcel I

All that certain tract, piece or parcel of land, with any and all the buildings and improvements thereon, situate, lying and being in Berkeley District, James City County, Virginia, formerly situated in Jamestown District, James City County, Virginia, lying just west of the "Five Forks" intersection on both sides of State Route 5, said parcel of land containing 27.38 acres, more or less, but hereby conveyed in gross and not by the acre, said property known as "Goat Hill", and being shown upon that certain blue print plat thereof entitled, "COMPILED PLAT SHOWING THE EMILY M. HALL PROPERTY, SITUATED IN JAMESTOWN DISTRICT, JAMES CITY COUNTY, VIRGINIA," made by Vincent D. McManus, C. L. S., and dated November, 1945, a blue print copy of which plat is recorded in the Clerk's Office of the Circuit Court of the City of Williamsburg and James City County in Plat Book 23, page 4, to which said plat reference is hereby made for a more particular description of the property conveyed herein.

LESS AND EXCEPT that certain lot of land, containing 1.70 acres, more or less, conveyed by Emily M. Hall, unmarried, to Albert M. Baker and Frances M. Baker, husband and wife, by deed dated December 18, 1951, and recorded December 19, 1951 in James City County Deed Book No. 46, page 210, said conveyance is more fully shown and described on that certain plat entitled, "Plat Showing Lot Surveyed For Emily M. Hall, Located Near Five Forks, James City County, Virginia", surveyed December, 1951, and made by W. D. Thomas, Surveyor, and duly recorded in James City County Plat Book No. 13, page 1, to which said plat reference is hereby made for a more particular description of the property excepted from the hereinabove referred to plat recorded in the aforesaid Clerk's Office in Plat Book 23, page 4.

AND FURTHER LESS AND EXCEPT all that certain piece or parcel of land, lying, situate and being in Berkeley District, James City County, Virginia, containing 0.485 acres, more or less, and shown and designated as PARCEL "A", on that certain blueprint plat entitled, "PLAT OF PART OF GOAT HILL, PROPERTY OF EDMUND H. SAUNDERS", dated February, 1968, and made by Stephen Stephens, C. L. S., a copy of which said blueprint plat is attached to a deed from the party of the first part to Heffner Oils, Incorporated, a Virginia corporation, dated April 30, 1968, and recorded in the aforesaid Clerk's Office on May 17, 1968 in Deed Book 116, page 290 and incorporated therein by reference, to which deed and plat reference is made for a more particular description of the property therein conveyed.

Parcel I being a portion of the property conveyed to the party of the first part by Deed dated September 30, 1965, from Emily M. Hall, unmarried, and recorded in the aforesaid Clerk's Office in Deed Book 103, page 52.

Parcel II

All that certain piece, parcel or lot of land, together with any improvements thereon, lying and being in Jamestown Magisterial District, James City County, Virginia, as shown and <sup>100</sup>designated on a certain

blueprint plat entitled, "Plat Showing Portion of Land Belonging to A. M. Baker, Located Near Five Forks, James City County, Virginia", made by W. D. Thomas, C.S., November, 1952, a copy of which plat is duly of record at Plat Book 13, page 26, in the Clerk's Office of the Circuit Court of the City of Williamsburg and County of James City, Williamsburg, Virginia. Said property is bounded and described as follows on said plat: Commencing at a point in the center of the road which leads from Powell's Pond to Five Forks; thence, S 76 20' W a distance of 212.3 feet along the line of the property thereby conveyed and the land formerly belonging to A. M. Baker; thence, N 30 00' W a distance of 100 feet along the line of the property thereby conveyed and the land formerly of Emily Hall; thence, N 76 02' E a distance of 263.4 feet along the line of the property thereby conveyed and the land formerly of A. M. Baker to a point in the center of the aforesaid road; thence up said road S 0 23' E a distance of 100 feet to the point of departure in the center of said road.

Being the same property as that conveyed to the party of the first part herein by deed dated June 7, 1968, from Lois S. Nixon and Lawrence N. Nixon, her husband, and Mary C. Taylor and Donald R. Taylor, her husband, which said deed is duly of record in the aforesaid Clerk's Office in Deed Book 117 at page 60

### Parcel III

All that certain lot, piece or parcel of land together with the buildings and improvements thereon and the appurtenances thereunto belonging or in anywise appertaining, lying, being and situate in Berkeley District, James City County, Virginia, being described as follows: Commencing at a point in the center of the county road leading from Five Forks to Virginia State Route #615, said point being 276.13 feet southwest of the concrete marker set by the Highway Department to designate the southwest limit of the right of way for Virginia State Highway Route #5, at the intersection between the said Route #5 and the road leading from Five Forks to Route #615; thence, South 62 15' West a distance of 15 feet to an iron pipe, said iron pipe being the point where the said road and the property therein conveyed converge; thence continuing South 62 15' W. a distance of 159.19 feet, more or less, to an iron pipe, said pipe being the southwest boundary of the property thereby conveyed; thence North 30 00' West a distance of 105 feet, more or less, to a point, said point being the northwest corner of the property thereby conveyed; thence North 76 20' East a distance of 227.3 feet, more or less, to a point, said point being in the center of the road leading from Five Forks to Virginia State Route #615 and being the Northeast corner of the property thereby conveyed; thence South 0 23' East a distance of 65 feet, more or less, to the point of beginning.

Being the same property as that conveyed to the party of the first part from Walter H. Boswell and Louise C.

Boswell, husband and wife, by deed dated September 28, 1970 and recorded in the aforesaid Clerk's Office at Deed Book 128, page 268.

Parcel IV

All that certain lot, piece or parcel of land, containing a total of 2.77 acres+/- lying, being situate in Berkeley Magisterial District, James City County, Virginia, as shown, set forth and designated as 2.00 AC. and 0.77 AC. on that certain plat entitled, "PLAT SHOWING BOUNDARY LINE ADJUSTMENT AND PROPERTY LINE EXTINGUISHMENT BETWEEN THE PROPERTIES OWNED BY : THE PATRICK COMPANIES, INC. AND FIVE FORKS, VIRGINIA, INCORPORATED"), DATED April 21, 1998 and prepared by AES, Consulting Engineers, which plat is recorded in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, in Plat Book 69, at page 56

TOGETHER with all singular the rights, privileges, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining

The foregoing conveyance is made subject to all easements, conditions or restrictions of record or apparent on the ground insofar as they may lawfully affect the property conveyed hereby.

Exhibit B  
Formula for Contributions to Intersection Improvements

Any increase in trip generation will increase the contribution according to the following formula:

1.  $[(AM * X) + (PM * Y)] / (AM + PM) = \text{Weighted Percent of New Trips}$
2.  $\text{Weighted Percent of New Trips} * \$123,850 = \text{Cash Contribution}$

Where AM=additional AM peak trips, PM=additional PM peak trips,  $X=AM/500$ , and  $Y=PM/650$ .

## RESOLUTION

### PRIMARY PRINCIPLES FOR FIVE FORKS AREA OF JAMES CITY COUNTY

WHEREAS, Economic Development Action 12G of the 2003 Comprehensive Plan recommends that James City County evaluate redevelopment and land use issues in the Five Forks area; and

WHEREAS, on June 8, 2004, the Board of Supervisors created the Five Forks Area Study Committee to conduct a comprehensive study of the area and develop a set of guiding principles for future development; and

WHEREAS, these principles will be used by citizens, staff, Planning Commission, and the Board of Supervisors to guide recommendations and decisions in future land use cases and other development activity in the Five Forks area; and

WHEREAS, after four public meetings the Five Forks Area Study Committee unanimously adopted primary principles for the Five Forks area of James City County; and

WHEREAS, on September 13, 2004, the James City County Planning Commission recommended the adoption of the primary principles by a vote of 7-0.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby endorse the following Vision and Principles to be used alongside the 2003 Comprehensive Plan when reviewing Rezonings, Special Use Permits, and other development activities in the Five Forks area:

#### **Primary Principles for the Five Forks Area of James City County**

Five Forks is an area with a unique village character. Bounded to the east by Mill Creek and to the west by the Powhatan Creek, Five Forks is within a significant natural area. Five Forks also supports a thriving commercial center and boasts a quality elementary school at its southern edge. Five Forks is generally understood to encompass the area that lies within three quarters of a mile of the intersection of John Tyler Highway and Ironbound Road.

Five Forks has grown and changed. With new growth, however, come questions about traffic levels, housing capacity, and preservation of the village qualities that make the area unique.

The Five Forks Area Study Committee was created by the Board of Supervisors to listen to the views of County citizens, particularly those who live and work in Five Forks. The Committee's purpose was to recommend principles that preserve and build upon the many positive qualities of Five Forks. These principles seek to protect the watersheds and safeguard the village character of the area. The principles will address residential growth, commercial development, traffic concerns, and alternative transportation. The principles will be incorporated into the next regularly scheduled update of the County's Comprehensive Plan. Until that time, these principles, when approved, serve as an addendum to the 2003 Comprehensive Plan.



## Vision Statement

Five Forks has a rich heritage and a community character unique to James City County. By cooperating with citizens and with local government we will preserve these qualities for future generations. Through these principles, the Committee envisions that Five Forks will be a place where future redevelopment or development:

- Improves or maintains water quality and other environmental features;
- Preserves Five Forks' unique village character;
- Does not overburden the road network beyond capacity;
- Provides adequate facilities for pedestrians and cyclists;
- Provides goods and services needed by citizens; and
- Ensures housing opportunities for all citizens.

### I. Transportation Principles

1. Capitalize on and Enhance Existing Roadway Network (see the Environmental Principles for relevant information related to these recommended actions):
  - Inventory/validate existing pavement and right-of-way width.
  - Reconfigure pavement markings/lane delineations to accommodate a 150-foot full-width exclusive right-turn lane for southbound Ironbound Road (i.e., north leg).
  - Construct a 150-foot full-width right-turn lane along the northbound approach of Ironbound Road (i.e. south leg).
  - Reduce the speed limit to 35 mph approximately a half mile from the intersection of Ironbound Road and John Tyler Highway.
  - Implement AM, Noon, PM, and Off-Peak signal timing modifications to best process traffic, maximize available and enhanced capacity, and to sustain acceptable level of operations for the isolated signalized intersection of Ironbound Road and John Tyler Highway.
2. In conjunction with any development proposals using Ingram Road West for access, encourage developers to make road improvements (reopening access from Ingram Road East from John Tyler Highway was considered but was not recommended. Such reopening might prove to be unsafe and possible benefits appear to be minimal. The initiative might prove to be beneficial at some time in the future depending on future development on Ingram Road East.):
  - Developers using Ingram Road West for access should rebuild this road as a two-lane roadway in accordance with current VDOT street requirements. Improvements could include:
    - 12 - 14-foot lanes to include roadway as well as curb and gutter;
    - 4-foot buffer between curb and sidewalk on one side of roadway;
    - Street trees and other aesthetic improvements; and
    - 25 mph posted speed limit.

3. Promote pedestrian and bicycle facility interconnectivity within Five Forks area (see the Land Use and Environmental Principles for relevant information related to these recommended actions):

- Utilize available funds in the Sidewalk Capital Improvement Program budget as well as alternate sources of funding including grants or private contributions to construct sidewalks and pedestrian crosswalks in accordance with the phasing plan listed below.
- Ensure that new development either provides sidewalks along public road frontages in accordance with the recommendations of the sidewalk inventory, or contributes funds to the Sidewalk Capital Improvement Program.
- Coordinate the design and construction of roadway improvement projects with bicycle and pedestrian facilities. Bicycle and pedestrian facilities should be designed with an emphasis on safety, adequate lighting, signage, and Americans with Disabilities Act (ADA) compliant features.

Phase I

- Using the Five Forks area sidewalk inventory, and considering existing and potential development, and existing sidewalk connections as a guide, develop an implementation plan to extend sidewalks to serve pedestrian activity within the businesses at the Ironbound Road/John Tyler Highway intersection.
- Stripe crosswalks and provide crossing ramps and pedestrian signals for each approach to the Ironbound Road/John Tyler Highway intersection.
- Provide paved shoulders on John Tyler Highway west of the Ironbound Road intersection during the next VDOT repaving to decrease road maintenance and provide more travel space for bicycles and pedestrians.

Phase II

- Using the Five Forks area sidewalk inventory, existing and potential development, and existing sidewalk connections as a guide, develop an implementation plan to construct sidewalk segments that provide greater connectivity between the central business area and Clara Byrd Baker Elementary School, neighborhoods, and recreational areas.
- In accordance with the Greenway Master Plan, construct a multi-use path along John Tyler Highway that can connect to Jamestown High School and the Greensprings Trail.
- Construct shoulder bikeways along Ironbound Road using Federal grants. In accordance with the Greenway Master Plan, construct a multi-use path along Ironbound Road that can connect to Mid-County Park/Monticello Marketplace Shopping Center.
- Utilize Greenway Funds in the Capital Improvement Program budget and other sources of funding such as grants to support the construction of the above multi-use paths.

4. Promote opportunities for bus service in Five Forks:
  - Work with Williamsburg Area Transport (WAT) to investigate areas and routes with the highest ridership and potential for enhanced service (e.g., to serve activity/employment centers).
  - Work with WAT and Traffix to promote public transportation incentives and the use of alternative commuting modes (park-and-ride, ride sharing, express routes, etc.) to both employers and employees.
  - Investigate opportunities to increase ridership to/from centers of activity, businesses, residential areas and special event attractions.
5. Maintain a "C" level of service for traffic conditions in Five Forks by adhering to new trip generation thresholds established in the Five Forks Area Study Traffic Impacts Alternative Analysis prepared by Kimley Horn and Associates when approving new development through the rezoning and special use permit process (trip levels above the threshold result in the Level of Service decreasing from C to D. These new trip generation threshold numbers are on top of projected 2008 background trips.):
  - Without Geometric Improvements
    - AM peak should not exceed 350 new trips
    - PM peak should not exceed 500 new trips
  - With Geometric Improvements recommended by Principle I.1
    - AM peak should not exceed 500 new trips
    - PM peak should not exceed 650 new trips
  - New development should be phased so that new trips do not exceed the lower thresholds until the improvements listed in Principle I.1 are either constructed or fully funded in the VDOT Six-Year Road Plan.
  - New development should provide a pro-rata share of the costs associated with implementing the geometric and signal improvements.

## **II. Environmental Principles**

1. Maintain and improve water quality and reduce flooding risk in the Mill Creek and Powhatan Creek Watersheds by minimizing the amount of additional impervious cover and treating existing and additional stormwater runoff:

**Develop a coordinated stormwater master plan for Five Forks. The stormwater master plan should address possibilities for regional treatment or other treatment approaches for new and existing development as well as opportunities to reduce and/or treat runoff from the existing roadway into Powhatan Creek and Mill Creek.**

- Minimize drainage of new sidewalks, multiuse paths, or other transportation improvements. Encourage drainage of these improvements into a treatment facility such as a grassy swale, regional and structural Best Management Practices (BMP), or other appropriate options.

- For new or modified residential or commercial development in the Powhatan Creek and Mill Creek watershed, encourage the use of Low Impact Design (LID) and Better Site Design (BSD) techniques such as, but not limited to, those listed in the 2003 Comprehensive Plan; the Builders for the Bay James City County Local Site Planning Roundtable consensus document (expected to be completed in Fall 2004); and the booklet entitled *"Better Site Design: An Assessment of the Better Site Design Principles for Communities Implementing Virginia's Chesapeake Bay Preservation Act."*
  - Work with the Village Square Homeowners Association to ensure maintenance of the Village Square BMP and encourage the community to improve the existing BMP by pursuing a grant through the County PRIDE mini-grant program. Explore options for retrofitting and/or maintaining other Five Forks area BMPs.
  - Investigate options for and encourage the undertaking of stream restoration projects in the Powhatan Creek and Mill Creek Watersheds.
2. Ensure that any new development in the Powhatan Creek Watershed implements the recommendations of the Powhatan Creek Watershed Management Plan adopted by the Board of Supervisors on February 26, 2002:

Watershed Management Plan Recommendations:

- Non-tidal mainstem in the Five Forks area (west of Ironbound and north of Ingram Road):  
By encouraging the use of expanded buffers along the Powhatan Creek mainstem.
  - Tidal mainstem in the Five Forks area (west of Ironbound Road and south of Ingram Road):  
By encouraging the use of expanded buffers along the Powhatan Creek mainstem stormwater management with an added focus on fecal coliform removal.
  - Stormwater Recommendations: Use of Special Stormwater Criteria; specialized on-site BMP design with emphasis on removal of nutrients and bacteria; minimize stormwater outfalls on steep slopes.
3. Explore options for land conservation in Five Forks:
- Through the rezoning and special use permit process; encourage developers to set aside land as permanent open space.
  - Continue to target County Green Space Acquisition Funds to acquire properties that are environmentally sensitive or preserve the John Tyler Highway Community Character Corridor.

### III. Land Use Principles

1. Promote mixed-use, pedestrian-friendly land-use patterns (see Principles III.6 for Land Use recommendations, including recommendations on moderate- and low-income housing):
- Pursue regulatory and investment strategies that promote a safe and healthy mix of uses (e.g., retail, residential, office, and public facilities).

- Continue to promote Five Forks as a center of community activity with complementary mixed uses.
  - Promote development patterns that support compact development, interconnected streets (connections to existing neighborhoods should be permitted only where practical and desired by those residents), sidewalks, etc., in an effort to encourage walkable neighborhoods within the Five Forks area.
2. Identify and re-utilize vacant buildings and properties that are no longer utilized:
- Encourage master planning of available land for redevelopment or new uses in order to promote shared parking, fewer entrances onto arterial roads, better utilization of land and increased open space.
  - Promote reuse and redevelopment of blighted and no longer utilized properties.
  - Target capital investments by James City County (e.g., infrastructure, underground utility lines, streetscape improvements, etc.) to support private reinvestment and redevelopment.
  - Through the Office of Housing and Community Development, investigate ways to renovate and rehabilitate the existing housing stock in the Five Forks area where appropriate. Work with private nonprofit groups such as Habitat for Humanity, the Community Action Agency and Housing Partnerships, Inc., to improve the condition and availability of the existing housing stock and assist residents that may be displaced by new development.
3. Reduce conflicts between incompatible land uses:
- Promote transitional uses between different land uses.
  - Through the rezoning/special use permit process and standards in the subdivision and zoning ordinance, reduce the impacts of higher intensity on lower intensity uses (requirements for landscaping, buffering, signage, screening, noise, odor, light, traffic, etc.).
4. Connect the land use pattern to a supportive, multi-modal transportation system:
- Establish compact, mixed-use development patterns that create a walkable environment and reduce the need to use the automobile by local residents.
  - Provide convenient pedestrian access from outlying residential areas to the Five Forks community activity center in accordance with Principle I.4.
5. Establish guidelines to define and maintain the historic, cultural, and aesthetic character of the Five Forks area:
- As part of the 2008 Comprehensive Plan update, designate Five Forks as a Community Character Area and incorporate the following guidelines as part of the Community Character element:
    - Building architecture, scale, materials, spacing, height, and color should respect the architectural context of existing structures such as the historic schoolhouse and veterinary

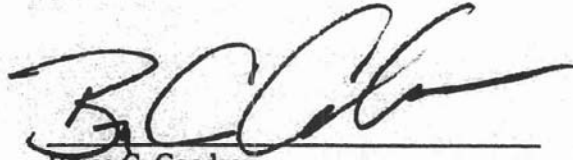
clinic and maintain the village character of Five Forks. New buildings should attempt to emulate distinguishing architectural elements of existing structures such as windows, roof lines, and cornices.

- Buildings that are traditional in character, massing, and detailing are preferred. Contemporary interpretations of traditional architecture are acceptable, if based on the scale and proportions of traditional architecture, and compatible with the context of the Five Forks village character.
  - Building facade materials and architectural treatment should be consistent on all sides of buildings, including side and rear elevations.
  - Where possible, parking should be located to the rear of buildings and should be well landscaped with shrubs and street trees. Shared access and parking should be pursued before constructing new access breaks and parking facilities.
  - 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.
  - Signage should be of a scale, size, color, and materials to complement the village character of the area. Monument style signs, rather than pole signs, are the preferred type.
  - All mechanical equipment should be screened from view with architectural elements, fencing, or landscaping.
  - In addition to the above standards, residential buildings should have varied roof lines, wall articulations, window placements, and other features to reduce building mass and unbroken building lines. Arrangement and siting of buildings should preserve the buffers along the Community Character Corridor and complement existing structures such as the historic schoolhouse and maintain the village character of Five Forks.
- Develop and maintain defining traits that can be reflected through landscaping or streetscape design.
  - Protect and enhance the visual character of John Tyler Highway and Ironbound Road. Transportation improvements and new development should be carefully sited to minimize loss to the existing tree canopy over the roads.
6. Ensure that future residential and non residential development/redevelopment is compatible with the vision and principles for the Five Forks area:
- Ensure new trip generating developments do not exceed new trip thresholds in accordance with Principle 1.5 through the rezoning/special use permit process.
  - Ensure proposed land uses are in compliance with the land use section of the 2003 Comprehensive Plan. The following descriptions provide additional guidance on acceptable land use proposals:

- **Low Density Residential:** Recommended gross densities are 1 to 3 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low- and moderate-cost housing developments; low- and moderate-income (Low income housing is defined as housing for persons earning less than 50 percent of area median income. Moderate income housing is defined as housing for persons earning 50 percent to 80 percent of the area median income.) housing; mixed-cost housing; or extraordinary environmental protection, including low impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan.
- **Moderate Density Residential:** Recommended gross densities are 4 to 10 dwelling units per acre. Higher densities should provide public benefits such as setting aside property for low- and moderate-cost housing developments; low-income housing (including persons earning less than 30 percent of area median income); moderate income housing; mixed cost housing; or extraordinary environmental protection, including low-impact design, better site design, open space preservation and implementation of the Powhatan Creek Watershed Management Plan. Recommended housing types include townhouses, apartments, or attached cluster housing.
- **Mixed Use:** The recommended mix of uses includes offices and community commercial uses serving residents of the Five Forks area. Moderate-density housing may be a secondary use provided it is designed in accordance with these principles.
- As part of the 2008 Comprehensive Plan update, incorporate the above guidance into the Land-Use element.

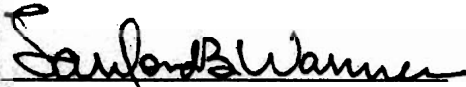
#### IV. Economic Development Principle

1. Promote and facilitate economic growth through development/redevelopment:
  - Facilitate the location of a new anchor tenant in Governor's Green Shopping Center should Winn-Dixie close.
  - Support the development of remaining undeveloped commercial land and vacant buildings in Five Forks to provide goods and services desired by residents of the Five Forks area.
  - Advise the Economic Development Authority on the outcomes of the Five Forks Study so that they may capitalize on future economic opportunities.



Bruce C. Goodson  
Chairman, Board of Supervisors

ATTEST:



Sanford B. Wanner  
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
BRADSHAW	AYE
HARRISON	AYE
BROWN	NAY
MCGLENNON	AYE
GOODSON	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 28th day of September, 2004.

fiveforkredev.res



**RESOLUTION**

**CASE NO. Z-9-05/MP-6-05. GOVERNOR'S GROVE AT FIVE FORKS**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-15 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Zoning Case No. Z-9-05/MP-6-05, with Master Plan, for rezoning 23.26 acres from R-8, Rural Residential and B-1, General Business, to MU, Mixed Use, with proffers; and

WHEREAS, the Planning Commission of James City County, following its Public Hearing on July 11, 2005, recommended approval of Case No. Z-9-05/MP-6-05, by a vote of 5 to 0; and

WHEREAS, the properties are located at 4310 and 4360 John Tyler Highway and 3181 and 3191 Ironbound Road and further identified as Parcel Nos. (1-14) and (1-37) on James City County Real Estate Tax Map No. (46-2) and Parcel Nos. (1-35) and (1-36) on James City County Real Estate Tax Map No. (47-1).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-9-05/MP-6-05 and accepts the voluntary proffers.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

z-9-05\_MP-6-05.res

**REZONING 4-05/SPECIAL USE PERMIT 7-05. Langley Federal Credit Union at New Town  
Staff Report for the August 9, 2005, Board of Supervisors 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 Complex**

Planning Commission: April 4, 2005, 7:00 p.m. (deferred)  
May 2, 2005, 7:00 p.m. (deferred)  
June 6, 2005, 7:00 p.m. (deferred)  
July 11, 2005, 7:00 p.m. (deferred)  
August 1, 2005, 7:00 p.m.  
Board of Supervisors: August 9, 2005, 7:00 p.m.

**SUMMARY FACTS**

Applicant: Mr. Tom Horner, Langley Federal Credit Union  
Land Owner: Philip Richardson Company, Inc.  
Proposal: A 16,000-square-foot, two-story bank and office building with five drive-through lanes (four teller and one ATM lane) plus two reserved for future use in a landscape median  
Location: 5220 Monticello Avenue, Berkeley District  
Tax Map/Parcel No.: (38-4) (1-55)  
Parcel Size: 2 acres  
Existing & Proposed Zoning: M-1, Limited Business/Industrial  
Proposed Zoning: MU, Mixed Use  
Comprehensive Plan: Mixed Use  
Primary Service Area: Inside

**STAFF RECOMMENDATION**

With the revised proffers and master plan, staff finds the proposed use consistent with the surrounding development, the New Town Design Guidelines, and the Comprehensive Plan. Staff recommends the Board of Supervisors approve the special use permit (SUP) and rezoning for the proposed use and accept the voluntary proffers.

Staff Contact: Tammy Mayer Rosario, Senior Planner II Phone: 253-6685

## **PLANNING COMMISSION RECOMMENDATION**

At its July 11, 2005, meeting, the Planning Commission deferred the case by a vote of 5 to 0 and recommended that the applicant revisit the number of lanes, address the proffer deficiencies, and explore shared parking. The applicant has responded to all of these issues as indicated below. On August 1, 2005, the Planning Commission reconsidered the case. The motion to approve failed with a vote of 3 to 4.

### **Applicant's Response to Planning Commission Recommendations:**

1. The applicant has reduced the number of lanes requested for immediate approval from seven to five (four drive-through and one ATM). The remaining two lanes could be converted from a central landscape island, subject to the applicant showing justification and the Development Review Committee (DRC) approving the expansion (Proffer 3d). Staff believes the reduction in lanes is more in keeping with the pedestrian-oriented spirit of New Town while preserving the option to expand the number of lanes should congestion occur.
2. The applicant has addressed all proffer issues by proffering to participate in the New Town Owners' Association and making corrections to proffers dealing with the master plan, road improvement, exit lane, cash contribution, and streetscapes.
3. The applicant has stated in writing his willingness to enter into a shared parking arrangement with the adjoining land owners for the joint use of the property's parking area. Since the development of the adjacent property is still under conceptual review, no formal arrangement has been made at this time; however, staff has relayed this expectation to the adjoining property owner and will continue to work with the property owners on a more formal arrangement prior to the adjoining property's rezoning.

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

<b>Cash Proffer Summary (See staff report narrative and attached proffers for further details)</b>	
<b>Use</b>	<b>Amount</b>
Transportation Items	\$25,000 total
<b>Total Amount (2005 dollars)</b>	<b>\$25,000</b>

## **PROJECT DESCRIPTION**

Mr. Tom Horner of Langley Federal Credit Union has applied for a setback modification, SUP, and rezoning of approximately two acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers. The applicant seeks to construct a two-story, 16,000-square-foot bank and office building on the northeast corner of Monticello Avenue and New Town Avenue in the New Town area. As shown on the attached master plan, the proposal also includes five drive-through lanes (four teller lanes and one ATM lane) for immediate use at the rear of the building. Two additional lanes would be converted from a central landscape island if the applicant provided justification and the DRC approved them. Access to the site is from a side street off New Town Avenue. The property is located at 5220 Monticello Avenue and is further identified as Parcel No. (1-55) on James City County Real Estate Tax Map No. (38-4).

The property is part of a larger collection of M-1 land originally owned by Philip Richardson and included in the 1995 New Town master planning effort, although not zoned at that time. Identified as Gateway Commercial Districts Sections 9 and 10 on the New Town Master Plan (see map), the land has incrementally developed since that time without being rezoned. Section 10, which consists of 12 acres south of the Monticello/New Town Avenue intersection, now exists as Advanced Vision Institute, the post office, and

undeveloped land owned by Exxon. Section 9, which consists of 46 acres to the north of the intersection, is now broken into undeveloped parcels separately owned by Philip Richardson (two acres), the Williamsburg Hospital Foundation (26 acres), and New Town Associates (18 acres). The two-acre Richardson property is the subject of this staff report, while the Williamsburg Hospital Foundation property is currently under conceptual review as a 230,000-square-foot retail shopping center and 68-unit residential complex known as Settler's Market. AIG Baker expects to apply to rezone the Settler's Market property to MU later this summer. New Town Associates also anticipates applying to rezone its property in Section 9 to MU around the same time.

With the exception of Sections 7 and 8, the remainder of the east side of New Town has been rezoned and is developing in accordance with the vision of the master plan. The area is increasingly becoming a magnet for financial institutions, with Old Point National Bank, Towne Bank, Bank of America, SunTrust, First Advantage Credit Union, and Newport News Employees' Credit Union all in various stages of locating there. A Monticello Avenue bank site is also part of the Settler's Market proposal.

## **PUBLIC IMPACTS**

### **Archaeology**

- ◆ **Proffers:** The County's archaeological policy is proffered (Proffer No. 6).

### **Environmental Impacts**

- ◆ **Watershed:** Powhatan Creek
- ◆ **Proffers:** Natural Resources - The County's Natural Resource Policy is proffered (Proffer No. 7).
- ◆ **Staff Comments:** As noted in the Community Impact Statement, the site was included in the overall project area of the approved New Town Master Stormwater Management Plan for water quality treatment. Water quantity or flow attenuation will be stored on-site by means of a control structure and oversized underground pipes. The Environmental Division finds this approach and the master plan acceptable.

### **Public Utility Impacts**

- ◆ **Utilities:** The site is served by public water and sewer.
- ◆ **Proffers:** Water Conservation – Water conservation measures will be developed and submitted to the James City Service Authority (JCSA) for review and approval prior to any site plan approval (Proffer No. 5).
- ◆ **Staff Comments:** JCSA has reviewed the proposal and generally concurs with the master plan and proffers. The applicant did not submit water daily flow information or clearly mark the water line extension as requested. These items will need to be resolved prior to site plan approval.

### **Traffic Impacts**

The master plan shows access to the site from a side street located to the west of New Town Avenue (labeled "Proposed 60' Public ROW" on the master plan). Should the applicant secure additional access rights to the side street, the applicant plans to extend the side street to allow for a second driveway. In addition to these primary access points, the applicant has requested, and submitted justification for, a right-out only exit lane from the property to Monticello Avenue. Access to Monticello Avenue is not shown on the approved New Town master plan. The applicant also proposes to construct sidewalks on the side street. According to the applicant's traffic study, this development will generate 2,878 vehicle trips per day with 136 trips in the AM peak hour and 358 trips in the PM peak hour.

- ◆ **2005 Traffic Counts for Monticello Avenue:** 23,662 vehicles per day
- ◆ **2026 Projected Volume:** 23,000 vehicles per day
- ◆ **Proffers:**
  - Road Improvements – The proffers provide for the development of the property and entrance road in accordance with the master plan (Proffer 1) and Virginia Department of Transportation (VDOT) and New Town Design Guideline standards (Proffer 3c).
  - Right-Out Only Exit Lane – Proffer No. 3b allows the property to be served by a right-out only exit lane.
  - Cash Contribution – The applicant has proffered \$25,000 as his contribution toward intersection improvements required at the Monticello/New Town Avenue intersection (Proffer 3a). New Town Associates and the County have already made the necessary vehicular improvements to the adjacent roadways, but the intersection requires specific pedestrian enhancements such as new curbs, ramps, a pedestrian signal, and striping to bring it to current standards.
- ◆ **VDOT Comments:** VDOT concurs with findings of the applicant’s traffic study and the addendum justifying the right-out only exit lane. In addition, VDOT believes the master plan adequately addresses its initial design concerns and that refinements can be resolved during the site plan stage.
- ◆ **Staff Comments:** Staff concurs with VDOT on the traffic study, right-out only exit lane justification, and master plan design issues.

## COMPREHENSIVE PLAN

- ◆ **Land Use Map Designation:** Mixed Use  
Mixed Use areas are centers within the Primary Service Area 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. 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.  
  
Specifically, the New Town mixed use area reflects the area of the New Town master plan and calls for the following:  
For the undeveloped land in the vicinity of and including the Route 199/Monticello Avenue interchange, the principal suggested that uses are a mixture of commercial, office, and limited industrial with some residential as a secondary use. The development in this area should be governed by a detailed Master Plan which provides guidelines for street, building, and open space design, and construction which complements the scale, architecture, and urban pattern found in the City of Williamsburg.
- ◆ **Community Character Considerations:** The property is located in both the New Town Community Character Area (CCA) and along the Monticello Avenue Community Character Corridor (CCC). The New Town CCA specifically references the New Town Design Guidelines as a filter for development occurring in this area. The Monticello Avenue CCC is primarily suburban/urban in nature along the New Town border, and as such, places a priority on the built environment, formal landscaping, and pedestrian and other amenities as dominant features of the streetscape.
- ◆ **Proffers:** The proffers address a number of Comprehensive Plan issues related to public impacts and are detailed in the previous section. Other proffer conditions related to the Comprehensive Plan are detailed below:
  - Binding Master Plan – All property and the entrance road will be developed in accordance with the master plan (Proffer 1a).

- New Town Owners' Association – The applicant has proffered participation in the New Town Master Association which ensures the orderly development of the New Town Mixed Use area and the property's ability to use the facilities in the New Town stormwater master plan.
  - Design Review Board (DRB) Review and Approval – This proffer subjects all subdivision plans, site plans, landscaping plans, architectural plans and elevations, and other development plans for the property to DRB review and approval in accordance with the New Town Design Guidelines (Proffer No. 1c).
  - Streetscapes – This proffer is intended to detail the development of the streetscapes to ensure their compatibility with other New Town streets (Proffer No. 4).
- ◆ **Staff Comments:** The New Town DRB has reviewed and approved the master plan and architectural elevations for the proposal as being consistent with the New Town Design Guidelines. Staff concurs. Major design features such as superior architectural design, building and accessory structures as the predominant features along Monticello and New Town Avenues, minimization of the drive-through lanes through effective use of architectural features, site design, and landscaping, and emphasis on the pedestrian with sidewalks and public entries on both Monticello and New Town Avenues, will blend the site into the surrounding New Town area. Proffers for a binding master plan and future DRB review offer greater protections that this will remain the case. Since the July 11, 2005, Planning Commission meeting, questions have arisen regarding the New Town DRB's position on the case. The New Town DRB will be forwarding a letter clarifying this issue prior to the Board of Supervisors' meeting.

### **SETBACK MODIFICATION**

In accordance with Section 24-527(d) of the Zoning Ordinance, the applicant has requested modification to the required 50-foot setback from road rights-of-way. Although the proposed bank meets the setback requirement on both its Monticello Avenue and side street frontages, it is 35 feet from the New Town Avenue right-of-way. The Planning Commission may grant or recommend approval of a reduced setback upon finding that the proposed setback will achieve results which clearly satisfy the overall purposes and intent of the setback and landscaping requirement, that it will have no additional adverse impact on adjacent properties or public areas, and not result in detrimental impacts. In addition, one or more of the following criteria must be met:

1. The proposed setback is for the purpose of integrating proposed mixed use development with adjacent development;
2. The proposed setback substantially preserves, enhances, integrates and complements existing trees and topography;
3. The proposed setback is due to unusual size, topography, shape, or location of the property, or other unusual conditions, excluding the proprietary interests of the developer.

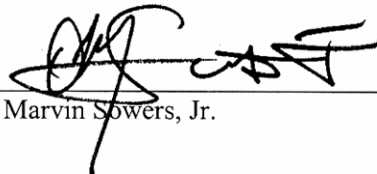
Due to the master plan's conformance with the approved New Town Design Guidelines and compatibility with the surrounding development, staff believes the reduced setback on New Town Avenue satisfies the intent of the ordinance and will have no adverse or detrimental impacts. Since the motion to approve the case failed, the Planning Commission did not act on this issue.

### **CONCLUSIONS & CONDITIONS**

With the revised proffers and master plan, staff finds the proposed use consistent with the surrounding development, the New Town Design Guidelines, and the Comprehensive Plan. Staff recommends the Board of Supervisors approve the special use permit (SUP) and rezoning for the proposed use and accept the voluntary proffers. At its July 11, 2005, meeting the Planning Commission deferred this case by a vote of 5 to 0. On August 1, 2005, the Planning Commission reconsidered the case. The motion to approve failed with a vote of 3 to 4.

  
Tammy Mayer Kosario

CONCUR:

  
O. Marvin Sowers, Jr.

TMR/gb  
z-4-05&sup-7-05

ATTACHMENTS:

1. Planning Commission Minutes from July 11, 2005 and August 1, 2005
2. Location Map
3. Gateway Commercial District (Sections 9 & 10) Map
4. Master Plan
5. Architectural Elevation
6. Design Review Board Approval Letter
7. Proffers
8. Traffic Study Report & Addendum
9. Letter from New Town Association
10. Resolutions

**APPROVED MINUTES OF THE JULY 11, 2005 MEETING  
OF THE PLANNING COMMISSION**

Z-4-05/SUP-7-05     New Town, Langley Federal Credit Union

Ms. Tamara Rosario presented the staff report. Mr. Tom Horner of Langley Federal Credit Union has applied for a setback modification, special use permit, and rezoning of approximately 2 acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers. The applicant seeks to construct a two-story, 16,000 square-foot bank and office building on the northeast corner of Monticello Avenue and New Town Avenue in the New Town area. As shown on the attached master plan, the proposal also includes six drive-thru teller lanes and one drive-thru ATM lane at the rear of the building. Access to the site is from a side street off New Town Avenue. The property is located at 5220 Monticello Avenue and is further identified as Parcel (1-55) on James City County Tax Map (38-4).

Although staff finds the master plan for the proposal generally consistent with the New Town Design Guidelines and surrounding development, the original proffers in the Commission's meeting packet do not properly effectuate the master plan, provide adequate mitigation of public impacts, or provide sufficient safeguards for the orderly development of the area in accordance with its Mixed Use land designation. The ramifications of these shortcomings are important not only for this application, but also for the precedent it sets for the New Town rezonings anticipated in the near future. For these reasons, the staff report recommends the Planning Commission deny the setback modification, special use permit, and rezoning for the proposed use.

Since the staff report was prepared, the applicant has related to staff that the Langley Federal Credit Union has decided to join the New Town Owner's Association and forwarded new proffers to staff to that effect. This resolves staff's questions regarding storm water management and the proposal's fulfillment of the intent of the Mixed Use land designation. In addition, they have also agreed to make all revisions to the proffers to clarify the improvement of the side street, the exit lane, the cash contribution, the binding Master Plan, and the development of the streetscapes. Based on the recent development and assurances by the developer that the proffers will be revised and signed prior to the Board of Supervisors meeting, staff now recommends the Planning Commission approve the setback modification, special use permit and rezoning for the proposed use.

Ms. Blanton and Ms. Rosario discussed whether the project has any formal arrangements for shared parking.

Ms. Blanton stated that six or seven drive-thru lanes is not consistent with the New Town pedestrian community and asked whether there was discussion of that issue.



Ms. Rosario stated that staff related to the DRB during their review process staff's concerns with the number of drive-thru lanes as well as the visual effect on Monticello Avenue. The DRB concurred with staff and encouraged the applicant to redesign the Master Plan and architectural features of the property. Since the original proposal, they have reoriented the lanes, extended a wall to the drive-thru lanes to block some of the view, provided enhanced landscaping and added architectural elements to the drive thru itself. With these modifications, the DRB approved the proposed number of drive-thru lanes.

Ms. Blanton asked why was there a need for so many drive-thru lanes for a community that is supposed to be so pedestrian oriented.

Ms. Rosario deferred the question to the applicant.

Mr. Kale asked for clarification whether there were six or seven proposed drive-thru lanes.

Ms. Rosario stated that there were six drive-thru lanes and one drive up ATM.

Mr. Kale discussed his concerns with the amount of drive-thru lanes proposed for this project.

Mr. Kennedy stated his concerns with the number of banks moving to New Town.

Mr. Kennedy also discussed with staff his concerns with traffic counts and the level of service anticipated on Monticello Avenue.

Mr. Fraley asked if there had been discussions concerning the previously stated concerns with the New Town DRB.

Ms. Rosario stated that there had been some discussion about the number of drive thru lanes and its compatibility with the New Town area. In general, they felt comfortable with the number of lanes given the proposed pedestrian enhancements described on the Master Plan, architectural features and screening.

Mr. Fraley opened the public hearing.

Mr. Raymond Suttle, representing the applicant, gave a brief overview of Langley Federal Credit Union and the project. He stated the need for the drive-thru lanes is during certain peak hours and the site is large enough to accommodate those lanes.

Ms. Blanton discussed with the applicant concerning whether their studies on the need for higher number of drive-thru lanes were based on locations comparable to New Town, which is intended to be a pedestrian-friendly development.

Mr. Kale stated he was not impressed with the design and felt that the project does not need seven drive-thru lanes for two peak hours. He also stated he did not like the design of the parking spaces and feels that the location of the site is more conducive for open space. The building appears to be an attractive building but is overwhelmed by what is outside.

Mr. Kale stated that he finds the density, amount of impervious cover and lanes cumbersome; it encourages people to drive thru rather than walk and thought that the applicant can come up with a better idea instead of using the property to the maximum. He suggested the applicant consider shared parking and providing more open space.

Mr. Suttle stated that he understands his concerns but the DRB had reviewed the project.

Mr. Kales stated that they had to get the rezoning from the Planning Commission.

Mr. Rich Costello, AES Consulting Engineers, stated that the drawing was incorrect. There are not seven lanes but five drive-thru lanes and one ATM drive up with more landscaping along the front. The project has a significant amount of pedestrian features on the two streets. As shown in a study, credit unions have more drive-thru lanes than banks. He also discussed work between the applicant and the DRB to resolve these concerns and the DRB was very satisfied with the pedestrian access points.

Mr. Fraley commented that there were financial institutions fronting on Monticello Avenue that did not have that many drive-thru lanes.

Seeing no other speakers, Mr. Fraley closed the public hearing.

Mr. Fraley asked staff if they would support fewer drive-thru lanes.

Ms. Rosario stated that staff would be supportive.

Mr. Kale stated that he would like to see three drive-thru lanes and one ATM drive up because he did not think that Langley is as big as the Bank of America. Mr. Kale requested to see the proffer changes and other elements resolved prior to voting on this case and suggested a deferral of this project.

Ms. Jones stated that it was a good idea to defer the project due to discrepancies between the plans presented and that she would prefer to see a reduction of drive-thru lanes.

Ms. Blanton agreed with a deferral and would also support a reduction in drive-thru lanes to three and one and she also encouraged shared parking.

Mr. Kennedy stated concerns that New Town was becoming a large relocation town for existing businesses. He also discussed concerns with the number of drive-thru

lanes but realizes that the DRB's review process is pretty tough. He stated he is comfortable with the deferral and would also like to see the drive thru lanes reduced but it would not be a deal breaker.

Mr. Fraley stated he would like to see Langley Federal Credit Union come to New Town; however, he realizes there are several issues up in the air. He could not say he had a preference for fewer drive thru lanes but would feel comfortable with the deferral.

Mr. Kale moved to defer the application until the August 1, 2005 meeting.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to defer the application until August 1, 2005  
AYE: (5) Jones, Fraley, Blanton, Kennedy, Kale; NAY: (0) Absent: (2) Hunt, Billups

**UNAPPROVED MINUTES OF THE AUGUST 1, 2005 MEETING  
OF THE PLANNING COMMISSION**

Z-4-05/SUP-7-05 Langley Federal Credit Union at New Town

Ms. Tamara Rosario presented the staff report. Mr. Tom Horner of Langley Federal Credit Union has applied for a setback modification, special use permit, and rezoning of approximately 2 acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers. The applicant seeks to construct a two-story, 16,000 square-foot bank and office building on the northeast corner of Monticello Avenue and New Town Avenue in the New Town area. The case was deferred at the July 11<sup>th</sup> Planning Commission meeting. At that time the Planning Commission recommended that the applicant revisit the issues of the number of drive-through lanes, address the proffer deficiencies and explore shared parking. In response the applicant reduced the number of drive-through lanes requested from seven to five (four teller lanes and one ATM lane for immediate use) plus two teller lanes reserved for future use. The remaining two lanes would require DRC approval. The applicant submitted proffers which address the deficiencies previously noted, including participation in the New Town Commercial Property Owner's Association. The applicant also expressed a willingness to work with adjoining landowners on shared parking when the adjoining parcels are developed.

Staff found the proposed use consistent with the surrounding development, the New Town Design Guidelines, and the Comprehensive Plan and recommended approval.

Mr. Hunt opened the public hearing.

Mr. Ray Suttle, Jr., of Jones, Blechman, Woltz, and Kelly, represented the applicant and introduced Tom Tingle, the architect.

Mr. Tom Tingle, Guernsey-Tingle, made a presentation outlining the project and identifying the changes made as a result of staff's, the Design Review Board's and the Planning Commission's requests.

Mr. Fraley applauded Mr. Tingle on the design.

Mr. Kale agreed with Mr. Fraley on the design. He disagreed with the number of drive-through lanes. He said that some New Town Design Review Board (DRB) members had expressed their support for a reduction to him.

Mr. Kale and Mr. Tingle discussed how a reduction could be achieved architecturally and Mr. Kale's desire for any requests for expansion to be made before the full Planning Commission.

Ms. Blanton thought the applicant had done an admirable job responding to the New Town Design Guidelines. She felt the New Town principle was in favor of pedestrians and that three drive-through tellers and one ATM lane was sufficient. Ms. Blanton was not comfortable with allowing the possibility of future expansions.

Mr. Fraley agreed with Mr. Kale that future expansion requests come before the full Commission. He said he had also had discussions with DRB members concerning their desire for fewer lanes. Mr. Fraley noted that the current James City County branch does not have a drive-through and does not seem to experience traffic back-ups. He questioned whether this project was a fit for New Town.

Mr. Kennedy commended the applicant and felt the changes reflected their desire to be in New Town. He did not think New Town would be a walking community. He asked if the applicant would look to move elsewhere if the additional lane was not approved.

Mr. Tom Horner, the applicant, discussed how this location was chosen. He insisted that the project required four drive-up teller lanes and that three would not work. He explained that one teller works two lanes so that an odd number of lanes would mean one person would be working at 50%. Mr. Horner also said he was responding to their members who have said they do not do business at the Colony Square branch because it does not have a drive-through and because they cannot cross the road safely.

Mr. Fraley asked the applicant to explain how he would lose money with three lanes when nearby institutions only have three.

Mr. Horner explained that other institutions have one teller working three lanes and he felt he could better serve his members with one teller working two lanes.

Mr. Kennedy disagreed with the other Commissioners and stated his support of the proposal.

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

Mr. Hunt said that after listening to the applicant he understood his argument that the additional drive-up was a matter of efficiency.

Ms. Blanton stated her understanding that when visiting New Town one would park or walk over and do a number of errands at once. She felt the notion of zipping through in car and going elsewhere is counter to what New Town is trying to accomplish.

Mr. Billups did not think that one additional drive-up warranted denial of the application.

Mr. Kennedy asked if anyone was present from the DRB. He stated his opinion that it is grossly unfair that DRB members would call some individual members of the

Commission without calling all of them in order to express their concerns after having made a decision that indicated that they were in support of the plan. He thought they should have appeared before the Planning Commission and made their statements available to everyone.

Mr. Fraley again complimented the applicant on the proposal and their responsive in incorporating changes from last month's meeting. He also said he was not persuaded and would not support the request.

Ms. Jones agreed that the facility is one of the gateways to New Town and should comply with the pedestrian friendly spirit of the community. She said she would not support three drive-ups tellers and one ATM.

Mr. Kale motioned to approve and amend the application allowing no more than four drive-through lanes including the ATM and requiring any requests for expansion to be presented to the full Commission.

Mr. Fraley seconded the motion.

Mr. Kinsmen confirmed that both the rezoning and use permit applications would be voted on together.

Mr. Kennedy suggested entering a substitute motion to approve the application as presented.

Ms. Blanton confirmed with Mr. Kale the effect of passage of his motion. She did not support allowing the possibility of future expansion.

Mr. Fraley agreed with Ms. Blanton on the issue of expansion.

Mr. Kennedy stated that the applicant may prefer a vote on Mr. Kale's motion.

Mr. Tingle stated the applicant's preference for a vote on the application as presented.

Mr. Kale withdrew his motion.

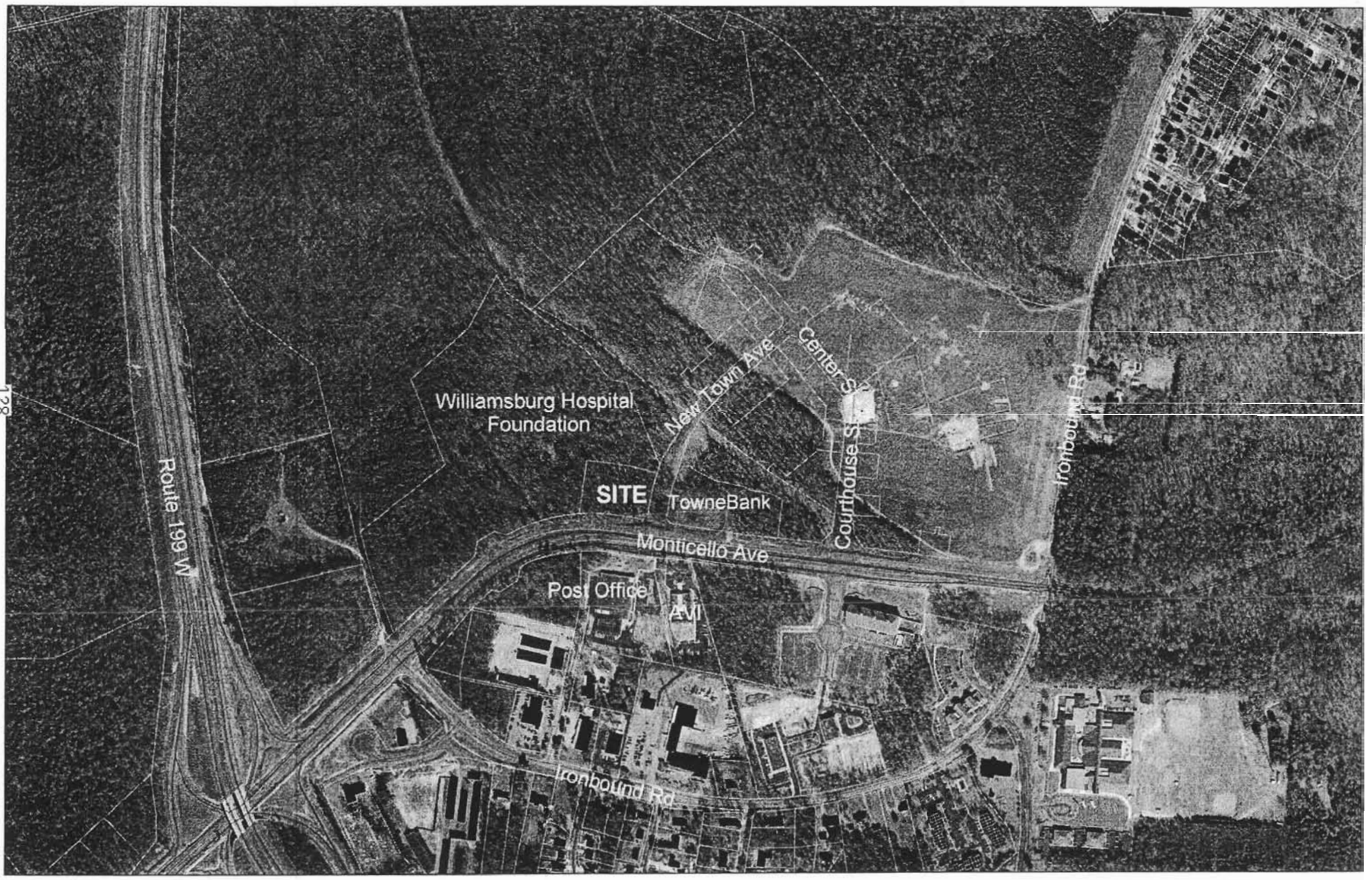
Mr. Kennedy motioned to approve the application as presented.

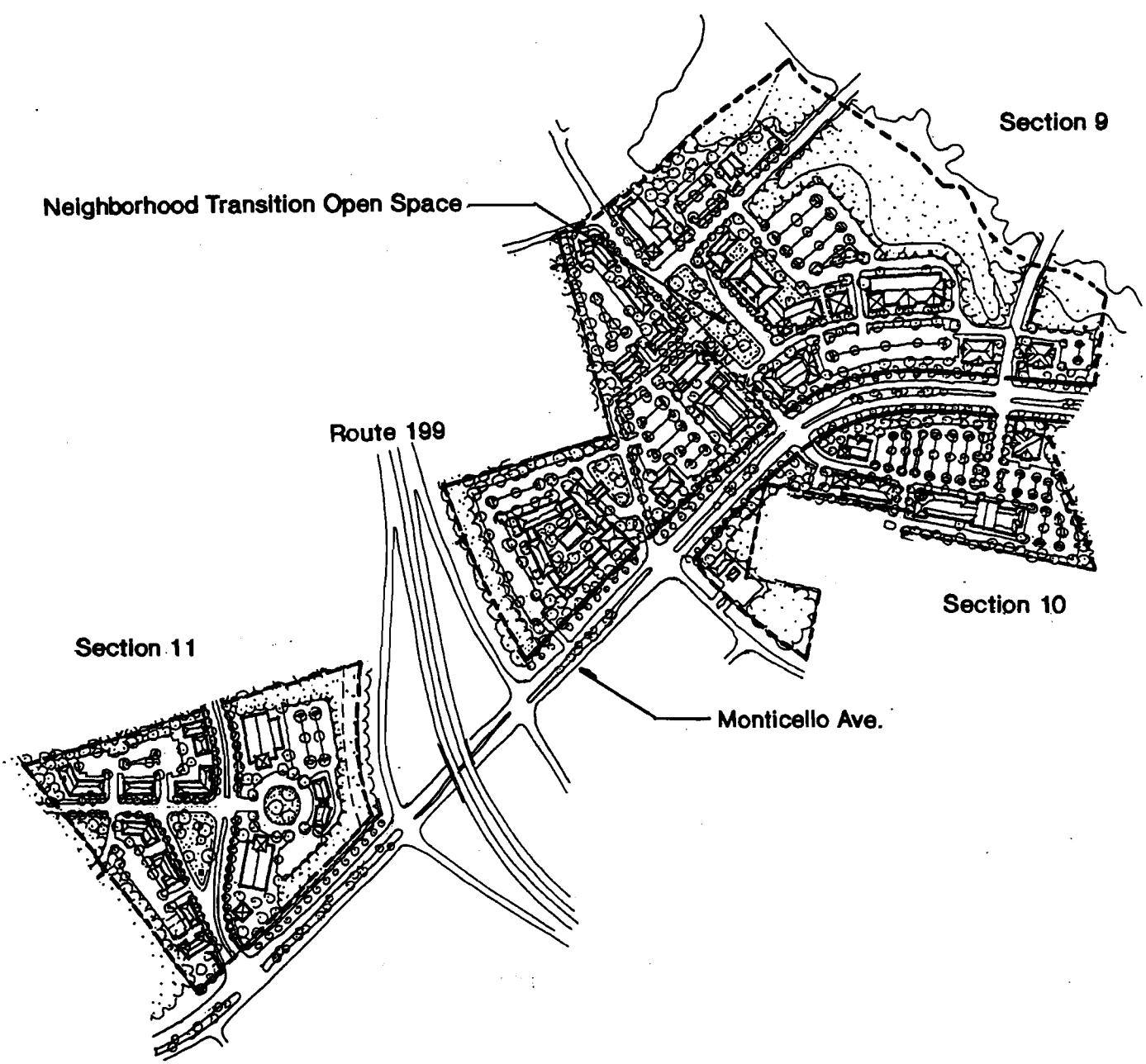
Mr. Fraley seconded the motion.

The motion to approve failed 3:4. AYE: Billups, Kennedy, Hunt (3); NAY: Kale, Blanton, Fraley, Jones (4).

# Z-4-05/SUP-7-05. Langley Federal Credit Union

Photo Copyright 2002 State of Virginia





Gateway Commercial District Illustrative Plan  
Figure 16



LAND USE SUMMARY					
AREA DESIGNATION	PROPOSED USE	AREA IN ACRES	PERCENT OF TOTAL SITE	BUILDING SQUARE FOOTAGE	
M (E,G)	BANK BUILDING	± 1.34	65.0%	16,000	E 8,100 G 7900
J	OPEN SPACE	± .86	33.0%	-	-
<b>TOTALS</b>		<b>± 2.00</b>	<b>100%</b>		

IMPERVIOUS SURFACE CALCULATIONS			
AREA	S.F.	ACRES	PERCENT OF TOTAL SITE
BUILDINGS, PARKING AND WALKS	50,458*	± 1.13*	56.0%
GREEN SPACE (NON-IMPERVIOUS)	36,661*	± .87*	42.0%
<b>TOTALS</b>	<b>± 2.00</b>	<b>100%</b>	

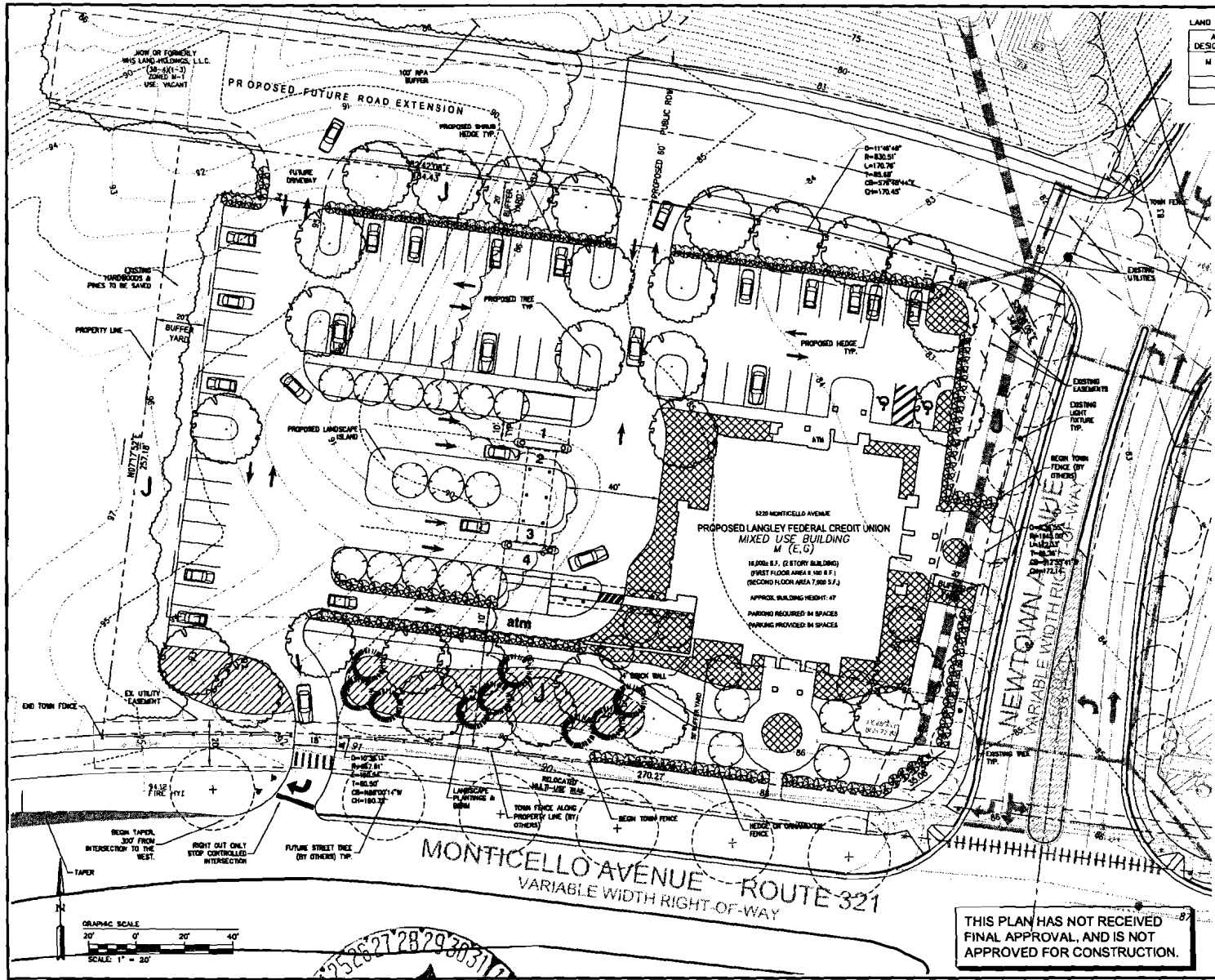
SITE ACREAGE = 2 AC OF DEVELOPABLE LAND.  
\* REVISÉ PER CLIENT COMMENTS, 7-21-05.

**GENERAL NOTES**

- CURRENT OWNER: RICHARDSON, PHILIP COMPANY, INC. 143 ALWOODLEY WELLSBURG, VA 23186-7446
- PROPERTY ADDRESS: 820 MONTICELLO AVENUE
- PARCEL ID# 3840-0006
- TOTAL AREA: 2.00 ACRES
- EXISTING ZONING: M1
- REZONE TO ALL BASED USES WITH LAND DESIGNATION "E" AND "G" FOR COMMERCIAL AND OFFICE USES
- PROPOSED USE: BANK, DRIVE THRU WINDOWS AND ATM, PEDESTRIAN ATM, AND SECOND FLOOR OFFICE SPACE
- BANK AND FINANCIAL INSTITUTION IS A PERMITTED USE IN THE M1 ZONE
- PEAK HOUR TRAFFIC EXCEEDS 75 VEHICLES REQUIRING SPECIAL USE PERMIT
- THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY AEG DATED JANUARY 8, 2002
- TOPOGRAPHY SHOWN HEREON IS 1-FOOT CONTOUR INTERVAL BY AEG
- ACCORDING TO FEMA MAPPING PANEL 810901-0388 DATED FEB. 8, 1991, THERE IS NO 100-YEAR FLOOD PLAIN ON THIS PROPERTY
- THERE IS NO MAPPED RPA ON THE PROPOSED BANK SITE
- THERE ARE NO VIEW SHEDS ON THIS PROPERTY
- TRAFFIC SIGNAL PLAN IS IN SEPARATE SCHEMATIC WITH THIS APPLICATION
- ALL LANDSCAPE PLANTS SHALL CONFORM TO VDOT STANDARDS REGARDING SIGHTING AND CLEAR ZONES
- DEVELOPMENT NOTES:
  - PROPOSED ZONING: M1 (MIXED USE)
  - PROPOSED LAND USE: BANK, DRIVE THRU WINDOWS AND ATM, PEDESTRIAN ATM, AND SECOND FLOOR OFFICE SPACE
  - PROPOSED MAXIMUM SQUARE FOOTAGE: 16,000 SF (2 STORIES)
  - MAXIMUM BUILDING HEIGHT IS 40' AND PROPOSED BUILDING HEIGHT WILL APPROXIMATELY BE AT TOP OF ROOF
  - PARKING REQUIRED: 84 SPACES
  - PARKING PROVIDED: 84 SPACES
  - PROPOSED IMPERVIOUS AREA: 51,814 SF (58.2% OF TOTAL ACREAGE)
  - BUILD TO DINES FOR THIS PROPERTY SHALL BE PER PLANS APPROVED BY NEW TOWN ON APRIL 1, 2005
  - UTILITY BETWEEN CONNECTION IS BY LATERAL AT NEW TOWN AVENUE AND SIDE STREET
  - IF WATER LINE IS IN THE ACCESS DRIVE WILL BE EXTENDED TO A POINT OUTSIDE THE PAVING LIMITS ALONG THE ROAD ALIGNMENT AT THE WEST END OF THE DRIVE ROAD.
- ENVIRONMENTAL INVENTORY:
  - THERE ARE NO WETLANDS ON THIS SITE
  - THERE IS NO RPA ON THIS SITE
  - THERE ARE NO STEEP SLOPES ON THIS SITE
  - THERE ARE NO WETLAND SENSITIVE SOILS ON THIS SITE
  - THERE ARE NO VIEW SHEDS ON THIS SITE
  - THIS SITE WAS PREVIOUSLY DISTURBED GRADING FOR ROAD AND INFRASTRUCTURE IMPROVEMENTS TO SERVE NEW TOWN. EXISTING VEGETATION WILL BE PRESERVED AS NOTED ON THE PLAN.
  - THE EXTENSION OF THE PROPOSED SIDE STREET MAY IMPACT A 100' RPA BUFFER LOCATED NORTH OF THIS PROPOSED R.O.W.
  - SEE ALSO FIGURE 12 REVISED WATER BYDRAINAGE PLAN BY WILLIAMSBURG ENVIRONMENTAL GROUP DATED AUG. 18, 2005 AND REVISED JAN. 5, 2006.

**LANDSCAPE LEGEND**

- PROPOSED TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE
- PROPOSED SHRUB
- PERENNIALS, SHRUBS, & GROUND COVERS
- LANDSCAPE PLANTINGS & BERM
- PROPOSED TOWN FENCE (BY OTHERS)



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

NO.	DATE	REVISION / COMMENT / DATE
4	7/21/05	REVISED PER CLIENT COMMENTS
3	4/23/05	REVISED PER COUNTY COMMENTS
2	5/17/05	REVISED REZONING APPLICATION
1	4/17/05	REVISED FOR APRIL 22, 2005 ONE
0A		REVISION / COMMENT / DATE

JUL 2005  
**RECEIVED**  
PLANNING DEPARTMENT

2-4-05  
SUP-7-05

**ES** CONSULTING ENGINEERS  
Engineers  
Surveyors  
Planners  
Landscape Architects  
WILLIAMSBURG • RICHMOND

5248 Dille Towne Road, Suite 1  
Williamsburg, Virginia 23108  
Ph: (757) 253-0040  
Fax: (757) 220-8994  
www.esva.com

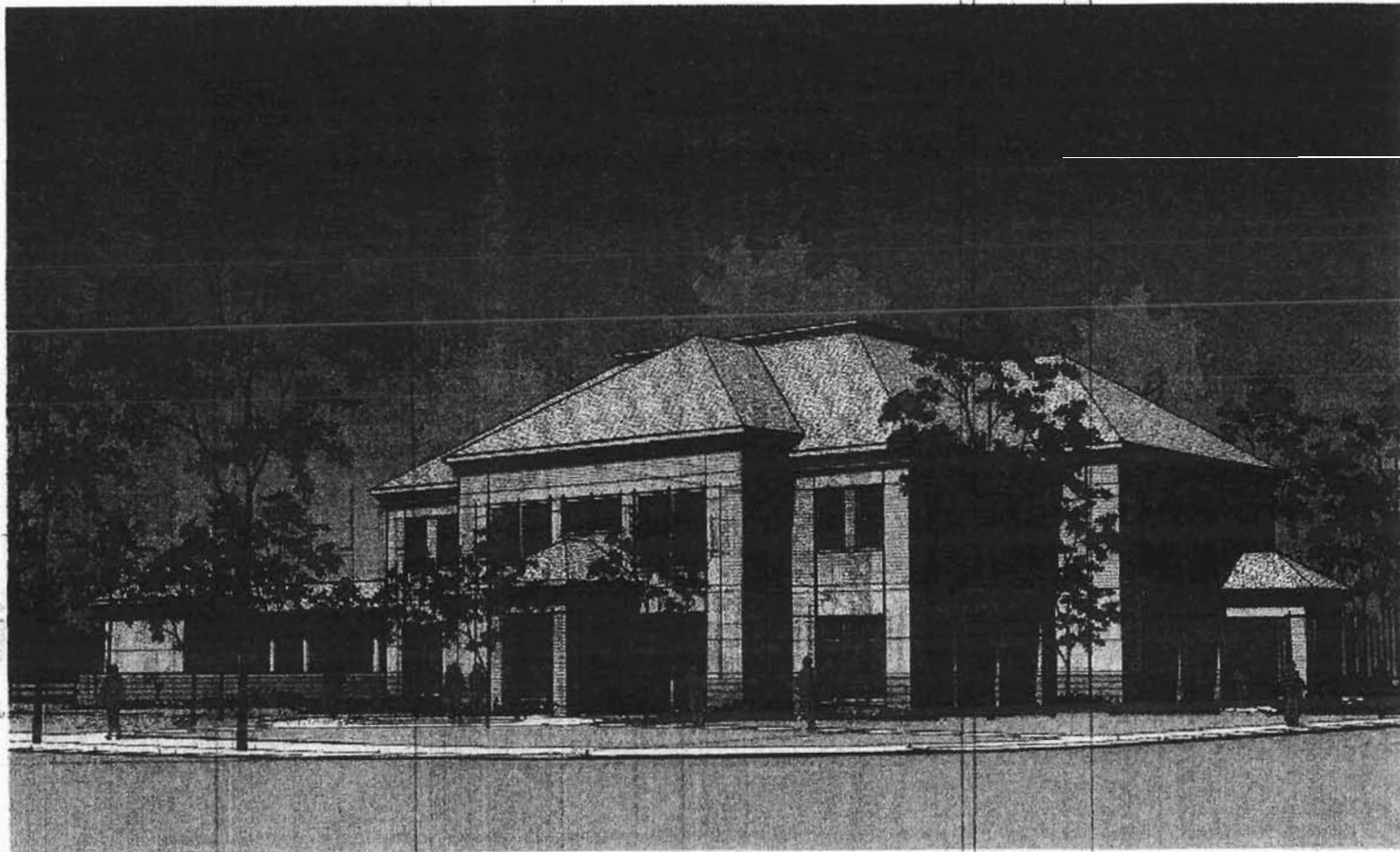
**MASTER PLAN FOR REZONING & SPECIAL USE PERMIT**

**Langley**  
Federal Credit Union

NEW TOWN MASTER PLAN SECTION 9  
SERVLEIGH DISTRICT  
JAMES CITY COUNTY  
VIRGINIA

Revised 2005	Drawn
Scale	Date
1" = 20'	2/22/05
Project No.	
8839-03	
Drawing No.	
1 OF 1	

130



**Langley Federal Credit Union**

corner of monticello ave. and new town ave. corner of monticello ave. and new town ave.

DATE	BY

**Guemsey Tingle Architects**  
 Architects  
 11000 Monticello Ave.  
 Langley, VA 22079

**Langley Federal Credit Union**  
 11000 Monticello Ave.  
 Langley, VA 22079



4211/00



New Town Design Review Board  
4801 Courthouse Street, Suite 329  
Williamsburg, VA 23188  
(757) 565-6200

May 17, 2005

James City County Board of Supervisors  
James City County Planning Commission  
101-E Mounts Bay Road  
Williamsburg, VA 23185

**Re: Langley Federal Credit Union  
Rezoning, Special Use Permit, and Master Plan**

Dear Ladies & Gentlemen;

This Board has received the proposed Master Plan entitled "Langley Federal Credit Union Master Plan for Rezoning and Special Use Permit" dated February 22, 2004 and revised April 11, 2005, prepared by AES Consulting Engineers, and the Conceptual Architectural Plans, prepared by Guernsey Tingle Architects. We have reviewed these plans in light of the factors set forth in the New Town Design Guidelines and the New Town Plan and have determined that they are consistent with the same. We support any further refinements to the Master Plan that are mutually agreeable to the James City County Planning Department and New Town Associates, LLC and that do not materially alter the design concept for Section 9 as proposed in the aforementioned versions of the Master Plan and design guidelines.

This letter shall serve as our written advisory recommendation to the James City County Planning Commission and Board of Supervisors with respect to such consistency as required under the New Town Proffers, dated December 9, 1997.

Sincerely,

NEW TOWN DESIGN REVIEW BOARD

By: \_\_\_\_\_

Its: \_\_\_\_\_

*[Handwritten Signature]*  
*Chairman*

NEW TOWN –  
PORTION OF SECTION 9-  
PROFFERS

THESE PROFFERS are made as of this ~~28<sup>th</sup>~~ day of July 2005, by PHILIP RICHARDSON COMPANY, INC., a Virginia corporation (together with its successors and assigns, the "Owner").

RECITALS

R-1. Owner is the owner of certain real property (the "Property") located in James City County, Virginia (the "County") more particularly described on Exhibit A attached hereto and made a part hereof.

R-2. Owner has contracted to sell the Property to Langley Federal Credit Union who intends to construct an office building on the Property.

R-3. In connection with said sale to Langley Federal Credit Union, Owner has applied for a rezoning of the Property from M1 to MU, Mixed Use (the "Rezoning"). The Rezoning of the Property to MU, with proffers, is in fact consistent both with the land use designation for the Property on the County's Comprehensive Plan and the statement of intent for the MU Zoning District set forth in Section 24-514 of the County's Zoning Ordinance in effect on the date hereof (the "Zoning Ordinance").

R-4. The Property is located within the vicinity of a development commonly known as "New Town." The New Town development is subject to and governed by (i) certain proffers entitled the "New Town Proffers" dated December 9, 1997 of record in the Clerk's Office of the Circuit Court for the City of Williamsburg and County of James City, Virginia (the "Clerk's Office") as Instrument No. 980001284, (ii) a conceptual master land use plan entitled "New Town Plan" prepared by Cooper, Robertson & Partners and AES Consulting Engineers, dated July 23, 1997 and revised December 8, 1997 (the "New Town Master Plan"), (iii) design guidelines entitled "NEW TOWN DESIGN GUIDELINES, JAMES CITY COUNTY, VIRGINIA," prepared by Cooper, Robertson & Partners dated September 3, 1997 and (iii) the New Town Sections 2 and 4, Proffers dated November 1, 2001 of record in the Clerk's Office as Instrument No. 010023715 (the "New Town Design Guidelines"), (iv) New Town Sections 3 and 6, Proffers dated October 25, 2005, Instrument No. 040027471, (v) Supplemental Proffers New Town Sections 2 and 4, October 3, 2003, Instrument No. 030032005, and (vi) New Town Section Proffers, April 23, 2004, Instrument No. 040020235.

R-5. In connection with the rezoning of the Property, Owner intends to subject the Property to these Proffers which are consistent with the New Town Proffers, the New Town Master Plan and the New Town Design Guidelines.

R-6. Owner has submitted to the County a master plan for the Property entitled "Master Plan for Rezoning and Special Use Permit" prepared by AES Consulting Engineers dated February 22, 2005 and revised June 23, 2005 (the "Property Master Plan").

R-7. Owner in conjunction with Langley Federal Credit Union has previously submitted to the DRB, and the DRB has previously approved in writing, as consistent with both the New Town Master Plan and the New Town Design Guidelines, a master plan entitled "Master Plan For Rezoning and Special Use Permit" dated February 22, 2005, and revised May 17, 2005 for the Property, copies of which are on file with the County's Director of Planning.

R-8. In accordance with the requirements of the New Town Proffers, Owner has submitted to the County an updated traffic study (the "Traffic Study"), which is on file with the County's Director of Planning.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the Property Master Plan and related documents, submitted herewith, and the rezoning set forth above, and pursuant to Section 15.2-2296 et seq. 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. In the event the requested rezoning is not granted by the County, these Proffers shall thereupon be null and void.

## PROFFERS

### 1. Development Process and Land Use.

(a) Development. All the Property and the entrance road into the property shall be developed, in one phase, in accordance with the Property Master Plan. The improvements shall be developed and constructed prior to the issuance of a final Certificate of Occupancy.

(b) New Town Owner's Association. A supplemental declaration (the "Supplemental Declaration") shall be executed and recorded in the Clerk's Office to submit all or a portion of the Property to the New Town Master Association, a Virginia non-stock corporation (the "Commercial Association"), and to the Master Declaration of Covenants, Easements and Restrictions for New Town, dated June 22, 1998, recorded in the Clerk's Office as documents no. 980013868, the articles of incorporation and the bylaws governing the Association, as any of the foregoing have been or may be hereafter supplemented, amended or modified pursuant to the terms thereof (collectively the "Governing Documents"), if any, shall be submitted to and reviewed by the County Attorney for general consistency with this proffer prior to final site plan approval.

(c) DRB Authority, Duties and Powers. All subdivision plats, site plans, landscaping plans, architectural plans and elevations and other development plans for the Property shall be submitted to the DRB for review and approval in accordance with the manual entitled "NEW TOWN DESIGN PROCEDURES JAMES CITY COUNTY", dated June 15, 2000, as the same may be amended by the DRB from time to time, and such other rules as may be adopted by the DRB from time to time, for general consistency with the Property Master Plan and architectural plans. Evidence of DRB approval of plans required to be submitted to the

County for approval shall be provided with any submission to the County Department of Development Management of such plans. The County shall not be required to review any subsequent development plans not receiving the prior approval of the DRB. In reviewing applications, development plans and specifications, the DRB shall consider the factors set forth in the Property Master Plan and architectural plans. The DRB shall advise of either (i) the DRB's recommendation of approval of the submission, or (ii) the areas or features of the submission which are deemed by the DRB to be materially inconsistent with the applicable Property Master Plan and the reasons for such finding and suggestions for curing the inconsistencies. The DRB may approve development plans that do not strictly comply with the Property Master Plan and architectural plans, if circumstances, including, but not limited to, topography, natural obstructions, hardship, economic conditions or aesthetic or environmental considerations, warrant approval. All structures and improvements and open space, wetlands and other natural features on the Property shall be constructed, unproved, identified for preservation, left undisturbed or modified, as applicable, substantially in accordance with the plans and specifications as finally approved by the DRB.

(d) Limitation of Liability. Review of and recommendations with respect to any application and plans by the DRB is made on the basis of aesthetic and design considerations only and the DRB shall not have any responsibility for ensuring the structural integrity or soundness of approved construction of modifications, nor for ensuring compliance with building codes or other governmental requirements, or ordinances or regulations. Neither the Owner, the County, the DRB nor any member of the DRB shall be liable for any injury, damages or losses arising out of the manner or quality of any construction on the Property.

3. Traffic Study and Road and Signal Improvements/Traffic Signal Preemption Equipment.

(a) Prior to final site plan approval, Owner shall make a contribution of \$25,000 towards pedestrian improvements required at the Monticello Avenue corridor which shall include the following: (i) demolishing existing handicap ramps and construction and installation of new ramps which meet current design standards; (ii) installation and construction of curbs and gutters which meet current design standards; (iii) installation and construction of pedestrian signal and stripping of crosswalks all to current design standards; and (iv) other improvements, the need for which is generated in whole or in part by the development.

(b) The Property may be served by no more than one (1) right-out only exit providing direct access from the Property to Monticello Avenue, as shown on the Property Master Plan. The exit shall be governed by signage and design criteria approved by VDOT and the County's Director of Planning, which shall provide for right turn only use of such exit to Monticello Avenue. No entrance from Monticello Avenue shall be permitted via the exit described herein.

(c) The side street leading from New Town Avenue to the Property has the potential to be private; however, the street shall be designed, constructed and maintained in conformance with VDOT and New Town Design Guideline Standards.

(d) The use shall have no more than five drive-through lanes (including both teller and ATM lanes) as shown on the Property Master Plan, except that upon application by the credit union and review by the Planning Director, the Development Review Committee (DRC) may allow up to two additional drive-through lanes for a total of seven drive-through lanes (including both teller and ATM lanes). The additional lanes are to be located in what is labeled as the "proposed landscape island" on the Property Master Plan. In making application, the credit union shall justify that the additional lanes are needed to address off-site congestion and/or on- or off-site safety issues. In making a recommendation, the DRC shall consider the following criteria: peak and non-peak drive-through lane volumes, on- and off-site queuing, on-site circulation, traffic accident data, and other traffic study information as needed.

4. Streetscapes. All site development and subdivision plans for development of the Property shall include streetscape plans for adjacent streets to the Property consistent with the New Town Design Guidelines applicable to that property. The approved streetscape plan shall be implemented when the Property is developed.

5. Water Conservation. The owner(s) of the Property shall be responsible for developing and enforcing, as to the Property, water conservation standards to be submitted to and approved by James City Service Authority (the "JCSA"). The standards shall address such water conservation measures as limitations on 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. Design features, including the use of drought tolerant grasses and plantings, a water conservation plan, and drought management plan shall be implemented to reduce the total irrigated area of the Property in order to accomplish the limitation on use of public water and groundwater. The standards shall be approved by the JCSA prior to approval of the first site plan for development of the Property or any portion thereof.

6. Archaeological Study. If deemed necessary by the County and pursuant to the County's Archaeological Policy adopted September 22, 1998, a Phase I Archaeological Study for the entire site 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 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 the clearing, grading or construction activities thereon.

7. Natural Resource. If deemed necessary by the County and pursuant to the County's Natural Resource Policy adopted on July 27, 1999, the owner shall submit a natural resource inventory of suitable habitats for S1, S2, S3, G1, G2, or G3 resources in the project area to the Director of Planning for his/her review and approval prior to land disturbance. If the inventory confirms that a natural heritage resource either exists or could be supported by a portion of the site, a conservation management plan shall be submitted to and approved by the Director of Planning for the affected area. All inventories and conservation management plans shall meet the DCR/DNH's standards for preparing such plans, and shall be conducted under the supervision of a qualified biologist as determined by the DCR/DNH or the United States Fish and Wildlife Service. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon, to the maximum extent possible. Upon approval by the Director of Planning, a mitigation plan may substitute for the incorporation of the conservation management plan into the plan of development for the site.

#### MISCELLANEOUS PROVISIONS

8. Disposition of Proffered Property and Payments. In the event payment of cash and dedication of real property are proffered pursuant to these Proffers and any of such property and cash payments are not used by the County or, with respect to real property, the Commonwealth of Virginia, for the purposes designated within twenty (20) years from the date of receipt by the County, the amounts and property not used shall be used at the discretion of the Board of Supervisors of the County for any other project in the County's capital improvement plan, the need for which is generated in whole or in part by development of the Property.

9. Successors and Assigns. This Proffer Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns. Any obligations of owner hereunder shall be binding upon and enforceable against any subsequent owner or owners of the Property or any portion thereof.

10. Severability. In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

11. Conflicts. In the event there is a conflict between: (1) these Proffers, (2) the Property Master Plan, (3) the New Town Proffers, (4) the New Town Master Plan and/or (5) the



New Town Guidelines, then these Proffers, and the Property Master Plan shall govern. In the event that there is any conflict between these Proffers and the Zoning Ordinance, the conflict shall be resolved by the County's Zoning Administrator subject to the appeal process to the Board of Supervisors and the Courts or as otherwise provided by law.

12. Signature By The County. The County's Director of Planning has executed these Proffers solely for purpose of confirming the filings and submissions described herein and confirming approval by the Board of Supervisors of the rezoning of the Property with these Proffers by resolution dated \_\_\_\_\_, 2005.

13. Headings. All section and subsection headings of Conditions herein are for convenience only and are not a part of these Proffers.

14. Conditions Applicable Only To The Property. Notwithstanding anything in these Proffers to the contrary, the failure to comply with one or more of the conditions here in developing the Property shall not affect the rights of owner and its successors in interest to develop its other property in accordance with the other applicable provisions of the County Zoning Ordinances.

WITNESS the following signatures, thereunto duly authorized:

PHILIP RICHARDSON COMPANY, INC.,  
a Virginia corporation

By: \_\_\_\_\_



Title: \_\_\_\_\_

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 29 day of July,  
2005, by Philip Richardson, on behalf of PHILIP RICHARDSON  
COMPANY, INC., a Virginia corporation.

Barbara J. Claus  
Notary Public

My commission expires: January 31, 2007

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
2005, by \_\_\_\_\_ as \_\_\_\_\_  
for the County of James City, Virginia.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_  
347901

EXHIBIT A

All that certain lot or parcel of land containing 2.00 Acres  $\pm$  located in James City County, Virginia shown and set out as "New Parcel, Area = 2.00 Acres  $\pm$ " as shown on the plat entitled "Plat of Subdivision Being a Portion of the Property Owned by WHS Land Holdings, LLC For Conveyance to Philip O. Richardson" made by AES Consulting Engineers dated 1/8/02 and recorded herewith in the Clerk's Office for the Circuit Court for the City of Williamsburg and County of James City in James City Plat Book 85 at page 16 (the "Plat").

# Traffic Study For Federal Credit Union

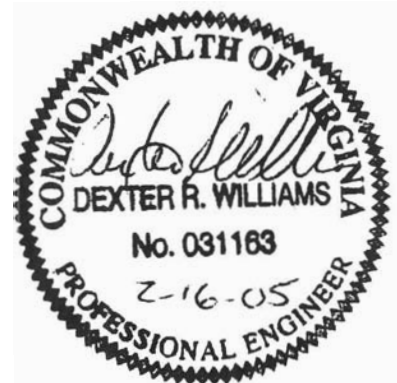
JAMES CITY COUNTY, VIRGINIA



*For:*  
AES Consulting Engineers

*By:*  
DRW Consultants, Inc.  
Midlothian, VA

February 16, 2005



## FOREWORD

The original traffic studies for New Town in 1997 used development names and references that have changed and evolved since the original traffic studies. Due to the expense of modifying the nomenclature details of this relative large traffic study, the original terminology of 1997 is largely used in this update. Following are correlations between current common terminology and that used in this report update:

1. The current New Town east and west of Rt. 199 was called Casey West and Casey East in the original studies.
2. Monticello Marketplace and Monticello Shoppes were called Beamer Commercial 1 and Beamer Commercial 2.
3. Current residential development on Powhatan Parkway off Old News Road was called Beamer Residential.
4. On the New Town west side, the traffic studies used Sections 12, 13 and 14 definitions, whereas the New Town Master Plan dated December 2, 1997 defined these sections as 11, 12, and 13.
5. On the New Town west side, Section 14 is defined as WindsorMeade (senior housing and care) and Section 12 is defined WindsorMeade Marketplace. Section 13 is the remaining property on the New Town west side.

The 1997 traffic studies included a forecast for the New Town Master Plan area and for rezoning of Section 1. For each subsequent rezoning since the 1997 traffic study for Section 1, the original Section 1 traffic study has been updated to include the proposed rezoning area.

The first traffic study update under the 1997 New Town proffers was prepared for WindsorMeade, dated July 24, 2000. The WindsorMeade study included several update elements as follows:

1. In 1999, the McCardle office park component of Section 1 (included in 1997 MU zoning) triggered a review of Section 1 access and background traffic on Old Ironbound Road. Access changes for Section 1 and modifications to background traffic from the McCardle study were included in the WindsorMeade study.
2. The boundary of Casey West was modified to reflect the sale of land to Ford's Colony.

3. Traffic for WindsorMeade (Section 14 in this traffic study), a retirement and elderly care community, was included.

The second traffic study update under the New Town proffers was prepared for rezoning of Sections 2 and 4, dated June, 2000. The Sections 2 & 4 update included the following update elements:

1. Traffic for the AVI and Post Office sites (formerly Section 10 of New Town) has been incorporated into 2015 background traffic forecast used in the 1997 studies.
2. Traffic for Sections 2 & 4 development.

The third traffic study update under the New Town proffers was prepared for rezoning of WindsorMeade Marketplace (Section 12 in this study) dated May 28, 2003. The WindsorMeade Marketplace study added traffic for the development and for the connection of access to Old News Road that was not included in the 1997 traffic studies.

A brief traffic study was prepared for Section 5 of New Town in January 2004 and only addressed Tewning Avenue.

The fourth traffic study update under the New Town proffers was prepared for rezoning of Sections 3 & 6 of New Town and dated May 28, 2004. An addendum to that study was prepared and dated August 24, 2004 that addressed a Section 2 driveway on Ironbound Road that permitted a left turn in but no left turn out and also presented a time-space signal coordination diagram for Monticello Avenue.

This traffic study includes traffic for the Federal Credit Union site at the corner of Monticello Avenue and New Town Avenue. This site was not included under the 1997 New Town proffers. Traffic for this site is incorporated with background traffic as was done for the AVI and Post Office sites. This study does not include details for the original development of background traffic in 1997. It does include all adjustments to background traffic since 1997.

## INTRODUCTION

The general location of the Casey property (as defined in the original 1997 traffic studies) with respect to regional roads is shown on Exhibit 1. The Casey property is divided by Rt. 199 into two areas hereinafter referred to as Casey East and Casey West. Casey West has a single access on Monticello Avenue west of Rt. 199. Casey East has access on Monticello Avenue east of Rt. 199 at various locations, and also has access on Ironbound Road at various locations. The 1997 traffic studies also included the Beamer property (Monticello Marketplace and other development) as shown on Exhibit 1.

The Casey property New Town project was approved by the James City County Board of Supervisors in December 1997. The approval involved rezoning to R-8 with proffers, rural residential, and rezoning to MU with proffers for Section 1 of the project (encompassing the new courthouse area). In common language, a master plan was approved for all of the Casey property and zoning was granted for Section 1 in accordance with the Master Plan. The 1997 rezoning approval incorporated a traffic study dated April 15, 1997 and an executive summary with technical appendix dated July 2, 1997.

The 1997 proffers included section "4. Traffic Study" (see Appendix Exhibit P series for pages 12 through 16 of the 1997 proffers covering the traffic study criteria). These proffers require an update of the 1997 traffic studies for any further rezoning from R-8 with proffers, rural residential, to MU. To date, traffic study updates have been prepared for rezoning of Sections 2, 3, 4, 5, and 6 on the east side of New Town (Casey property) and for rezoning of Sections 12 and 14 as on the west side of New Town (Casey property) as shown on Exhibit 2. Previous updates are explained in the Foreword. New Town Sections 7, 8, 9 and 13 have not proposed for rezoning to date.

This traffic study has been prepared for the proposed Langley Federal Union site at the corner of Monticello Avenue and New Town Avenue. This site is located on property that was not a part of the 1997 rezoning for New Town and is not subject to the 1997 traffic study proffer.

However, because of the obvious proximity of this site to New Town, the structure of the New Town traffic study updates to date has been followed for this traffic study.

## 2015 BACKGROUND TRAFFIC TO DATE

For the 1997 studies, 2015 daily background traffic was specified by VDOT in a January 16, 1997 letter. The 2015 daily background traffic forecast is shown on Exhibit 3.

Adjustments to the VDOT daily background forecast in 1997 included cross street estimates. The resulting peak hour background traffic from the 1997 traffic studies is shown on Appendix Exhibits A2 and A3 for the AM and PM peak hours in 2015, respectively.

Background traffic was further modified in 1999 in conjunction with development of the McCardle property on Old Ironbound Road for other existing development on Ironbound Road. These modifications are shown on the Appendix Exhibit Q series, and have been included in all traffic study updates since 1997.

The AVI and post office sites were constructed on the south side of Monticello Avenue at the intersection of New Town Avenue. These properties were not part of the 1997 New Town proffers. Background traffic modifications for these properties are shown on the Appendix Exhibit R series, and have been included in all traffic study updates since the Section 2 & 4 rezoning in 2000.

The 2003 traffic study for WindsorMeade Marketplace (Section 12) included a further refinement in peak hour background traffic to include connections between WindsorMeade Marketplace and Old News Road. The peak hour background traffic in this study as shown on Exhibits 5 and 6 has the approved access connections between Old News Road and WindsorMeade Way.



## TRIP GENERATION, DISTRIBUTION AND ASSIGNMENT FOR FEDERAL CREDIT UNION

Trip generation, distribution and assignment for the Federal Credit Union are shown on the Appendix Exhibit S series. A seven drive-through bank facility is proposed. Trip generation using Trip Generation, 7<sup>th</sup> Edition (TG7) and trip distribution for the facility is shown on Appendix Exhibit S1. The modifications to background traffic to account for the Federal Credit Union facility is shown on Appendix Exhibits S2 and S3 for the AM and PM peak hours, respectively.

The AM and PM peak hour background traffic with all modifications to date and the Federal Credit Union traffic are shown on Exhibits 5 and 6 for the AM and PM peak hours, respectively. Please note that most Federal Credit Union traffic to and from Monticello Avenue uses New Town Avenue. Most of the traffic exiting the site to the west on Monticello Avenue uses an exit only driveway from the Federal Credit Union site.

## TRIP GENERATION FOR BEAMER PROPERTY

The 1997 traffic studies used Trip Generation, 5<sup>th</sup> Edition (TG5) by the Institute of Transportation Engineers (ITE). Since the 1997 traffic studies, ITE has published Trip Generation, 6<sup>th</sup> Edition (TG6) and Trip Generation 7<sup>th</sup> Edition (TG7). Trip generation for all development has been recalculated using TG7.

The development inventory for the Beamer property in this traffic study is the same as that in the 1997 traffic studies. Detailed trip generation for each section of the Beamer property using TG7 is shown in the Appendix Exhibit D series, and summarized on Exhibit 7.

This traffic study uses the same on site capture/pass by trip criteria as that in the 1997 traffic studies as follows:

- 15% on site capture of the lower of residential versus non-residential uses. The remaining trips are defined as off site trips.

- 15% pass by trips is used for sections where no on site capture is applied, and 10% pass by trips is used for sections where on site capture is applied.

On site capture trips, off site trips, pass by trips and resulting primary trips are shown in detail on the Appendix Exhibit E series. The resulting total trips, on site capture trips, off site trips, pass by trips and primary trips for the Beamer property are tabulated on report Exhibit 7.

## NEW TOWN TRIP GENERATION

Trip generation and assignment are included in this report for the following sections of New Town have been zoned previously:

- Section 1: Courthouse and various uses (1997).
- Section 14: Windsor Meade senior housing and care (2000).
- Sections 2 & 4: Retail and office use (2000).
- Section 12: Windsor Meade Marketplace (retail, 2003).
- Section 5: Tewning Avenue property (light industrial/warehouse 2004).
- Sections 3 & 6: Office and residential use (2004).

For all Beamer and Casey property traffic, total trip generation for each section is shown in the Appendix Exhibit D series and internal trip and pass by capture calculations are shown in the Appendix Exhibit E series. Total trip generation for the Casey and Beamer properties is shown on Exhibit 7.

## NEW TOWN AND BEAMER TRIP DISTRIBUTION AND ASSIGNMENT

Trip distribution for Casey and Beamer property primary trips is shown on Exhibit 8 and explained as follows:

1. North: 30% via Rt. 199 north and the Longhill Connector (providing access to Rt. 199 at the Longhill Road interchange).

2. South: 30% via Rt. 199 south and Strawberry Plains Road (providing access to Rt. 199 at the Rt. 5 interchange).
3. East: 10% via Monticello Avenue and Ironbound Road.
4. West: 30% via Alt. Rt. 5, Ironbound Road and News Road.

This is the same trip distribution used in the 1997 traffic studies.

Trip distribution and assignment for all development presented in this study are presented in the Appendix Exhibits as follows:

- Trip distribution for each development section is shown in the Appendix Exhibit F series.
- Casey property trip assignment is shown in the Appendix Exhibit G and H series.
- Beamer property trip assignment is shown on the Appendix Exhibit I and J series.

Some traffic from Monticello Marketplace (formerly Beamer Commercial 1) has been diverted to WindsorMeade Way via the connections to Old News Road. All traffic from Beamer Et. Al. Residential (with access on Old News Road) to Monticello Avenue eastbound has been diverted through Windsormeade Way.

The traffic assignment for Section 2 in this study includes a left turn in only crossover on Ironbound Road between Monticello Avenue and Discovery Avenue.

## TOTAL 2015 PM PEAK HOUR TRAFFIC AND LEVEL OF SERVICE RESULTS

Exhibits 9 and 10 respectively show total 2015 AM and PM peak hour traffic. LOS calculations are provided for the following intersections:

Monticello Avenue/WindsorMeade Way

- Monticello Avenue/Rt. 199
- Monticello Avenue/New Town Avenue
- Monticello Avenue/Courthouse Street

- Monticello Avenue/Ironbound Road
- Ironbound Road/Section 2
- Ironbound Road/Discovery Avenue
- Ironbound Road/Watford Lane
- Old Ironbound Road/Strawberry Plains/Section 1

The Ironbound Road/Tewning Road intersection is not included because the previous traffic study for Section 5 determined that signalization is not warranted at the intersection.

Overall intersection LOS results are shown on Exhibits 9 and 10 for each existing and planned signalized intersection. The intersection lane configurations shown on Exhibits 9 and 10 are the same as those shown in the August 24, 2004 traffic study addendum for New Town Sections 3 & 6. The lane configuration for Monticello/Ironbound includes the planned widening of Monticello at Ironbound (without widening Ironbound Road to four lanes).

The August 24, 2004 traffic study addendum for New Town Sections 3 & 6 included the first signal progression diagram for Monticello Avenue. Exhibit 11 shows the signal progression diagram updated to include the information in this report. There is very nearly perfect coordination between the progressive traffic speed and signal green times for eastbound and westbound through movements for all signalized intersections presented in this report.

The Appendix Exhibit M series shows the 2015 AM peak hour LOS calculations, and the Appendix Exhibit N series shows the 2015 PM peak hour LOS calculations. Overall LOS C or better is achieved for each intersection. Some lane groups on the Monticello Avenue corridor with signal progression have LOS D as has been the case in the previous two traffic study updates for New Town.

## SUMMARY AND CONCLUSIONS

With the Langley Federal Credit Union, the overall level of service results are the same as those presented in the previous Section 3 and 6 traffic study addendum. All intersection continue to have overall LOS C with LOS D only on lane groups with signal coordination on Monticello Avenue.



MEMORANDUM

TO: Mark Richardson  
FROM: Dexter R. Williams  
SUBJECT: Langley FCU: Right Turn Out Driveway  
DATE: April 16, 2005

Safe and efficient traffic operations on an arterial highway such as Monticello Avenue typically require that left turn traffic be concentrated at major intersections (typically with traffic signals), and with relative spacing between major intersections to allow traffic progression in both directions on the arterial. While concentration of left turn traffic at a limited number of signalized intersections on an arterial is the best way to serve both through traffic and left turn traffic, it does not mean that additional access on the arterial will not serve to improve overall traffic operations and safety. If right turn in and out driveways or even channelized left turns do not conflict with adjacent traffic maneuvers, then additional access points on an arterial can benefit overall traffic operations and provide enhanced convenience to the traveling public.

There will be less traffic delay and congestion at the first crossover on New Town Avenue north of Monticello Avenue with the Langley FCU right turn out driveway than there will be without the right turn out driveway. Enclosed Exhibit A shows the 2015 PM peak hour traffic forecast from the February 16, 2005 traffic study for the Langley Federal Credit Union. The upper section shows the forecast with the right turn out driveway, and the lower section shows the forecast without the right turn out driveway. The Exhibit A forecast traffic also includes traffic assignments at the first crossover on New Town Avenue north of Monticello Avenue and for the Block 12 site (approved with a right turn in driveway) that were not included in the February 16, 2005 traffic study.

Enclosed Exhibits B and C respectively show the unsignalized intersection level of service (LOS) at the New Town Avenue/first crossover intersection with and without the Langley FCU right turn out driveway. As is typical with any unsignalized intersection in a commercial area, there is LOS A, B and C for the movements that have right of way and LOS E and F for stop sign controlled driveway approaches. However, there is over 80 seconds more delay for the westbound left turn (left turn traffic exiting Block 12) without the Langley FCU right turn out driveway than there is with the Langley FCU driveway. This is because forcing all Langley FCU traffic (without the right turn out driveway) to the first crossover impedes the flow of other traffic and increases delay and potential safety problems.

As I have noted to you previously, the right turn out driveway connection on westbound Monticello should be separated from the downstream right turn lane and taper. There should be a tangent point on the westbound Monticello Avenue two-lane section face of curb between the right turn out driveway radius and the downstream right turn land taper. The purpose is to provide separation between the right turn out driveway entering maneuver onto westbound

Mark Richardson  
April 16, 2005

Monticello Avenue and the right turn lane exiting maneuver from westbound Monticello.

Enclosed Exhibits D and E respectively show the signalized LOS at the Monticello Avenue/New Town Avenue intersection with and without the Langley FCU right turn out driveway. There is little difference in LOS at this location.

The right turn out driveway will be controlled by a stop sign. There will be no weave maneuvers on Monticello Avenue.

In summary, the Langley FCU right turn out driveway reduces traffic delay and congestion at the crossover on New Town Avenue. Please advise if you need additional information.

Leo P. Rogers, Esquire  
County Attorney  
James City County  
101-C Mounts Bay Road  
Williamsburg, VA 23187-8784

Re: Rezoning Richardson Parcel, Northwest Corner of  
Monticello Ave. and New Town Ave., New Town Associates, LLC

Dear Leo:

New Town Associates, LLC has a history of working with Mr. Richardson to integrate his approximately two acre parcel (Richardson site) at the intersection of Monticello Avenue and New Town Avenue into the New Town mixed-use development. It is a gateway site into New Town, and so it is a very important site to us. This site will use New Town Avenue as its primary access and benefits from the median and street landscaping along New Town Avenue, and the sidewalks, street lights, walking trails and public parks and squares installed by New Town Associates and maintained by New Town Commercial Property Owners Association (Commercial POA). The site will also make use of the New Town storm water management facilities including a regional BMP maintained by the Commercial POA.

We worked closely with Langley Federal Credit Union on their concept site and building plans on the Richardson site for the New Town Design Review Board. While they had to make some accommodations to satisfy the Board, I hope that they believe that they will have a better building and site as a result of our input and that of the DRB. We are excited about their coming to New Town, and we've felt that they are excited about being a part of New Town which is quickly becoming the financial center of the Williamsburg area.

Clearly, the Richardson site benefits directly and indirectly from being part of New Town and having the use of various community improvements that will be maintained by the Commercial POA. As excited as we are about the proposed Langley Federal Credit Union building and site, we are opposed to their rezoning application with out a commitment that the Richardson Site be included in the Commercial POA. Not only does the Richardson Site directly benefit from POA owned and maintained improvements, but excluding the site from the Commercial POA sets a precedent where it might be difficult to require that the adjacent Community Hospital Foundation land in New Town Section 9 be a part of the Commercial POA.



If the Richardson Site owner agrees to proffer Commercial POA membership, then New Town Associates will strongly support their zoning application to MU with proffers.

Sincerely,  
New Town Associates, LLC

John P. McCann  
Executive Director

**RESOLUTION**

**CASE NO. Z-4-05. LANGLEY FEDERAL CREDIT UNION AT NEW TOWN**

WHEREAS, in accordance with § 15.2-2204 of the Code of Virginia, and Section 24-13 of the James City County Zoning Ordinance, a public hearing was advertised, adjoining property owners notified, and a hearing scheduled on Case No. Z-4-05 for rezoning two acres from M-1, Limited Business/Industrial, to MU, Mixed Use, with proffers; and

WHEREAS, at the James City County Planning Commission public hearing on August 1, 2005, the motion to approve Case No. Z-4-05, failed by a vote of 3 to 4; and

WHEREAS, the proposed use is shown on the master plan prepared by AES, dated February 22, 2005, with a revision date of July 21, 2005, and entitled "Master Plan for Rezoning & Special Use Permit - Langley Federal Credit Union;" and

WHEREAS, the property is located at 5220 Monticello Avenue and further identified as Parcel No. (1-55) on James City County Real Estate Tax Map No. (38-4).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-4-05 and accept the voluntary proffers.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

z405LFCU.res

**RESOLUTION**

**CASE NO. SUP-7-05. LANGLEY FEDERAL CREDIT UNION AT NEW TOWN**

- WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and
- WHEREAS, Mr. Tom Horner of Langley Federal Credit Union has applied for a special use permit to allow for a 16,000-square-foot bank and office building at 5220 Monticello Avenue, further identified as Parcel No. (1-55) on James City County Real Estate Tax Map No. (38-4); and
- WHEREAS, the proposed use is shown on the master plan prepared by AES, dated February 22, 2005, with a revision date of July 21, 2005, and entitled "Master Plan for Rezoning & Special Use Permit - Langley Federal Credit Union;" and
- WHEREAS, at the James City County Planning Commission public hearing on August 1, 2005, the motion to approve Case No. SUP-7-05 failed by a vote of 3 to 4.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of Case No. SUP-7-05.

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Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

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Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

sup705LFCU.res

**MEMORANDUM**

DATE: August 9, 2005

TO: The Board of Supervisors

FROM: Ellen Cook, Planner

SUBJECT: Case No. ZO-4-05. Wireless Communications Facilities Amendment

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Per an initiating resolution approved by the Planning Commission, staff is proposing to add a new ordinance section and amend an existing ordinance section, both related to Wireless Communications Facilities (WCF). The changes would be as follows:

1. Create a new Section 24-294 within the R-4, Residential Planned Community District, with the heading “Uses Permitted by Special Use Permit Only” and add “Tower mounted wireless communication facilities in accordance with Division 6, Wireless Communications Facilities.”
2. As a “housekeeping” amendment accompanying No. 1 above, amend Section 24-122 of the Wireless Communications Facilities ordinance to update Table 1, which is a summary table listing the by-right and specially permitted WCF uses in each zoning district.

Currently, wireless communications facilities that utilize alternative mounting structures, are building mounted, or are camouflaged are a by-right use in R-4. Camouflaged WCFs can be erected to a total height of 120 feet, and WCFs that utilize alternative mounting structures or are building mounted may be erected to a height of 120 feet upon the granting of a height limitation waiver by the Board of Supervisors.<sup>1</sup> Thus, the maximum height of any WCF in R-4 is currently limited to 120 feet. The proposed ordinance change would allow applicants to apply for a Special Use Permit (SUP) for a tower mounted WCF over 120 feet in height.

With the proposed ordinance amendment, any SUP application for a tower mounted WCF in R-4 will need to comply with the WCF section of the ordinance, and the Board of Supervisors (BOS) adopted Performance Standards for Wireless Communications Facilities. Among other standards, the BOS policy states in the Location and Design section that towers within a residential zone or residential designation in the Comprehensive Plan should use a camouflaged design or have minimal intrusion on to residential areas, historic and scenic resource areas or roads in such areas, or scenic resource corridors. A tower will meet minimal intrusion criteria if it is not visible off-site above the tree line and is only visible off-site when viewed through surrounding trees that have shed their leaves. Staff also notes that the BOS policy makes special provision for exceptions to the Location and Design criteria where the impact of the proposed tower is only on a golf course or a golf course and some combination of commercial areas, industrial areas, or utility easements, provided that the tower is located on the golf course property.

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<sup>1</sup> Certain protections associated with by-right towers are included in the ordinance. For example, camouflaged towers must meet one of the following: (1) have the appearance, scale and height of other structures that are generally permitted in the district; (2) have the appearance of vegetation natural to eastern Virginia; or (3) be completely surrounded by a minimum of a 100-foot undisturbed buffer.

Staff believes that a tower greater than 120 feet in height is something that could potentially be accommodated in the R-4 district in accordance with the BOS Wireless Policy. Residential areas zoned R-4 are large Master Planned communities that include extensive open space and recreation areas (including, in many instances, golf courses and maintenance areas) which provide opportunities for appropriate separation distances between towers and residential uses, characteristics which are not necessarily shared by many R-1, R-2, and R-5 neighborhoods. Areas of the County which are currently zoned R-4 include Kingsmill, Greensprings Plantation, Governor's Land, Ford's Colony, and Powhatan Secondary. In this respect, R-4 is more similar to the Mixed Use (MU) and Planned Unit Development (PUD) districts, both of which currently allow tower mounted wireless communications facilities as specially permitted uses. All three of these districts (R-4, PUD, and MU) also permit nonresidential uses and allow buildings up to 60 feet in height while other residential districts only permit buildings 35 feet in height.

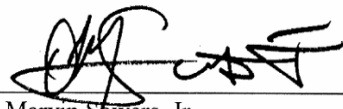
Staff would note that historically, during the drafting of the WCF ordinance early draft versions of the ordinance did not allow towers in the PUD district. In a later draft, staff recommended that towers be a specially permitted use in PUD. In its recommendation, staff stated: "(Towers) have been added as a specially permitted use. This change allows more options to provide service coverage in large planned communities like Stonehouse, and makes the PUD regulations consistent with those for Mixed Use districts." Staff believes that amendment of the R-4 ordinance would be an additional step in the same direction, for similar reasons and for similar circumstances. While the WCF ordinance and Performance Standards policy consistently support the goal of minimizing impacts through the use of shorter camouflaged towers, both ordinance and policy also recognize that where impacts are minimized and are acceptable (in accordance with the BOS Performance Standards Policy and as ensured by the SUP process), it is good policy to encourage taller towers in order to minimize the number of towers and tower sites.

Staff believes that a tower greater than 120 feet in height is something that could potentially be accommodated in the R-4 District and that the amendment is consistent with the County's adopted Performance Standards for Wireless Communications Facilities. At the July 11, 2005, Public Hearing, the Planning Commission voted 5-0 to recommend approval of the amendment.

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Ellen Cook

CONCUR:



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O. Marvin Sowers, Jr.

EC/gb  
Wirelesscomm.mem

Attachments:

1. Unapproved Planning Commission Minutes
2. Revised Ordinance
3. Letter from Mr. Martin, Jr., of Verizon Wireless

**APPROVED MINUTES OF THE JULY 11, 2005 MEETING  
OF THE PLANNING COMMISSION**

ZO-04-05 -Zoning Ordinance Amendment – Wireless Communications

Ms. Ellen Cook presented the staff report. Staff is proposing to add a new ordinance section and amend an existing ordinance section both related to wireless communications facilities. The changes would be as follows: (1) amend the R-4 district to add tower mounted wireless communications facilities as an SUP and (2) amend the wireless communications facilities section of the ordinance to update the by-right and SUP required summary table, which is the housekeeping amendment that the initiating resolution referred to earlier tonight.

Staff believes that a tower greater than 120 feet in height is something that could potentially be accommodated in the R-4 district in accordance with the Board of Supervisors wireless policy. Residential areas zoned R-4 are large master plan communities that include extensive open space and recreation areas. In this respect R-4 is similar to the Mixed Use and Planned Unit Development districts both of which currently allow tower mounted wireless communications facilities as SUP's. All three of these districts also permit non-residential uses and allow buildings up to 60 feet in height while other residential districts only permit buildings 35 feet in height. Staff recommends that the Planning Commission recommend approval of the attached ordinance amendment.

Mr. Fraley opened the public hearing.

Seeing no speakers, Mr. Fraley closed the public hearing.

Mr. Kennedy motioned approval.

Ms. Jones seconded the motion.

The Planning Commission voted 5-0 to support the amendment: AYE: (5) Jones, Fraley, Blanton, Kennedy, Kale; NAY: (0); Absent: (2) Hunt, Billups

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 24, ZONING, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE II, SPECIAL REGULATIONS, DIVISION 6, WIRELESS COMMUNICATIONS FACILITIES, SECTION 24-122, WHERE PERMITTED, TYPES; ARTICLE V, DISTRICTS, DIVISION 5, RESIDENTIAL PLANNED COMMUNITY DISTRICT, R-4, BY ADDING NEW SECTION 24-294, USES PERMITTED BY SPECIAL USE PERMIT ONLY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 24, Zoning, is hereby amended and reordained by amending Section 24-122, Where permitted, types; and by adding new Section 24-294, Uses permitted by special use permit only.

Chapter 24. Zoning

Article II. Special Regulations

Division 6. Wireless Communications Facilities

**Section 24-122. Where permitted, types.**

(a) *Tower-mounted wireless communications facilities.* Tower mounted WCFs shall be allowed as shown on Table 1.

**Table 1: Tower Mounted Wireless Communications facilities:**

Zoning District	By Right	S.U.P. Required
General Agricultural, A-1	≤ 35'	> 35 feet
Rural Residential, R-8	≤ 35'	> 35 feet
R-1, R-2, <del>R-4</del> , R-5, R-6	Not Permitted	Not Permitted
Limited Business, LB	Not Permitted	Not Permitted
General Business, B-1	≤ 60'	> 60 feet
Industrial (M-1, M-2, M-3)	≤ 60'	> 60 feet
Planned Unit Development, PUD	Not Permitted	All Towers
Mixed Use	Not Permitted	All Towers
<del>R-4</del>	<del>Not Permitted</del>	<del>All Towers</del>

Article V. Districts

Division 5. Residential Planned Community District, R-4

***Section 24-294. Uses permitted by special use permit only.***

*Tower mounted wireless communication facilities in accordance with Division 6, Wireless Communications Facilities.*

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Michael J. Brown, Chairman  
 Board of Supervisors

ATTEST:

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Sanford B. Wanner  
 Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

wirelesscomm.ord



LAW OFFICES  
**CRENSHAW, WARE & MARTIN, P.L.C.**  
1200 BANK OF AMERICA CENTER  
ONE COMMERCIAL PLACE  
NORFOLK, VIRGINIA 23510

TELEPHONE (757) 623-3000  
FACSIMILE (757) 623-5735

HOWARD W. MARTIN, JR.  
EMAIL: hmartin@cwm-law.com

June 3, 2005

Mr. O. Marvin Sowers, Jr.  
Planning Director  
P. O. Box 8784  
Williamsburg, Virginia 23187

Re: Proposed Kingsmill Site  
Multi-User Communications Tower  
James City County, Virginia

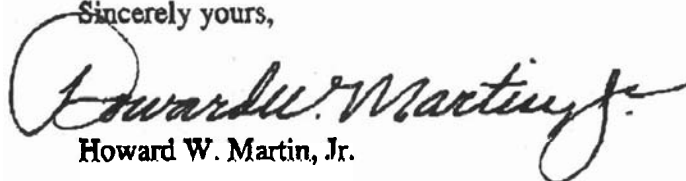
Dear Mr. Sowers:

I am the attorney for Verizon Wireless, which serves customers in Kingsmill and Busch Gardens. My client and several other cellular-service providers desire to be able to improve their virtually non-existent service in these areas by installation of a communications tower.

We are requesting that the County Zoning Ordinance be revised so as to allow communications towers in R-4 Residential master-planned communities, such as Kingsmill, subject to approval of a Special Use Permit. These facilities are already allowed by Special Use Permit in your Planned Use Development (PUD) and Mixed Use master-plan zones. It would appear that R-4 Residential Master Plan communities would be ideally suited to the Special Use Permit process for communications towers. Since the locations of the residences and open spaces are known in advance in the Master Plan communities, siting of towers by Special Use Permit would appear to be logical and advantageous.

I am therefore requesting that the Zoning Ordinance be amended as suggested above. Please let me know if you need anything further from us in order to initiate the necessary zoning action, and do not hesitate to contact me or have your staff contact me if you have any questions.

Sincerely yours,



Howard W. Martin, Jr.

HWMjr/lem  
File No. 699.040381  
cc: Mr. Greg Gow, Verizon Wireless



MEMORANDUM

DATE: August 9, 2005

TO: The Board of Supervisors

FROM: Edward T. Overton, Administrator, Purchase of Development Rights Program

SUBJECT: 2004 PDR Program - Offer to Sell a Conservation Easement: 4904 and 4920 Fenton Mill Road

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William L. Apperson and Mary M. Apperson, (landowners of Purchase of Development Rights (PDR) Ranking No. 2), have agreed upon terms of a conservation easement on their property located at 4904 and 4920 Fenton Mill Road. The appraisal report prepared by Simerlein Appraisals, Ltd., concludes that the conservation easement value is \$335,000 or \$4,897.66 per acre. The negotiated price is \$400,000 or \$5,847.95 per acre.

The property consists of two adjoining parcels located on Fenton Mill Road, known as Tax Parcel Nos. (14-4)(01-15) and (24-2)(01-18). It contains approximately 68.4 acres with a majority of the acreage in active forest production. The farmstead and a significant Christmas tree operation occupy the remaining portion of the property. The Apperson property is located outside of the Primary Service Area, and is contiguous to Fenton Mill Road. A location map and an aerial map of the parcels are attached. The farmstead includes two dwellings, one of which fronts on Fenton Mill Road. This dwelling and surrounding lot may be subdivided from the larger parcel prior to closing on the deed of easement.

The proposed deed of easement is written in accordance with the Virginia Open Space Land Act and the James City County PDR Ordinance. The deed will be perpetual and prohibit the construction of additional dwellings, commercial uses, signs, earth removal, and accumulation of waste material. The deed of easement is subject to final approval by the County Attorney.

In accordance with the PDR Ordinance, the County Administrator invited the landowners to sell to the County a conservation easement on their property. The landowners signed and returned an offer letter to the PDR Administrator. The letter offers to sell a conservation easement to the County for \$400,000 on the parcels identified as Tax Map Nos. (14-4)(01-15) and (24-2)(01-18), subject to the terms and conditions set forth in the proposed deed of easement.

The PDR Ordinance states in Section 16A-12(e) that “an offer to sell a conservation easement shall be accepted by the board in writing, following an action by the board authorizing acceptance.” If the Board accepts the offer, final closing documents, including the deed of easement, will be prepared and approved by staff and the County Attorney.

The PDR Committee and staff recommend approval of the attached resolution accepting the offer by William L. Apperson and Mary M. Apperson, to sell a conservation easement for the negotiated value of \$400,000 and authorizing the County Administrator to execute all documents necessary for completing the acquisition.



Edward T. Overton

CONCUR:



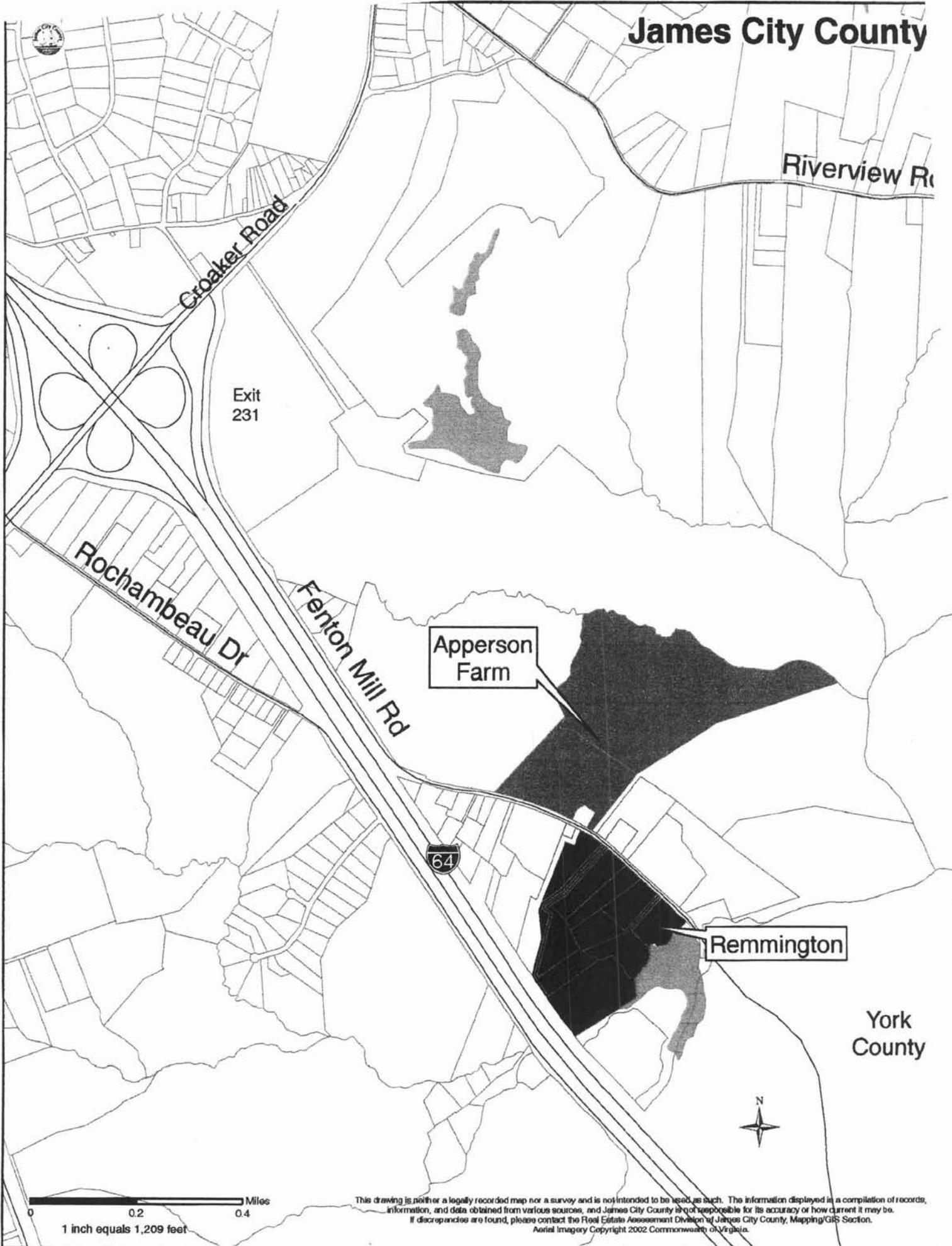
Doug Powell

ETO/gb  
AppersonPDR2.mem

Attachments:

1. Location map
2. Aerial map of parcel
3. Offer to Sell
4. Resolution

# James City County





Apperson Farm

Fenton Mill Rd

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be. If discrepancies are found, please contact the Real Estate Assessment Division of James City County, Mapping/GIS Section.

1 inch equals 400 feet  
0 0.045 0.09 Miles



Recd 7-29-05  
11:30 AM

Doug  
FYI

**Mr. and Mrs. William L. Apperson**  
**4900 Fenton Mill Road**  
**Williamsburg, Virginia 23188**

James City County  
Department of Community Services  
Purchase of Development Rights Program  
5320 Palmer Lane, Suite 2A  
Williamsburg, Virginia 23188

Re: PDR Program  
Offer to sell a conservation easement

Dear Mr. Overton:

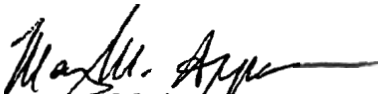
We offer to sell a conservation easement to the County of James City, Virginia for the sum of Four Hundred Thousand and 00/100 Dollars (\$400,000.00) on the parcels identified as Tax Map #1440100015 and Tax Map #2420100018, subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation of offer to sell.

Sincerely,



William L. Apperson

Date: 7/29/05



Mary M. Apperson

Date: 7-29-05

**RESOLUTION**

**2004 PDR PROGRAM - OFFER TO SELL A CONSERVATION EASEMENT:**

**4904 AND 4920 FENTON MILL ROAD**

WHEREAS, the County has received an offer to sell a conservation easement under the Purchase of Development Rights (PDR) Program from the owners of the property known as 4904 and 4920 Fenton Mill Road, Tax Parcel Nos.1440100015 and 2420100018; and

WHEREAS, the owners offered to sell a conservation easement on the property for a purchase price of Four Hundred Thousand and 00/100 Dollars (\$400,000), subject to the conditions set forth in the proposed deed of easement enclosed with the County's invitation of offer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby accepts the offer to sell a conservation easement described above, or as modified by the County Attorney, and authorizes the County Administrator to execute all documents necessary for completing the acquisition.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby directs the PDR Administrator to send a copy of this resolution to the owner of the property identified herein.

\_\_\_\_\_  
Michael J. Brown  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Sanford B. Wanner  
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of August, 2005.

appersonPDR2.res